

HEIRS OF BATIOG LACAMEN, PETITIONERS-APPELLANTS, VS. HEIRS OF LARUAN, & RESPONDENTS-APPELLANTS.

G.R. No. L-27088. July 31, 1975

Ponente: MARTIN, J.

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MARTIN, J.:

Petition for review by certiorari of a decision of the Honorable Court of Appeals affirming the judgment of the Court of First Instance of Baguio City in Civil Case No. 738 entitled "Heirs of Batiog Lacamen vs. Heirs of Laruan" "... declaring the contract of sale between Lacamen and Laruan null and void [for lack of approval of the Director of the Bureau of Non-Christian Tribes] . . ."

Petitioners-appellants are the surviving heirs of Batiog Lacamen, while respondents-appellants are the heirs of Laruan.[1]

Sometime on January 28, 1928, Laruan executed a Deed of Sale in favor of Batiog Lacamen[2] conveying for the sum of P300.00 his parcel of land situated in the sitio of La Trinidad, Benguet, Mountain Province, comprising 86 ares and 16 centares[3] and covered by Certificate of Title No. 420 of the Registry of Benguet. The deed was acknowledged before Antonio Rimando, a notary public in the City of Baguio.[4]

Immediately after the sale, Laruan delivered the certificate of title to Lacamen. Thereupon, Lacamen entered in possession and occupancy of the land without first securing the corresponding transfer certificate of title in his name. He introduced various improvements and paid the proper taxes. His possession was open, continuous, peaceful, and adverse. After his death in 1942, his heirs remained in and continued possession and occupancy of the land. They too paid the taxes.

After the last Global War, Lacamen's heirs "started fixing up the papers of all the properties" left by him.[5] In or about June, 1957, they discovered that Laruan heirs, respondents-appellants, were able to procure a new owner's copy of Certificate of Title No. 420 by a petition filed in court alleging that their copy has been lost or destroyed. Through this owner's copy, respondents-appellants caused the transfer of the title on the lot in their names.[6] Transfer Certificate of Title No. T-775 was issued to them by the Registry of Deeds of Benguet.

Refused of their demands for reconveyance of the title, petitioners-appellants sued respondents-appellants in the Court of First Instance of Baguio City on December 9, 1957, praying among other things, that they be declared owners of the subject property; that respondents-appellants be ordered to convey to them by proper instruments or documents the land in question; and that the Register of Deeds of Benguet be ordered to cancel Transfer Certificate of Title No. T-775 and issue in lieu thereof a new certificate of title in their names.[7]

In answer, respondents-appellants traversed the averments in the complaint and claim absolute ownership over the land. They asserted that their deceased father, Laruan, never sold the property and that the Deed of Sale was not thumb marked by him.[8]

On 5 April 1962, the Court of First Instance of Baguio City found for respondents-appellants and against

petitioners-appellants. Forthwith, petitioners-appellants appealed to the Court of Appeals.

On 7 December 1966, the Court of Appeals sustained the trial court.

In this review, petitioners-appellants press that the Court of Appeals erred —

I

". . . IN DECLARING THE SALE BETWEEN LACAMEN AND LARUAN TO BE NULL AND VOID.

II

"... IN APPLYING STRICTLY THE PROVISIONS OF SECTIONS 118 AND 122 OF ACT NO. 2874 AND SECTIONS 145 AND 146 OF THE CODE OF MINDANAO AND SULU.

III

". . . IN AFFIRMING THE DECISION OF THE COURT OF FIRST INSTANCE OF BAGUIO CITY."

which assignments could be whittled down into the pervading issue of whether the deceased Batiog Lacamen and/or his heirs, herein petitioners-appellants, have validly acquired ownership over the disputed parcel of land.

The 1917 Administrative Code of Mindanao and Sulu declares in its Section 145 that no contract or agreement relating to real property shall be made by any person with any non-Christian inhabitant of the Department of Mindanao and Sulu, unless such contract shall bear the approval of the provincial governor of the province wherein the contract was executed, or his representative duly authorized for such purpose in writing endorsed upon it.[9] Any contract or agreement in violation of this section is "null and void" under the succeeding Section 146.[10]

On 24 February 1919, Act No. 2798 was approved by the Philippine Legislature extending to the Mountain Province and the Province of Nueva Vizcaya the laws and other legal provisions pertaining to the provinces and minor political subdivisions of the Department of Mindanao and Sulu, with the specific proviso that the approval of the land transaction shall be by the Director of the Bureau of Non-Christian Tribes.[11]

Then on 29 November 1919, came Act No. 2874 otherwise known as "The Public Land Act." It provided in Section 118 thereof that "Conveyances and encumbrances made by persons belonging to the so-called 'non-Christian tribes,' when proper, shall not be valid unless duly approved by the Director of the Bureau of non-Christian Tribes." Any violation of this injunction would result in the nullity and avoidance of the transaction under the following Section 122.

