

REPUBLIC OF THE PHILIPPINES, PETITIONER, VS. HON. ABRAHAM P. VERA, AS JUDGE OF THE COURT OF FIRST INSTANCE OF BATAAN, BRANCH I, EVELYN M. EUGENIO AND ELIZABETH M. EUGENIO, RESPO...

G.R. No. L-34501. December 17, 1975

Ponente: ESGUERRA, J.

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ESGUERRA, J.:

Appeal by certiorari on pure questions of law from the decision of the Court of First Instance of Bataan, Branch I, in Cadastral Case No. 19, LRC Cad. Rec. No. 1097, Lot 501, entitled "In re: Petition for Readjudication and/or New Hearing, Evelyn M. Eugenio, et al., represented by Evelyn M. Eugenio, petitioners," the dispositive portion of which reads:

"WHEREFORE, in view of the foregoing, Lot No. 501, Cadastral Case No. 19, LRC Cad. No. 1097, Mariveles Cadastre, situated in the municipality of Mariveles, province of Bataan, containing an area of 96,393 square meters, more or less, is ordered adjudicated to Evelyn M. Eugenio, single and Elizabeth M. Eugenio, married to Alexander Ruiz, both of legal age, Filipino citizens, residing at 15 Escaler street, Loyola Heights Subdivision, Quezon City.

"After the decision becomes final, let an order be issued for a decree of registration in favor of the petitioners. So ordered."

Petitioner raises the legal questions of: (1) the lower Court's lack of jurisdiction to adjudicate the said parcel of land (Lot No. 501) to respondents after it had been declared public land by decision of the Cadastral Court on August 9, 1937, through a reopening of the cadastral proceedings based on private respondents' petition for re-adjudication and/or new trial' of Lot 501 filed only on February 18, 1971, Republic Act (R.A.) No. 2061 which is the basis of the reopening of the cadastral proceedings having expired on December 31, 1968; (2) the lower Court's lack of jurisdiction to revive the proceedings in the Cadastral Court) which declared Lot 501 of the Mariveles Cadastre as public land) for failure of the private respondents to reconstitute the judicial records of said case, which were destroyed during the second world war, within the period provided for in Sec. 1 of R.A. 441 which expired on June 7, 1951, and that provided for in R.A. 3081, which expired on June 17, 1963.

The uncontroverted facts of record are:

A petition for re-adjudication and/or new trial of Lot 501, Mariveles Cadastre, Cadastral Case No. 19, LRC Cad. Rec. No. 1097, Mariveles Cadastre, was initiated on February 18, 1971, by private respondents who claim to have acquired ownership of said Lot 501 by virtue of sale; that their predecessors in interest were not able to file an answer during the cadastral proceedings (previous to August 9, 1937) so that the said lot was declared public land per decision of the cadastral court on August 9, 1937; that the original claimant (private respondents' predecessor in interest) filed a motion for reconsideration and hence said decision had not become final; that as a consequence of the second world war the records are no longer available; that petitioner Republic of the Philippines on March

10, 1971, filed an opposition to the above-mentioned petition, with a simultaneous motion to dismiss, on the ground that the lower Court is without jurisdiction over the subject matter of the proceedings, which is a reopening of the cadastral case already barred after the expiration of the period provided for in R.A. 2061 on December 31, 1968, and on the further ground that the proceedings cannot be revived for failure of private respondents to reconstitute the judicial records within the period specified by law; that after hearing wherein the lower Court allowed the respondents to adduce evidence, decision was rendered on March 27, 1971, overruling petitioner Republic's opposition and adjudicating to private respondents Lot 501, Cadastral Case No. 19, LRC Cad. Rec. No. 1097, Mariveles Cadastre, situated in the Municipality of Mariveles, Province of Bataan, containing an area of 96,393 square meters, more or less; that after the present petition was filed with this Court, petitioner in its motion dated February 24, 1972, moved for a writ of preliminary injunction on the ground that private respondents have been performing acts of possession and encroachment on the land in question to the prejudice of the public interest; that a temporary restraining order was issued per Our resolution of October 24, 1972, upon failure of private respondents to comment on petitioner's motion to that effect within ten days from notice of Our resolution dated March 2, 1972; that although private respondents filed an answer to the petition on February 15, 1972, this case was considered submitted for decision without respondents' brief per Our resolution of August 24, 1972; that although petitioner Republic submitted a memorandum in lieu of oral argument on March 26, 1973, private respondents did not do so.

I

On the question of the lower Court's alleged lack of jurisdiction to reopen the cadastral proceedings in Cadastral Case No. 19, LRC Cad. Rec. No. 1097, initiated only on February 18, 1971, because the period provided for in R.A. 2061 which is the basis of the reopening of the cadastral case expired on December 31, 1968, a close scrutiny of private respondents' "Petition for Re-adjudication and/or New Hearing" filed in the respondent Court, convinces Us without doubt that the nature and purpose of said petition is to, reopen the cadastral proceedings in Cadastral Case No. 19, LRC Cad. Rec. No. 1097. If private respondents really had in mind a mere continuation of the proceedings in said Cadastral Case No. 19, because of their allegation that there was a pending motion for reconsideration of the decision dated August 9, 1937, of the Cadastral Court which was left unresolved until the destruction of the case record in the second world war, private respondents, having knowledge of the loss of said record, would have moved for a reconstitution of record in their petition instead of a reopening of the cadastral proceedings as they did.

