

THE DIRECTOR OF FOREST ADMINISTRATION, THE DIRECTOR OF LANDS AND THE REPUBLIC OF THE PHILIPPINES, PETITIONERS, VS. HON. RAMON C. FERNANDEZ, HERMOGENES CONCEPCION, JR., AND EMILI...

G.R. No. L-36827. December 10, 1990

Ponente: BIDIN, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/cda0b9337878/>

BIDIN, J.:

These are three petitions for review on certiorari of the decisions of the Court of Appeals promulgated in March 23, 1981 in CA-G.R. No. 61372-R and on March 10, 1973 in CA-G.R. No. 43533-R, affirming the decisions of the Court of First Instance of Pangasinan; and the decision of the Intermediate Appellate Court in AC-G.R. SP No. 02606, denying due course to the case and dismissing it. The first two cases are consolidated in this Court as G.R. No. 56622 "Director of Lands, et al. v. Court of Appeals, et al." and G.R. No. L-36827 "Director of Forest Administrator, et al. v. Hon. Ramon C. Fernandez, et al." respectively, both being land registration cases in the same province, while the third case, G.R. No. 70076 "Reynalda Espejo, et al. v. Intermediate Appellate Court" is consolidated with G.R. No. L-36827, inasmuch as the former concerns incidents involving the same piece of land, subject of the latter.

The dispositive portion of the decision of the Court of Appeals in CA-G.R. No. 61372-R (Rollo, G.R. No. L-56622, p. 35) reads:

"IN VIEW OF THE FOREGOING CONSIDERATIONS, the appealed judgment, being not contrary to facts and the law applicable, the same is affirmed in toto."

The dispositive portion of respondent court's decision in CA-G.R. No. 43533-R (Rollo, G.R. No. L-36827, p. 38) reads:

"WHEREFORE, the decision appealed from is hereby affirmed, without pronouncement as to costs."

In AC-G.R. SP No. 02606, the dispositive portion of the questioned decision (Rollo, G.R. No. 70076, p. 46) reads:

"WHEREFORE, the petition for certiorari is DENIED due course and the case DISMISSED."

The facts of G.R. No. 56622 are as follows:

Respondents-spouses Gregorio A. Legaspi and Valentina Cervania, filed thru counsel, in the Court of First Instance of Pangasinan, an application dated June 13, 1974 which was amended on December 11, 1974 for the registration and confirmation of title to a parcel of land located in Barrio San Nicolas, Municipality of Anda, Province of Pangasinan, containing an area of 123,991 square meters per Plan Fis-5018-D (Exhibits, p. 4) and declared for taxation purposes in the name of the applicants under Tax Declaration No. 6733, effective 1974 with an assessed value of P13,640.00 under Act No. 496 in relation to Section 48(B) of Commonwealth Act No. 141, docketed as Land Registration Case No. A-321 (Record on Appeal, p. 7). The only oppositors were the Director

of Lands and the Director of Forest Development. The Director of lands opposed the application on the grounds, among others:

"2. That neither the applicant(s) nor his/her/their predecessors-in-interest possess sufficient title to acquire in fee simple of the land or lots applied for, the same not having been acquired by any of the various types of title issued by the Spanish Government, such as (1) 'titulo real' or royal grant; (2) the 'concession special' or judgment title, or adjustment title; (3) the 'titulo de compra' or title by purchase; and (4) the 'informacion posesoria' or possessory information under the Royal Decree February 13, 1894, or any other recognized mode of acquisition on titles over realty under pertinent applicable laws;

"3. That neither the applicant(s) nor his/her/their predecessors-in-interest have been in open, continuous, exclusive and notorious possession and occupation of the land in question for at least thirty (30) years immediately preceding the filing of the present application;

"4. That consequently, the applicant(s) may not avail of the provisions of Section 48 of the Public Land Act, as amended, for failure to fulfill the requisites prescribed therein;

"5. That the aforementioned property(ies) is/are a portion of the public domain belonging to the Republic of the Philippines, not subject to private appropriation" (Record on Appeal, p. 12).

