

**LUCIANO GALACE, CARMEN TERREN, CECILIA SINGSON, ET AL.,
PETITIONERS, VS. FELICIDAD M. BAGTAS, EMMA M. BAGTAS, ET AL.,
AND COURT OF APPEALS, RESPONDENTS.**

G.R. No. L-15400. August 31, 1964

Ponente: REGALA, J.

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REGALA, J.:

This petition for certiorari is interposed to review and reverse the judgment of the Court of Appeals affirming the judgment of the Court of First Instance in Civil Case No. 717.

Originally, in 1949, Jose V. Bagtas and his wife, Felicidad, brought an action in the Court of First Instance of Cagayan against Luciano Galace, Juan Singson and others, alleging that the latter were illegally occupying portions of their land, known as Hacienda Intal, in Santor, Baggao, Cagayan. The case was docketed as Civil Case No. 282.

The defendants denied the charge and contended that the portions claimed by the Bagtases were in fact parts of their land holdings of which they had been in continuous possession for more than 40 years.

Thereafter, the parties submitted to the court a stipulation of facts in which they agreed to have the monuments and boundaries of Hacienda Intal relocated "with a view to determining whether or not the holdings of the herein defendants are within or without the boundaries of the said 'hacienda' of the plaintiffs." Should it be found that defendants were occupying portions of the hacienda, the defendants agreed to recognize the ownership and possession of the plaintiffs and immediately vacate the premises. On the other hand, should the defendants' land holding be found to be outside the boundaries of the hacienda, then the plaintiffs agreed to recognize their possessory rights and leave them in the peaceful possession of the lands. For this purpose, the parties asked the court to name a land surveyor to make the relocation.

A surveyor from the Bureau of Lands was then appointed. In his report, he stated among other things that—

"4. A portion of 2.9262 hectares of survey H-80093, covered by patent No. 22148 of Juan Singson, overlaps survey Pc-79, covered by Transfer Certificate of Title No. 204 of J. V. Bagtas, et al;

"5. The whole area covered by Homestead Applicant No. 191959 of Donate Bebangco (now deceased), and a portion of about 7 hectares of land covered by Homestead Application No. 50589-A of Luciano Galace are inside Pc-79. According to our records, both applications are still without patents."

It appears, however, that the day after the parties had signed the stipulation of facts, Jose V. Bagtas wrote the following letter to Atty. Jose Abalos, counsel for the defendants:

April 21, 1949

"Atty. Jose It. Abalos

Tuguegarao, Cagayan

My dear Companero:

Referring to to agreement regarding the land belonging to Messrs. Luciano Galace and Juan Singson overlapping my land known as 'Hacienda Intal' having an area of 7.16 Has. approximately for Juan Singson, please be informed that I will execute a quit claim in their favor after one year of the receipt of the favorable decision of the Court. It must be clearly understood that Messrs. Galace, and Singson will extend to me their full cooperation so that I will enjoy the peaceful possession of my property. This period way be .shortened depending on the attitude that I may observe in their behavior.

Very sincerely yours,

(Sgd.) J. V. BAGTAS"

Accordingly, in its decision of September 29, 1949, the court ordered:

"En meritos de tedo lo expuesto, del Juzgado dicla sentencia declarando que los demaudantes son los duenos de toda la parcela de terreno descrila en la demanda y tienen derecho a la posesion inmediata de todas las perciones del mismo que estan ocupadas por los demandados; pero los dciunndantcs cstaran obligation a ceder y traspasar a favor de Luciano Galace la porcton de su homestead que esta encluida en el ertificado de titulo de los demandantes y tambien estaran obligados a ceder y traspaiar a favor de Juan Singson la porcion del home de este y que esta incluida en el titulo de los demandantes depues de un año, a contar desde la fecha decision si los demandades Galace y Singson 'will extend to me (Mr. J. V. Bagtas) their full cooperation that I (J. V. Bagtas) will enjoy the peaceful possession of my property (J. V. Bagtas' property.'"

Luciano Galace nnd the heirs of Juan Singson brought Civil Case No. 717 in the Court of First Instance of Cagayan to compel Felicidad Bagtas and the heirs of Jose V. Bagtas to execute the quit claim deed pursuant to the decision of the court in the aforementioned Case No. 282. In thoir rnswer, the defendants contended, among other things, that they were not bound by the agreement of Jose V. Bagtas because the plaintiffs and their predecessor had violated the condition of the obligation, namely, that the plaintiffs would not disturb them in the cultivation, possession and enjoyment of their property.

The trial court sustained defendants' contention and dismissed the complaint. Its decision was subsequently affirmed by the Court of Appeals. Hence this appeal by Galace and the heirs of Singson, who for purposes of this decision will be called the petitioners. The Bagtases will be referred to as the respondents.

It is contended that the Court of Appeals erred "in declaring that the mere filing of the expropriation petition with the office of the President created discontent and unrest in the hacienda and, in holding herein petitioners guilty of the alleged acts of depredations in violation of the agreement between J. V. Bagtas and petitioners."

As stated earlier, Jose V. Bagtas agreed to give to the petitioners, one year after the decision in Civil Case No. 282, the portions of the hacienda which they might be found occupying on condition that they would "extend to (Jose V. Bagtas) their full cooperation so that (he) will enjoy the peaceful possession of (his) property."

