

REPUBLIC OF THE PHILIPPINES AND THE DIRECTOR OF LANDS, PETITIONERS, VS. HON. NUMERIANO G. ESTENZO, ETC., ET AL., RESPONDENTS.

G.R. No. L-35376. September 11, 1980

Ponente: DE CASTRO, J.

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DE CASTRO, J.:

Petitioners Republic of the Philippines and The Director of Lands seek the review of the decision dated July 22, 1972 of the respondent Judge in Cad. Case No. 27, GLRO Rec. No. 1714, Lot No. 4273, Ormoc Cadastre entitled, "The Director of Lands, petitioner, versus Tiburcio, Florencia, Fabian and Gonzala, all surnamed Aotes, claimants-movants", the dispositive portion of which reads:

"WHEREFORE, the decision of this Court dated September 28, 1940, declaring Lot No. 4273 Public Land is set aside and said Lot No. 4273 of the Ormoc Cadastre is hereby adjudicated in favor of herein movants in undivided interests and in equal share of 1/4 each to GONZALA AOTES, married to Victorino Gorman; TIBURCIO AOTES, married to Epefania Maglasang; FLORENCIA AOTES, married to Basilio Barabad; and FABIAN AOTES, married to Dulcisima Barabad; all adjudicatees are Filipinos, of legal ages, the first named is residing in Can-adiong, Ormoc City, Philippines; and as soon as this decision shall have become final, let the Commissioner of Land Registration Commission, Quezon City, issue the corresponding decree of aforesaid parcel of land in the names of herein adjudicatees, subject to the liability and claims of creditors, liens, or other persons for the full period of two (2) years after their distribution as imposed by Section 4 of Rule 74 of the Rules of Court." [1]

The following facts are undisputed in the instant case:

In a decision dated September 28, 1940 by the Cadastral Court, Lot No. 4273 of the Ormoc Cadastre was declared public land.

On February 23, 1972, private respondents Aotes filed with the Court of First Instance of Leyte, Branch V, Ormoc City, presided by the respondent Judge a petition to reopen the aforesaid decision dated September 28, 1940 under Rep. Act 931 as amended by Rep. Act 6236 claiming to be the owners and possessors of Lot No. 4273 of the Ormoc Cadastre by virtue of hereditary succession but, due to their nonappearance on the date of the hearing of the Cadastral Case because of ignorance and excusable neglect, said land was declared public land and that they had been in adverse, peaceful and notorious possession of the said parcel of land since time immemorial, paying all the taxes, interests and penalties. They pray that the decision of the Cadastral Court affecting Lot No. 4273, Ormoc Cadastre be reopened, and that they be allowed to file their cadastral answer.

On March 16, 1972, petitioners filed an opposition to the aforesaid petition on the ground that such petition is barred by the expiration of the period for reopening cadastral proceedings under Rep. Act 931 which expired on December 31, 1968 and this period has not been extended under the provisions of Rep. Act 6236 because the latter applies only to the extensions of time limit for the filing of applications for free patent and for judicial

confirmation of imperfect or incomplete titles.

Respondent Judge in its order dated May 9, 1972, denied the opposition for lack of sufficient merit and set the case for hearing on June 24, 1972.

On July 22, 1972, respondent judge rendered decision setting aside the decision of the cadastral court dated September 28, 1940 declaring Lot No. 4273 public land and adjudicating said lot in favor of the private respondents in undivided interest in equal share of one-fourth (1/4) each.

Dissatisfied with the decision of the lower court, petitioners filed this instant petition assigning only one error, to wit: The trial court erred in assuming jurisdiction over the petition for reopening of Cadastral Proceedings.

In the Brief,[2] petitioners argue that the lower court has no jurisdiction over the proceedings for reopening of the cadastral case because under the provision of Rep. Act 931, the period for reopening of cadastral proceedings expired on December 31, 1968, and that period has not been extended by Rep. Act 6236 which applies only to the extension of the time limit for the filing of applications for free patent and for judicial confirmation of imperfect or incomplete titles and not to reopening of cadastral proceedings. In the Manifestation and Motion,[3] respondents Aotes claim that considering the time limit for filing applications for free patents and for judicial confirmation of incomplete and imperfect titles has been extended up to December 31, 1980, the reopening of cadastral cases should also be extended until December 31, 1980 in fairness and justice to them.

The sole issue to be resolved, considering the above facts, is whether or not Rep. Act 6236 which provides for the extension of the time limit to file applications for free patent and for judicial confirmation of imperfect or incomplete titles to December 31, 1976 applies also to the reopening of cadastral proceedings on certain lands which were declared public lands.

There is merit in the petition.