On August 23, 1976, the Court of First Instance of Pangasinan approved the confirmation of applicants' imperfect title over the land subject of registration and declared it registered property of applicants-spouses, the dispositive portion of which reads as follows:

"WHEREFORE, the Court orders confirmation of the applicants' imperfect title over the land subject of registration (plan Fis-5018-D) situated in Barrio Awag, Anda, Pangasinan, containing an area of 123,991 square meters, and the same is declared and registered under Act No. 496 as amended, as the conjugal partnership properties, in fee simple, of the Spouses Gregorio A. Legaspi and Valentina Cervania, both of legal ages, Filipinos, residents of and with postal address at Paco, Obando, Pandacan, Philippines.

"Once this decision has become final, let the corresponding decree of registration be issued."

On September 22, 1976, the oppositors, the Director of Lands and the Director of Forest Development, petitioners herein, moved for the reconsideration of the lower court's decision which was denied by the court a quo for lack of merit in its order of November 3, 1976.

Dissatisfied with the decision of the lower court, the oppositors appealed the decision to respondent Court of Appeals. The appellate court, however, affirmed in toto the appealed judgment in its decision promulgated on March 23, 1981, hence, this petition filed by petitioners, the Director of Lands and the Director of Forest Development in G.R. No. 56622 on June 9, 1981.

On February 1, 1982, the Court resolved to give due course to the petition. The Brief for the Petitioners was filed on January 10, 1983 and the brief for private respondents on February 17, 1983.

In G.R. No. L-36827 and G.R. No. 70076, the facts are as follows:

On August 28, 1943, private respondent Eugenia Soriano de Gomez, represented by her husband Teodoro Y. Gomez, file before the Court of First Instance of Pangasinan an application for the registration of her titles to eleven (11) parcels of land situated in the municipality of Mangatarem, Pangasinan, to wit: Lots 1, 2, 3 and 4 of Plan Psu-24384; and Lots 1, 2, 3, 4, 5 and 6 of Plan Psu-114232, involving more than 2,000 hectares of land which application was amended on October 28, 1943 to reflect the requirements of the Chief Surveyor of the General Land Registration Office.

Aside from the Bureau of Forestry, the Bureau of Lands and the Reforestation Administration, there were about 71 oppositors and about 200 who signified their opposition through their lawyer but failed to file their written oppositions.

The case was dismissed on March 1, 1951 for lack of interest on the part of applicant but was revived more than three years after when applicant thru counsel filed a motion for reconsideration of the order of dismissal and the registration court on July 26, 1954 issued an order setting aside the order of dismissal.

On July 19, 1966, applicant Eugenia Soriano de Gomez died and was substituted by her children.

On January 30, 1968, counsel for applicants and counsel for the private oppositors filed a joint manifestation and motion withdrawing all the private oppositions in the case, manifesting:

- “1. That they realize that they have a common cause against all the government oppositors;
2. That the applicants and the private oppositors have agreed that the applicants would reconvey to the private oppositors the portions respectively claimed by the which may be found within Plan Psu-114232; and
3. That all the private oppositors adopt the evidence presented by the applicant, and subject to the limitations above-stated, all the private oppositors hereby withdraw their respective oppositions in this case, ...” (Record on Appeal, p. 162).

The Director of Forestry opposed the registration of Lot Nos. 1, 2, 3, 4, 5 and 6 (Plan Psu-114232) on the ground that the same are within the public forest belonging to the Republic of the Philippines under the control and administration of the Bureau and that the applicant Eugenia Soriano de Gomez filed in the Bureau an application for registration as private woodland Lots Nos. 1, 2, 3, 4, 5, and 6 of Psu-114232 in 1940 under a possessory information dated April 6, 1895 but upon investigation conducted by said Bureau, it was found that the land has never been brought to a state of cultivation, nor had she and her predecessors-in-interest been in continuous, open, public and peaceful possession of the land and the same was rejected for registration as private woodland in the Bureau of Forestry under Section 1892 of the Revised Administrative Code.

