

REPUBLIC OF THE PHILIPPINES, PLAINTIFF-APPELLEE VS. RAMONA RUIZ, DOMINGO PINTO, BONIFACIO PINTO, VICTORIA PINTO, MARIA PINTO, ET AL., DEFENDANTS-APPELLANTS.

G.R. No. L-23712. April 29, 1968

Ponente: REYES, J.B.L., Acting C.J.

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REYES, J.B.L., Acting C.J.:

This is an appeal from the decision of the Court of First Instance of Isabela (in its Civil Case No. Br. II- -419), ordering the cancellation of Original Certificate of Title No. 1-1600, substituted by Transfer Certificate of Title No. T-7196, issued in the names of therein defendants heirs Of Cayetano Pinto, and declaring the reversion to the State of the land covered thereof.

During the hearing of the case in the lower court, the parties submitted the following stipulation of facts:

“1. That the plaintiff (Republic of the Philippines) instituted the present action filed with the Court on October 12, 1958 for the reversion of the entire land containing an area of 23 hectares, 97 acres and 57 centares, covered by Homestead Patent No. 22711, granted on June 13, 1933 corresponding to Original Certificate of Title No. 1-1600, issued on July 7, 1933 as per Annex T of the Complaint in the name of Cayetano Pinto, who died in 1945;

“2. That on May 28, 1937 the registered owner, Cayetano Pinto, married to Ramona Ruiz, sold a portion of 3 hectares of land covered by Original Certificate of Title No. 1-1600 in favor of Jacobo Pinto, married to Herminia Tinonas, for the sum of of P500.00 as per Annex ‘3’ of the Complaint;

“3. That the Deed of Sale executed by the deceased Cayetano Pinto in favor of Jacobo Pinto who died sometime in 1950, was never registered in the Office of the Register of Deeds of Isabela, nor annotated at the back of the Original Certificate of Title No. 1-1600, as could be verified in Annex ‘1’ of the Complaint;

“4. That Ramona Ruiz and her children executed an extra-judicial partition of the entire land on October 12, 1951 which was registered on February 2, 1956, reason for the issuance of Transfer Certificate of Title No. T-7196, as per Annex ‘2’ of the Complaint;

“5. That on June 29, 1956, the widow Herminia Tinonas and heirs of the late Jacobo Pinto filed an action against the widow Ramona Ruiz and heirs of the late Cayetano Pinto for the conveyance of the portion of 3 hectares, sold and conveyed by the late Cayetano Pinto in favor of the late Jacobo Pinto on May 28, 1937, which case was docketed in the Court of First Instance of Isabela (Second Branch) as Civil Case No. Br. II-90;

“6. That on August 5, 1958 the Court of First Instance of Isabela, Second Branch, rendered a decision Annex ‘4’ of the Complaint, declaring that the Deed of Sale executed by the deceased Cayetano Pinto in favor of the deceased Jacobo Pinto (Annex 3) null and void ab initio, for being in violation of Section 116 of the Public Land Law and dismissed the complaint with costs against the plaintiffs;

“7. That from the decision of the Court of First Instance of Isabela, Second Branch, mentioned in the next preceding paragraph, the plaintiffs appealed to the Supreme Court on September 4, 1958, which appeal was

dismissed on November 6, 1959, thereby terminating Civil Case No. Br. II-90 of the Second Branch of the Court of First Instance of Isabela, whereby the appealed decision became final and executory;

"8. That before the appeal of the plaintiffs in Civil Case No. Br. 11-90 has been perfected and the record elevated to the Supreme Court, the plaintiffs in the above-entitled case filed the instant action against the widow and heirs of the late Cayetano Pinto, namely: Ramona Ruiz, Domingo Pinto, Bonifacio Pinto, Victoria Pinto, Maria Pinto, Rufina Pinto, Jesusa Pinto and Teodoro Pinto on October 12, 1958 for cancellation of the Original Certificate of Title No. 1-1600 and Transfer Certificate of Title No. T-7196 and the reversion of the land covered by the said titles to the State; and

"9. That on April 23, 1956, the registered owners in Transfer Certificate of Title No. T-7196 mortgaged the entire parcel of land covered therein to the Philippine National Bank, Santiago Branch, to secure a loan of P4,000.00 and the mortgaged instrument was registered in the Office of the Register of Deeds of Isabela and annotated at the back of the Transfer Certificate of Title No. T-7196, on April 24, 1956, as per Annex 2 of the Complaint."

