

## URSULA FRANCISCO, PLAINTIFF AND APPELLEE, VS. JULIAN RODRIGUEZ, ET AL., DEFENDANTS AND APPELLANTS.

*G.R. No. L-15605. October 31, 1962*

Ponente: REGALA, J.

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### REGALA, J.:

This is the second time that this case is brought before Us on appeal.

The antecedent facts are not disputed and are stated in Our decision dated May 21, 1956, in G. R. No. L-8263, as follows:

Plaintiff was born a Mora with the name of 'Silipot' who was baptized as a Christian at the age of thirty-five. She was an illiterate. She applied in Sales Application No. 15774 for the purchase of Lot No. 595, Cadastral No. 102, situated in barrio Buna wan, Davao City, and thereafter cultivated it, planting thereon abaca, coconuts, cacao, lanzones, nanca and durian, and declared it for purposes of taxation in 1932. Its assessed value at that time was P4,280.

"On August 10, 1935, her sales application was rejected because she had permitted herself to be a dummy, though she continued in the possession of the property. On September 2, 1935, she filed a motion for reconsideration by means of an affidavit signed and subscribed before her lawyer, defendant Julian A. Rodriguez. A year, afterwards, or on April 27, 1936, this lawyer sent a letter to the Bureau of Lands at Davao, enclosing an affidavit of Ursula Francisco, stating that the aliens had already left the place, and on August 12, 1939, or two years later, the same lawyer again sent a letter to the Bureau of Lands, this time at Manila, urging that 'in view of the fact that this case is now pending for nearly three years, may I ask now that action be expended?' There was no reply to this letter, but in June, 1940, Ursula Francisco, being in need of money because of the impending foreclosure of another parcel of land and of the recent death of her son-in-law, husband of Casiana, and because of the expenses needed by her grandson Jose who was in Manila, approached her lawyer Rodriguez asking him for a loan of P1,000.00 and while Julian did not consent at first, he finally agreed, though insisting on an absolute conveyance of the property, less four hectares which should be segregated for the vendor. To this end the land was surveyed for subdivision in May, 1940, and the following month a document was executed on June 10, 1940 conveying 29 hectares of the land to Rodriguez for the sum of P2,000, which was thumb-marked by Ursula who received the first payment of P500.00.

"It appears however that Ursula was of the belief that the document she signed was one of anti-chresis, and when she discovered that the document she thumb-marked was a deed of absolute sale, she filed an action in the Court of First Instance of Davao against the now defendant Rodriguez and her daughter Monina seeking the annulment of said document (Civil Case No. 9-R), and although the document, marked Exhibit D-1, was declared null and void, she lost the case because the land in question was then not considered her property but of the Government. On October 30, 1947, or two months after the decision in said case was rendered, the Bureau of Lands reinstated Ursula's application, but Rodriguez asked for reconsideration on the ground that he was the owner of 29 hectares. His motion was denied by order of the Bureau of Lands on June 17, 1948. A supplemental motion filed by Rodriguez was also denied on November 18, 1948, though upon the latter's application, the Bureau of Lands stayed on December 4, 1948, the execution of the reinstatement. Finally, on

February 17, 1949, the Secretary of Agriculture remanded the case to the Bureau of Lands for a formal investigation, which had not yet been completed at the time the present case was decided in the lower court. In view of this state of affairs, on August 27, 1948, Ursula Francisco instituted this action which was decided by the trial court as stated in the early part of this decision.

On the basis of the above facts, the trial court, on April 28, 1949, rendered a decision declaring both plaintiff Ursula Francisco and defendants, herein appellants, not entitled to the possession of the land in litigation and leaving the disposition of said land to the officials of the Department of Agriculture.

On Appeal, this Court affirmed the said decision, making the following pronouncements:

"\* \* \* there is no doubt that the deed of conveyance executed by plaintiff in favor of defendant on June 10, 1940 is null and void not only because the rights of plaintiff under her sales application had been cancelled by the Bureau of Lands in the belief that she permitted herself to be a dummy of the Japanese but especially because the conveyance was made without the previous approval of the Secretary of Agriculture as required by law (Section 29, Commonwealth Act No. 141). \* \* \* It is therefore clear that the conveyance is null and void and produced as a consequence the reversion of the property with all the rights thereto to the State.

