

**REPUBLIC OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS.
ISABELO GARCIA, DOMINGO COLORADO, RAYMUNDO DE GUZMAN,
INOCENCIO PADAMA, IGNACIO RAMOS, LEON DE GUZMAN AND THE
REGISTER O...**

G.R. No.L-11597. May 27, 1959

Ponente: PADILLA, J.

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PADILLA, J.:

Appeal from a judgment rendered by the Court of First Instance of Cotabato decreeing the reversion to the State of a homestead land covered by Patent No., V-532 and original certificate of title No. V-17 issued by the Registrar of Deeds in and for the province of Cotabato. The dispositive part of the judgment is: In view therefore, judgment is hereby rendered in favor of the plaintiff:

- (a) ordering defendant Isabela Garcia to return the owner's Certificate of Title No. V-17 to the Register of Deeds;
- (b) ordering the Register of Deeds of Cotabato that homestead patent No. V-532 be returned to the Bureau of Lands for cancellation;
- (c) ordering the Register 'of Deeds of Cotabato to cancel Certificate of Title No. V-17; and
- (d) declaring hereby reverted to the public domain as belonging to the Republic of the Philippines the land covered by said Certificate of Title No. V-17, with costs against the defendants.. Only questions of law are raised.

From the pleadings, stipulation of facts and documentary evidence submitted by the parties, the following facts are gathered: Sometime before the last war appellant Isabelo Garcia and his wife Tagumpay Dumaguindin acquired by purchase the homestead rights of Lingasa Bapanialag to a parcel of homestead land situated at Mabay, Kiamba, Cotabato, containing an area of 23.21 hectares (Homestead Application No. 182259 [E-90722]). The transfer was approved by the Secretary of Agriculture and Natural Resources upon recommendation of the Director of Lands and Patent No. V-532 was issued in favor of the appellant Isabelo Garcia and his wife. Three years and three months after the issuance of the homestead patent, or on 14 April 1950, for and in consideration of the sum of P11,000, by an instrument executed and acknowledged before a notary public the appellant Isabelo Garcia and his wife sold and conveyed to Domingo Colorado, Raymundo de Guzman, Inocencio Padama, Ignacio Ramos and Leon de Guzman 19 hectares of the homestead land (Exhibit A). The vendees took possession of the part sold to them. The deed of sale was not submitted to the Secretary of Agriculture and Natural Resources for approval nor presented to the Registrar of Deeds in and for the province of Cotabato for registration.

Section 118 of Commonwealth Act No. 141 partly provides:

Except in favor of the Government or any of its branches, units, or institutions, lands acquired under free patent or homestead provision shall not be subject to encumbrance or alienation from the date of the approval

of the application and for a term of five , years from and after the date of issuance of the patent or grant, nor shall they become liable to the satisfaction of any debt contracted prior to the expiration of said period, but the improvements or crops on the land may be mortgaged or pledged to qualified persons, associations, or corporations.

Section 124 of the same Act provides:

Any acquisition, conveyance, alienation, transfer, or other contract made or executed in violation of any of the provisions of sections one hundred and eighteen, one hundred and twenty, one hundred and twenty-one, one hundred and twenty-two, and one hundred and twenty-three of this Act shall be unlawful and null and void from its execution and shall produce the effect of annulling and cancelling the grant, title, patent, or permit originally issued, recognized or confirmed, actually or presumptively, and cause the reversion of the property and its improvements to the State.

As the sale of the 19 hectares of the homestead land was made within the prohibitive period of five years— three years and three months after the issuance of the homestead patent is null and void,[1] and is a cause for reversion of the homestead to the State.

Appellants' defense set up in the court below was that the document Exhibit A was intended merely as a mortgage on the improvements and crops existing on the 19 hectares of the homestead land to secure the payment by instalment of a loan, only that it was drawn up by mistake as an absolute sale upon the insistence of the vendees. If it was drawn up as an absolute sale upon the insistence of the vendees, then there was no mistake committed. The document Exhibit A is so clearly worded as to preclude an interpretation other than what the parties had intended it to be — a deed of absolute sale of the 19 hectares of the homestead land. Moreover, as found and held by the trial court:

* * * as stated in Annex "A", the improvements on the land only consist of 50 coco,nut trees, 5 mango trees, 1 nangka tree, bananas and other friut trees. It is unbelievable that defendants Domingo Colorado, Raymundo de Guzman, Inocencio Padama, Ignacio Ramos and Leon de Guzman would grant a loan of P11,000.00 for such a small security as those improvements specified above. Then if it is true that the transaction had between them is only a loan, to be paid by instalment every year, the defendants failed to produce any evidence that any instalment has ever been paid, taking into consideration that already elapsed more than five (5) years from that time up to the hearing of this case.

The fact that the appellant Isabelo Garcia moved to the municipality of Bislig, province of Surigao, and abandoned his homestead in Kiamba, Cotabato, is proof that he sold 19 hectares of his homestead.

Appellants contend that, under section 50, Act No. 496, the operative act to convey and affect lands registered thereunder is the act of registration, that inasmuch as the deed of sale Exhibit A was never registered there was actually no conveyance made of the 19 hectares of the homestead land, and that for that reason there was no infringement of section 118 of Commonwealth Act No. 141. To constitute a violation of the section just referred to, it is enough that the homestead be encumbered or alienated within the prohibitive period of five years; it is not necessary that the encumbrance or alienation be registered in the Office of the Register of Deeds. To uphold the appellants' contention would defeat the very prohibition established by law, for no party to a prohibited sale or conveyance would register such ah illegal transaction. Besides, the vendees already, had taken possession of the part sold to them. . .

Even if only 19 out of the 23.21 hectares of the homestead land had been sold or alienated within the prohibitive period of five years from date of issuance of the patent to the grantee, such alienation is a sufficient cause for reversion to the State of the whole grant. In granting a homestead to an applicant, the law imposes as a condition that the land should not be encumbered, sold or alienated within five years from the issuance of the patent. The

sale or alienation of part of the homestead violates that condition.

The judgment appealed from is affirmed, with costs against the appellants.

Paras, C. J., Bengzon, Montemayor, Reyes, A., Bautista Angelo, Labrador, Concepcion, and Endencia, JJ., concur.

[1] De los Santos vs. Roman Catholic Church of Midsayap, 94 Phil., 405; 50 Off. Gaz., 1588; Acierto vs. De los Santos, 95 Phil., 887; Eugenio vs. Perdido, 97 Phil., 41; Corpus vs. Beltran, 97 Phil., 772; 51 Off. Gaz., 563; Cadiz vs. Nicolas 102 Phil., 1032; Santander vs. Villanueva, 103 Phil., 1; Felices vs. Iriola, 103 Phil., 125.

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