

MARIANO L. DE LA ROSA, APPLICANT AND APPELLANT, VS. THE DIRECTOR OF LANDS, THE DIRECTOR OF PUBLIC WORKS AND JOAQUIN PANIMDIM, OPPOSITORS AND APPELLEES.*G.R. No. L-6311. February 28, 1955*

Ponente: PADILLA, J.

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Mariano L. de la Rosa applied for registration under the Land Registration Act of six parcels of land situated in the barrio of Caranan, municipality of Pasacao, Province of Camarines Sur, more particularly described and delimited in the technical description and plan attached to the application. Later on his application as to Lot No. 1 was withdrawn because its registration had previously been decreed in his favor in Land Registration Case No. 295, G.L.R.O. Record No. 30055. The other lots are Nos. 2, 3, 4, 5 and 7. Opposition to the registration of Lot No. 4 was filed by the Director of Lands and Joaquin Panimdim, and of Lots Nos. 2, 3, 5 and 7 by the Director of Public Works unless a public easement of three (3) meters in width along the rivers be recognized by the applicant. The Director of Public Works prays that the registration of parts of the lots subject to such easement be denied. Twice the applicant amended his application, the first on 15 January 1949 to exclude therefrom Lot No. 1 because, as already stated, it had been decreed in the previous registration case; and second on 8 September 1949 when the applicant prayed that if he should fail to present sufficient evidence of ownership or title to the lots applied for, under the provisions of section 37, Act No. 496, he would avail himself of the statutory provisions of section 38, Com. Act No. 141, as amended by Rep. Act No. 107. At the preliminary hearing held on 15 September 1949 the applicant recognized an easement for navigation covering three (3) meters in width along the bank of Napaluan River bordering Lots Nos. 2, 4 and 5 and along the bank of Carangan River bordering Lot No. 7. After hearing the Court, dismissed the application as to Lot No. 4 on the ground that the same had been previously determined in another case between the same parties (Land Registration Case No. 295, G.L.R.O. Record No. 30055).

The trial court made the following findings and pronouncements:

The record discloses that the corresponding notice of hearing was published, posted and served in accordance with law. At the initial hearing held on August 15, 1949, the above-named oppositors thru their respective counsel appeared. The Provincial Fiscal, in behalf of the Director of Lands, reiterated the latter's written opposition which was previously filed on April 12, 1949, while Joaquin Panimdim and the Director of Public Works filed their formal oppositions on August 22, 1949, and September 2, 1949, respectively. The written opposition of the Director of Lands is in substance based on the ground that the lot in question is a part of the public domain Joaquin Panimdim, as holder of Free Patent Application No. 30406, raised the defense of res-adjudicata, alleging that this lot was once the subject-matter of a prior registration proceeding filed by the same applicant and opposed by the same oppositors, and that after due hearing said lot was declared public land by this Court in a decision which was subsequently confirmed by the Court of Appeals. At the final hearing the Provincial Fiscal, in behalf of the Director of Lands, joined Joaquin Panimdim in raising this defense. The Director of Public Works claims an easement for navigation consisting of a zone three meters

wide along the bank of the Napalauan River.

The evidence presented by the applicant tends to establish that he acquired this lot by inheritance from his deceased father, Ignacio de la Rosa, in the deed of distribution dated January 23, 1924, and marked Exh. B-195. This lot forms a part of the parcel described under the letters "hh" on page 5 of Exh. B-195. Ignacio de la Rosa in turn acquired it by purchase from several individuals, and later on he applied from the then corresponding authorities for a possessory information title (Exh. C-195) wherein this lot is described as parcel No. 2. Evidence was also presented to prove that except a portion of about two hectares' possessed by Joaquin Panimdim, the applicant has been in possession of this lot since 1924 until the present time; that his father Ignacio de la Rosa had also possessed it since 1890 until 1924; and that their combined possession has been public, peaceful, uninterrupted, adverse against the whole world, and in the concept of owner.

