

**REPUBLIC OF THE PHILIPPINES AND THE DIRECTOR OF LANDS,
PETITIONERS, VS. HON. NUMERIANO G. ESTENZO, AS JUDGE OF THE
COURT OF FIRST INSTANCE OF LEYTE, BRANCH V, ORMOC CITY,
FELIPE...**

G.R. No. L-35512. February 29, 1988

Ponente: CORTES, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/e2687d9b5ef4/>

CORTES, J.:

The parties in this case contest the ownership of a parcel of land situated in Barrio Valencia, Ormoc City. Herein petitioners maintain that the land is public land by virtue of a 1940 cadastral court decision. Private respondents meanwhile take the opposite view claiming the land as their own based on their purchase thereof from the original claimant, Apolonia Parrilla, and its subsequent adjudication in their favor in 1972.

The facts are undisputed.

On October 31, 1940, a decision was rendered by the Cadastral Court declaring Lot No. 8423 of the Ormoc Cadastre as public land.

Thirty-two years later, more specifically on January 12, 1972, Felipe Adolfo and Francisca Padilla, hereinafter referred to as the SPOUSES, filed a petition docketed as Cadastral Case No. 34. GLRO Rec. No. 1789 seeking to "re-open the October 31, 1940 decision of the Cadastral Court under Rep. Act No. 931, as amended by Rep. Act No. 2061 and further amended by Rep. Act No. 6236" [Petition, Annex "B", Rollo, p. 9]. The SPOUSES, claiming to be the owners of Lot No. 8423 by virtue of having purchased the same in 1948 as evidenced by a Deed of Quitclaim and Confirmation dated August 28, 1969, likewise allege that due to the excusable negligence, accident or mistake of the previous claimant and her counsel, the land was declared public land; that they and their predecessor-in-interest have been in open, continuous, peaceful and adverse possession of the land and have declared the same for purposes of taxation in their name(s); that Lot No. 8423 has not been alienated, reserved, leased, granted or otherwise disposed of either provisionally or permanently by the government or its entity; and that up to the filing of the petition, they and their predecessor-in-interest have not applied for any homestead, free patent, lease or sale, over the parcel of land under Public Land Act No. 141. Despite the opposition of the Director of Lands respondent Judge granted the SPOUSES' petition on May 9, 1972. Hence, Lot No. 8423 was adjudicated in their favor.

The Republic and the Director of Lands now assail that decision by way of appeal by certiorari.

The petitioners' stance that the lower court is without jurisdiction to take cognizance of the petition to re-open the cadastral proceedings is premised on their argument that SPOUSES' petition is barred by the expiration of the period for re-opening of cadastral proceedings under Rep. Act No. 931. They argue that said period expired on December 31, 1968 and was never extended.

The argument of the petitioners is impressed with merit. Rep. Act No. 931[1] section 1 provides:

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 re-opening of the judicial proceedings under the provisions of Act Numbered Twenty-two hundred and fifth-nine, as amended, only with respect to such parcels of land as have not been alienated, reserved, leased, granted, or otherwise provisionally or permanently disposed of by the Government. . . . [Underscoring supplied.]

This law took effect on June 20, 1953, hence, the period for re-opening cadastral proceedings expired on June 20, 1958. However, Rep. Act No. 2061[2] section 2 extended this period until December 31, 1968, after which there had been no further extension. [Republic v. Estenzo, G.R. No. L-35780, January 27, 1983, 120 SCRA 220.]

In the case at bar, the SPOUSES filed their petition more than three years after the lapse of the reglementary period required by the law. The period having expired, respondent judge was without jurisdiction when he entertained SPOUSES' petition to re-open the decision of the cadastral court.

The private respondent-SPOUSES would however insist that even assuming that the lower court has no jurisdiction to re-open the cadastral proceedings their petition may be taken as one for confirmation of imperfect title considering the allegations mentioned therein.

Well-recognized is the rule in this jurisdiction that "[T]he nature of an action filed in court is determined by the facts alleged in the complaint as constituting the cause of action." [De Tavera v. Philippine Tuberculosis Society, Inc., G.R. No. L-48928, February 25, 1982, 112 SCRA 243, reiterated in Alger Electric, Inc. v. Court of Appeals, G.R. No. L-34298, February 28, 1985, 135 SCRA 37.]

A close look at SPOUSES' petition to re-open the cadastral proceedings of 1940 would show that their cause of action is premised on Rep. Act No. 931 and not on confirmation of imperfect title. The allegations in their petition conform to the conditions to be met before one could avail of the provisions of Rep. Act No. 931.

The SPOUSES further rely on Rep. Act No. 6236.[3] Said law, approved on June 19, 1971, extended the time limit for the filing of applications for free patents and for the judicial confirmation of imperfect or incomplete titles until December 31, 1976 (extended until December 31, 1987 by Pres. Decree 1073). The law makes no reference to re-opening of cadastral cases. As held by this Court:

. . . If Rep. Act 6236 had intended that the extension it provided for applies also to reopening of cadastral cases, it would have so provided in the same way that it provided the extension of time to file applications for free patent and for judicial confirmation of imperfect or incomplete title. The intention to exclude the re-opening of cadastral proceedings or certain lands which were declared public land in Rep. Act 6236 is made clearer by reference to Rep. Act 2061 which includes the reopening of cadastral cases, but not so included in Rep. Act 6236. [Republic v. Estenzo, G.R. No. L-35376, September 11, 1980, 99 SCRA 651.]

And, as further clarified by the Supreme Court in Republic v. Reyes (G.R. No. L-37050, March 17, 1982, 112 SCRA 635):

. . . The Act [referring to Rep. Act 6236] cannot be any clearer. What was extended then was the time limit for the filing of applications for free patents and for the judicial confirmation of imperfect or incomplete titles. . . .

Anent the last point raised by the SPOUSES, viz., the petition was filed out of time, suffice it to state that "the requirements of our Rules of Court relative to the perfection of an appeal in an ordinary case apply in the same manner and with equal force and effect to appeals from a decision of a court of first instance in registration and

cadastral proceedings." [Singbengco v. Arellano, 99 Phil. 952 (1956).] And under the provisions of the Rules of Court then obtaining the period within which to appeal the decision of the Court of First Instance (now, Regional Trial Court) to the Supreme Court was thirty days (Rule 42 section 1 and Rule 41 section 3.). Hence, from August 28, 1972 when the assailed decision was received by herein petitioners until September 15, 1972 when the petition was filed, the thirty-day period had not yet elapsed.

WHEREFORE, the May 9, 1972 decision of the respondent judge is hereby SET ASIDE and that of the Cadastral Court dated October 31, 1940 is REITERATED. This Decision is immediately executory.

SO ORDERED.

Fernan, (Chairman), Gutierrez, Jr., Feliciano, and Bidin, JJ., concur.

[1] 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.

[2] AN ACT SETTING A NEW TIME LIMIT FOR THE FILING OF APPLICATIONS FOR FREE PATENT, FOR THE JUDICIAL CONFIRMATION OF IMPERFECT OF INCOMPLETE TITLES, AND FOR THE REOPENING OF JUDICIAL PROCEEDINGS ON CERTAIN LANDS WHICH WERE DECLARED PUBLIC LANDS (1958).

[3] AN ACT EXTENDING THE TIME LIMIT FOR THE FILING OF APPLICATIONS FOR FREE PATENT AND FOR THE JUDICIAL CONFIRMATION OF IMPERFECT OR INCOMPLETE TITLES (1971).

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.