

REPUBLIC OF THE PHILIPPINES, THE SUPERINTENDENT OF THE PHILIPPINE MILITARY ACADEMY, PETITIONERS, VS. HON. PIO R. MARCOS, JUDGE, COURT OF FIRST INSTANCE OF BAGUIO CITY, KOSEN PIR...

G.R. No. L-29675. September 30, 1969

Ponente: FERNANDO, J.

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FERNANDO, J.:

It is by statute provided that all persons "claiming title to parcels of land that have been the object of cadastral proceedings" in actual possession of the same at the time of the survey but unable for some justifiable reason to file their claim in the proper court during the time limit established by law, "in case such parcels of land on account of their failure to file such claims, have been, or are about to be declared land of the public domain by virtue of judicial proceedings" instituted within the forty-year period next preceding June 20, 1953, the time of the approval of this particular enactment, are granted "the right within five years" from said date to petition for a reopening of the judicial proceedings but "only with respect to such of said parcels of land as have not been alienated, reserved, leased, granted, or otherwise provision-ally or permanently disposed of by the Government, * * *.[1]

The jurisdiction of respondent Judge Pio R. Marcos to act in accordance with Republic Act No. 931 in connection with the petition for a reopening filed by respondent Kosen Piraso, joined by his kinsmen, likewise respondents, all surnamed Piraso, is assailed in this certiorari and prohibition proceeding, included in which are the other respondents, Daisy Pacnos and the spouses Albino Reyes and Isabel Santamaria, petitioners being the Republic of the Philippines and the Super-intendent of the Philippine Military Academy.

In the language of the petition: "This is an original action for the issuance of the writs of certiorari and prohibition under Rule 65 of the Revised Rules of Court whereby herein petitioners seek to annul and set aside: (1) The Order, dated July 13, 1967 * * * denying the Motion to Dismiss dated January 26, 1967 filed by the City Fiscal of Baguio City in behalf of oppositors-govern-ment agencies, and thus insisting on assuming jurisdiction over the case (without the requisite publication in the Official Gazette of the petition) and over the subject-matter (a military reservation); (2) The Decision, dated October 7, 1967 * * * decreeing the registration of a parcel of land with an area of 28,215.58 square meters * * * within the so-called 'U. S. Fleet Naval Reservation Center' in favor of respondent Daisy Pacnos; (3) The Order of August 2, 1968 * * * which in effect denied the Motion to Annul Decision dated February 9, 1968 filed by the Solicitor General, and instead ordered the issuance of a decree over the same parcel of land in favor of respondent Albino Reyes; * * * and (4) The Order, dated August 24, 1968 * * * allowing respondents Kosen Piraso, et. al., to adduce their evidence of alleged ownership * * *, all issued in Civil Reservation Case No. 1, LRC Record No. 211 of the Court of First Instance of Baguio City, entitled 'In the Matter of the Petition for Reopening of Judicial Proceedings, Kosen Piraso, et al., petitioners)'." [2]

It was likewise therein alleged that Civil Reservation Case No. 1 "settled the ownership, private and public, of the

Baguio townsite, terminating with the Decision of the Court of First Instance of Baguio City dated November 13, 1922." [3] Prior to said case, however, a military reservation known as the U. S. Fleet Naval Rehabilitation Center consisting of Lots 140 and 141 of the Baguio Cadastre with an aggregate area of 29 hectares, more or less, was set aside pursuant to Executive Order No. 1254 of October 10, 1910, issued by the then President William Howard Taft of the United States, as attested by Proclamation No. 114 of the then Governor-General W. Cameron Forbes, and Executive Order No. 5139 of June 19, 1929, issued by the then President Herbert Hoover, as attested by Proclamation No. 260 of the then Governor-General Dwight F. Davis. After independence, the United States relinquished to the Republic of the Philippines all claims to title over the military bases including the afore-said lots, their relinquishment being formalized by an agree-ment of December 6, 1956. [4] Then came this categorical assertion in the petition that the land involved in this proceeding "is limited to what is admittedly, and by unquestionable proof, within the so-called U.S. Fleet Naval Rehabilitation Center, Lots 140 and 141, Baguio Cadastre." [5]

From a summary of the facts appearing in the Petition, the need for including the other respondents was made clear. It was therein set forth that on May 21, 1965 the Pirasos, respondents herein, relying on the controlling statute set forth at the opening of this opinion, sought the reopening of Civil Reservation Case No. 1, LRC Rec. No. 211 of the Court of First Instance of Baguio City; praying for the issuance in their favor of title to a parcel of land designated as LRC-SWO-6132 (Lots 140 and 141, Baguio Cadastre) consisting of 290,283 square meters, more or less, situated in Baguio City. On September 11, 1965, respondent Daisy Pacnos filed an opposition. She sought in a pleading dated March 14, 1966 to be allowed to introduce evidence to prove her alleged right to registration of a portion of the land, consisting of an area of 28,215.52 square meters, subject of the proceedings. This motion was granted in an order of the respondent Judge dated May 16, 1966.

