

DIRECTOR OF LANDS, PETITIONER, VS. LORETA S. CIANO AND THE HON. COURT OF APPEALS, RESPONDENTS.

G.R. No. L-35040. February 20, 1984

Ponente: TEEHANKEE, J.

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TEEHANKEE, J.:

This is a petition to review the 3-2 split decision of a Special Division of the defunct Court of Appeals[*] in CA-G. R. No. 38077-R reversing the trial court's dismissal of the petition and instead ordering the registration in the name of private respondent Loreta S. Ciano of a parcel of land located in sitio Irisan, Residence Section "H", City of Baguio, with an area of 4, 976 square meters, more or less.

In a petition dated April 3, 1964 and filed on August 2, 1964 in the Court of First Instance of Baguio City, said respondent sought the reopening of the judicial proceedings had in Civil Reservation Case No. 1, G. L. R. O. Record No. 211, relying on the provisions of Republic Act No. 931, as amended, and prayed that she be adjudged as rightful owner of the land subject of the petition and that title thereto be ordered issued and registered in her name. As summarized by the trial court, the petition alleged that "in a decision of this Honorable Court dated November 13, 1922, or within forty years next preceding the approval of Republic Act No. 931, amended, all lands included in, and covered by, the Baguio Townsite Reservation, excepting those granted titles in favor of private land applicants, were declared public lands; that among those which were declared public land in the said decision is the parcel of land now sought to be registered; that prior to, and at the time of the pendency of the above-entitled case, herein petitioner had been, and is still in actual, open, adverse, peaceful and continuous occupation and possession as owner of the above-mentioned parcel of land by herself and thru her predecessors-in-interest, utilizing the same for residential and agricultural purposes, having acquired the same from her parents who, in turn have been occupying, utilizing and cultivating the same since Spanish time thru the latter's deceased parents; and that all taxes due and in favor of the government up to the filing of the petition have all been paid for by petitioner and by her predecessors-in-interest."

The trial court, in a decision dated August 12, 1965, dismissed the petition, finding as follows: "(T)he allegations are not sufficient to convince the Court of the merit of this petition. First, petitioner claims that she inherited the property from her father, Stanley Inso, and that father and daughter claim possession and occupation of the land for quite a long time already but they have never shown any piece of documentary evidence to support this allegation. The father claims that he declared the land for taxation in his name and that the paper was in the possession of his lawyer. This supposed paper was not presented in evidence. If father and daughter, through their predecessors-in-interest, were really in actual, open, adverse, peaceful and continuous occupation and possession as owners since Spanish time, it is unbelievable that they could not produce any piece of documentary evidence to support this claim. Exhibit 'F' which is a tax declaration issued in the name of the petitioner indicates that it is new and that tax thereunder begins with the year 1964 the very year when the petition was filed. Again, petitioner's claim of having been paying taxes is not supported by any official receipt. Proof of long possession and payment of taxes are wanting."

Respondent filed her appeal in the Court of Appeals, which reversed the trial court's decision and ordered the registration of the land in question in the name of respondent Ciano after ruling that she "has established her right to a government grant of a certificate of title to the parcel of land in question under Republic Act No. 931, as amended."

Hence, the present petition for review on certiorari, which the Court finds to be meritorious.

Section 1 of Republic Act No. 931 speaks of reopening declarations of public land as to "parcels of land that have been the object of cadastral proceedings." The Court sustains the State's submittal that the appellate court should have affirmed the trial court's dismissal of respondent's "Petition for Reopening of Judicial Proceeding" because said court has no jurisdiction under Republic Act No. 931 to order the registration of the subject parcel of land in the instant Civil Reservation Case No. 1 LRC Record No. 11 of the City of Baguio, which was not a cadastral proceeding. The case, which established the townsite reservation of Baguio was instituted pursuant to the provisions of Act No. 926 in relation to Act No. 627, which reservation was finally decided by the Court of First Instance of Baguio on November 13, 1922 (See *Zarate and Zarate vs. Director of Lands*, 58 Phil 156). This can be gleaned from the opening portion of the decision which states, "En de 12 Abril de 1912, de conformidad con el Art. 62 de la Ley No. 926 x x x." Also, as pointed out by the Solicitor General, the Cadastral Act which took effect on February 11, 1913, had not yet been enacted when the civil reservation case was initiated in 1912.