During the regime of the Commonwealth, C.A. 141 otherwise known as "The Public Land Act" was passed — November 7, 1936 — amending Act No. 2874. However, it contained a similar provision in its Section 120 that "Conveyances and encumbrances made by illiterate non-Christians shall not be valid unless duly approved by the Commissioner of Mindanao and Sulu."

The contracting parties, Lacamen and Laruan, are bound by the foregoing laws, since both of them are illiterate Igorots, belonging to the "non-Christian Tribes[11] of the Mountain Province[12] and the controverted land was derived from a Free Patent[13] or acquired from the public domain.[14]

The trial court did show cordiality to judicial pronouncements when it avoided the realty sale between Lacamen and Laruan for want of approval of the Director of the Bureau of Non-Christian Tribes. For jurisprudence decrees that non-approved conveyances and encumbrances of realty by illiterate non-Christians are not valid, i.e., not binding or obligatory.[15]

Nevertheless, the thrust of the facts in the case before Us weakens the gathered strength of the cited rule. The facts summon the equity of laches.

"Laches" has been defined as "such neglect or omission to assert a right, taken in conjunction with lapse of time and other circumstances causing prejudice to an adverse party, as will operate as a bar in equity." [16] It is a delay in the assertion of a right "which works disadvantage to another" [17] because of the "inequity founded on some change in the condition or relations of the property or parties." [18] It is based on public policy which, for the peace of society, [19] ordains that relief will be denied to a stale demand which otherwise could be a valid claim. [20] It is different from and applies independently of prescription. While prescription is concerned with the fact of delay, laches is concerned with the effect of delay. Prescription is concerned with the effect of delay. Prescription is a matter of time; laches is principally a question of inequity of permitting a claim to be enforced, this inequity being founded on some change in the condition of the property or the relation of the parties. Prescription is statutory; laches is not. Laches applies in equity, whereas prescription applies at law. Prescription is based on a fixed time, laches is not. [21]

Laruan's sale of the subject lot to Lacamen could have been valid were it not for the sole fact that it lacked the approval of the Director of the Bureau of Non-Christian Tribes. There was impressed upon its face full faith and credit after it was notarized by the notary public. [22] The non-approval was the only "drawback" of which the trial court has found the respondents-appellants to "have taken advantage as their lever to deprive [petitioners-appellants] of this land and that their motive is out and out greed." [23] As between Laruan and Lacamen, the sale was regular, not infected with any flaw. Laruan's delivery of his certificate of title to Lacamen just after the sale symbolizes nothing more than a bared recognition and acceptance on his part that Lacamen is the new owner of the property. Thus, not any antagonistic show of ownership was ever exhibited by Laruan after that sale and until his death in May 1938.

From the transfer of the land on January 28, 1928, Lacamen possessed and occupied the ceded land in concepto de dueño until his death in April 1942. Thereafter his heirs, petitioners-appellants herein, took over and exercised dominion over the property, likewise unmolested for nearly 30 years (1928-1957) until the heirs of Laruan, respondents-appellants, claimed ownership over the property and secured registration of the same in their names. At the trial, petitioners-appellants have been found to have introduced improvements on the land consisting of houses, barns, greenhouses, walls, roads, etc., and trees valued at P38,920.00. [24]

At this state, therefore, respondents-appellants' claim of absolute ownership over the land cannot be countenanced. It has been held that while a person may not acquire title to the registered property through continuous adverse possession, in derogation of the title of the original registered owner, the heir of the latter, however, may lose his right to recover back the possession of such property and the title thereto, by reason of laches. [25] Much more should it be in the instant case where the possession of nearly 30 years or almost half a century now is in pursuance of sale which regrettably did not bear the approval of the executive authority but which the vendor never questioned during his life time. Laruan's laches extends to his heirs, the respondents-appellants herein, since they stand in privity with him. [26]

Indeed, in a like case, [27] it was ruled that —

"Courts can not look with favor at parties who, by their silence, delay and inaction, knowingly induce another to spend time, effort and expense in cultivating the land, paying taxes and making improvements thereon for 30 long years, only to spring from ambush and claim title when the possessor's efforts and the rise of land values offer an opportunity to make easy profit at his expense."