With respect to this condition, both the trial court and the Court of Appeals found that sometime in December, 1949, that is, three months after the court had rendered its decision in Civil Case No. 282, Juan Singson went to see Jose V. Bagtas in the hacienda and asked him to execute the quit claim deed which the latter had promised to sign. Bagtas answered that the request was premature, because the period of one year had not yet expired and Galace and Singson had not so far complied with their promise to cooperate with the hacienda owners by cultivating the portions occupied by them and by helping them get other tenants to work on the land. Whereupon,

Singson, the spokesman for the group, promised Bagtas that "after this Christmas, I can help cultivate the land and I can bring some tenants."

However, instead of helping Bagtas get tenants to help cultivate the land, Galace and Singson prevented other persons from entering and working in the hacienda. The trial court and the Court of Appeals also found that even before April, 1950 and without consulting Bagtas, Galace and Singson called the people in the community to a meeting "for the purpose of making an agreement or petition to Mr. Quirino, the President, requesting him that the government should buy the land of Mr. Bagtas." Among these who signed the petition sent to Malacañang were Galace and Singson.

According to the trial court and the appellate court, the petition for expropriation created discontent and social unrest among the tenants in the hacienda, thus compelling the owners to employ security guards in the middle part of 1950 to protect their property. The amount of P4.000 was spent for this purpose alone. As a matter of fact, some of the petitioners, who are relatives of Singson, were caught stealing bamboos, wood and palay from the hacienda. Among those caught were Singson's children, Teofilo and Cresencio. Cresencio even signed a written confession which was never denied nor contradicted (Exhs. 6 and 6-A).

This is the reason why on April 1, 1950, Bagtas wrote Atty. Jose Abalos, counsel for Galace and Singson another letter, advising him that "I am constrained not to return to Juan Singson the area squatted in accordance with our agreement."

On the basis of these findings, both the trial court and the appellate court concluded that petitioners did not comply with their obligation and therefore were not entitled to invoke the obligation of the late Jose V. Bagtas. We are not inclined to review these findings, as petitioners would want us to, in view of the rule that the judgment of the Court of Appeals is conclusive as to the facts. (Moran, 2 Comments on the Rules of Court 413 [1963], Caladiao, et al. vs. Santos Vda. de Blas, G. R. No. L-19063 April 29, 1964). Indeed, on the basis of these findings alone the dismissal of this appeal can be justified.

In their first and fourth assignments of error, petitioners contend that the Court of Appeals erred in not ordering the Land Tenure Administration to be made a party defendant in this case. It appears that while this case was pending in the Court of Appeals, the appellants moved for the substitution of the Land Tenure Administration in place of the heirs of Jose V. Bagtas on the basis of a supposed letter (dated Jan. 24, 1958) of the Land Tenure Administration, advising petitioners' counsel that the land involved in this case had been bought by the government on October 25, 1957.

Section 20 of Rule 3 of the Rules of Court states:

"Transfer of interest.—In cases of transfer of interest, the action may be continued by or against the original party, unless the court upon motion directs the person to whom the interest is transferred to be substituted in the action or joined with the original party."

Under this provision, it is not usually essential for the transferee to be substituted; nor can the opposite party insist on such substitution, it being ordinarily permissible to continue the action in the name of the original party (National Rice & Corn Corp. vs. Fojas, et al., G. R. No. L-11517, April 30, 1958). Whether or not the transferee should be substituted for, or should be joined with, the original party is largely a matter of discretion. This Court is not inclined to review acts done by inferior courts in the exercise of that discretion unless the same are shown to be arbitrary.

At any rate, there seems to be no notice made in the Office of the Register of Deeds of Cagayan of the pendency of the action. Even assuming then that there has been a transfer of interest, the Land Tenure Administration, as

transferee, is not bound by the obligation of Jose V. Bagtas to cede and transfer to the petitioners the portions of the hacienda occupied by them.

Nor may the inclusion of the Land Tenure Administration in this case be justified on the ground that the Land Tenure Administration is bound to resell the land at cost to the tenants because this is not an action to compel any government agency to resell any lot it had purchased. This is an action for specific performance pursuant to the agreement of the parties in Civil Case No. 282.

We now come to petitioners' second point. The rule is settled that in order that an action for recovery of possession may prosper, it is indispensable that he who brings the action fully prove not only his ownership but also the identity of the property claimed, by describing its location, area and boundaries, (*Tie la Cruz vs. Niño*, 18 Phil., 284; *Marcelo vs. Maniques and De la Cruz*, 35 Phil., 134).

Contrary to petitioners' claim, there is nothing in the simulation of facts which the parties submitted in the former case (Case No. 282) that identifies the portions claimed by the appellants. Neither the report of the land surveyor nor the decision of the lower court in that former case adequately identifies these portions beyond stating that about 2,9262 hectares of Singson's landholding and about 7 hectares of Galace's landholding overlap Hacienda Intal. Nothing at all is said about the boundaries of these portions.

Now it is no excuse for petitioners to say that these portions, being parts of the hacienda and not having been surveyed and segregated, cannot, with accuracy, be technically be described, to be sure, it is not required that a detailed technical description must be given. All that is required is an adequate identification of the portions involved.

Indeed, in all transactions, a statement of the boundaries of the properly involved is required. Thus, Article 1542 of the Civil Code states that in every conveyance of real estate a statement, of the boundaries is indispensable. Deeds relating to an unregistered land must describe the land by giving its situation, boundaries and area. (Sec. 194, Act No. 3341) The boundaries are usually indicated by means of creeks, trees and other visible means. And even in cases of sale of a portion of a registered land pending the approval of a subdivision plan under Section 58 of the Land Registration Act, a temporary description of the unsegregated lot being sold is required.

Petitioners failed to give an adequate description of the portions they are claiming.

Wherefore, the decision appealed from is affirmed, without pronouncement as to costs.

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

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