

REPUBLIC OF THE PHILIPPINES, PETITIONER, VS. HON. JULIAN B. DE LA ROSA, IN HIS CAPACITY AS “CADASTRAL JUDGE” OF THE COURT OF FIRST INSTANCE OF ISABELA, BRANCH IV, AND JOSE FAJAR...

G.R. No. L-36343. May 04, 1989

Ponente: REGALADO, J.

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REGALADO, J.:

This petition for review on certiorari impugns the decision rendered on December 20, 1972 by respondent Judge Julian B. de la Rosa of the Municipal Court of Quirino, Isabela, acting as Cadastral Judge for the then Court of First Instance of Isabela, Branch IV, in Cadastral Case No. 5, G.L.R.O. Record No. N-21, Pls-62, entitled "Republic of the Philippines, vs. Salvador Abania, et al.", adjudicating Lot No. 7805 thereof, in favor of private respondent Jose Fajardo.

The antecedent facts, culled from the records and the briefs of the parties hereto, follow.

The Mallig Plains Reservation in the Municipalities of Cabagan, Gamu, Ilagan and Tumauini, Province of Isabela, covering an area of 64,597 hectares, was divided into a total number of 23,323 lots, distributed as follows: (a) 3,030 lots in the portion surveyed under Pls-15; (b) 3,953 lots, under Pls-42; (c) 4,286 lots, under Pls-43; (d) 3,934 lots, under Pls-44; and (e) 8,120 lots, under Pls-62, which includes Lot No. 7805, subject of this case.[1]

Pursuant to Section 83 of Commonwealth Act No. 141, otherwise known as the Public Land Act, the late President Manuel L. Quezon issued Proclamation No. 610 on August 29, 1940 reserving the whole Mallig Plains Reservation for settlement purposes under the administration of the National Land Settlement Administration (hereinafter referred to as NLSA).[2]

The NLSA was a government corporation created on June 3, 1939 under Commonwealth Act No. 441, whose objective was to facilitate the acquisition, settlement and cultivation of lands whether acquired from the Government or from private parties.[3] It had the power to recommend to the President of the Philippines the reservation, survey and subdivision of public lands for allotment to settlers and to dispose of the lands so reserved to persons qualified under the Constitution and Commonwealth Act No. 141 and who possess such other qualifications as may be prescribed by the Board of Directors.[4]

Under the authority of Republic Act No. 422, President Elpidio Quirino issued Executive Order No. 355 on October 23, 1950 creating the Land Settlement and Development Corporation (LASEDECO, for short) to replace the NLSA. By virtue of this executive enactment, the function of disposing of lots within the reservation was transferred to LASEDECO. Also, pursuant to said law, Executive Order No. 372 was issued on November 24, 1950 creating a Board of Liquidators.[5]

On July 18, 1954, the administration of the Mallig Plains Reservation was transferred to the National Resettlement and Rehabilitation Administration (NARRA, for brevity) which was created by Republic Act No.

1160, and which law abolished LASEDECO.

On August 31, 1954, President Ramon Magsaysay issued Executive Order No. 60,[6] directing the said board of liquidators to liquidate the assets of LASEDECO and likewise directing NARRA "to determine within 60 days from the date (t)hereof which properties, equipments, assets and rights of LASEDECO are needed in carrying out the purposes and objectives of Republic Act No. 1160".[7] NARRA did not include the Mallig Plains Reservation among those it needed in carrying out the purposes and objectives of Republic Act No. 1160.[8]

On September 3, 1956, President Ramon Magsaysay issued Proclamation No. 337, amending Proclamation No. 610 "by excluding from the reservation established thereunder such part or parts thereof as have already been certified alienable and disposable but which have not as yet been disposed of, or are contested, and returning to the Director of Lands the authority to administer and dispose of such excluded area or areas" situated in the Mallig Plains Reservation.[9]

Back on June 22, 1951, while the Mallig Plains Reservation was still under the administration of LASEDECO, President Quirino, at the instance of the Director of Lands and the Secretary of Agriculture and Natural Resources, had issued a directive authorizing the Director of Lands to file the necessary petition in the Court of First Instance of Isabela for the settlement and adjudication of titles to the tract of land involved in the Gamu Public Lands Subdivision, Pls-62, Case 5.[10]

Consequently, the Director of Lands filed on July 23, 1951 a cadastral petition for the settlement and adjudication of titles over 3,492.5403 hectares of land of the aforesaid Gamu Public Lands Subdivision, which had been surveyed under Public Land Survey No. 62, with the then Court of First Instance of Isabela, Branch IV, which petition was docketed as Cadastral Case No. 5, G.L.R.O. Record No. N-21.[11] Respondent municipal judge was thereafter designated by the aforesaid Court of First Instance to hear and dispose of pending cadastral cases, including the one at bar, in Administrative Order No. 2-71 dated February 4, 1971.[12]