On the other hand, Joaquin Panimdim adduced evidence to prove that the portion covered by his opposition was applied for by him under Free Patent Application No. 30406; that the herein applicant filed an opposition against this free patent application; and that after due hearing the Director of Lands dismissed the opposition of the applicant and awarded to him (Joaquin Panimdim) the land covered by his application in a decision dated December 19, 1947, an official copy of which is Exh. 1-Panimdim. In addition, he presented as part of his evidence a copy of the decision of the Court of Appeals in CA-G. R. No. 3772 (Exh. 3-Panimdim), confirming a decision of the Court of First Instance of Camarines Sur which declared this lot No. 4 public land. On his part, the Provincial Fiscal presented in support of the defense of res-adjudicata the decision of this Court in Land Registration Case No. 295, G.L.R.O. Record No. 30055 (Exh. 1-Director of Lands) and, the decision of the Court of Appeals in the aforesaid CA-G. R. No. 3772 (Exh. 2-Director of Lands) confirming the decision of the Court in the said Land Registration Case No. 295.

There is no dispute that Lot No. 4, jointly with other parcels of land, was the subject-matter of Land Registration Case. No. 295, in which the herein applicant was also the applicant, and in which the Director of Lands' and Joaquin Panimdim, the oppositors in the instant case, were also the oppositors. The applicant unhesitatingly admitted this identity of subject-matter and parties on the witness-stand. It is likewise not disputed that after due hearing this Court, then presided by Judge Eulalio Garcia, declared Lot No. 4 public land in its decision dated April 30, 1938 (Exh. 1-Director of Lands). And lastly, it is undisputed that the applicant in the said case appealed from this decision to the Court of Appeals, and that this appellate tribunal affirmed the decision appealed from in a decision promulgated on December 28, 1940 (Exh. 2-Director of Lands).

There is, therefore, a previous question to be decided before passing upon the evidence of the applicant regarding his alleged ownership and possession. This question is: Is the defense of res adjudicata interposed by Joaquin Panimdim and by the Director of Lands well taken?

* * *

Neither the herein applicant, nor any of the oppositors has presented in evidence a copy of the application for registration of Land Registration No. 295. Happily, the complete record of this case of which this Court can take judicial notice is still intact in the files of this Court. A perusal thereof discloses that the applicant, under paragraph 9 of his application, alleged the following:

"(9) Should the Land Registration Act invoked be not applicable to the case, I hereby apply for the benefits of Chapter VIII of Act 2874, as I have been in possession of the lands since 30 years, applying them to the cultivation of * * *

Under this application the applicant presented evidence in support of his, alleged possession and title. This appears from the aforesaid decision of this Court (Exh. 1-Director of Lands) in which the following pertinent paragraphs are found:

'Al paso que los opositores Fulgencio Minalabag y Joaquin Pannimdim que reclaman porciones separadas de dicho terreno, situados dentro del Lote No. 4 del referido piano Exhibit 'A', y señaladas con las letras (a) y (b), respectivamente, en el croquis que aparece al respaldo del Exhibit 10-Panimdim-Minalabag, han probado satisfactoriamente que la porcion (a) fue anteriormente poseida por Lorenzo Panimdim desde el año 1898 y la porcion (b) fue adquirida por Minalabag por compra en parte de Benito Asia y en parte de Petra B. de Tioson (Exhs. 4 y 5-Minalabag), quienes por si o por medio de sus causantes, la poseyeron desde aproximadamente el fenecimiento del Gobierno Espanol. Segun las pruebas, ni el solicitante De la Rosa ni sus supuestos causantes, ni los solicitantes Trivino, han estado jamas en posesion de los lotes Nos. 2, 3, 4, 5 y 7, del piano Exh. 'A', no constituyendo prueba en contrario el haberlos amillarado De la Rosa juntamente con los Lotes Nos. 1 y 6 del mismo piano, a su nombre, bajo el numero de impuesto 2987.

