

DIOSDADO NIEMBRA, ET AL., PLAINTIFF AND APPELLEE, VS. THE DIRECTOR OF LANDS, THE SECRETARY OF AGRICULTURE AND NATURAL RESOURCES AND EMILIO A. SUAREZ, INC., DEFENDANTS AND APPELL...

G.R. No. L-20084. July 17, 1964

Ponente: LABRADOR, J.

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LABRADOR, J.:

Appeal from a decision of the Court of First Instance of Cotabato, Hon. Jose C. Borromeo, presiding, dismissing the complaint on the ground that plaintiffs have no right of action and for lack of joinder of all the necessary parties. The case was certified to us by the Court of Appeals on the ground that only questions of law are involved.

The complaint is a long, tedious criticism of the grant of title over a parcel of land in Sitio Kibid, Norala, Cotabato in favor of Emilio A. Suarez, Inc., and with a prayer that said corporation vacate a portion of the area in conflict in favor of plaintiffs, and later to have the same subdivided and thereafter have titles issued to them for the portions they have occupied as homesteads; that Suarez & Co. pay them P150,000 as damages and P10,000 as Attorney's fees, together with costs. The Director of Lands and the Secretary of Agriculture and Natural Resources are also made parties defendants.

From the complicated allegations of the complaint We gather the following allegations of facts:

- That the registered land covered by the certificate of title of Suarez & Co., Inc. is different from the parcel of land certified by the District Land Office of Cotabato as having been applied for and occupied by the Ala Valley Development Co., organized by Jesus Larrabaster, employee of the National Land Settlement Administration (NLSA);
- That the Ala Valley Development Co. was not registered and had no personality to acquire a big parcel of land of 885,4669 hectares;
- That the lands officials were negligent in not inquiring into the capacity of the Ala Valley Development Co. to acquire public lands and the same shows collusion and connivance in the administration and disposition of public lands—there was also fraud and collusion in making SC-V-297 corresponds to SA-V-297;
- That the Ala Valley Development Co. could not transmit any right to the Emilio A. Suarez, Inc. and the public lands officials should not have approved the 1941 survey plan SC-V-297 to conform to the SA-V-297;
- That the consideration for the sale or transfer was ridiculously low;
- That there was no legal publication of the sale or the notice of sale was published in the DAILY RECORD, not a newspaper of general circulation.

As a second cause of action, it was alleged:

- That there was intentional fraud or misrepresentation because in the sale of rights the property was declared as situated in Takurong, Buluan, Cotabato;
- That the reports of the lands officials that there was no former occupants of the land was false because in 1951 or 1952 action was brought against plaintiffs, etc.

Motion to dismiss having been filed, the Court of First Instance on January 25, 1960 rendered a decision which in part is as follows:

"It is admitted that the land covered by the Certificate of Title now sought to be cancelled was a public land and not the private property of the plaintiffs. The main purpose, therefore, in asking for the cancellation of the title is to have the land reverted into the public domain so that the plaintiffs may have the right to apply for patent on the portions occupied by them. Section 101 of Act No. 141, as amended, commonly known as the Public Land Law, provides as follows:

"All actions for the reversion to the Government of lands of the public domain or improvements thereon shall be instituted by the Solicitor General or the Office acting in his stead, in the proper courts, in the name of the Commonwealth of the Philippines."

From the above provision it is clear that only the Solicitor General or his authorized representatives can institute the proceeding for the reversion of a titled land into the public domain. Consequently, the plaintiffs herein have no legal personality to bring this action which would have the effect of cancelling the sales patent and the corresponding Certificate of Title issued on the basis thereof with the result that the land covered by the said title will be reverted to the public domain.***

"It may be stated here also that in the present action not all parties in interest are joined since the names of the other plaintiffs are not mentioned in the complaint. The contention that this case is a class suit is not meritorious. It does not appear from the complaint that the three plaintiffs whose names appear in the complaint and the others who are simply identified by the others 'et al', have common interest in the land in question.***

We find that the ruling of the court that no sufficient representative parties have been joined, is well founded. In any suit, before the case proceeds to trial, it is the duty of the court to see that all parties having interest in the subject must be joined, in order that the results of the suit would be binding on all. This is necessary in order to prevent multiplicity of suits or prevent other persons claiming the same rights as the plaintiffs herein would hereafter institute another action and molest the defendants in their rights.

The above ruling would render unnecessary further consideration of the other questions raised in the appeal as indicated in the beginning of this decision. The complaint indicates that it is a charge against supposed maladministration in the Bureau of Lands, as a result of which lands supposedly assigned to settlers have been given to an applicant for sale of another parcel of land. The case in court cannot proceed on mere general charges of irregularities and We find that the court below was sufficiently justified in dismissing the complaint.

We, however, believe that a dismissal with prejudice would cause injustice to the parties possibly affected by the supposed maladministration cited in the complaint. We therefore, affirm the decision of the court below dismissing the complaint, but modify the same by declaring it to be without prejudice. With costs.

Bengzon, C. J., Padilla, Bautista Angelo, Concepcion, Reyes, J. B. L., Paredes, Regala and Makalintal, JJ., concur.

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