

REPUBLIC OF THE PHILIPPINES, REPRESENTED BY THE DIRECTOR OF THE COMMISSION OF PARKS AND WILD LIFE, PETITIONER, VS. HON. RAFAEL DE LA CRUZ, IN HIS CAPACITY AS JUDGE OF CFI CAMARI...

G.R. No. L-35644. September 30, 1975

Ponente: TEEHANKEE, J.

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TEEHANKEE, J.:

The Court sets aside as patently erroneous respondent court's order of dismissal, for alleged want of cause of action, petitioner's complaint for annulment of cadastral decree reversion of a 1,839-hectare lot claimed by the Republic to be inalienable land of the public domain and a part of the Mt. Isarog National Park and remands the case for proper proceedings and trial and determination on the merits.

The land involved in the case at bar is designated as Lot 920 of the Pili Cadastre with a huge area of 18,394,083 square meters, more or less, or 1,839.4083 hectares. According to the complaint filed on October 14, 1971 by the petitioner Republic of the Philippines (at the instance of the Director of the Commission on Parks and Wildlife) against private respondent Elvira C. Medua as principal defendant in respondent court of first instance of Camarines Sur at Naga City presided by respondent judge for annulment of decree and reversion with preliminary injunction, the said land is the property actually and officially designated and technically identified in the plans and survey of the cadastral case as Lot 920-1R-317-D Forest Reserve. It is within the area of the Mt. Isarog National Park and includes the spring sources of the Naga City Water System, the Pili Waterworks, the Relay Station of the Bureau of Telecommunications, wood lands with falls, creeks and streams and other tributaries of the Anayan, Himaao and Binasagan Rivers which supply potable as well as irrigation waters to thousands of farms and farmers in the valley below.

Petitioner Republic's submittal in its complaint is that said Lot 920 (which was inadvertently included as a lot in the Pili cadastral proceedings initiated in 1968 by the Director Lands,[1] although it was and still is part of the forest reserve) was and is inalienable and indisposable, being a part of national park (the Mt. Isarog National Park) under the exclusive jurisdiction of the Commission of Parks and Wildlife and as such could not be the subject matter of cadastral proceedings nor be the subject of acquisition by, and award decree by the cadastral court in favor of, private individuals such as respondent Medua.

The Republic therefore prayed in its complaint that the decision rendered by the cadastral court and the corresponding decree issued on March 1, 1971[2] (as well as any certificate of title which may be issued although in fact none has been issued due to the Republic's timely action) be declared null and void ab initio, on grounds of lack of jurisdiction of the cadastral over the land, fraud and lack of authority on the part Assistant Commissioner of Land Registration under the Republic Act No. 1151, to issue the decree in question (No. N- 133673).[3]

Respondent Medua filed in-November, 1971 a Motion to Dismiss on the ground that petitioner's complaint states no cause of action, contending inter alia that the supposed fraud which led to the issuance of the decision and

decree in her favor did not constitute extrinsic but intrinsic fraud.

Respondent court, after receiving the parties' arguments, Issued its Order of July 7, 1972 wherein it found respondent's Motion to Dismiss to be "meritorious" and ordered that "the complaint for want of cause should be as it is hereby dismissed."

Hence, the present petition. At petitioner's instance, who complained that respondent and others claiming under her were entering into possession and seeking to exercise dominical acts over the said land alleged to be of the public domain, the Court issued on October 27, 1972 a writ of preliminary injunction without bond "enjoining private respondent Elvira C. Medua and all persons claiming rights or interest under her from performing acts of occupation, dominion and possession of the parcel of land involved, and its disposition to innocent purchasers for value, including acts of kaingin, gathering of firewoods and other minor forest products and logging activities therein and likewise enjoining the respondent Register of Deeds of Camarines Sur from issuing any Original Certificate of Title pursuant to Decree No. N-133673 dated March 1, 1972 and otherwise registering any document evidencing transfer, assignment or other disposition of any portion of the land involved, or issuing any transfer of certificate of title corresponding thereto, until further orders from this Court." [4]

The Court finds respondent court's dismissal order of Republic's complaint (for annulment of decree and reversion on grounds of nullity ab initio and lack of jurisdiction) to be manifestly erroneous and therefore sets aside the same.

