

**REPUBLIC OF THE PHILIPPINES, AND THE DIRECTOR OF LANDS,
PETITIONERS, VS. HON. ABRAHAM P. VERA, JUDGE, CFI, BATAAN,
BRANCH I, AND LUISITO MARTINEZ, RESPONDENTS.**

G.R. No. L-35778. January 27, 1983

Ponente: DE CASTRO, J.

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DE CASTRO, J.:

The two (2) above-entitled petitions for review on certiorari of the decisions dated October 9, 1972 and October 16, 1972 issued by the CFI of Bataan, Branch I, in LRC No. N-210, and in LRC No. N-206, respectively, involve a common issue. For convenience, they are hereby decided jointly.

G. R. No. L-35778:

On May 4, 1972, respondent Luisito Martinez filed with the lower court an application for registration of title under Act 496 of one (1) parcel of land, situated in the Municipality of Mariveles, Bataan, containing an area of 323,093 square meters, more or less.

On July 7, 1972 the lower court issued an order of general default except as to the Republic of the Philippines and the Province of Bataan.

On July 24, 1972, the Republic of the Philippines filed with the lower court an opposition to the application stating that the parcel of land applied for is a portion of the public domain belonging to the Republic, not subject to private appropriation.

On September 16, 1972, the lower court issued an order reading:

"Considering the testimony of the Provincial Forester Leonides B. Rodriguez during the hearing of August 8, 1972 that this land, subject matter of this application, was a subject of cadastral proceeding and that this land was assigned as Lot No. 626 (Tsn, August 3, 1972, page 41), this case is ordered re-opened and the Land Registration Commissioner is directed to submit his report and/or comment as to whether this lot is covered by the Mariveles Cadastre within five (5) days from receipt hereof."

... ..

On October 5, 1972, the Commissioner of Land Registration submitted to the lower court a report stating:

"That the parcel of land applied for registration in the above-entitled case is entirely inside Lot No. 626 of the Cadastral Survey of Mariveles, Province of Bataan, Cad. Case No. 19, LTC Cad. Record No. 1097."

... ..

Records show that in the hearing of this case in the lower court, applicant Luisito Martinez, 62 years old, testified that he is the owner of the land applied for, having inherited the same from his parents, consisting of 32 hectares, more or less; that he started possessing the land in 1938; that about 8 hectares of the land is planted to palay, and

there are about 42 mango trees; that kamoteng kahoy is also planted thereon; that he declared the land for taxation purposes only in 1969 because all the records were lost during the war, and that possession was continuous, open, undisturbed and in the concept of owner.

Another witness, Antonio Reyes, 67 years old, testified that he is the overseer of Luisito Martinez; that the area of his land is 32 hectares, more or less; that since 1938, applicant has possessed this land; that eight (8) hectares of land is devoted to palay, and his son Manuel Reyes and Silvestre Garcia are the ones tilling the land, and the harvest is shared alike between applicant, on one hand, and Manuel Reyes and Silvestre Garcia, on the other; that eighteen (18) hectares, more or less, is planted to vegetables.

While another witness, Silvestre Garcia, 60 years old, testified that he worked on the land of the applicant since 1932 which is 32 hectares, more or less; that said Luisito Martinez inherited the land from his parents; that he plants palay only on four (4) hectares; that there are 42 mango trees on the land.

G.R. No. L-35779:

On March 21, 1972, respondent Thelma Tanalega filed an application for registration under Act 496 in the Court of First Instance of Bataan, docketed as Land Registration Case No. N-206, L.R.C. Rec. No. N-41884, of two (2) parcels of land located in the barrio of Camaya, municipality of Mariveles, province of Bataan, containing an area of 443,297 square meters, more or less, and 378,506 square meters, more or less, respectively, and more particularly described and identified as portions of Lot 626, Mariveles Cadastre, covered by Plans (LRC) SWO-13430 and (LRC) SWO-13431, respectively.

On March 21, 1972, the corresponding notice of initial hearing was duly issued by the Commissioner of Land Registration.

On March 21, 1972, the lower court ordered the Bureau of Lands to submit a report within ten (10) days if the land subject of the application has been issued patents or is the subject of any pending application for the issuance of patents. Likewise, the lower court directed the Commissioner of Land Registration to submit within the same period his report if the land applied for has been issued a title or is the subject of a pending decree.