By way of background, Rep. Act 931, which was approved on June 20, 1953, is an act to authorize the filing in the proper court, under certain conditions, of certain claims of title to parcels of land that have been declared public land, by virtue of judicial decisions rendered within the forty years next preceding the approval of this act. Under this aforesaid act, all persons claiming title to parcels of land that have been the object of cadastral proceedings, who at the time of the survey were in actual possession of the same but for some justifiable reason had been unable to file their claim in the proper court during the time limit established by law, in case such parcels of land, on account of their failure to file such claims, have been, or are about to be declared land of the public domain, by virtue of judicial proceedings instituted within the forty years next preceding the approval of this act, are granted the right within five years after the date on which this act shall take effect, to petition for a reopening of the judicial proceedings under the provisions of Act 2259. Rep. Act 2061, which took effect on June 13, 1958, refers to an act setting a new time limit for the filing of applications for free patents, for the judicial confirmation of imperfect or incomplete titles, and for the reopening of judicial proceedings on certain lands which were declared public lands. Under this act the time for filing applications shall not extend beyond December 31, 1968. Rep. Act 6236, approved on June 19, 1971, however, extended the time limit for the filing of applications for free patents and for the judicial confirmation of imperfect or incomplete titles not to extend beyond December 31, 1976. In resume, Rep Act 931 granted a right within 5 years from June 20, 1953 to petition for a reopening of cadastral proceedings. Rep. Act 2061 fixed a new time limit which is up to December 31, 1968 to file applications for free patents, for the judicial confirmation of imperfect or incomplete titles and for the reopening of judicial proceedings on certain lands which were declared public land. Rep. Act 6236 extended the time limit which is up to December 31, 1976 for the filing of applications for free patents and for the judicial confirmation of imperfect or incomplete titles.

Respondent Aotes filed on February 23, 1972 a petition to reopen the decision of the Cadastral Court under Rep. Act 931 as amended by Rep. Act 6236. Respondents Aotes claim that since the time limit for filing applications for free patents and applications for judicial confirmation of incomplete and imperfect titles have been extended up to December 31, 1980, the reopening of cadastral cases is also extended until December 31, 1980. Rep. Act 6236, the very law on which respondents Aotes bases his petition to reopen the cadastral proceedings fails to supply any basis for respondents' contention. It will be noted that while Rep. Act 2061 fixed the time to reopen cadastral cases which shall not extend beyond December 31, 1968, no similar provision is found in Rep. Act 6236 expressly extending the time limit for the reopening of cadastral proceedings on parcels of land declared public land. As correctly pointed out by petitioners, the extension as provided for by the Rep. Act 6236 makes no reference to reopening of cadastral cases as the earlier law, Rep. Act 2061, expressly did. Under the legal maxim of statutory construction, *expressio unius est exclusio alterius* (Express Mention is Implied Exclusion), the express mention of one thing in a law, as a general rule, means the exclusion of others not expressly mentioned. This rule, as a guide to probable legislative intent, is based upon the rules of logic and the natural workings of the human mind.[4] If Rep. Act 6236 had intended that the extension it provided for applies also to reopening of cadastral cases, it would have so provided in the same way that it provided the extension of time to file applications for free patent and for judicial confirmation of imperfect or incomplete title. The intention to exclude the reopening of cadastral proceedings or certain lands which were declared public land in Rep. Act 6236 is made clearer by reference to Rep. Act 2061 which includes the reopening of cadastral cases, but not so included in Rep. Act 6236.

We hold, therefore, that the extension provided for by Rep. Act 6236 which is the sole basis for filing the respondents Aotes' petition to reopen the cadastral proceedings applies only to the filing of applications for free patent and for judicial confirmation of imperfect or incomplete titles and not to reopening of cadastral proceedings like the instant case, a proceeding entirely different from "filing an application for a free patent or for judicial confirmation of imperfect or incomplete titles."

Parenthetically, in setting aside the decision dated September 28, 1940, the respondent Judge has concluded that Rep. Act 6236 is applicable also to reopening of cadastral proceedings, thereby, altering Rep. Act 6236. That cannot be done by the judiciary. That is a function that properly pertains to the legislative branch. As was pointed out in *Gonzaga vs. Court of Appeals*: [5] "It has been repeated time and again that where the statutory norm speaks unequivocally, there is nothing for the courts to do except to apply it. The law, leaving no doubt as to the scope of its operation, must be obeyed. Our decisions have consistently been to that effect." [6] Likewise, it is a cardinal rule of statutory construction that where the terms of the statute are clear and unambiguous, no interpretation is called for, and the law is applied as written, [7] for application is the first duty of courts, and interpretation, only where literal application is impossible or inadequate. [8]