1. Respondent court found in its dismissal order of July 7, 1972 that the Republic (as well as the City of Naga and Municipality of Pili) had filed petitions for the reopening or review of the cadastral proceedings awarding the 1,839-hectare lot (No. 920) to respondent Medua "well within the prescribed by law" to which respondent court acting as a cadastral court properly gave due course per its Order dated June 22, 1971; but that the Republic through the Solicitor General and Provincial Fiscal filed on October 29, 1971 a motion to withdraw the petition for review since it had decided to file instead on October 19, 1971 its separate complaint at bar for annulment of decree and reversion, which withdrawal was granted per its order of December 17, 1971. [5]

Respondent court, reasoning that

"Without attempting to decide the case on its merits, this court, acting as a court of ordinary jurisdiction cannot pass questions where a remedy is still available and open in the land or cadastral court. Neither can the alleged lack of jurisdiction of the said court which decided the case be raised here in this court although admittedly, the question of jurisdiction can be raised at any stage of the proceedings even for the first time on appeal," and

"The complaint also prays that any certificate of title issued be so declared void ab initio. The complaint admittedly shows that no certificate of title has yet been issued. Therefore, there is nothing to impugn, cancel or declare void in the name of Elvira C. Medua. The action is pre-mature by seeking the cancellation of a non-existent certificate of title.

"When this case was filed, the one year period given by Act 496 for the review of the decision in the land registration case has not yet lapsed."

thus issued its order of July 7, 1972 [6] dismissing the Republic's complaint for prematurity and for want of cause of action.

Since respondent court obviously believed that the Republic's recourse was to continue with its petition for reopening of 11 decree in the cadastral proceedings and that the filing of the separate action with it for annulment of the decree and reversion was not proper and premature, then to be consistent it should not have issued its earlier order of December 17, 1971 granting the Republic's withdrawal of its petition for reopening — and instead

it should have heard and determined the Republic's petition for reopening and setting aside of the decree in the cadastral proceedings.

In effect, what respondent court has done is unwarranted completely box out the Republic's petition for any recourse for the recovery or reversion of the 1,839-hectare lot that it claim as an inalienable part of a national park, "being part of Mt. Isarog National Park situated in the municipalities of Naga, Calabanga, Tinambec, Goa, Tigaon and Pili, Camarines Sur and includes the spring sources of Naga City Water system, the Pili Waterworks, the relay station of the Bureau of Telecommunications, standing woodland with falls and creeks and streams, and other tributaries of the Anaya, Himaao and Binasaya rivers which supply potable as well as irrigation waters to the thousands of farmers in the valley below."

In its dismissal order, respondent court dismisses the Republic's separate action as improper and having prematurely filed since "the one-year period given by for the review of the decision in the land registration case has not yet lapsed," yet it knows full well that the petition for review or reopening previously filed by the Republic can no longer be prosecuted due to its having granted the Republic's motion for withdrawal thereof precisely by virtue of its filing of the present separate action.

Such inconsistent actions on the part of respondent court which would totally frustrate the Republic's action for recovery of land alleged to be of the public domain cannot receive the sanction of this Court.