The Director of Lands opposed the registration on the ground that neither the applicant nor her supposed predecessors-in-interest possess any title sufficient to support the registration of seven parcels of land such as appearing in Lot No. 1, Psu-112150, Lot No. 2, Psu-112150, Lot No. 3, Psu-112150, Lot No. 4, Psu-112150, Lot No. 1, Psu-114232, Lot No. 2, Psu-114232 and Plan Psu-24384, applied for. Neither had they applied for nor acquired a title from the Spanish Government equivalent to ownership or composition with the state over the same seven parcels of land nor had they presented with respect to the same, a possessory information (informacion posesoria) as provided for from the Royal Decree of February 13, 1894.

The Reforestation Administration, on the other hand, opposed the registration of Lots 1, 2, 3, 4, 5, and 6 (Plan Psu-114232) on the ground that the same are within the public forest under the control, supervision and administration of the Reforestation Administration, said lots being part of the Reforestation Project known as Manleluag Reforestation Project situated at Mangatarem, Pangasinan.

On December 18, 1968, the registration court rendered its decision on the case. The court a quo dismissed the application with respect to Lots 1, 2, 3 and 4 of Plan Psu-112150 (SWO-17453) and the residential lot described in Plan Psu-24384 but ordered the issuance of the corresponding decree and certificate of title over the portion of the Plan Psu-114232 East of the road in Lot 6 of the same plan, in favor of the applicants after the decision has become final, and the dismissal of the application for the registration of Lots 1, 2, 3, 4, 5 and that portion of Lot 6 West of the red line in the Plan Psu-114232.

The Bureau of Forestry and the Reforestation Administration appealed the decision of the land registration court to respondent Court of Appeals. Respondent appellate court affirmed the decision of the land registration court, hence, this petition.

The instant petition (G.R. No. L-36827) was filed on May 19, 1973.

On November 2, 1973, the Court resolved to give due course to the petition.

The brief for the petitioners was filed on January 18, 1974; the brief for respondent, on March 26, 1974.

On June 7, 1974, the Court resolved to consider the instant case submitted for decision without petitioners' reply brief.

On June 18, 1984, the Court ordered the consolidation of G.R. No. L-56622 with G.R. No. L-36827.

In the meantime, Reynalda G. Espejo, Benita G. Garlitos and Enriqueta G. Oxciano, private respondents in GR. No. L-36827 and petitioners in G.R. No. 70076, filed on July 14, 1981 a complaint for damages against Asterio Saura, private respondent in the latter case and his overseer Pio Saura (later dropped from the complaint upon his death), docketed as Civil Case No. 15716 in the Regional Trial Court of Pangasinan, Branch XXXVIII, praying that a writ of preliminary injunction be issued by the trial court restraining the defendant from utilizing a portion of the land, subject of G.R. No. L-36827, as grazing or pastureland for their cattle.

Plaintiffs alleged in their complaint, among others, that they secured an agricultural loan from the Development Bank of the Philippines in the amount of P140,000.00 for the purpose of developing ipil-ipil plantation on the land and were each given P67,000.00 by the bank as partial release of their loan; that plaintiffs' nephew, Fernando Garlitos, whom they had appointed as administrator and/or overseer of their ipil-ipil plantation started clearing the land in January, 1981 and discovered a fence and about six (6) heads of cattle of defendant Asterio Saura grazing on the area; that upon inquiry from the Bureau of Forestry, plaintiffs obtained the information that defendant Asterio Saura had filed an application for a pasture permit from said bureau but his application had not been acted upon. In April, 1981, petitioners' workers started transplanting ipil-ipil on Lots 10, 11 and 12 but could only cover about twenty (20) hectares, short of the fifty (50) hectares required by the Development Bank of the Philippines, because the herds of cattle belonging to defendant Asterio Saura started to graze on the plantation, destroying in the process the ipil-ipil trees already planted by plaintiffs. Plaintiffs further averred that if the defendant would not be enjoined from grazing their cattle on the land, the former would suffer great and irreparable damage.

In his answer to the complaint, the defendant opposed the grant of the writ, contending that the plaintiffs have no valid, sufficient and subsisting cause of action; that the land in question is a pastureland belonging to the public domain occupied by the defendant for more than thirty (30) years in the course of which they have duly paid the necessary rentals in compliance with rules and regulations governing the matter.