Publication of the notice of the initial hearing of said case was made in the Nos. 6 and 7 (June and July, 1956) issues of the Official Gazette, and a copy of said notice was sent by ordinary mail on July 20, 1956 to each person mentioned therein, including herein private respondent, with the exception of the Solicitor General and the Director of Public Works, to whom copies of said notice were sent by messenger.[13]

On September 20, 1956, the aforesaid Court of First Instance of Isabela issued an order of general default against all claimants who failed to file their answers within the period fixed in the notice of initial hearing.[14] The order of default, which excepted several lots from the effects thereof, did not exclude Lot No. 7805 of private respondent. Private respondent and the board of liquidators did not file any answer. However, in a subsequent order of the same date, the court allowed, the claimants who had not filed their answer an extension of sixty (60) days therefrom within which to do so.[15] It was during this extended period that private respondent filed his answer dated September 17, 1956.[16] Again, no opposition or answer to the petition was filed by the Solicitor General for and in behalf of the board of liquidators.

Several hearings were thereafter conducted from 1957 to 1962[17] wherein several alleged lot owners filed motions to lift the 1956 order of general default.[18] It was during this time that the board of liquidators unsuccessfully tried to present an adverse claim of ownership over all the lands subject of Cadastral Case No. 5[19] by filing with the court its answer dated February 29, 1972.[20]

In a decision rendered for the Court of First Instance of Isabela, Branch IV, public respondent adjudicated Lot No. 7805, Pls-62, in favor of private respondent Jose Fajardo, pursuant to Section 48 (b) of the Public Land Act, on the basis of the latter's possession thereof for more than thirty (30) years.[21]

1. Petitioner contends that respondent municipal judge had no authority to act as a "cadastral judge" of the former Court of First Instance of Isabela.

Section 88 of Republic Act No. 296, or the Judiciary Act of 1948, as amended, reads:

"x x x Provided, however, That municipal judges may, with the approval of the Secretary of Justice, be assigned by the respective district judge in each case to hear and determine cadastral or land registration cases covering lots where there is no controversy or opposition, or contested lots the value of which does not exceed ten thousand pesos, such value to be ascertained by the affidavit of the claimant or by agreement of the respective claimants, if there are more than one, or from the corresponding tax declaration of real property."

On March 30, 1966, President Ferdinand E. Marcos issued a memorandum to the Secretary of Justice directing "that appropriate steps be taken by your office to hasten the disposition of the pending cadastral cases" and suggesting that the then justice of the peace courts be given authority to adjudicate cadastral cases.[22]

Pursuant thereto and in accordance with Republic Act No. 296, the Secretary of Justice issued Circular No. 52, which reads:

"In line with the desire of the President it is earnestly requested that all pending cadastral cases be expedited. In this connection, it is hereby informed that as per Administrative Order No. 114 dated April 11, 1966, of this Department, copy enclosed, authority is given to all district judges to assign, under paragraph (2) of Section 88 of the Judiciary Act, as amended, municipal judges to hear and determine cadastral and land registration cases under the conditions and in the manner therein provided. x x x"[23]

Consequently, the presiding Judge of Branch IV of the aforesaid Court of First Instance of Isabela issued, as earlier stated, Administrative Order No. 2-71, which provides:

"In the interest of the administration of justice, and pursuant to Section 88, par. (2) of Republic Act No. 296, as amended, in relation to Administrative Order No. 114, dated April 11, 1966, and Circulars Nos. 52 and 128, dated April 11, 1966, and December 13, 1967, respectively, of the Department of Justice, Atty. JULIAN B. DE LA ROSA, Municipal Judge of Quirino, Isabela, whose Court docket is not clogged, is, as he is, hereby designated to hear and dispose of pending and non-contested Cadastral or Land Registration cases, involving lots within Gamu Public Lands Subdivision- (Pls-62), as well as pending and contested Cadastral or Land Registration cases covering lots within the said Gamu Public Lands Subdivision (Pls-62) the value of which does not exceed P10,000.00.

"Atty. JULIAN B. DE LA ROSA is hereby ordered to hold Court in Roxas, Isabela, for the foregoing purpose as soon as practicable."[24]

The Solicitor General contends that the law and circular therefor authorize the assignment of cadastral and land registration cases to municipal judges, but not their designation to preside over the Court of First Instance to hear and decide said cases. In other words, said municipal judges should hear such cases as cases within the jurisdiction of the municipal court.

