

THE DIRECTOR OF LANDS, PETITIONER AND APPELLANT VS. EUSTAQUIO DE LUNA, ET AL., RESPONDENTS. EUSTAQUIO DE LUNA, RESPONDENT AND APPELLEE.*G.R. No. L-14641. November 23, 1960*

Ponente: BARRERA, J.

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On February 19, 1958, petitioner Director of Lands, filed with the Court of First Instance of Oriental Mindoro a petition alleging, inter alia, that on April 28, 1955, respondent Eustaquio de Luna filed with his office, an application for free patent over a parcel of land, designated as Lot No. 4422, Cad. No. 200 Ext, in Naujan, Oriental Mindoro, claiming that he (de Luna) is in actual occupation of said land, having acquired it from Eusebia and Bemardina Castillo, who had been in possession and cultivation thereof since 1943; that relying on the statements made by respondent de Luna in his said application that his occupation of the land was made prior to July 4, 1945, he (Director) approved it as Free Patent Application No. V-35154 (Er-V-21291), on September 7, 1955, and thereafter gave it due course; that on October 4, 1955, he issued Free Patent No. V-21168 for the land, in favor, and in the name of respondent, and the same was transmitted to the Register of Deeds of Calapan, Oriental Mindoro, who registered it and issued the corresponding Original Certificate of Title No. P-1537, in accordance with Section 122 of Act No. 496; that, subsequently, upon complaint made by one Igmedio Gaa against said free patent issued to respondent, he conducted an investigation thereon and, from the result thereof, it was found that respondent and his alleged predecessors-in-interest, have never been in occupation of the land covered by the patent and title, but on the contrary, it is in the actual and exclusive cultivation of said Igmedio Gaa, who has been in possession thereof since prior to the last war up to the present, openly, adversely, and in the concept of an owner; that said patent and title were issued to respondent by virtue of his said application, which was approved and given due course due to respondent's misrepresentation and false statements made in said application; and that inasmuch as respondent is not entitled to a free patent, on account of his failure to fulfill the conditions prescribed by the Public Land Act, said patent and title issued to him for the land, are null and void. Petitioner prayed in his complaint that judgment be rendered declaring null and void said patent and title issued to respondent.

Respondent, on April 16, 1958, filed a motion to dismiss, on the ground that petitioner has no legal capacity to sue, the real party in interest being Igmedio Gaa, whose rights are adversely affected by the issuance of said patent and title to him (respondent). On June 2, 1958, petitioner filed an opposition to said motion to dismiss, which opposition was duly answered by respondent on June 30, 1958.

On August 16, 1958, the court dismissed the petition, in an order which in part reads:

"The allegations contained in the petition clearly shows that the action for the reversion of the lot in question to the government is premised on the ground of false representation. However, actions instituted pursuant to Sec. 101 of the Public Land Act must be in the name of the (Commonwealth) Republic of the Philippines and prosecuted by the Solicitor General. Since the present petition is instituted in the name of the Director of

Lands, it stands to reason that the petition is fundamentally defective. Hence, under Rule 8, the petition should be dismissed, on the ground that the Director of Lands is not legally authorized to institute the present petition."

On September 3, 1958, petitioner filed a motion for reconsideration of said order, but the same was denied by the court on September 30, 1958. Hence, this appeal.

The only issue to be resolved in this appeal is whether petitioner had the authority to file the petition in question.

It is not disputed that the free patent to the land in question was issued to respondent on October 4, 1955, on the basis of which Original Certificate of Title No. P-1537 was, likewise, issued to him, pursuant to Section 122 of the Land Registration Act.[1] Well settled is the rule that once the patent is registered and the corresponding certificate of title is issued, the land ceases to be part of the public domain and becomes private property over which the Director of Lands has neither control nor jurisdiction. (*Sumail vs. Judge of the Court of First Instance of Cotabato, et al.*, 96 Phil., 946; 51 Off. Gaz., [5] 2413; *Republic vs. Heirs of Ciriaco Carle*, 105, Phil, 1231).

