

**ELIGIO T. LEYVA AND EUFEMIA L. LEYVA, PETITIONERS, VS.
MANUELA JANDOC AND HON. JOSE S. BORRROMEO, JUDGE OF THE
COURT OF FIRST INSTANCE OF COTABATO, RESPONDENTS.***G. R. No. L-16965. February 28, 1962*

Ponente: CONCEPCION, J.

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Appeal by certiorari from a decision of the Court of Appeals.

On September 10, 1958, Manuela Jandoc applied, in the Court of First Instance of Cotabato, for the registration of three (3) parcels of land situated in Dadiangas, General Santos, Cotabato, and more particularly known as Lots Nos. 1, 2 and 3 of Plan Psu-124647. Eligio T. Leyva objected thereto on December 10, 1958, with respect to a portion of said land of about one (1) hectare which he claimed to have adversely possessed in good faith and under legal title since 1937. On or about December 17, 1958, his wife Eufemia L. Leyva filed another opposition alleging that she and her husband had occupied a portion of the land in question, which they had acquired from the defunct "narra", and that both had similarly occupied as owners since 1937, another portion of said land of about 88 meters by 6.66 meters, "with their improvements * * * made in good faith". Later, other oppositions were filed, also, including one by the Bureau of Lands, which claimed the land applied for as part of the public domain.

After declaring in default all those who had not objected to the petition for registration, the court proceeded with the hearing of the case on the merits, which covered a period of several days. In one of these hearings, while counsel for the Leyvas—hereafter referred to as petitioners—was cross-examining a witness for Jandoc, the latter objected thereto. What transpired, then, is set forth in the decision of the Court of Appeals, as follows:

"* * * In the course of argument, the counsel for the Leyvas admitted that the right which his clients desire to protect in the case is based merely on a foreshore lease contract between them and the Secretary of Agriculture and Natural Resources. Declaring that the claim of the Leyvas may be recognized only if the land in question is public land, and since the Director of Lands has already filed an opposition based on the ground that the land sought to be registered is public land, the court ruled that the Leyvas have no right to appear as independent oppositors, but could collaborate with the provincial fiscal. Leyva's counsel was allowed to stay in court to collaborate, as in fact he did collaborate, with the provincial fiscal."

A reconsideration of the court's ruling was subsequently denied. As the court continued receiving evidence, despite several petitions for postponement filed by petitioners, the latter filed with the Court of Appeals a petition, docketed therein as CA-G. R. No. 26737-R, praying that a writ of preliminary injunction restraining the Court of First Instance of Cotabato from further proceeding in the case adverted to above be issued, and that, after due hearing, the orders of said court denying their right to intervene therein, except in a condition of subordination to the opposition of the Director of Lands, be annulled and that they be allowed to assert and defend their rights independently of that of said officer. In due course, the Court of Appeals dismissed said petition, with costs against petitioners (the Leyvas). Hence, this appeal by certiorari.

Petitioners maintain that the decision of the Court of Appeals assumed that their opposition in the main case was predicated exclusively upon the foreshore lease contract executed in their favor by the Department of Agriculture and Natural Resources, and that such assumption is erroneous for their afore-mentioned opposition reveals that they are

"(a) the purchasers from the Government of a portion of the land sought to be registered by Manuela Jandoc.

"(b) the possessors under bonafide claim of ownership of another portion of the said land.

"(c) the lessees from the Government of still another portion of the same land, and

"(d) the owners of the permanent improvements introduced on the portions afore-mentioned."

We find no merit in this pretense. Regardless of the allegations in their opposition, it appears that, when the provincial fiscal objected to the cross-examination of applicant's witnesses by counsel for petitioners, the latter, in the language of the Court of Appeals, "admitted that the right which his clients desire to protect in the case is based merely on a foreshore lease contract between them and the Secretary of Agriculture and Natural Resources". In view of this finding of fact, which is conclusive upon us, it is clear that petitioners' interest in a small portion of the land sought to be registered is dependent upon the question whether or not the same forms part of the public domain and, hence, upon the success of the opposition of the Director of Lands. Consequently, the Court of Appeals did not err, much less, commit an abuse of discretion, in holding that petitioner's interest-

"* * * being merely that of foreshore lessees, can therefore be amply protected by the provincial fiscal who represents the Government, with the collaboration of their counsel. This being so, their presence in court is not indispensable. Upon the other hand, their active independent intervention may not only unduly prolong the proceedings but may even result in confusion of the evidence for the Government.

"From the point of view of the end result of the registration proceedings, the interest of the petitioners is likewise amply protected. If the land applied for is finally adjudged to be private property, the right of the petitioners as foreshore lessees either automatically terminates or would depend entirely at the pleasure of the private party to whom the lands is adjudged. If, on the other hand, the land is ultimately declared part of the public domain, their right as foreshore lessees would have suffered no impairment."

Petitioners insist on their alleged right to intervene independently of the Director of Lands, relying upon section 34 of Act No. 496:

"Any person claiming an interest, whether named in the notice or not, may appear and file an answer on or before the return day, or within such further time as may be allowed by the court. The answer shall state all the objections to the application, and shall set forth the interest claimed by the party filing the same and apply for the remedy desired, and shall be signed and sworn to by him or by some person in his behalf."

The Court of Appeals rejected such pretense for the following reasons:

"Although the provision of Jaw just cited apparently authorizes any person claiming any kind of interest to file an opposition to an application for registration, it is our view nevertheless that the opposition must be based on a right of dominion or some other real right independent of, and not at all subordinate to, the rights of the Government. We have examined Soriano vs. Cortes, 8 Phil. 459, Roxas vs. Cuevas, 8 Phil., 469, and Archbishop of Manila vs. Barrio of Sta. Cruz, et al., 39 Phil., I, all of which cases are discussed in the petition and answer, and we find that in all these cases the interest of the oppositors were each private in nature; otherwise stated, their interests were not in any manner subordinate to those of the Government. While the right claimed by the petitioners herein seemed at first blush to be directly opposed to the adjudication of ownership to the applicant, it developed in the proceedings that their right, that of being foreshore lessees of public land, is completely subordinate to the interest of the Government, and must necessarily be predicated

upon the property in question being part of the public domain. In such case, it is incumbent upon the duly authorized representatives of the Government to represent its interests as well as private claims intrinsically dependent upon it. It is well-settled that the interests of the Government cannot be represented by private persons."

We are fully in agreement with the foregoing view. It may not be amiss to add, also, that this being an action in rem, there is no reason why claims which do not partake of the nature of real rights or rights in rem should be settled therein.

Wherefore, the decision appealed from is hereby affirmed, with costs against the petitioners. It is so ordered.

Bengzon, C. J., Padilla, Bautista Angelo, Labrador, Reyes, J. B. L., Barrera, Paredes, Dizon, and De Leon, JJ., concur.

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