In the resolution dated November 17, 1983, the trial court denied the prayer for the issuance of a writ of preliminary injunction, for lack of basis and likewise denied the motion for reconsideration filed by the plaintiffs.

Dissatisfied with the ruling of the trial court, the plaintiffs filed with the Intermediate Appellate Court a petition for certiorari seeking the reversal of the resolution of the Regional Trial Court of Lingayen, Pangasinan, dated November 17, 1983 and the resolution of January 24, 1984 denying plaintiffs' motion for reconsideration. On October 5, 1984, the appellate court promulgated the questioned decision denying due course to the petition for certiorari. The motion for reconsideration filed on October 28, 1984 was also denied by the appellate court in a resolution dated February 18, 1985 for lack of merit. Thus, this second petition concerning the same piece of land

docketed as G.R. No. 70076.

The instant petition for review on certiorari was filed by petitioners on April 8, 1985. On April 15, 1985, the Court resolved to require the respondents to comment thereon within ten (10) days from notice thereof.

On June 17, 1985, the Court ordered that the instant petition be taken up with G.R. No. 36827.

On June 22, 1987, the Court resolved to give due course to the petition and to require the parties to file their respective memoranda within twenty (20) days from notice.

On September 30, 1987, the Court noted the filing of the memorandum of petitioners and granted the motion of counsel for private respondent for an extension of twenty (20) days from the expiration of the reglementary period within which to file the memorandum. However, there is no record of private respondent having filed the required memorandum.

Petitioners assign the following errors in G.R. No. 56622:

I

RESPONDENT COURT COMMITTED AN ERROR OF LAW IN NOT HOLDING OR DECLARING THAT SUBJECT PROPERTY IS BEYOND THE COMMERCE OF MAN, IT BEING INDUBITABLY TIMBERLAND, IN AFFIRMING IN TOTO THE AFFIRMED DECISION OF THE LOWER COURT.

II

RESPONDENT COURT COMMITTED AN ERROR OF LAW IN HOLDING OR FINDING THAT RESPONDENTS-SPOUSES' POSSESSION OF SUBJECT PROPERTY WAS ADVERSE AND IN THE CONCEPT OF OWNERS THEREOF.

III

RESPONDENT COURT COMMITTED AN ERROR OF LAW IN NOT REVERSING THE APPEALED DECISION OF THE COURT OF FIRST INSTANCE OF PANGASINAN AND DISMISSING THE APPLICATION FOR REGISTRATION AND CONFIRMATION OF TITLE OF RESPONDENTS-SPOUSES.

In G.R. No. L-36827, the errors assigned are as follows:

I

THE COURT OF APPEALS COMMITTED A SERIOUS ERROR OF LAW IN AFFIRMING THE TRIAL COURT'S RULING THAT THERE WAS IDENTITY BETWEEN THE LAND APPLIED FOR AND THE LAND DESCRIBED IN THE INFORMACION POSESORIA TITLE.

II

THE COURT OF APPEALS ERRED IN RULING THAT THE LAND APPLIED FOR BECAME PRIVATE PROPERTY UPON THE ISSUANCE OF THE SPANISH TITLE COUPLED WITH REQUISITE POSSESSION BY THE APPLICANT AND HER PREDECESSOR-IN-INTEREST SINCE 1895 AND CANNOT BE CONVERTED INTO FOREST LAND BY THE ESTABLISHMENT OF THE MANLELUAG REFORESTATION PROJECT AND THE ISSUANCE OF PASTURE PERMITS AND TIMBER LICENSES WITHIN THE SAID LAND.

III

THE COURT OF APPEALS ERRED IN RULING THAT THE APPLICANTS HAD ACQUIRED A REGISTERABLE TITLE PRIOR TO THE ESTABLISHMENT OF THE FOREST RESERVATION.

IV

FINALLY, THE COURT OF APPEALS ERRED IN AFFIRMING THE JUDGMENT A QUO EVEN THOUGH SAID DECISION IS UNCERTAIN AS TO THE AREA OF THE LAND SUBJECT THEREOF.