"El solicitante De la Rosa, en su informs hace mencion de un documento marcado como Exhibit 'D' que dice ser titulo obtenido de la Junta Provincial de Composicion de Terrenos, a nombre de su causante, Ignacio de la Rosa, acreditativo del derecho de propiedad de esta sobre los referidos lotes Nos. 2, 3, 4, 5 y 7, del piano Exhibit 'A'. El Juzgado ha examinado todos los documentos exhibidos en esta causa y hace constar que no aparece el supuesto titulo Exhibit 'D' ".

Reviewed on appeal, the appellate Court, passing on this point made the following findings:

"La apelacion interpuesta por el solicitante Mariano de la Rosa en el expediente No. 3772 de este Tribunal no puede prosperar por varias razones:

"(a) Contra la pretension del apelante De la Rosa de que los lotes a que se contrae su apelacion son parte integrante de la segunda parcela descrita en el Exhibit O' en su folio l.o vuelto, limita la descripcion del terreno integrado por la contiguidad de dichos lotes, segun aparece en el piano Exhibit A. Dicho terreno linda por el Este con el rio Caranan, por el Sur con el golfo de Ragay y por el Oeste con el rio Napalauan, siendo su limite por el Norte otra porcion del Lote No. 1 de dicho piano. Pero el Exhibit O describe un predio que linda por el Norte con el de Don Vicente Castillo, por el Este con seno de Ragay por el Sur con monte del Estado y por el Oeste con propiedad de Simon Miranda. Basta una confrontation de estas parcelas para llegar a la conclusion de que las mismas son diferentes.

"(b) Los linderos que aparecen en el piano Exhibit A son naturales y no se concibe como en los documentos presentados por el solicitante-apelante tales limites que por su naturaleza son notorio e inconfundibles no hayan sido expresamente mencionados;

"(c) Para que una solicitud de registro pudiera ser considerada favorablemente es necesario que el peticionario identifique la finca y acredite debidamente su propiedad sobre ella. Este no es el caso en lo que a la parte afectada por la apelacion se refiere;

"(d) 'Cuando el padre y causante del apelante, D. Ignacio de la Rosa, dispuso que sus terrenos fueran medidos el 1.o de junio de 1891, segun aparece en el piano topografico en tela que obra en autos marcado Exh. P preparado por el perito practico Juan Casanovas, no incluyo ni hizo que se incluyera el terreno objeto de apelacion, lo cual indica que el mismo no se hallaba en posesion de el cuando presento la solicitud para la obtención del titulo de. composicion con el Estado a que mas arriba se alude;

"(e) No existen en autos pruebas positivas de posesion por parte del apelante o de su causante sobre los lotes arriba aludidos, no siendo bastante para ello la exhibicion del documento Ex. O."

It is clear from the above-quoted portions of both decisions that the applicant adduced in the present case the same nature and kind of evidence that he presented in the former case. Exhibit "O" mentioned in both decisions (erroneously marked as Exhibit D in the aforesaid decision of this Court) which was the basis of the applicant's alleged title in the former case is Exhibit C-195 in the present case. 'It is also apparent that the applicant's

evidence regarding his alleged possession in the present case is the same evidence that he adduced in the former case. This matter had, therefore, been already adjudged in the former judgment and accordingly as far as the same is concerned, there is already conclusiveness of the former judgment.

The first application under Land Registration Case No. 295 having been filed under the provisions of Chapter VIII of Act 2874, now Chapter VII of Commonwealth Act 141, it is apparent that the defense of res-adjudicata and conclusiveness of judgment is well-taken. There is identity of parties in that case and in the present, because the applicant and the principal oppositors in both cases are the same * * *. There is identity of things, because Lot No. A which is the subject-matter in Land Registration Case No. 295 is also the subject-matter in the present application for registration. And there is identity of questions involved, because the issue in both cases is the same, namely: (That the land (Lot No. 4) belongs to the public domain. There is, therefore, a perfect identity of parties, of things and of questions involved; and as the decision in the first case is now final and conclusive, and there having been a trial on the merits in the said case, and there being furthermore no question as to the jurisdiction of the Court that tried it, the defence of res-adjudicata is indeed well taken (Aquino vs. Director of Lands, 39 Phil. 850).