It appears that Cadastral Case No. N-5 was originally filed and docketed in the Court of First Instance of Isabela and later assigned to Branch IV of the same court, and that the cadastral proceeding conducted in said Branch IV by respondent municipal judge was merely a continuation of the hearings already begun therein.

Private respondent avers that respondent judge could not have separated the proceeding over Lot No. 7805 from Cadastral Case No. N-5 and thereafter considered the same as having been originally filed in and falling within the jurisdiction of the municipal court, and that petitioner's contention hinges on pure technicalities which must necessarily yield to substantive rights involving public interest.

We find merit in this contention.

Nowhere in the aforequoted Administrative Order No. 2-71 can it be inferred that the scope of jurisdiction of respondent municipal judge was expanded or increased. In fact, the order specifically restricted the authority of respondent judge to hear contested cadastral cases provided the lots involved were not valued at more than P10,000.00. This delimitation was undeniably in accordance with Section 88 of the Judiciary Act of 1948.

That respondent judge, as a designee of the Court of First Instance of Isabela, Branch IV, heard and decided the case in the name of said court and not of his own municipal court is a mere technical infirmity which, in the absence of concrete proof that substantial rights have been prejudiced, should not adversely affect the equitable ends of justice. Cadastral proceedings are instituted mainly for the benefit and availment of the poor and the landless. A simple and harmless procedural lapse should not be magnified to deprive an innocent litigant of his substantive rights, especially where the proceedings in question were otherwise regular and conducted in good faith.

2. Petitioner claims that under Section 1855 of the Revised Administrative Code, in relation to Section 53 of the Public Land Act, the Director of Lands may institute registration or cadastral proceedings only through the Solicitor General or the officer acting in his stead. Hence, by filing the petition in Cadastral Case No. N-5 himself, without the intervention of the Solicitor General, the Director of Lands acted in violation of the aforequoted legal provisions.

Ordinarily, the appearance of a lawyer is required for and in behalf of a party to a case in order that the latter may be properly represented in court. This rule is obviously intended for the benefit and protection of the litigant who is usually unfamiliar with the procedural intricacies involved. There is, however, no absolute prohibition against a party preparing and filing his pleading with the court provided he is capable and qualified to do so, nor will such a pleading be invalid on that account. Thus, Section 5, Rule 7 of the Rules of Court merely requires that a party who is not represented by an attorney should sign his pleading and state his address, implicitly allowing that party to file a pleading of his own accord. The Office of the Solicitor General was aware of said petition filed by the Director of Lands and the former obviously gave his tacit approval by not objecting thereto. Strict technical adherence to the provisions of law relied upon by petitioner should be eschewed where, under the circumstances of this case, the benign objectives of the law would be subverted. Under the factual milieu of this case, the Solicitor General's intervention in the institution of cadastral cases should be considered as directory, especially considering that there had been substantial compliance with the legal requirements in the filing of the petition by the Director of Lands, an official act of a public functionary geared toward the same governmental objective.

Obviously, what was actually involved in said act was merely the preparation and filing of a petition by the director and not the conduct of the proceedings therein by an unauthorized person. Cadastral Case No. 5 was prosecuted in behalf of the Director of Lands by the Assistant Provincial Fiscal of Roxas, Isabela who represented the Office of the Solicitor General. The records show that the Office of the Solicitor General was not unaware of the cadastral proceedings from the notice of initial hearing thereof and the participation of said provincial fiscal in the subsequent hearings therein.

3. Petitioner further contends that private respondent had been declared in default and had not regained his standing in court. This is egregious error.

As heretofore observed, after the trial court issued an order of general default, a subsequent order of even date was issued extending the period for sixty (60) days within which adverse claimants may file their respective claims. It was during this period that private respondent filed his answer. On the contrary, the board of liquidators, which had also been declared in default, failed to seasonably file a motion to lift the order of default. The

cadastral court refused to admit its very belated answer. It was, therefore, said board which had lost its standing in court from said stage and up to the present posture of this case.

4. It is also asserted that respondent Fajardo is not entitled to the benefits of Section 48 of the Public Land Act considering that he had been in possession of the subject lot for only 21 years. Section 48 requires such possession for at least 30 years immediately preceding the filing of the application for confirmation of title. However, in the aforesaid answer filed by private respondent with the court below, it was categorically declared, and the same was not traversed, that private respondent and his predecessor-in-interest had been in adverse, open and actual possession of Lot No. 7805 for twenty-one (21) years and forty-two (42) years, respectively.[25] These undisputed facts justified the award of the lot in favor of private respondent.