For notwithstanding the invalidity of the sale, the vendor Laruan suffered the vendee Lacamen to enter, possess

and occupy the property in concepto de dueño without demurrer and molestation, from 1928 until the former's death in 1938; and when respondents-appellants succeeded to the estate of their father, they too kept silent, never claiming that the lot is their own until in 1957 or after almost 30 years they took "advantage of the [non-approval of the sale] as their lever to deprive [petitioners-appellants] of this land" with a motive that was "out and out greed." Even granting, therefore, that no prescription lies against their father's recorded title, their quiescence and inaction for almost 30 years now commands the imposition of laches against their adverse claim. (Miguel, footnote 27).

It results that as against Laruan and his heirs, respondents-appellants herein, the late Batiog Lacamen and his heirs, petitioners-appellants herein, have superior right and, hence, have validly acquired ownership of the litigated land. *Vigilantibus non dormientibus sequitas subvenit*.

IN VIEW OF THE FOREGOING, the judgment of the Court of Appeals affirming that of the trial court is hereby reversed and set aside.

The petitioners-appellants are hereby declared the lawful owners of the land in question. Accordingly, Transfer Certificate of Title No. T-775 in the name of respondents-appellants is hereby cancelled and in lieu thereof the Register of Deeds of Benguet is ordered to issue a new transfer certificate of title in the name of petitioners-appellants.

Without pronouncement as to costs.

SO ORDERED.

Makasiar, Esguerra and Muñoz Palma, JJ., concur.

Castro, J., concurs in the result.

[1] Record on Appeal, at pp. 2-3.

[2] Annex A, Petitioners' Complaint below, Record on Appeal, at p. 7.

[3] Equivalent to 8,616 square meters.

[4] Annex A, Petitioners' Complaint below, Record on Appeal, at p. 10.

[5] Record on Appeal, at p. 4.

[6] *Idem*, at p. 5.

[7] *Idem*, at pp. 1-6.

[8] *Idem*, at pp. 11-47.

[9] See *Sale de Porkan v. Yatco*, 70 Phil. 163-165.

[10] *Idem*.

[11] See Sec. 1, Act 2798. This Act was amended on March 23, 1920 by Act No. 2913, but Sec. 1, Act 2798 was retained.

[12] Brief, Petitioners-Appellants, at pp. 5-6.

[13] Record on Appeal, at p. 20.

- [14] See *Palad v. Saito*, 55 Phil. 836, 837.
- [15] *Mangayao v. Lasud*, L-19252, May 29, 1964, 11 SCRA 158, cited in *Mangayao v. De Guzman*, L-24787, February 22, 1974, per Fernando, Second Division, 55 SCRA 545, 546.
- [16] 27 Am Jur 2d 687, citing *Re O'Donnell's Estate*, 8 111 App. 2d 348, 132 NE 2d 74; See also 2 *Pomeroy's Equity Jurisprudence*, 5th Ed., 171, 172.
- [17] *Hall v. Mortgage Secur. Corp.*, 119 W. Va. 140, 192 S.E. 145, 393. 11 A.L.R. 118.
- [18] 2 *Pomeroy's Equity Jurisprudence*, 5th Ed., 177.
- [19] *Tijam v. Sibonghanoy*, L-21450, April 15, 1968, 23 SCRA 29.
- [20] *Vda de Lima v. Tio*, L-27181, April 30, 1970, 32 SCRA 518.
- [21] *Nielson & Company, Inc. v. Lepanto Consolidated Mining Co.*, L-21601, December 17, 1966. 18 SCRA 1040.
- [22] *Ramirez v. Ner*, Adm. Case No. 500, September 27, 1967. 21 SCRA 207.
- [23] Record on Appeal, 20, 21.
- [24] Record on Appeal, at p. 22.
- [25] *De Lucas v. Gamponia*, 100 Phil. 277; *Wright Jr. v. Lepanto Consolidated Mining Co.*, L-18904, July 11, 1964, 11 SCRA 508.
- [26] 0A C.J.S. 33. citing *Chesapeake & Delaware Canal Co. v. US*, Del, 39 S. C1407.
- [27] *Miguel v. Catalino*, L-23072, November 29, 1968, 26 SCRA 234.

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