

APRONIANO CANO, INOCENTE CANO, ANTERO CANO TELESFORO CANO, CAMILA CANO, HEIRS OF EUSEBIO CANO, NAMELY, JUAN CANO, NEMINISIO CANO, DESIDERIO CANO, SEGUNDINO CANO, PONCIANO CANO, ...

G.R. No. L-28172. February 29, 1972

Ponente: CONCEPCION, C.J.

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CONCEPCION, C.J.:

Appeal from a decision of the Court of Appeals affirming that of the Court of First Instance of Bohol.

In this action, initiated on March 18, 1946, Sofronio Camacho, the original plaintiff therein, seeks to establish his title to a parcel of land, of about 72 hectares, described in the complaint as Lot I-B of Cadastral Case No. 15, G.L.R.O. Record No. 1469 of Kauswagan, Municipality of Balilihan, Bohol, as well as to recover damages from the original defendants – Mamerto Sanchez, Aproniano Cano and Serapio Cano – who had allegedly usurped portions of said Lot and refused to vacate the same, despite repeated demands. Having died during the pendency of the case, Sofronio Camacho was substituted, as plaintiff, by his widow Juana Sanchez de Camacho and their children.[1] In their amended complaint, plaintiffs prayed, also, that the defendants be sentenced to vacate the portions respectively held by them and to restore the possession thereof to the plaintiffs. Serapio Cano was, similarly, substituted, as one of the defendants herein, by his heirs.[2] In their respective answers, the defendants claimed title, by acquisitive prescription, to the portions occupied by them.

On March 31, 1948, Rosario Cañas filed a complaint in intervention, which was amended several times, owing to the death of the principal parties, including Rosario Cañas, who, accordingly, was substituted by her children by two (2) marriages.[3] Rosario Cañas and her heirs claimed title to a portion of Lot I-B, of about 47 hectares, under a deed of sale executed by Jesus Vaño in favor of Rosario Cañas on October 3, 1935.

Owing to the number of parties involved, who claimed different portions of Lot I-B, on December 16, 1949, His Honor, the trial Judge appointed commissioners to appraise the value of the improvements in said lot and report their findings, with a sketch indicating the nature and extent of the portion held by each claimant. Thereafter the commissioners submitted their report, Exhibit X, with a sketch Exhibit Y, according to which the portions held by the defendants and the areas thereof were as follows:

"Portion A – Mamerto Sanchez 27.18.00 has.

"Portion B – Antero Cano 2.59.50 "

"Portion C – Telesforo Cano 3.93.75 "

"Portion D – Aproniano Cano 4.14.00"

"Portion E – Dalmacio Uno 6.67.00 “

"Portion F – Serapio Cano 7.30.07 "

"Portion G – Eusebio Cano 11.53.44 "

"Portion H – Camila Cano 3.64.00"

"Portion I - Inocente Cano 4.97.50 ""

After appropriate proceedings, the Court of First Instance of Bohol rendered a decision, finding that Lot 1-B had been adjudicated to Jesus Vaño in the cadastral proceeding; that the decision therein rendered on September 30, 1935 is binding upon the defendants-appellants, who had acquired no title by prescription; that the title of Jesus Vaño to said lot had passed to Sofronio Camacho in consequence of a deed of sale, in his favor, executed by the former's only son, Irineo Vaño, on March 12, 1946; that, accordingly, the defendants should vacate the land in question, so that the heirs of Sofronio Camacho could take possession thereof; that Jesus Vaño having, on October 3, 1935, sold to Rosario Cañas a portion of said lot, with an area of 47 hectares – represented by portions B, C, D, E, G, H and I of the sketch Exhibit Y – the same should be turned over by the heirs of Sofronio Camacho to the heirs of Rosario Cañas; that the defendants are not entitled to recover the value of the improvements introduced by them after September 30, 1935, because they were then possessors in bad faith; and that neither should they recover the value of the improvements introduced by them prior thereto, worth P64.75, for the same should be deemed (in effect) compensated by the damages suffered by the plaintiffs and the intervenors. The dispositive part of said decision reads:

"PREMISES CONSIDERED, the Court renders judgment declaring plaintiffs owners of Lot No. I-B, particularly Portions A, B, C, D, E, F, G, H and I of the sketch (Exhibit Y) which form part of the said Lot I-B. They are likewise declared owners of all improvements existing thereon. Defendants are hereby ordered to vacate the portions occupied by them and to deliver said portions to plaintiffs.

"Pursuant to the intervention complaint filed by intervenors, who are the successors-in-interest of the original intervenor Rosario Cañas, the Court orders the plaintiffs to execute a public instrument reconveying to the intervenors portions B, C, D, E, G, H and I of the sketch Exhibit Y, with all the improvements.

"This judgment is rendered without special pronouncement as to costs."

On appeal taken by the defendants, this decision was affirmed by the Court of Appeals. Hence, the present petition for review on certiorari of said defendants, as petitioners herein, against aforementioned plaintiffs and the intervenors, as respondents herein. In their brief, as petitioners herein, appellants maintain, that the Court of Appeals had erred "in sustaining the view of the lower court that the land in question can not be acquired by prescription"; in "not holding that petitioners have acquired the land by prescription"; and "in not deciding the case in favor of the herein petitioners."