5. It is urged by petitioner, however, that the Mallig Plains Reservation cannot properly be the subject of Cadastral Case No. 5 for the following reasons: (a) Since the reservation was created pursuant to Section 83 of Commonwealth Act No. 141, it cannot be disposed of unless declared to be alienable again by a provision of said Act or by proclamation of the President, by virtue of Section 88 thereof; (b) The reservation was under the administration of LASEDECO and pursuant to Section 14 of Executive Order No. 355, nobody can obtain an original title to the reservation except LASEDECO which had the exclusive power to dispose of the same; and (c) NARRA did not include the Mallig Plains Reservation among those it needed in the implementation of Republic Act No. 1160, hence under Section 10 thereof the reservation was transferred to the administration of the board of liquidators.

We reject the foregoing propositions.

As earlier noted, Proclamation No. 610 issued by President Quezon, decreeing the Mallig Plains Reservation available for settlement purposes, was issued pursuant to Section 83 of Commonwealth Act No. 141. As such it would ordinarily be non-alienable, subject to an exception, under Section 88 of the same Act, to wit:

"Sec. 88. The tract or tracts of land reserved under the provisions of section eighty-three shall be non-alienable and shall not be subject to occupation, entry, sale, lease, or other disposition until again declared alienable under the provisions of this Act or by proclamation of the President."

It bears repeating, however, that when LASEDECO was still the administrator of the reservation, then President Quirino issued on June 22, 1951 a directive authorizing the Director of Lands to file the necessary petition in the Court of First Instance of Isabela for the settlement and adjudication of the titles to the tract of land involved in the Gamu Public Lands Subdivision, Pls-62, Case 5, hence the filing of said petition docketed as Cadastral Case No. N-5. Said presidential directive was equivalent to a declaration and certification that the subject land area is alienable and disposable. The authority of the President to issue such a directive finds support in Section 7 of Commonwealth Act No. 141, to wit:

"Sec. 7. For purposes of the administration and disposition of alienable or disposable public lands, the President, upon recommendation by the Secretary of Agriculture and Commerce, shall from time to time declare what lands are open to disposition or concession under this Act."

Consequently, when Executive Order No. 60 was issued on August 31, 1954 ordering the therein board of liquidators to liquidate the assets and liabilities of LASEDECO which was earlier abolished by Republic Act No. 1160 on June 18, 1954, the Gamu Public Lands Subdivision no longer formed part of properties under the administration of LASEDECO.

Even considering that under Republic Act No. 1160 -

"Sec. 12. All public agricultural lands referred to in section fourteen of Executive Order Numbered Three

hundred and fifty-five, x x x are hereby transferred to the jurisdiction of the NARRA to be disposed of in accordance with the provisions of this Act; x x x."

"Sec. 16. Any provision of law to the contrary notwithstanding, all surveyed portions of the public agricultural land heretofore transferred or reserved for the administration of NARRA x x x shall be ceded to NARRA, and the President of the Philippines shall from time to time cause the issuance of patents or other deeds transferring title to such lands to NARRA in accordance with the provisions of the Public Land Act x x x."

and the surveyed portions of the public agricultural lands transferred from NLSA to LASEDECO were ceded to NARRA, but NARRA did not reserve for its use the Mallig Plains Reservation and the board of liquidators was ordered to liquidate the assets of LASEDECO, the board never became the administrator and owner of said public lands.

A careful perusal of the cited provisions will reveal that the public lands referred to therein were held by LASEDECO, and subsequently by NARRA, for administration purposes only. Under Section 16 of Republic Act No. 1160, it is the President of the Philippines alone who may cause the issuance of titles over such lands to NARRA. It can, therefore, be safely assumed that NARRA was not a registered owner of the subject land, there being no showing to the contrary.

LASEDECO, before it was abolished, was similarly situated, as may be gleaned from Section 14 of Executive Order No. 355, on which Section 16 of Republic Act No. 1160 was based, thus:

"Sec. 14. All surveyed portions of the public agricultural lands heretofore transferred or reserved for the use and operation of the National Land Settlement Administration x x x shall be ceded to the LASEDECO, and the President of the Philippines shall from time to time cause the issuance of patents or other deeds transferring title to such lands to the said Corporation in accordance with the provisions of the Public Land Act x x x."