On January 26, 1967, the First Assistant City Fiscal of Baguio City, in behalf of all the government agencies-oppositors, filed a motion to dismiss the main petition and other related petitions, alleging thereto the following grounds: (1) that the court has no jurisdiction over the subject matter of the petition; (2) that the causes of action alleged in the petition are barred by prior judgment or by the statute of limitations; (3) that the petition states no cause of action.

On July 13, 1967, the respondent Judge denied the said motion to dismiss. Then came on October 7, 1967, a decision by re-spondent Judge, decreeing the registration of a portion of the land (28,215.58 square meters of Lot 140, Baguio Cadastre), subject matter of the Pirasos' petition in favor of respondent Daisy Pacnos. The Solicitor General received his copy of this decision on December 4, 1967.

There, was a motion for reconsideration filed by the City Attorney of Baguio of December 9, 1967, denied by respondent Judge on December 15, as "having been filed out of time".

On January 3, 1968, the City Fiscal of Baguio City joined by petitioner Superintendent of the Military Academy and the Director of Lands jointly filed a notice of appeal. There was on February 7, 1968, an ex-parte motion for extension of time to submit a record on appeal. An opposition thereto was filed by counsel for respondent Daisy Pacnos. On February 15, 1968, the Solicitor General filed a motion to annul the decision dated October 7, 1967, based on lack of jurisdiction.

On August 2, 1968, respondent Albino Reyes filed an ex-parte motion for the issuance of a decree in his favor, having previously manifested to respondent Judge that respondent Daisy Pacnos had transferred her right to him. On the same day, respondent Judge issued an order considering that the motions for reconsideration and the motion to annul decision filed by the Solicitor General and other government lawyers "have been rendered academic and of no moment on account of the filing of the notice of appeal on January 3, 1968," but in his

opinion of no avail the time to do so having lapsed. Moreover, no record on appeal was submitted. He like-wise directed in said order the issuance of a decree to respondent "Albino Reyes, married to Isabel Sta. Maria, Filipino, with residence at Dagupan City." Another order specifically to that effect came from respondent Judge on the day in question. The last order of pertinence to this petition came from respondent Judge on August 24, 1968, setting for hearing on September 11, 1968 the claim of the respondents, surnamed Piraso.

Then on October 18, 1968 came this petition for certiorari and prohibition. The next day, this Court adopted a resolution requiring respondents to file within ten days from notice an answer, not a motion to dismiss. A preliminary injunction was likewise issued without bond.

Subsequently, on November 8, 1968, the petitioners, through the Solicitor General, filed a motion for leave to amend the petition, alleging that the property, "subject matter of the case which respondent Daisy Pacnos succeeded in obtaining a favorable judgment of registration * * * and which respondents Albino Reyes and Isabel Santamaria subsequently succeeded in securing a decree of registration" was thereafter transferred on August 16, 1968 to one Arturo Tongson, who, thereby, would be affected by the outcome of the petition. The proposed amendment, according to this motion, would consist of his inclusion as one of the respondents. Accompanying his pleading is the amended petition for certiorari and prohibition. On November 21, 1968, we adopted a resolution in the following tenor: "The motion of the Solicitor General for leave to amend petition for certiorari and prohibition with preliminary injunction in L-29675 (Republic of the Philippines, et al. vs. Hon. Pio R. Marcos, etc., et al.), is [Granted]; the amended petition for certiorari and prohibition with a prayer for preliminary injunction is hereby accepted. Respondent Arturo Tongson is required to file, within 10 days from notice hereof, an answer (not a motion to dismiss) to said amended petition."

In the meanwhile, even before the motion for leave to file amended petition was filed, respondents, the Pirasos, submitted their answer on November 4, 1968. To the assertion in the petition, fundamental in character, that the reopening sought by private respondents refers to lands "admittedly and by unquestionable proof, within the so-called U. S. Fleet Naval Reservation Center," the Pirasos answered in this wise: "The land in question is not a military reservation under the Republic of the Philippines although it was formerly reserved and placed under the control of the Navy Department for the use as Naval Hospital and for other purposes of the Navy during the American regime (U. S. Government) pursuant to Executive Order No. 5139 (Annex 'B' of the petition), and was subsequently released or turned over to the Republic of the Philippines in accordance with the provisions of the U. S. -Philippine Military Bases Agreement on Dec. 6, 1956 but the same has not been reserved for military purposes by the Republic of the Philippines." [6] They would hedge further by the disclaimer of any acceptance on their part that the land subject of the petition forms part of the naval reservation, with the further qualification that in any event, even if it be admitted that there is such a reservation by the government, such lot is subject to private rights.