It appears that in Cadastral Case No. 15, G. L. R. O. Record No. 1469, decision was rendered on September 30, 1935 by the Court of First Instance of Bohol, adjudicating the aforementioned Lot I-B of the cadastral survey of Kauswagan, to Jesus Vaño. Although said decision has long become final, no decree in his favor has, as yet, been issued, the amended plan required therefor by the Chief Surveyor of the then General Land Registration Office not having so far been filed. Upon the death of Jesus Vaño, or on March 12, 1946, his only son, Irineo Vaño, sold the property to the original plaintiff, Sofronio T. Camacho. Soon after, or on March 18, 1946, the complaint in the case at bar was filed. Over ten (10) years before, or on October 3, 1935, a portion of about 47 hectares of said property had been sold by Jesus Vaño himself to Rosario Cañas, who, accordingly, intervened in this case.

The record further shows that in 1920, Mamerto Sanchez had filed a homestead application for a public land; that, purporting to act in pursuance of said application, he took possession of portion A of Lot I-B, which portion has

an area of 27.18 hectares; and that he remained in possession thereof despite the disapproval of said application by the Bureau of Lands on April 3, 1936.

Upon the other hand, in 1928, Serapio Cano occupied a portion of Lot I-B of about 27.45 hectares – consisting of portions F, G, H and I of the sketch Exhibit Y – although his application for a homestead patent was for 24 hectares only: The area held by him was later reduced, however, to a little over 7 hectares only, he having allowed his co-defendants Camila, Eusebio and Inocente Cano, to cultivate portions G, H and I, respectively. Said homestead application was rejected by the Director of Lands.

There was, also, evidence to the effect that portions B, C, D, E and G of said sketch Exhibit Y were formerly included in a homestead application of one Santiago Rubin who transferred his interest in portions B, C, D and E to Antero Cano, Telesforo Cano, Aproniano Cano and Dalmacio Unod, respectively, and in portion G to Aproniano Cano and Eusebio Cano, now deceased and represented by his heirs; and that these defendants have been holding, since 1932, the portions thus transferred to them.

Considering that these facts are not contested, apart from being "final" in the present appeal on certiorari, We find the same to be devoid of merit.

Indeed, settled is the rule that a cadastral case is a proceeding in rem, which, as such, binds the whole world.[4] Some of the appellants herein[5] claim to have taken possession in 1920 of the portions held by them, whereas other appellants[6] maintain that their possession had begun in 1928. The decision, rendered on September 30, 1935, adjudicating Lot I-B to Jesus Vaño is deemed to have settled the status of said lot as of that date, and, hence, all rights, interests or claims prior thereto, including, therefore, those of appellants herein. Although the title of Jesus Vaño over said Lot I-B is not as yet indefeasible, no decree having been issued in his favor, all rights, interests or claims existing before said date are deemed barred by said decision, under the principle of res adjudicata, once the decision has become final, upon expiration of the thirty-day period to appeal therefrom.[7] Appellants herein have not alleged any reason why they failed to assert, in said cadastral proceedings, their alleged rights, interests or claims in and to Lot I-B, or to either appeal from the decision therein rendered on September 30, 1935 or cause the same to be reviewed, set aside or annulled. Even if, before said date, they had acquired title by prescription, the same should be deemed to have lost its efficacy upon expiration of the period to appeal from said decision.

Moreover, they could not claim to have obtained title by prescription, inasmuch as the homestead applications filed by them necessarily implied an admission that the portions applied for are part of the public domain, which cannot be acquired by prescription,[8] unless the law expressly permits it. In this connection, appellants can not avail of the benefits of either section 45(b) of Act No. 2874[9] or section 48(b) of Commonwealth Act No. 141[10] for both required possession since July 26, 1894. Besides, the institution of said cadastral proceeding or, at least, the publication of the notice therein issued, had the effect of suspending the running of the prescriptive period.[11]

WHEREFORE , the decision appealed from should be, as it is hereby affirmed, with costs against the appellants.

SO ORDERED.

Reyes, J.B.L., Makalintal, Zaldivar, Castro, Fernando, Teehankee, Barredo, Villamor, and Makasiar, JJ., concur.

[1] Maria Estela C. Manligues, Mardonia S. Camacho, Eustolia C. Maramara, Sofronio S. Camacho, Estanislao S. Camacho, Mercedes S. Camacho, Hermogenes C. Fuentes, Fernando S. Camacho and Nino S. Camacho.

[2] Basilio, Emilio, Maximo, Fernando, Agapita, Narcisa, Eleuteria, Alberto, Inocente, Antero, Telesforo and Camila, all surnamed Cano, and the heirs of Eusebio Cano, namely, Juan, Neminisio, Segundino, Ponciano, Gabina, Consorcia, Ignacio and Segundo, all surnamed Cano, as well as Dalmacio Unod.

[3] Fe, Teresita, Cecilia, Norma and Remedios Milan and Rosario and Bernardita Tenaco.

[4] Director of Lands vs. Roman Archbishop of Manila, 41 Phil. 120. See, also, Roxas vs. Enriquez, 29 Phil. 31; Aguilar vs. Cavagdan, 105 Phil. 661; Baldoz vs. Papa, L-18150, July 30, 1965.

[5] Those deriving their title from Mamerto Sanchez.

[6] Those deriving their interest from Serapio and Aproniano Cano.

[7] Lopez Castelo vs. Director of Lands, 48 Phil. 589.

[8] Ongsiaco vs. Magsilang, 50 Phil. 380, 386; Li Seng Giap & Co. vs. Director of Lands, 59 Phil. 687.

[9] The former Public Land Act.

[10] The Present Public Land Law.

[11] Art. 1123 of our Civil Code.

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