2. The factual allegations of petitioner Republic's complaint, as above stated in substance, plainly state a valid cause of action for the reversion of the 1,839-hectare lot as inalienable land of the public domain, being part of the Mt. Isarog National Park. Since respondent's motion to dismiss was grounded on the contention that the Republic's complaint "states no cause action," respondent court's granting of the dismissal "for want of cause (of action)" was patent error. Respondent court utterly disregarded the elementary rule that in a motion to dismiss alleged failure to state a cause of action, the movant is deemed hypothetically to admit the truth of the facts alleged in complaint and the alleged want of cause of action must appear on the face of the complaint since the movant cannot traverse its factual allegations.[7]

As the motion to dismiss must be deemed hypothetically admit the truth of the complaint's basic allegation that the 1,839-hectare lot is inalienable land of the public domain part of the Mt. Isarog National Park, it is obvious that the complaint states a valid cause of action on the basis of which respondent court could render a valid judgment for annulment of the decree and reversion of the lot to the Government prayed for in the complaint.

There is no justification, therefore, for respondent peremptory dismissal of the complaint "for want of cause of action.)"

3. The right of the Republic to revert and recover in land of the public domain to which a person has obtained decree or title by mistake or oversight since such a decree or title is void ab initio is a settled matter. This doctrine is once more reiterated in Republic vs. Animas[8] where the Court held that "(T)he defense of indefeasibility of a certificate of title issued pursuant to a free patent does not lie against the state in action for reversion of the land covered thereby when such land is a part of a public forest or a forest reservation. As a general rule, timber or forest lands are not alienable or disposable under either the Constitution of 1935 or the Constitution of 1973. Although the Director of Lands has jurisdiction over public lands classified as agricultural under the constitution, or alienable or disposable under the Public Land Act, and is charged with the administration of all laws relative thereto, mineral and timber lands are beyond his jurisdiction. It is the Bureau of Forestry that has jurisdiction and authority over the demarcation, protection, management, reproduction, occupancy and use of all public forest and forest reservations and over the granting of licenses for the taking of products therefrom, including stone and earth (Section 1816 of the Revised Administrative Code). That the area in question is a forest or timber land is clearly

established by the certification made by the Bureau of Forest Development that it is within the portion of the area which was reverted to the category of forest land, approved by the President on March 7, 1958, When the defendant Isagani Du Timbol filed his application for free patent over the land in question on June 3, 1969, the area in question was not a disposable or alienable public land but a public forest. Titles issued to private parties by the Bureau of Lands when the land covered thereby is not disposable public land but forest land are void ab initio."

The court stressed therein that "(A) patent is void at law if the officer who issued the patent had no authority to do so. x x x If a person obtains a title under the Public Land Act which includes, by mistake or oversight, lands cannot which cannot be registered under the Torrens System, or when the Director of Lands did not have jurisdiction over the same because it is public forest, the grantee does not, by virtue of said certificate of title alone, become the owner of the land illegally included."

The Republic is therefore clearly entitled to a trial and if it substantiates its factual allegations at the trial, it would be duly entitled to a judgment that the decision and decree issued in the cadastral proceeding over Lot 920, which is part of a national park and inalienable land of the public domain, are null and void ab initio.

ACCORDINGLY, respondent court's order of dismissal of the petitioner's action in Civil Case No. 7201 is set aside and the case is ordered remanded to respondent court for proper proceedings and trial and determination on the merits in consonance with the Court's opinion. The writ of preliminary injunction issued by the Court shall continue in full force and effect and unless the case is adversely disposed of by final judgment against petitioner Republic as plaintiff.

SO ORDERED.

Makasiar, Muñoz Palma, Aquino, and Martin, JJ., concur.

[1] Par. 5, Complaint and Amended Complaint!, Annexes A and B. petition, docketed as Civil Case No. 7201 of respondent court.

[2] Answer to Petition, par. 2; Rollo, p. 93.

[3] Par. 10(0, amended complaint. Annex B, petition.

[4] Rollo, pp. 71-72.

[5] Annex 6, Answer.

[6] Annex F, petition.

[7] See *Militante vs. Edrosolano*, 39 SCRA 473; *Adamos vs. J.M. Tuason & Co., Inc.*, 25 SCRA 529 and cases cited in *I Moran's Rules of Court* 1970 Ed., p. 495.

[8] 56 SCRA 499 (March 29, 1974) and cases cited.

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