On May 23, 1972, the Chief Surveyor of the Land Registration Commission filed a report in the lower court, stating that the parcels of land applied for registration "do not appear to have been passed upon and approved by the Director of Lands as required by Section 1858 of the Revised Administrative Code." Later, on July 24, 1972, the Chief Surveyor of the Land Registration Commission filed in the lower court another report or manifestation stating "that Plans (LRC) SWO-13430 and 13431, LRC Case No. N-206, LRC Record No. N-41884, when plotted on the Municipal Index Map on file in the Commission does not appear to overlap with any previously titled property under Act 496; that the plan and records of said Land Registration application will be subjected to further examination as soon as the decision to be rendered by this Honorable Court is received in this Commission to determine whether or not a patent or title has in the meantime been issued in order to avoid duplication or overlapping of titles."

At the hearing on June 21, 1972, on motion of the applicant's counsel, the lower court issued an Order of General Default against all persons, with the exception of the Director of Lands and the Director of Forestry, represented by the office of the provincial fiscal, and the oppositor Eliseo Martinez represented by Atty. Angelino Banzon, who were directed to file their respective oppositions.

On July 7, 1972, the provincial fiscal filed his opposition in behalf of the Directors of Lands and of Forestry, alleging that the parcels of land applied for are portions of the public domain belonging to the Republic of the Philippines, not subject to private appropriation.

Thereafter, the case was tried. The applicant, Thelma Tanalega (respondent herein), testified in her behalf, and presented two (2) witnesses, namely, Miguel Ocampo, 57 years old, and Agapito del Rosario, 50 years old, as well as her documentary evidence in support of her application for registration. On the other hand, Fiscal Arsenio Roman appeared for the government, and submitted documentary proof in support of the opposition filed by the provincial fiscal's office in this case.

At the hearing of this case in the lower court, applicant Thelma Tanalega, 27 years old, testified that she had possessed the land "openly, adversely, notoriously and in the concept of owner since February 2, 1970 when the said land was sold to her by Elisa Llamas who allegedly possessed this land" in the same manner since 1935; that the applicant had paid for the taxes of the land for the years 1970-1972.

Another witness, Miguel Ocampo, 57 years old, testified that his parents were the ones working on the land before 1935 and due to the illness of his parents, on their request to owner Elisa Llamas, he became overseer up to 1970 when the same was sold to applicant; that 16 hectares of these lands were planted to palay while others were devoted to pasture land and planting vegetables.

Witness Agapito del Rosario, 50 years old, who testified that since childhood, he had known Elisa Llamas to be the owner of the land applied for; that she was the one managing the planting and improving of the land; that he used to see Leopoldo de Guzman and another one also named Agapito del Rosario worked on the 16 hectares portion of the land; that Elisa Llamas informed him that in 1970 she sold the land to Thelma Tanalega.

At the hearing on August 24, 1972, Fiscal Arsenio Guzman who is appearing for the government, submitted a certification dated July 3, 1972 of Leonidas B. Rodriguez, District Forester of Balanga, Bataan (Exhibit 3) which states "that the tract of land situated at Barrio Camaya, Mariveles, Bataan containing an approximate area of EIGHTY TWO HECTARES more or less, as shown and described in the attached photostat copy of Plans in two sheets, as surveyed for Thelma Tanalega, et al., was found to be within the Alienable and Disposable Block, Project 4-B, Mariveles, Bataan, certified by the Director of Forestry as such on February 16, 1972."

The applicant did not present as witness her predecessor-in-interest, Elisa Llamas, to testify on the alleged possession of the land. The applicant also failed to present Guillermo Ramirez, who was hired by her as overseer and her alleged tenants. Not a single tenant was presented as witness to prove that the applicant had possessed the land as owners.

In both cases, the Court of First Instance of Bataan in two separate decisions, dated October 9, 1972 and October 16, 1972, confirmed the titles to subject parcels of land and adjudicated them in favor of applicants Luisito Martinez and Thelma Tanalega, now respondents herein.

In the instant petitions for review, the Republic of the Philippines, through the Solicitor General, argued that Lot 626, Mariveles Cadastre was declared public land by the decision of the Cadastral Court dated October 11, 1937 and such being the case, the lower court is without jurisdiction over the subject matter of the application for voluntary registration under Act 496. Petitioner likewise stressed that the lands in question can no longer be subject to registration by voluntary proceedings, for they have already been subjected to compulsory registration proceedings under the Cadastral Act.

