

CANAS PLANTATION COMPANY, PETITIONER AND APPELLANT, VS. BUREAU OF FORESTRY, OPPOSITOR AND APPELLEE.

G.R. No. L-5159. January 30, 1953

Ponente: BENGZON, J.

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BENGZON, J.:

In April 1941 the Canas Plantation Company purchased from the Government, by sales application and award, a parcel of public land in Basilan of about 600 hectares. It complied with the requirements of the Public Land Law and paid the total price, but the last installment in the amount of P8,102.94 was delivered in Japanese military notes during the Japanese occupation.

On August 17, 1948 the Director of Lands ordered the issuance of the corresponding patent, and two days later sales patent No. V-166 was issued, upon the strength of which original certificate of title No. P-6 was subsequently issued in the name of the Canas Plantation Company. The patent and the title contained these two conditions:

"(a) * * * "subject, however, to the conditions that the Republic of the Philippines has a first lien on the land in the sum of eight thousand one hundred two pesos and ninety-four centavos (P8,102.94) which must be paid to the Bureau of Lands in full in the event that the said payment, which was made during the Japanese Occupation of the Philippines, is declared not valid or in such proportion as may be made by competent authorities; and

(b) subject, further, to the condition imposed by the Director of Forestry in his letter dated July 30, 1948, which provides that the utilization to the timber land Block A of Zamboanga Project No. 12 with an area of 199.68 hectares more or less, shall remain with the Government."

On May 25, 1951 the instant petition was submitted to the Court of First Instance of Zamboanga for the cancellation of the above mentioned restrictions, the petitioner alleging, in connection with the first, that the courts have validated payments during the Japanese regime with Japanese currency, and as to the second, that it could not be validly imposed in the patent inasmuch as it was not a condition in the sale and award to the petitioner, and the Director of Forestry had certified, before the sale, that the parcel was disposable and alienable.

To this petition the Forestry Bureau thru the city attorney, interposed an objection to the jurisdiction of the court over the subject-matter, contending that the land involved was a portion of the public domain.

The objection was sustained, and the petition dismissed. This appeal was consequently prosecuted upon the only issue of the court's jurisdiction.

The Solicitor General for the Forestry Bureau, admits in his brief that the Zamboanga court had jurisdiction, and agrees with the appellant that the case should be remanded to the trial court. Indeed it seems clear in view of the authorities cited in the briefs of both sides that, after the patent and the certificate of title had been issued, the lot ceased to be a portion of the lands of the public domain under the exclusive administration of the Department of

Agriculture and the Government. (Simmons vs. Wagner, 101 U. S., 260; U. S. vs. Schurz, 102 U. S., 278; Vargas and Mañalac Phil. Land Registration Law, p.490.) And even if the land had not entirely become private property, still the petitioner acquired some rights which the courts may protect (Ruiz vs. Dalio, 45 Phil., 523) (Ortua vs. Encarnacion, 59 Phil., 440).

Wherefore the appealed decision is reversed and the case returned to the lower court for further proceedings. So ordered.

Paras, C.J., Feria, Pablo, Padilla, Tuason, Montemayor, Reyes, Jugo, Bautista Angelo and Labrador, JJ., concur.

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