From the quoted parts of the decision under review it appears that the provincial fiscal joined opponent Joaquin Panimdim' in pleading or setting up the defense of res judicata. It is not an error for the trial court to take judicial notice of its own record (Land Registration Case No. 295, G.L.R.O. Record No. 30055) because, aside from the fact that the applicant made reference to it in the first amendment to his application, he mentioned it in his testimony at the hearing of this case (pp. 8, 11, 16, t.s.n.). The applicant testifies that the evidence presented by him in the previous application is "practically the same" as that presented in this case; that he applied for the benefits of the Public Land Act in a printed form application; that the land registration court declared Lot No. 4 to be part of the public domain (pp. 17, 18, t.s.n.) ; and that the decision of the trial court (Exhibit 1-Director of Lands) was affirmed by the Court of Appeals (Exhibit 2-Director of Lands) (pp. 18, 19, t.s.n.).

The appellant advances the proposition, as intimated in the second amendment to his application dated 8 September 1949, that in the first application (Land Registration Case No. 295, G.L.R.O. Record No. 30055), he applied only for confirmation of his imperfect title, meaning his alleged possessory information title, but in paragraph 9 of the application in the previous land registration case the applicant invoked the benefits of Chapter VIII of Act No. 2874, the Public Land Law then in force, and as the decision of the court discloses, the applicant presented evidence of his possession of the land and that of his predecessor-in-interest, the latter's possession from 1896 to 1924-and the former's from 1924 to the date of the application. Notwithstanding that testimony on possession, the court declared Lot No. 4 as part of the public domain. In the previous case the applicant made mention of a title to the lands sought to be registered claimed to have been secured by his late father Ignacio de la Rosa, his predecessor-in-interest, from the Junta Provincial de Composition de Terrenos, but the court found that there was no such document presented. In this connection it should be noted that if the applicant meant a composition con el Estado title which was issued by the chief of the province in his capacity as deputy of the Director General de Administration Civil in accordance with the provisions of the Royal Decree of 31 August 1888, published in the Gaceta de Manila on 1 November 1888, the issuance of such title has no foundation in law and in fact, because all public lands in the Philippines (crown lands or baldios y realengos) which were subject to adjustment with the Government pursuant to the provisions of the rules of 25 June 1880 were divided into two groups: the first, to include all those lands which were bounded at any other public lands and those which although bounded on all sides by privately owned lands contained an area in excess of 30 hectares; and the second, to include all lands containing not more than 30 hectares and bounded on all sides by privately owned lands.[1] The adjustment or composition of public lands under the first group was to continue as provided for in the rules of 25 June 1880, or with the intervention of the Inspector General de Montes under the supervision of the Director General de Administration Civil.[2] That adjustment of public lands under the second group was

delegated to a provincial board and the issuance of the title to the applicant after complying with the procedure outline in the said royal decree and approval thereof, was made by the chief of the province in his capacity as deputy of the Director General de Administration Civil.[3] Going over the technical description of lots Nos. 2, 3, 4, 5 and 7 of the application, we find that they are adjoining one another and the total area is very much in excess of 30 hectares.

The parcel of land (Lot No. 4) sought to be registered being the same lot already declared public land in Land Registration Case No. 295, G. L. R. O. No. 30055 where the herein appellant and the Director of Lands were parties and the applicant therein failed to establish title secured from the Spanish Government or possession of the land in accordance with the Public Land Act then in force, the decision in the former case declaring lot No. 4 as part of the public domain must be deemed *res judicata*.

The judgment appealed from being in accordance with law is affirmed, with costs against the appellant.

Paras, C.J., Pablo, Bengzon, Jugo, Bautista Angelo, and Labrador, JJ., concur.

Judgment affirmed.

[1] Article 1, Royal Decree of 31 August 1888.

[2] Article 2, same royal decree.

[3] Article 10, same royal decree.

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