The petitions are meritorious and reversal of the questioned decisions is in order.

It is noteworthy that as per the report of the Commissioner of Land Registration,[1] the land subject matter of the instant proceedings "is entirely inside Lot No. 626 of the Cadastral Survey of Mariveles, Province of Bataan, Cad. Case No. 19, LRC Cad. Record No. 1097"; that some portions of Lot No. 626 were decreed and titles were issued therefor; and that "portion declared Public Land as per decision dated October 11, 1937."

In a Cadastral proceedings any person claiming any interest in any part of the lands object of the petition is required by Section 9 of Act No. 2259 to file an answer on or before the return day or within such further time as may be allowed by the court, giving the details required by law, such as: (1) Age of the claimant; (2) cadastral number of lot or lots claimed, or the block and lot numbers, as the case may be; (3) Name of the barrio and municipality, township or settlement in which the lots are situated; (4) Names of the owners of adjoining lots; (5) If claimant is in possession of the lots claimed and can show no express grant of the land by the Government to him or to his predecessors-in-interest, the answer need state the length of time property was held in possession and the manner it was acquired, giving the length of time, as far as known, during which his predecessors, if any, held possession; (6) If claimant is not in possession or occupation of the land, the answer shall set forth the interest claimed by him and the time and manner of its acquisition; (7) If the lots have been assessed for taxation, their last assessed value; and (8) Encumbrance, if any, affecting the lots and the names of adverse claimants as far as known. In the absence of successful claimants, the property is declared public land.

In the instant cases, private respondents apparently either did not file their answers in the aforesaid cadastral proceedings or failed to substantiate their claims over the portions they were then occupying, otherwise, titles over the portions subject of their respective claims would have been issued to them. The Cadastral Court must have declared the lands in question public lands, and its decision had already become final and conclusive.

Respondents are now barred by prior judgment to assert their rights over the subject land, under the doctrine of res judicata. A Cadastral proceeding is one in rem and binds the whole world. Under this doctrine, parties are precluded from re-litigating the same issues already determined by final judgment.[2]

Even granting that respondents can still petition for judicial confirmation of imperfect title over the lands subject matter of the instant cases, the same must necessarily fail. It is to be noted that in the instant cases evidence for the respondents themselves tend to show that only portions of the entire area applied for are cultivated. A mere casual cultivation of portions of the land by the claimant does not constitute possession under claim of ownership. In that sense, possession is not exclusive and notorious so as to give rise to a presumptive grant from the State. The possession of public land however long the period thereof may have extended, never confers title thereto upon the possessor because the statute of limitations with regard to public land does not operate against the State, unless the occupant can prove possession and occupation of the same under claim of ownership for the required number of years to constitute a grant from the State.[3] Applicants, therefore, have failed to submit convincing proof of actual, peaceful and adverse possession in the concept of owners of the entire area in question during the period required by law.

Apart from the foregoing, the survey plans submitted by petitioners were not approved by the Director of Lands but by the Land Registration Commission. The Land Registration Commission has no authority to approve original survey plans in this particular case. Section 34-A of R. A. No. 6389 relied upon by respondents applies only to lands subject of tenancy relation which are expropriated and sub-divided in favor of new amortizing-owner-beneficiaries. The submission of the plan is a statutory requirement of mandatory character and unless the plan and its technical description are duly approved by the Director of Lands, the same are not of much value.[4]

WHEREFORE, the decisions dated October 9, 1972 and October 16, 1972 of the Court of First Instance of Bataan, Branch I should be, as they are hereby reversed. Without pronouncement as to costs.

SO ORDERED.

Makasiar (Chairman), Aquino, Concepcion, Jr., Guerrero, and Escolin, J., concur.
Abad Santos, J., in the result.

[1] p. 23, Rollo in G.R. No. L-35778 and p. 27, Rollo in G.R. No. L-35779.

[2] Yusingco vs. Ong Hing Lian, 42 SCRA 589, 602.

[3] Director of Lands vs. Reyes, 68 SCRA 177, 195.

[4] Director of Lands vs. Reyes, *supra*.

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