More importantly, the lower court has no longer jurisdiction to entertain the petition filed by respondents for reopening the cadastral proceedings because the latter, as we have noted, did not file the aforesaid petition within the period fixed by the applicable laws to wit: Rep. Act 931 and 2061. Consequently, the decision dated September 30, 1940 of the Cadastral Court declaring the land in question a public land has become final and conclusive. It has also acquired the status of *res judicata*. It must be remembered that generally, the fundamental principle of *res judicata* applies to all cases and proceedings, including land registration or cadastral proceedings. [9] The doctrine of *res judicata* precludes parties from relitigating issues actually litigated and determined by a prior and final judgment. It is well-settled that a prior judgment is conclusive in a subsequent suit between the same parties on the subject matter, and on the same cause of action, not only as to matters which were decided in the first action, but also as to every other matter which the parties could have properly set up in the prior suit. [10] Indeed, settled is the rule that a cadastral case is a judicial proceeding in rem, which, as such binds the whole world. [11] The final judgment rendered therein is deemed to have settled the status of the land

subject thereof, if not noted thereon, like those of the petitioner, are deemed barred under the principle of res judicata.[12]In the case of *Cano vs. De Camacho*, this Court held:

"Although the title of Jesus Vaño over said Lot 1-B is not as yet indefeasible, no decree having been issued in his favor, all rights, interests or claims existing before said date are deemed barred by said decision, under the principle of res judicata, once the decision has become final, upon expiration of the thirty-day period to appeal therefrom." [13]

By reiterating its ruling, this Court once more stresses and emphasizes that Rep. Act 6236 does not apply to the reopening of cadastral proceedings and as a consequence, the respondent Judge has no jurisdiction over the petition of the respondents Aotes to reopen the cadastral proceedings.

WHEREFORE, judgment is hereby rendered setting aside the decisions dated July 22, 1972 of the respondent Judge and reiterating that of the Cadastral Court dated September 28, 1940. No pronouncement as to costs.

SO ORDERED.

Teehankee, (Chairman), Makasiar, Fernandez, Guererro, and Melencio-Herrera, JJ., concur.

[1] p. 2, Decision, p. 12, Rollo.

[2] p. 4, Brief, p. 29, Rollo.

[3] pp. 22 & 23, Rollo.

[4] *Tanora vs. Gauina*, 79 Phil. 421, 45 O.G. 1769.

[5] 51 SCRA 381.

[6] *Kapisanan Ng Mga Manggagawa etc. vs. Manila Railroad Co.*, 88 SCRA 616; *People vs. Mapa*, 20 SCRA 1164; *Pacific Oxygen and Acetylene Co. vs. Central Bank*, 22 SCRA 917; *Dequito vs. Lopez*, 22 SCRA 1352; *Padilla vs. City of Pasay*, 23 SCRA 1349; *Garcia vs. Vasquez*, 27 SCRA 505; *La Perla Cigar & Cigarette Factory vs. Caparas*, 28 SCRA 1085; *Mobil Oil Phil. Inc. vs. Diocares*, 29 SCRA 656; *Luzon Surety Co., Inc. vs. De Garcia*, 30 SCRA 111; *Vda. de Macabenta vs. Davao Stevedore Terminal Co.*, 32 SCRA 553; *Republic Flour Mills, Inc. vs. Commissioner of Customs*, 39 SCRA 269; *Maritime Co. of the Phil. vs. Reparations Commission*, 40 SCRA 70; *Allied Brokerage Corp. vs. Commissioner of Customs*, 40 SCRA 555.

[7] *Luzon Stevedoring Corp. vs. CTA*, L-21005, October 22, 1966; *PDACO vs. CBP*, L-21881, March 1, 1968.

[8] *Dequito vs. Lopez*, L-27757, March 28, 1968.

[9] *Yusingco vs. Ong Hing Lian*, 42 SCRA 589, 602; *Abes, et al. vs. Rodil, et al.*, 17 SCRA 822.

[10] *Yusingco vs. Ong Hing Lian*, supra; *Gonzales vs. Gonzales*, 26 SCRA 72, 77; *Aquila vs. J.M. Tuason*, 22 SCRA 690, 694.

[11] *Rodriguez vs. Toreno*, 79 SCRA 356; *Nieto vs. Quines*, 6 SCRA 74; *Cano vs. De Camacho*, 43 SCRA 390; *Director of Lands vs. Roman Archbishop of Manila*, 41 Phil. 120; *Roxas vs. Enriquez*, 29 Phil. 31; *Aguilar vs. Cauagdan*, 105 Phil. 661; *Baldoz vs. Papa*, L-18150, July 30, 1965.

[12] *Rodriguez vs. Toreno*, supra; *Cano vs. De Camacho*, supra.

[13] *Lopez Castelo vs. Director of Lands*, 48 Phil. 589.

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