In the leading case of *Republic vs. Marcos* (29 SCRA 517) wherein a similar petition was filed in the same Civil Reservation Case No. 1 LRC Record 211 of the Court of First Instance of Baguio, invoking the same statute, Republic Act No. 931, the Court, through the now Chief Justice, categorically ruled:

"Republic Act No. 931 speaks in a manner far from ambiguous. It is quite explicit and categorical. Only persons 'claiming title to parcels of land that have been the object of cadastral proceedings' are granted the right to petition for a reopening thereof if the other conditions named therein are successfully met. It cannot admit of doubt, therefore, that if the parcels of land were not the object of cadastral proceedings, then this statute finds no application. Considering that as far back as October 10, 1910, the then President of the United States, William H. Taft, issued an executive order reserving for naval purposes the lots now disputed, they could not have been the object of the cadastral proceeding involving the Baguio townsite reservation, decided only on November 13, 1922.

"The Cadastral Act was enacted on February 11, 1913, taking effect on its passage. As is made clear in the first section thereof, when public interest requires that titles to any land be settled and adjudicated, in the opinion of the then executive, the Governor General, he could order the Director of Lands or a private surveyor named by the landowners, with the approval of the Director of Lands, to make a survey and plan of such lands. Clearly, it does not include the survey of lands declared as reservations.

"An earlier act, enacted as far back as 1903, specifically governs the subject matter of reservations. As provided therein: 'All lands or buildings, or any interest therein, within the Philippine Islands lying within the boundaries of the areas now or hereafter set apart and declared to be military reservations shall be forthwith brought under the operations of the Land Registration Act, and such of said lands, buildings, and interests therein as shall not be determined to be public lands shall become registered land in accordance with the provisions of said Land Registration Act, under the circumstances hereinafter stated.' The validity of this statute was sustained as against the allegation that there was a violation of the due process clause, in a 1910 decision, *Jose v. Commander of the Philippine Squadron* (216 Phil 62).

"In a 1918 decision (*Archbishop of Manila v. Barrio of Santo Cristo*, 39 Phil 1, 19), this Court had occasion to indicate clearly that the proceeding under this statute, while analogous too, is not covered by the Cadastral Act. Thus: 'It will thus be seen that Act No. 627 contemplates a sort of cadastral proceeding wherein private owners may be forced to come in and register their titles, under penalty of forfeiture of all right in the land included in

the reservation in case they fail to act. The validity of a law of this character cannot be questioned; and this court has uniformly upheld the Act now under consideration.'

"What is even more conclusive as to the absence of any right on the part of the private respondents to seek a reopening under Republic Act No. 931 is our ruling in *Government v. Court of First Instance of Pampanga*, a 1926 decision (49 Phil 495, 498). We there explicitly held: 'The defendant's contention that the respondent court, in a cadastral case, has jurisdiction to order the registration of portions of a legally established military reservation cannot be sustained. The establishment of military reservations is governed by Act No. 627 of the Philippine Commission and Section 1 of that Act provides that 'All lands or buildings, or any interest therein, within the Philippine Islands lying within the boundaries of the areas now or hereafter set apart and declared to be military reservations shall be forthwith brought under the operations of the Land Registration Act, x x x.'" (Italics supplied)

Prescinding from the fact that respondent failed to show any convincing evidence of being qualified to petition for reopening by actual, open, adverse, peaceful and continuous occupation and possession as owner since the Spanish time, as held by the trial court and also stressed in the dissent-ing opinion of the minority in the appellate court, respondent appellate court erred in ordering the registration of the parcel of land in dispute in the name of respondent Ciano notwithstanding the lack of jurisdiction and authority under Republic Act No. 931 to reopen a civil reservation proceeding and order the registration in favor of private individuals of portions of existing townsite reservations.

ACCORDINGLY, the appealed decision is hereby reversed and another one entered dismissing the petition of respondent Loreta S. Ciano for the "Reopening of Judicial Proceedings" in Civil Case No. 1, LRC Record No. 11 of the Court of First Instance of the City of Baguio. Without pronouncement as to costs.

Melencio-Herrera, Plana, Relova, and Gutierrez, Jr., JJ., concur.

[*] Composed of Justices Edilberto Soriano, Ramon C. Fernandez, ponente, and Luis B. Reyes, with Justices Ruperto G. Martin and Cecilia Muñoz Palma, dissenting.

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