In G.R. No. 70076, the following issues are raised:

- a) WHETHER OR NOT THE PETITIONERS ARE ENTITLED TO INJUNCTIVE RELIEF; and
- b) WHETHER OR NOT IT IS PROPER FOR A JUDGE OR JUSTICE TO DECIDE A CASE PENDING BEFORE HIM WHEN HE HAD ACTED AS COUNSEL IN ANOTHER CASE INVOLVING THE SAME PARTIES AND THE SAME SUBJECT MATTER.

In both G.R. No L-36827 and G.R. No. L-56622, private respondents filed their applications for the registration of the lands in question under the Torrens System. Petitioners in both cases, namely the Director of Lands, the Director of Forest Administration and the Republic of the Philippines seasonably filed their oppositions thereto, on the ground that the parcels of land, subject matters of the applications are portions of the public domain as forest lands or timber lands and therefore not subject to private appropriations.

I

In G.R. No. 56622, the basis of private respondent Gregorio A. Legaspi's application for the registration of a parcel of land consisting of 123,991 sq. meters, situated in the barrio of San Nicolas, Municipality of Anda, Pangasinan in Plan-Fis-5018-D (Exhibit "B") is his purchase of aforesaid property from Mateo Pablo on June 10, 1965. He alleged that he has been in possession of the same as owner, having paid taxes thereon and has fully developed the property into a fishpond. Legaspi, however, admitted that when he bought the property, he knew that it was covered by a Fishpond Lease Agreement between Mateo Pablo and the Bureau of Fisheries. In fact, he himself had a lease agreement with said Bureau over the same property on May 23, 1963 for ten (10) years.

Thus, the records show that the deed of absolute sale with assumption of mortgage (Exhibit "W") is for the leasehold rights of the Vendor Assignor Mateo Pablo over the same property and not on the ownership of the property itself. Said leasehold rights is evidenced by Fishpond Lease Agreement No. 1473 of the Bureau of Fisheries dated May 23, 1963 which expired on December 23, 1973 (Exhibit "2"). Under its terms and conditions, the lessee shall not transfer or sublet all or any portion of the area therein granted or any right acquired therein without the previous approval of the Lessor (No. 12, Terms and Conditions). In fact, said lease was existing at the time of filing of the application for registration (TSN, May 3, 1976, p. 26).

Furthermore, it appears in the Bureau of Forestry Map LC-681 indicating the Pangasinan projects of the Bureau which was prepared on August 8, 1927 (Exhibit "7") that the land in question is within the timberland Block H, Land Classification Project No. 32 of Anda, Pangasinan.

As testified by Alejandro Jimenez, Forester of the Bureau of Forest Development assigned at Dagupan City, the land was originally a part of the communal forest land of Anda, Pangasinan declared for use of the inhabitants of the municipality for firewood purposes (TSN, June 1, 1976, pp. 2-4) reverted into timberland under Bureau of Forestry Administration Order No. 2-565 dated March 14, 1959 and continued to be timberland as it had not been reclassified into alienable and disposable land (TSN, May 3, 1976, p. 36).

Respondent Gregorio A. Legaspi's claim that subject parcel of land has been released and is within the alienable and disposable area as evidenced by the letter of the Director of Forestry (Exhibit "U") was refuted by the testimony of Deputy Public Land Inspector Antonio Bacala of Land District 1-7 Dagupan City, who admitted that initially he submitted a written report dated June 16, 1975 stating that aforesaid parcel of land was within the alienable and disposable area but upon further verification, he realized his mistake and proceeded to rectify his error by a subsequent letter-report dated August 20, 1975 addressed to his District Land Officer, where he categorically stated that the land applied for had not yet been released as alienable and disposable but still remains within the Timberland area.

In fact, in a letter dated April 5, 1961, eight months before Fishpond Permit No. 5018-D was issued to Mateo Pablo, the Director of Forestry confirmed the fact that the area in question was available for fishpond purposes and that it is located inside Timberland Block H, L.C Project No. 32 of the Municipality of Anda, Pangasinan and is within the territorial jurisdiction of the District Forester of Dagupan City (Exhibit "U").

In addition, Forester Jimenez testified that when the President in 1967 allowed the conversion of such leasehold rights to a title of ownership, private respondents did not apply, thereby giving the implication that they (respondents) preferred to lease the fishponds in question (TSN, Nov. 20, 1975, pp. 9, 11; TSN, May 3, 1976, pp. 37-40; 42).