Based upon the foregoing stipulation, the court ruled that the execution by the homesteader Cayetano Pinto of the document, Exhibit "C", within the prohibited 5 year period from the issuance of the patent, being in violation of Section 118 of Commonwealth Act 141, produced the effect of annulling and cancelling the said patent and thus caused the reversion to the State of the property thereby covered. Defendants interposed the present appeal, raising as main issue the alleged lack of cause of action of the complaint. It is now claimed that (1) the document, Exhibit C, executed by Cayetano Pinto was not a consummated contract of sale, but a mere unilateral promise to sell without consideration and, consequently, was unenforceable and without effect; (2) assuming the contract to be one of sale within the prohibited 5-year period and, therefore, null and void, then under Article 1409 of the Civil Code, said contract is inexistent and without effect and Cayetano Pinto can not be considered to have committed any violation of the Public Land law at all; (3) to order the reversion of the land to the government would render nugatory the policy of the State to promote the spread of small land-ownership and preserve land grants in the hands of the underprivileged; (4) the violation of Commonwealth Act 141 by Cayetano Pinto, if there was any, can not affect the rights of his heirs, particularly of his widow, who allegedly owned 1/2 of the land; (5) the Original Certificate of Title No. 1-1600 in the name of Cayetano Pinto having been cancelled and substituted by Transfer Certificate of Title No. T-7196, issued in the names of his widow and heirs of February 2, 1956, to order their cancellation and the reversion of the property to the government would be contrary to the principle underlying the Torrens System and (6) the prohibition under Section 118 of Commonwealth Act 141 contemplates of the alienation or encumbrance of the entire land grant and not merely of a portion thereof like the one in the present case.

There is no merit to this appeal.

Appellants cannot be heard to question the nature of the document, Exhibit "C", executed by their predecessor-in-interest. It appears on record that in their motion to dismiss the complaint filed in the court below, appellants, as therein defendants, averred among others: "While it is true as alleged in the complaint that on May 28, 1937, the late Cayetano Pinto executed an absolute deed of sale over a portion of three hectares, of the parcel of land covered by Original Certificate of Title No. 1-1600, in favor of one Jacobo Pinto ..." (p. 51, Record on Appeal). And, when the aforesaid motion was denied, defendants-appellants admitted in their answer the allegation of the complaint that, "... on May 28, 1937, four years after the late Cayetano Pinto had been granted the said homestead patent, he executed an absolute deed of sale over a portion of 3 hectares of the parcel covered by Original Certificate of Title No. 1-1600 in favor of one Jacobo Pinto." (pp. 3, 93, Record on Appeal). The stipulation of facts, submitted by the parties and approved by the court, likewise stated that Cayetano Pinto "sold a portion of 3 hectares of land covered by Original Certificate of Title No. 1-1600 in favor of Jacobo Pinto,

married to Herminia Tinonas, for the sum of P500.00” (p. 121, Record on Appeal). By defendants’ own admissions in the lower court, therefore, the character of Exhibit C as a deed of sale executed almost four years after the issuance of the patent to the homesteader Cayetano Pinto has become a settled matter, which they cannot now dispute on appeal.

We also find as erroneous appellants' argument that because the deed of sale was null and void, then it may be treated as not having ever existed, with the result that the grantee Cayetano Pinto cannot be considered to have violated the Public Land Law. Carried to its logical conclusion, this argument would mean that no violation of law could be punished.

This case is actually no necessity for logical reasoning; by express provision of Section 118 of Commonwealth Act 141, any transfer or alienation of a homestead grant within five years from the issuance of the patent is forbidden, making said alienation null and void,[1] and constituting a cause for reversion of the homestead to the State.[2] In other words, it was the transgression of the law that nullifies and renders the deed of conveyance null and void and without effect; not vice-versa. Inexistence in law merely signifies that the act cannot be taken into account as source of rights or obligations for parties as well as strangers; as if it had never existed. Certainly, the law cannot destroy or wipe out physical existence, and it has never attempted to do so.

It may likewise be stated that while the prohibition against the alienation of the land grant is designed to preserve it within the family of the homesteader and to promote small land ownership in this country, it is equally true that this policy of the State cannot be invoked to condone a violation of the Public Land Act and withhold enforcement of the provision directing the reversion of the property to the grantor in case of such violation.[3] For, the prohibitory provision against any alienation or encumbrance of the land grant is not only mandatory,[4] but is considered a condition attached to the approval of every application.[5]

Neither is there merit in the proposition that Cayetano Pinto's heirs should not be made to suffer on account of a violation of law committed by their said predecessor. In a previous case wherein the same contention was made, this Court ruled:

“One other point remains to be explained and that is whether the parties plaintiffs in this case, the widow and children of the deceased homesteader Jose Lagon, can be considered as bound by the sale made by the husband and whether they can claim to be third parties as to whom registration should be considered as the operative act of. conveyance. As to the widow, the sale was executed by Jose Lagon in his capacity as administrator of the conjugal partnership. Jose Lagon was the agent of the conjugal partnership, of which the widow is a partner, and under general principles the act of the authorized agent is the act of the partners themselves (2 American Jurisprudence, 169, 276). It is not, therefore, necessary that the widow had actual notice of the sale, and she can not be considered a third person or party in relation thereto. The sale made by the husband is binding on her. (Cruz vs. Buenaventura, 84 Phil. 12, 46 Off. Gaz., 6032).