There is, likewise, no controversy as to the fact that the present action was instituted by petitioner on February 19, 1958, or more than 2 years after the issuance of the aforementioned free patent to respondent, or more than 1 year after the expiration of the 1-year period provided in Section 38 of the Land Registration Act for review of a certificate of title, on the ground of fraud. A public land patent when registered in the corresponding register of deeds office, is a veritable torrens title (*Dagdag vs. Nepomuceno*, 105-Phil., 216; 56 Off. Gaz., [48] 7294) and becomes as indefeasible as a Torrens title (*Ramoso vs. Obligado*, 70 Phil., 86), upon the expiration of 1 year from the date of the issuance thereof (*Lucas vs. Durian*, G.R. No. L-7886, prom. September 23, 1957). As such it can no longer be cancelled or annulled. In the *Sumail* case (*supra*), we stated:

"We agree with the Director of Lands and the trial court that the latter had no jurisdiction to entertain Civil Case No. 420[2] which was filed for the purpose of cancelling the Patent issued by the Director of Lands on lot No. 3633, and, also for the cancellation of the Original Certificate of Title V-23 issued to Gepuliano on the basis of his free patent. Under section 122 of Act No. 496 known as the Land Registration Act, when any public lands in the Philippines are alienated, granted, or conveyed to persons or public or private corporations, the same shall be brought forthwith under the operation of the said Act and shall become registered lands and that the instrument of conveyance in the form of a Patent, before its delivery to the grantee shall be filed with the Register of Deeds for registration, and that once registered therein a certificate of title shall be issued as in other cases of registered land. That is the reason why an original certificate of title was issued to Gepuliano sometime in 1950 on the basis of his free patent issued in 1949.

As already stated, free patent No. V-459 was issued in the name of Gepuliano on September 26, 1949, while Civil Case No. 420 was filed in court only on July 21, 1952, or almost three years after the issuance of the free patent. It is, therefore, clear that the trial court no longer had jurisdiction to entertain the complaint in Civil Case No. 420 for the reasons already stated, but not as contended by the Director of Lands that it involved public land, over which he had exclusive and executive control, because once the patent was granted and the corresponding certificate of title was issued, the land ceased to be part of the public domain and became private property over which the Director of Lands has neither control nor jurisdiction."

Notwithstanding the aforementioned doctrine of indefeasibility of a torrens title after the expiration of the 1-year period provided in Section 38 of the Land Registration Act, Section 101 of the Public Land Law[3] provides a remedy whereby lands of the public domain fraudulently awarded to the applicant may be recovered or reverted back to its original owner, the Government. Said section provides that:

"Sec. 101. All actions for the reversion to the Government of lands of the public domain or improvements

thereon shall be instituted by the Solicitor General or the Officer acting in his stead, in the proper courts, in the name of the Republic (Commonwealth) of the Philippines."

It is quite clear from the provision just quoted that actions for reversion of public lands fraudulently awarded are to be instituted by the Solicitor General or the officer acting in his stead, and that the same must be brought in the name of the Republic of the Philippines. (See Sumail case, supra.)

In support of the view that petitioner may bring the present action, he cites Section 91 of the Public Land Law. Suffice it to say that said provision is only applicable where the patent or title is sought to be cancelled or annulled, for having been procured through fraud or misrepresentation, prior to the expiration of the 1-year period provided in Section 38 of the Land Registration Act, from its issuance and registration, and not where, as in the instant case, said period had already elapsed.

However, we note that petitioner's error in this case is merely one of form which is non-prejudicial. In furtherance of justice, and to the end that the real matter in dispute between the parties may be completely determined in this proceeding (Sec. 2, Rule 17, Rules of Court), we have decided to remand this case to the court of origin for further proceedings, allowing petitioner to amend his pleadings accordingly, in compliance with the requirement of law. Without pronouncement as to costs. So ordered.

Paras, C.J., Bengzon, Padilla, Bautista Angelo, Labrador, Reyes, J.B.L., Gutierrez David, Paredes and Dizon, JJ., concur.

Case remanded to lower court for further proceedings

[1] Act No. 496 as amended.

[2] Filed almost 3 years after the issuance of the Free Patent.

[3] Comm. Ace No. 141, as amended.

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