Later, Section 13 of Presidential Decree No. 43 known as the Fishery Industry Development Decree of 1972 issued on November 9, 1972, prohibited the sale for fishpond, public lands already covered by lease agreements prior thereto. Said prohibition was reiterated on May 16, 1975 under Section 23, P.D. No. 704.

Notably, private respondents filed their application for registration on June 13, 1974, a period already covered by the foregoing prohibition.

Forester Jimenez further confirmed that by his investigations, the land in dispute is an improved fishpond covered by a ten-year lease agreement in the name of private respondents which was transferred from their predecessor Mateo Pablo (TSN, May 3, 1976, pp. 26, 33). Under the circumstances, it is already established that the nature and character of a public land (as fishpond covered by a lease agreement) made in the investigation report of the Bureau of Land is binding on the courts (*Republic v. De Porkan*, 151 SCRA 88 [1987]).

Finally, as observed by respondent court, it is obvious that the application for registration was brought under Section 48(b) of the Public Land Act which requires thirty years adverse possession in the concept of an owner by the applicant and/or his predecessor-in-interest.

Aside from the fact that the only documentary evidence presented by private respondents to prove possession are tax declarations which failed to prove 30 years of continuous possession in the concept of owner, the land subject of registration is forest or timberland which cannot be acquired by prescription (*Bureau of Forestry v. Court of Appeals*, 153 SCRA 351 [1987]). Said parcels of land are not capable of private appropriation and possession thereof, no matter how long cannot ripen into ownership (*Heirs of Amunategui v. Director of Forestry*, 126 SCRA 69 [1983]; *Director of Lands v. Court of Appeals*, 133 SCRA 701 [1984]; *Bureau of Forestry v. Court of Appeals*, 153 SCRA 351 [1987]; *Republic v. Court of Appeals*, 154 SCRA 476 [1987]). Indisputably, forest land cannot be owned by private persons. It is not registerable (*Vallenta v. IAC*, 151 SCRA 679 [1987]). The fact that no trees could be found within the area does not divest the piece of land of its classification as timber or forest land as the classification is descriptive of its legal nature or status and does not have to be descriptive of what the land actually looks like (*Heirs of Amunategui v. Director of Forestry*, *supra*; *Republic v. De Porkan*, *supra*).

II

In GR. No. L-36827, private respondents base their claim over Lots Nos. 1, 2, 3, 4, 5, and 6 (Plan Psu-114232) solely under an informacion posesoria (possessory information) prepared on April 6, 1895 and recorded in the registry of Property on April 17, 1895 (Original Records with Exhibits, p. 347).

The records show, however, that the applicants failed to establish the identity of the land claimed.

Firstly, there is a grave disparity in the boundaries of the land sought to be registered and the lands covered by the possessory information title so that it is evident that the land sought to be registered is very different from the land described in the supposed possessory information title of the applicant.

Secondly, the informacion posesoria speaks of an agricultural land - part riceland, part cornland and part fruit orchard while the land classification map 69, Project 51 of Mangatarem, Pangasinan prepared in 1927 shows that the entire parcel of land subject of this registration case is timber or forest land within the unclassified public forest (Original Record with Exhibits, p. 495). Furthermore, during the ocular inspection of the area on March 16, 1967, Amado Rosario, representative of private respondents, admitted that the land subject of registration is inside the forest zone (TSN, p. 167) which was also the comment made by the Commissioner (TSN, p. 164).

Thirdly, the area covered by the informacion posesoria title has a total area of 1,419 hectares, 70 areas and 110 centares while the area stated in the application for registration has a total of 2,321 hectares, 7 ares, and 28 centares or a difference of almost 1,000 hectares. Thus, under the circumstances, private respondent Jose Gomez' explanation that the discrepancy is due to the fact that there was no actual survey in the informacion posesoria but mere estimates as to the distance between two points (Original Record and Exhibits, p. 342) while the application for registration was based on actual measurements (TSN, Sept. 10, 1963, pp. 100, 152, 153) appears to be unacceptable as observed by this Court under identical circumstances in *Carabot v. Court of Appeals* (145 SCRA 368 [1986]) where the informacion posesoria stated the areas of the parcels of land very specifically up to the last centares, so that an error or discrepancy of 500 hectares shown in a resurvey made years later was considered as not plausible.