“As respect the children of Jose Lagon, the other plaintiffs-appellees, they may not be considered third parties because there is a privity of interest between them and their father. They only succeed to whatever rights their father had and what is valid and binding against him is also valid and binding against them.” (Galasinao et al. vs. Austria, 97 Phil. 82, 86-87).

Every penalty or sanction, in fact, carries with it some hardship for the family of the offender; that is part of the penalty’s built-in deterrence. Only that the occasion to reflect on it is before, and not after, violating the law.

Similarly, the court below committed no error in ordering the reversion to plaintiff of the land grant involved herein, notwithstanding the fact that the original certificate title based on the patent had been cancelled and another certificate issued in the names of the grantee's heirs. As held by this Court in the case of Campanero et al.

vs. Coloma, L-11908, January 30, 1960, the principle of conclusiveness of the title of a registered owner, “although sound as applied to land registered under the Land Registration Act through judicial proceedings, cannot defeat the express policy of the State prohibiting the alienation and encumbrance of lands of the public domain acquired under the provisions of the Public Land Act within five years from and after the date of the issuance of the patent.” Thus, where a grantee is found not entitled to hold and possess in fee simple the land, by reason of his having violated Section 118 of the Public Land Law, the court may properly order its reconveyance to the grantor, although the property has already been brought under the operation of the Torrens System.[6] And, this right of the government to bring an appropriate action for reconveyance (or reversion) is not barred by the lapse of time; the Statute of Limitations does not run against the State.[7]

As regards the claim of appellants that reversion of the homestead may be ordered only if the alienation covers the whole area and not merely a portion thereof, we declared in another case:

“Even if only 19 out of the 23.21 hectares of the homestead land had been sold or alienated within the prohibitive period of five years from date of issuance of the patent to the grantee, such alienation is a sufficient cause for reversion to the State of the whole grant. In granting a homestead to an applicant, the law imposes as a condition that the land should not be encumbered, sold or alienated within five years from the issuance of the patent. The sale or alienation of part of the homestead violates that condition.” (Republic vs. Garcia, L-11597, May 27, 1959).

We found no abuse of discretion in the lower court’s denial of defendants’ motion for postponement of the hearing of January 14, 1964, it appearing that the parties by then had already submitted a stipulation of facts (upon which the decision now under consideration was based), and that the many postponements of the hearing which delayed early termination of the case were previously secured at the instance of counsel for said defendants.

WHEREFORE, the decision appealed from being in accordance with law, the same is hereby affirmed; defendants-appellants are ordered to reconvey to plaintiff-appellee the land covered by Transfer Certificate of Title No. T-7196 of the Registry of Deeds of Isabela. Costs against appellants.

Dizon, Makalintal, Bengzon, J.P., Zaldivar, Sanchez, Ruiz Castro, Angeles and Fernando, JJ., concur.

Judgment affirmed.

[1] De los Santos vs. Ramon Catholic Church of Midsayap, 94 Phfl. 405; Acierto vs. De los Santos, 95 Phil. 887; Eugenio vs. Perdido, 97 Phil. 41; Cadiz vs. Nicolas, 102 Phil. 1032; Santander vs. Villanueva, 103 Pil. 1; Manzano vs. Ocampo, H4778, Feb. 28, 1961; Baje vs. Court of Appeals et al., L-18783, May 25, 1964.

[2] Republic vs. Garcia, L-15597, May 26, 1959.

[3] “Sec. 124. Any acquisition, conveyance, alienation, transfer or other contract made or executed in violation of any of the provisions of sections one hundred and eighteen, one hundred and twenty, one hundred and twenty-one, one hundred and twenty-two, and one hundred and twenty-three of this Act shall be unlawful and null and void from its execution and shall produce the effect of annulling and cancelling the grant, title, patent, or permit originally issued, recognized or confirmed; actually or presumptively, and cause the reversion of the property and its improvements to the State.” (Com. Act 141; italics supplied).

[4] Santos vs. Roman Catholic Church of Midsayap, supra.

[5] Republic vs. Garcia, supra.

[6] See *People vs. Ramos*, L-15484, Jan. 31, 1953.

[7] *Id.*

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