

ELOY MIGUEL, ET AL., PLAINTIFFS AND APPELLANTS, VS. ANA CLETA M. VDA. DE REYES, ET AL., DEFENDANTS AND APPELLEES.*G. R. No. L-4851. July 31, 1953*

Ponente: REYES, J.

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On February 17, 1951, Eloy Miguel and his son Demetrio Miguel brought an action in the Court of First Instance of Isabela against Anacleto M. Vda. de Reyes, the Director of Lands, and the Register of Deeds of said province alleging that the first, that is, Eloy Miguel, had on March 10, 1932 filed with the Bureau of Lands a homestead application for a parcel of public land of about nine hectares situated in the municipality of Angadanan of the same province; that the other plaintiff, Demetrio Miguel, had some time that same year declared for taxation, purposes another parcel of land in the same municipality with an area of about fourteen hectares and had since then been in actual, open, peaceful, and continuous possession of the same under a claim of ownership; that having been informed in January, 1950, that the defendant Anacleto M. Vda. de Reyes had included both of the above-mentioned parcels of land in a sales application filed by her with the Bureau of Lands, plaintiff's, on February 16, 1950, filed their protest with the said Bureau, whereupon the Director of Lands ordered an investigation and a hearing was set and was to take place on February 10, 1951, but that, pending hearing, plaintiffs were informed on January 30 or 31, 1951, that the defendant Anacleto M. Vda. de Reyes had, thru "fraudulent machinations and false representations" been issued a sales patent (No. B-522) by the Director of Lands on the tenth of that month and an original certificate of title (T-1433) by the defendant Register of Deeds of Isabela on the twenty-second. Plaintiffs therefore prayed for judgment voiding the said sales patent and cancelling said original certificate of title and ordering defendant to pay damages.

Answering the complaint, defendants Anacleto M. Vda. de Reyes and the Director of Lands alleged facts showing compliance with the Public Land Law in the issuance of said sales patent No. B-522 and original certificate of title No. T-1433 and set up the defense that plaintiffs had no right to bring the action and that their complaint did not state a cause of action. The answer was later followed by a motion to dismiss filed by the defendant Anacleto M. Vda. de Reyes on the grounds already stated in her defense.

Holding that the complaint stated no cause of action, the court ordered the same dismissed, whereupon plaintiffs brought the case here on appeal.

Brushing aside the contention that the motion to dismiss was not in order after the movant had already admitted in her answer that plaintiffs had legal personality to sue and that their complaint stated a sufficient cause of action—a contention which is without basis because it appears that, far from admitting such facts, the movant asserts precisely the contrary as a matter of defense in her answer—, we find that the real question for determination is whether or not plaintiffs can maintain this action in court.

There is no clear averment that the lands claimed by plaintiffs are private property. On the contrary, it may be deduced from the allegations of the complaint that those lands were public lands, the disposition of which is

vested in the Director of Lands, subject, in case of appeal, to the approval of the Secretary of Agriculture and Commerce. If plaintiffs were aggrieved by the action or decision of the Director of Lands, their remedy was to appeal to the Secretary of Agriculture and Commerce. But it does not appear that they have done so. It does not even appear that they have pursued their protest to its conclusion in the Bureau of Lands itself. Having failed to exhaust their remedy in the administrative branch of the Government, plaintiffs cannot now seek relief in the courts of justice.

Wherefore, the order of dismissal is affirmed with costs.

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

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