Fourthly, private respondent Jose Gomez admitted that there is a discrepancy between tax declaration No. 27848 and plan Psu-114232 prepared in 1941 for Eugenio Soriano Gomez attached to the application for registration (TSN, Sept. 10, 1963 p. 146). More importantly, Psu-114232 does not bear the approval of the Director of Lands. It is already settled that survey plan not approved by the Director of Lands is not admissible in evidence (*Director of Lands v. Carolino*, 140 SCRA 396 [1985]).

Significantly, under Article 393 of the Spanish Mortgage Law, the registered possessory information proceedings do not ripen into ownership except under certain conditions such as: (a) that an applicant has been in open possession of the land; (b) that an application to this effect has been filed after the expiration of twenty (20) years from the date of such registration; (c) that such conversion be announced by means of a proclamation in a proper official bulletin; (d) that there is a court order for the conversion of the registration of possession into a record of ownership; and (e) that the Register of Deeds make the proper record thereof in the Registry (*Querol v. Querol*, 48 Phil. 90; *Fernandez Hermanos v. Director of Lands*, supra; *Director of Lands v. Reyes*, 68 SCRA 137 [1975]).

In the case at bar, none of these requisites have been complied with. Jose Soriano y Ventanilla in whose name the informacion posesoria was issued and from whom private respondents trace their right over the property by inheritance, died in 1910 (TSN, Nov. 20, 1962; p. 4; TSN June 18, 1963; p. 63; TSN, Sept. 10, 1963, p. 105) only fifteen years after the inscription of the titulo de informacion posesoria in the registry of property and therefore could not have converted the same into a record of ownership twenty years after. Furthermore, the Royal Decree

of February 13, 1894 known as the Maura Law, which granted the right to perfect possessory information posesoria title under the law expired one year after its promulgation or on April 17, 1895, the very day the titulo de informacion posesoria was entered in the registry of property. After its expiration, full property rights over the land reverted to the government and the right of the cultivator and possessor to obtain gratuitous title was extinguished (*Baltazar v. Insular Government*, 40 Phil. 267 [1919]; *Director of Lands v. Reyes*, 68 SCRA 177 [1975]). It is, therefore, indisputable that the registration of possession had not been converted into a registration of ownership in accordance with Article 393 of the Spanish Mortgage Law. Consequently, private respondents do not possess a registerable title (*Fernandez Hermanos v. Director of Lands*, supra). As held by this Court, failure to perform all conditions essential to a government grant does not entitle an applicant to confirmation of an imperfect title (*Director of Lands v. Datu*, 115 SCRA 25 [1982]). At most, the titulo de informacion posesoria in the instant case may provide a prima facie evidence of the fact that at the time of its execution the predecessors-in-interest of claimants were in possession of the property covered, which may possibly be converted into ownership by uninterrupted possession for the statutory period (*Baltazar v. Insular Government*, supra; *Republic v. IAC*, 148 SCRA 480 [1987]).

Aside from the fact that such uninterrupted possession for the statutory period required was not successfully established, no possession or claim of ownership on the lands in question can vest title on the private respondents, it being indisputable that they are public lands or parcels of land within the forest zone, not subject to private appropriation.

The whole mass of land being claimed by private respondents, is within the Manleluag Reforestation as appearing in the plan of the Reforestation Administration, showing the relative position of the area claimed in relation to a portion of the Project (Original Record with Exhibits, p. 502) yet, as testified to by Domingo G. Madrid who headed the Project when it was first established in the early part of 1938, neither the original applicant Eugenia Soriano Vda. de Gomez nor her husband when he was still alive in 1938, ever went to his office to complain about the establishment of the Baloloc Subsidiary Nursery in the area. In fact, said witness recalled having had a conversation with Atty. Gomez but the latter never made any mention about claiming an area covered by the Manleluag Reforestation Project (TSN, Sept. 12, 1967, pp. 230-235). The works were undertaken for a period of almost two years without any objection from anyone (TSN, *ibid.*, p. 239). The fact that Amado Rosario, the representative of private respondents during the ocular inspection, admitted knowing about the existence of the Baloloc Subsidiary Nursery in the area having himself worked with the Manleluag Reforestation Project when it was being administered by Domingo Madrid, and even planted some of the seedlings within the area (Ocular Inspection, March 17, 1967, pp. 184-185) raises doubts as to the continuous possession of the land by private respondents' predecessors-in-interest.