It should be underscored that Republic Act No. 1160 and Executive Order No. 355 did not intend that NARRA and LASEDECO acquire title to the public lands so reserved for their use unless the President of the Philippines deems it necessary. The reservation of the land for the use and operation of NARRA, and of LASEDECO for that matter, was to aid them in carrying out the purpose of the law under which they were created, i.e., to survey, subdivide and dispose of the reserved lots to qualified settlers. It may be safely concluded, therefore, that the land area involved had never been registered in the name of either NARRA, or LASEDECO. Such unregistered land could consequently be the subject of a cadastral proceeding which is precisely intended for the settlement and adjudication thereof as intended by the aforesaid enactments.

Even if, as claimed by the board, it succeeded LASEDECO and NARRA with respect to the Mallig Plains Reservation, it acquired no better right thereto. At most, it was likewise merely an administrator of the same.

Section 10 of Republic Act No. 1160, which allegedly vests in said board of liquidators jurisdiction over the subject lot does not support the contention of petitioner either. What is provided therein is that "all assets of LASEDECO shall be turned over to a Board of Liquidators and shall be sold at public auction, the proceeds thereof to be used in paying off its accounts with commercial firms". The board's authority is thus limited to the sale of LASEDECO assets to the public and the application of the proceeds thereof to the accounts contemplated. Nowhere is it stated, expressly or impliedly, that the board shall acquire ownership of the assets to be sold.

To repeat, the subject land area was certified as alienable and disposable consequent to the authorization granted in 1951 by President Quirino to the Director of Lands to file a cadastral petition therefor. In conjunction with this directive, Proclamation No. 337 was issued on September 3, 1956, amending Proclamation No. 610, by excluding from the reservation established thereunder such part or parts thereof as had already been certified as alienable and disposable but which had not yet been disposed of or were contested, and returning to the Director of Lands

the authority to administer and dispose of such excluded areas situated in the Mallig Plains Reservation. Actually said proclamation was a mere reiteration of a policy objective since Section 4 of Commonwealth Act No. 141 specifically vests in the Director of Lands direct executive control of the survey, classification, lease, sale or any other form of concession or disposition and management of the lands of the public domain.

It will also be remembered that with the issuance of the said directive in 1951, the Gamu Public Lands Subdivision did not even come under the jurisdiction of NARRA when it was created in 1956. Also, NARRA did not include the Mallig Plains Reservation among the properties it needed. Consequently, being land of the public domain, said subdivision automatically reverted to and became public agricultural land subject to disposition under Section 48 of the Public Land Act. In addition, not having been reserved for public or quasi-public purposes by Proclamation No. 54,[26] which excluded from the coverage of Proclamation No. 610 certain areas of the reservation for such purpose, the said land area falls within the purview of Section 8 of the Public Land Act which reads:

"Sec. 8. Only those lands shall be declared open to disposition or concession which have been officially delimited and classified and, when practicable, surveyed, and which have not been reserved for public or quasi-public uses, not appropriated by the Government, nor in any manner become private property x x x."

Furthermore, Proclamation No. 610 specifically provides that the reservation shall be available to private claimants. There is no gainsaying the fact that private respondent Fajardo is such a qualified private claimant with the requisite period of possession of the subject residential lot in his favor.

Wherefore, the judgment appealed from is hereby AFFIRMED in toto.

SO ORDERED.

Melencio-Herrera, (Chairman), Paras, Padilla, and Sarmiento, JJ., concur.

[1] Petitioner's Brief, 2.

[2] Annex B, Petition; Rollo, 14.

[3] Sec. 2, Commonwealth Act No. 441.

[4] Sec. 3 (b) and (c), id.

[5] Petitioner's Brief, 5.

[6] Ibid., 13.

[7] Secs. 1 and 2, Executive Order No. 60.

[8] Petitioner's Brief, 14.

[9] Ibid., 14-15.

[10] Ibid., 15-16.

[11] Petition, 2; Rollo, 5.

[12] Petitioner's Brief, 21.

[13] Annexes 7 and 8, Answer of Private Respondent; Rollo, 50.

- [14] Annex 1, id.; Rollo, 41.
- [15] Annex 12, id.; Rollo, 99.
- [16] Annex 10, id.; Rollo, 52.
- [17] Annex 11, Answer; Rollo, 54.
- [18] Petitioner's Brief, 18-19.
- [19] Ibid., 19.
- [20] Annex C, Petition; Rollo, 16.
- [21] Annex D, Petition; Rollo, 18.
- [22] Annex "5", Answer of Private Respondent; Rollo, 47.
- [23] Petitioner's Brief, 22-23.
- [24] Petitioner's Brief, 21.
- [25] Rollo, 52-54.
- [26] Annex 6, Answer of Private Respondent; Rollo, 49.

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