If the real purpose of the private respondents in filing said petition in the respondent Court is for a reopening of the cadastral proceedings, then the said move to reopen such proceedings held way back before August 9, 1937, must be based on Republic Act 931, which is "an act to authorize the filing in the proper court, under certain conditions, of certain claims of title to parcels of land that have been declared public land, by virtue of judicial decisions rendered within the forty years next preceding the approval of this act," which act took effect upon its approval on June 20, 1953.

According to Sec. 1 of Republic Act 931, "all persons claiming title to parcels of land that have been the object of cadastral proceedings, who at the time of the survey were in actual possession of the same, but for some justifiable reason had been unable to file their claim in the proper court during the time limit established by law, in case such parcels of land, on account of their failure to file such claims, have been, or are about to be declared land of the public domain, by virtue of judicial proceedings instituted within the forty years next preceding the approval of this act, are hereby granted the right within five years after the date on which this Act shall take effect. to petition for a reopening of the judicial proceedings x x x." (*Italics for emphasis*)

The period of five years within which to reopen cadastral proceedings counted from June 20, 1953, under

Republic Act 931, was extended up to December 31, 1968, under Sec. 2 of Republic Act 2061 which took effect on June 13, 1958, in this manner:

"Sec. 2. The new time limit (December 31, 1968) established in this Act (R.A. 2061) for the filing of application for free patents and for the judicial confirmation of imperfect or incomplete titles shall also apply to the reopening of judicial proceedings on parcels of land declared public land pursuant to the provisions of Republic Act 931" (*Italics for emphasis*)

The time limit for filing of applications for free patents and for the judicial confirmation of imperfect or incomplete titles provided for in Republic Act 2061 (which is up to December 31, 1968) was extended up to December 31, 1976 by Republic Act 6236, but it is patently noticeable that the time limit for the reopening of judicial proceedings on parcels of land declared public land (cadastral proceedings) ended on December 31, 1968, and was not extended by the provision of Republic Act 6236.

Viewed in the light of these clear provisions of the law and Our previous conclusion that private respondents' petition filed in respondent Court was in the nature of a reopening of cadastral proceedings in Cadastral Case No. 19, LRC Cad. Rec. No. 1097, the inescapable conclusion is that the petition for reopening of the cadastral proceedings filed on February 18, 1971, came too late since the period within which to exercise the right to reopen cadastral proceedings under R.A. 931 expired on December 31, 1968, without any extension under Republic Act 6236. It follows that respondent Court did not acquire jurisdiction over the said petition for reopening of the cadastral proceedings since at the time it was filed the right to initiate said action had already expired.

II

As a result of Our findings and conclusion on the first legal issue raised by petitioner Republic, the second issue becomes moot and academic. We nevertheless state with emphasis that for parties adversely affected by the loss of records of cases due to the second world war who would like to revive or continue their litigation it was imperatively necessary for them to comply with the provisions of laws applicable to reconstitution of records. Under Republic Act 441, which took effect on June 7, 1950, parties interested in any case pending in the courts the records of which have been destroyed by reason of the last Pacific War may file a petition for the reconstitution of such records within one year from June 7, 1950. Private respondents in this case failed to avail themselves of this procedural remedy in Cadastral Case No. 19, LRC Cad. No. 1097. They were given another chance to reconstitute the records of that allegedly pending judicial proceedings under Republic Act 3081, which extended the period for reconstitution of records up to June 18, 1963. Again, private respondents and their predecessors in interest failed to take any steps for the proper reconstitution of records in the said Cadastral Case No. 19. Even without taking into consideration the principles of extinctive prescription of actions, estoppel, laches, and implied waiver against the private respondents, it could be presumed that their predecessors in interest and themselves did not have any inclination to revive the cadastral case until February 18, 1971, a time much too late, when for some unknown reason or reasons private respondents suddenly became interested to reopen the cadastral proceedings.

By reason of private respondents' failure to reconstitute the records in Cadastral Case No. 19, LRC Cad. No. 1097, We even entertain doubts regarding the veracity of their allegation in the petition for reopening of the cadastral proceedings that there was a motion for reconsideration to the decision of August 9, 1937, which declared Lot 501 as public land.

FOR ALL THE FOREGOING, the decision dated November 27, 1971, of the respondent Court is hereby set aside and declared null and void; private respondents' petition in Cadastral Case No. 19, LRC Cad. Rec. No. 1097, Lot

501, Mariveles Cadastre, is dismissed, and the temporary injunction issues by this Court on October 24, 1971, is made permanent.

Costs against private respondents.

SO ORDERED.

Teehankee (Actg. Chairman), Makasiar, Muñoz Palma, and Martin, JJ., concur.

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