That respondents Pirasos could not very well explicitly deny the allegation that the lot in question forms part of the naval reservation is quite apparent from its memorandum submitted in lieu of oral argument filed on April 7, 1969, wherein in disputing the point raised by petitioners that the lower court acted without jurisdiction, they stated the following: "Contrary to the allegation of the City Attorney, we humbly state categorically that the land involved in this case is no longer a reservation in its strict sense. It ceased to be a Naval Reservation of the United States of America upon the termination of its sovereignty over the islands. It was formerly reserved and placed under the control of the U. S. Naval Department for the use of Naval Hospital and for other purposes of the Navy during the American Regime (U. S. Government) pursuant to Executive Order No. 5139 (Annex 'B' of the petition), and was subsequently released or turned over to the Republic of the Philippines in accordance with the provisions of the U. S. -Philippine Military Bases Agreement on December 6, 1956. The said parcel of land (Lot 140 of the Baguio City Cadastre) until this time was not reserved for military purposes by the Republic of the

Philippines."[7]

The answer of respondents, Albino Reyes and Isabel Santa-maria, to the amended petition filed on November 21, 1968, expressly admits what petitioners so emphatically insist on that this petition before us "is limited to what is admittedly, and by unquestionable proof, within the so-called U. S. Fleet Naval Rehabilitation Center, Lots 140 and 141, Baguio Cadastre." [8] For the first paragraph of their answer is explicitly worded thus: "1. That they admit the allegations of the Petition with respect to the Nature of the Case * * * and with respect to the Parties and Jurisdictional Averments * * *." [9] The above assertion of petitioner was thus given conformity by respondents Reyes and Santamaria. Nonetheless, they would seek to blunt the force of their admission by alleging: "That they deny the allegations in par. V-A-1 of the Petition, the truth being that the land in question, particularly the area decreed in the name of the answering respondents, is not part of a military reservation. The proclamation declaring certain areas to be naval reservations of the Government of the United States (Annex B of the Petition) expressly states that such reservations are 'subject to private rights if any there be.' Upon the Philippines becoming independent in 1946 the said areas, by virtue of Executive Agreements, reverted to disposable lands administered by the Bureau of Lands of the Republic of the Philippines." [10]

There is a similar express admission in the answer filed on December 13, 1968 by respondent Arturo Tongson, its wording being almost identical with the answer of Albino Reyes and Isabel Santamaria: "That in so far as they are borne out by and made part of the records of the case, he admits the allegations of the Petition with respect to the nature of the case * * * and with respect to the Parties and Jurisdictional Averments * * *." [11] Again, this particular respondent did attempt to weaken the force of the above admission by the assertion that the land decreed in favor of respondent Albino Reyes is not part of the military reservation. He would justify this seeming contradiction thus: "At any rate, when said areas were turned over to the Philippine Government by virtue of the U. S. Philippine Military Bases Agreement; the land in question reverted to the disposable lands administered by the Bureau of Lands of the Republic of the Philippines." [12]

In the light of the allegation in the petition and the admissions made in the answers of respondents, the Pirasos, Albino Reyes and Isabel Santamaria as well as Arturo Tongson, even as sought to be qualified, it would seem to be fairly obvious that the lots in question sought to be reopened in the proceeding before respondent Judge Marcos form part and parcel of a naval reservation. It cannot escape attention that the above private respondents did try by highly sophisticated reasoning, invoking distinctions far from persuasive, to avoid the legal effect of the admissions as to the location of the disputed lots within a reservation. They must have realized that unless successful in this attempt, doomed by failure from the outset, the facts being simply against them, the jurisdiction of respondent Court can, as petitioners have done, be successfully impugned. That is what petitioners did; they must be sustained.

1. 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. [13]

The Cadastral Act [14] 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.[15] Clearly, it does not include the survey of lands declared as reservations.

An earlier act, enacted as far back as 1903,[16] 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 the 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*.[17]

In a 1918 decision, 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 can not be questioned; and this court has uniformly up-held the Act now under consideration." [18]

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.[19] 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, * * *.' "

The conclusion is therefore inescapable that, as contended by petitioners, respondent Judge is devoid of jurisdiction to pass upon the claim of private respondents invoking the benefits of Republic Act No. 931.