Thus, it is axiomatic that forest lands of the public domain cannot be acquired by prescription, its possession however long cannot ripen into private ownership (*Amunategui v. Director of Forestry*, 126 SCRA 69 [1983]; *Bureau of Forestry v. Court of Appeals*, 153 SCRA 351 [1987]; *Republic v. Court of Appeals*, 154 SCRA 476 [1987]). Forest lands cannot be owned by private persons. It is not registerable whether the title is a Spanish title or a torrens title (*Director of Lands v. Court of Appeals*, 133 SCRA 701 [1984]; *Republic v. Court of Appeals*, 135 SCRA 156 [1985]; *Vallanta v. IAC*, 151 SCRA 679 [1987]). A tax declaration secured over a land that is forested does not vest ownership to the declarant (*Republic v. Court of Appeals*, 116 SCRA 505 [1982]).

Finally, Presidential Decree No. 892 discontinued the use of Spanish title since 1976 as evidence in land registration proceedings (*Director of Lands v. Rivas*, 141 SCRA 329 [1986]). Private respondents have no registerable right over the whole lot described in Plan Psu-114232.

III

As the claim in G.R. NO. 70076 is for the issuance of a writ of preliminary mandatory injunction involving the same piece of land applied for registration in G.R. No. L-36827, necessarily the merit of G.R. No. 70076 is dependent of the merits of G.R. No. L-36827.

Two requisites are necessary for the issuance of an injunction, namely: (1) the existence of the right to be protected and (2) that the facts against which the injunction is to be directed are violative of said right (*Buayan Cattle Co., Inc. v. Quintillan*, 128 SCRA 276 [1984]; *Ortigas & Co. Ltd. Partnership v. Ruiz*, 148 SCRA 326 [1987]). It will not issue to protect a right not in esse or which may never arise (*Buayan Cattle Co., Inc. v. Quintillan*, supra; *Rosauro v. Cuneta*, 151 SCRA 570 [1987]).

The party applying for preliminary injunction must show that (a) the invasion of the right sought to be protected is material and substantial; (b) the right of complainant is clear and unmistakable; and (c) there is an urgent and permanent necessity for the writ to prevent serious damage (*Rivera v. Florenco*, 144 SCRA 643 [1986]; *Phil. Virginia Tobacco v. de los Angeles*, 164 SCRA 543 [1988]). It having been established that the land in dispute is part of the public forest and therefore non-registerable, it is obvious that the right of the petitioners to said land would not be any better than the right asserted by private respondent. Under the circumstances, the criteria for the issuance of the preliminary injunction have not been satisfied and therefore not justified.

In resume, the lands involved in G.R. Nos. L-56622 and L-36827 have been indisputably established as forest lands and therefore not subject to private appropriation, while in G.R. No. 70076 the petitioners therein and private respondents in L-36827 having no clear title to the land in dispute, are accordingly not entitled to the preliminary mandatory injunction prayed for.

WHEREFORE, judgment is hereby rendered, as follows:

- (1) the petitions in G.R. No. L-56622 and G.R. No. L-36827 is Granted and the appealed decision is Reversed and Set Aside;
- (2) the decision of the Court of Appeals in CA-G.R. No. L-61372-R is Reversed and the decision in CA-GR. No. L-43533-R is Modified to include the dismissal of the whole Lot 6 of the Plan Psu-114232; and
- (3) the petition in G.R. No. 70076 is Dismissed for lack of merit.

SO ORDERED.

Fernan, C.J., (Chairman), and Medialdea, JJ., concur.

Gutierrez, Jr., no part as I was Solicitor General earlier in this case.

Feliciano, J., on leave.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.