2. This lack of jurisdiction on the part of respondent Judge is made more patent by another specific restriction of the right of a person to seek reopening under this statute. For the power of the Court to order such reopening is limited "to such of said parcels of land as have not been alienated, reserved, leased, granted, or otherwise provisionally or permanently disposed of by the Government K* * *." [20] Included in the petition is an executive order of the then President Herbert Hoover of June 19, 1929, declaring to be a naval reservation of the Government of the United States "that tract of land known as lot no. 141, residence Section D, Baguio naval reservation, heretofore reserved for naval purposes * * *." If there were still any lingering doubt, that ought to be removed by this reaffirmation of a presidential determination, then binding and conclusive as we were under American sovereignty, that the lot in question should be a naval reservation.

3. The private respondents are thus bereft of any right which they could assert under Republic Act No. 931. Such an enactment is the basis of whatever standing that would justify their reliance on the specific power granted courts of first instance to reopen cadastral proceedings. Such jurisdiction is thus limited and specific. Unless a party can make it manifest by express language or a clear implication from the wording of the statute too strong to be resisted, he may not set in motion the judicial machinery under such specific grant of authority. This, private respondents have failed to do as the statute in terms that are crystal clear and free from ambiguity denies them such a right. Petitioners have made out their case for certiorari and prohibition.

WHEREFORE, the writ of certiorari is granted annulling and setting aside the order of respondent Judge a July 13, 1967, denying the motion to dismiss dated January 26, 1967 filed by the City Fiscal of Baguio City in behalf of oppositors-government agencies; his decision, dated October 7, 1967, decreeing the registration of a parcel of land with an area of 28,215.58 square meters within Lot 140, Baguio Cadastre, or within the so-called "U. S. Fleet Naval Reservation Center" in favor of respondent Daisy Pacnos; his order of August 2, 1968 which in effect denied the motion to annul decision dated February 9, 1968 filed by the Solicitor General, and instead ordered the issuance of a decree over the same parcel of land in favor of respondent Albino Reyes; and his order, dated August 24, 1968 allowing respondents Kosen Piraso, et al., to adduce their evidence of alleged ownership. The writ of prohibition is likewise granted perpetually restraining respondent Judge from further taking cognizance of and further assuming jurisdiction over the reopening of Civil Reservation Case No. 1 LRC Rec. No. 211 as sought by the private respondents. The preliminary injunction issued is hereby made permanent. With costs against private respondents.

Concepcion, C.J., Dizon, Makalintal, Zaldivar, Sanchez, Ruiz Castro, Capistrano, and Teehankee, JJ., concur.
Barredo, J., did not take part.
Reyes, JBL, J., on official leave.

[1] Republic Act No. 931 specifically provides: "Section 1. All persons claiming title to parcels of land that have been the object of cadastral proceedings, who at the time of the survey were in actual possession of the same, but for some justifiable reason had been unable to file their claim in the proper court during the time limit established by law, in case such parcels of land, on account of their failure to file such claims, have been, or are about to be declared land of the public domain, by virtue of judicial proceedings instituted within the forty years next preceding the approval of this Act, are hereby granted the right within five years after the date on which this Act shall take effect, to petition for a reopening of the judicial proceedings under the provisions of Act Numbered Twenty-two hundred and fifty-nine, as amended, only with respect to such of said parcels of land as have not been alienated, reserved, leased, granted, or otherwise provisionally or permanently disposed of by the Government, and the competent Court of First Instance, upon receiving such petition, shall notify the Government, through the Solicitor General, and if after hearing the parties, said court shall find that all conditions herein established have been complied with, and that all taxes, interests and penalties thereof have been paid from the time when land tax should have been collected until the day when the motion is presented, it shall order said Judicial proceedings reopened as if no action has been taken on such parcels." Under Republic Act No. 2061, an Act approved on June 30, 1958, the period for the reopening of judicial proceedings under the above statute was extended to December 31, 1968.

[2] Petition, pp. 1-2.

[3] Ibid, p. 2.

[4] Ibid, Annexes A, B, B-1 & C.

[5] Ibid, p. 3.

[6] Answer of respondents Pirasos, p. 4,

[7] Memorandum for Respondents, p. 5.

[8] Petition, p. 3.

[9] Answer of respondents Reyes and Santamaria, par. 1.

- [10] Ibid, par. 3.
- [11] Answer of respondent Tongson, par. 1.
- [12] Ibid, par. 3
- [13] G.L.R.R. Res. No. 211 (1922).
- [14] Act No. 2259.
- [15] Section 1, Act No. 2259.
- [16] Act No. 627.
- [17] 16 Phil. 62.
- [18] Archbishop of Manila v. Barrio of Santo Cristo, 39 Phil. 1, 19.
- [19] 49 Phil. 495, 498.
- [20] Section 1, Republic Act No. 931.

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