\* \* \* \* \*

"There is however a redeeming feature that may throw light on the present controversy. We know that the sales application of plaintiff has been reinstated by the Bureau of Lands but the effect of which were stayed upon petition of defendant. And because of this conflict, the Secretary of Agriculture has ordered a formal investigation apparently in an effort to determine once and for all the rights and equities of the parties. Unfortunately, the investigation has not yet been completed when this case was initiated and from a recent correspondence received by this Court from the Bureau of Lands the same is still pending, awaiting the outcome of the present case. Considering that under the provisions of sections 3, 4 and 5 of Commonwealth Act No. 141 the Director of Lands, subject to the control of the Secretary of Agriculture, is given direct executive control of any disposition of lands of the public domain and his decisions as to questions of fact, if approved, are deemed conclusive upon this Court, we believe that this matter may well be left to whatever action may be taken by said officials with regard to the land in litigation. This is especially so because the root cause from which emanates the nullity of the transaction hinges merely on the lack of approval of the Secretary of Agriculture and Natural Resources. Viewing the controversy in this light, we are of the opinion that the trial court did not err when it concluded that 'Plaintiff must wait until the Department of Agriculture finally brings down the hammer. If she wants auxiliary relief, that Department shall grant it.' "

Believing that the aforequoted decision of this Court restored them to their status ante litem motam, both parties filed with Us separate motions for reconsideration with a view of obtaining possession of the property in litigation and the fruits thereof pendente lite. The motions were denied, and after the record of the case had been returned to the lower court, the parties there again attempted to get possession of the property by filing the corresponding motions. The trial court, however, denied their motions on the ground that it is either the Secretary of Agriculture or the Director of Lands who should ask for possession of the property.

In the meantime, or on October 22, 1956, the investigation mentioned in the decision of this Court being conducted by the Bureau of Lands in connection with the property in litigation having been finally accomplished, decision was rendered by the Secretary of Agriculture, dispositive part of which reads:

"In view hereof, the instant appeal by Julian Rodriguez and Monina Rodriguez is hereby dismissed; their claims to the portion of 29.3298 hectares involved herein and its improvements, denied; and whatever rights or interests appellee Ursula Francisco may have in said lands and improvements, declared vacant; and steps leading to its sale, including the improvements, in a public bidding shall forthwith be taken."

The Office of the President has affirmed this decision in toto.

Pursuant thereto, the Director of Lands, on December 8, 1958, filed in the trial court a motion to intervene in Civil Case No. 268, praying that the receiver (who was appointed at the outset of the case before it was brought to Us on appeal for the first time) be required to give an accounting and that thereafter the receivership be dissolved.

The motion was granted and the receiver was ordered to deposit any cash in his possession with the Philippine National Bank and submit his report for its approval. In compliance with this last mentioned order, the said receiver submitted his statement of accounts and on September 12, 1958, his final accounts were approved.

On October 12, 1958, defendants filed a motion asking for possession of property and discharge of receiver, and on October 28, 1958, said defendants, together with plaintiff, filed a joint motion praying that the proceeds of the property be delivered to and divided between them equally. In denying these two motions, the trial court, on November 14, 1958 ordered—

" \* \* \* the receiver to turn over the property and deliver to the Bureau of Lands all accountability of said receiver and thereafter the receivership is considered dissolved. Upon submission and approval of this Court of the accounts of the receiver from the last date of the approved accounting up to the present time, this case shall be considered closed."

The defendants moved to have this order reconsidered but having been denied, they interposed the present appeal with the following assignment of errors:

"THE TRIAL COURT ERRED IN DECLARING THAT THE LAND IN LITIGATION IS ALREADY REVERTED TO THE STATE, AND AS SUCH, THE PROPERTY MUST BE TURNED OVER TO THE GOVERNMENT.

"THE LOWER COURT ERRED IN DECLARING THAT THE OWNERSHIP OF THE LAND IN QUESTION BY THE STATE CARRIES WITH IT THE RIGHT TO POSSESS.

"THE LOWER COURT ERRED IN NOT DECLARING DEPENDANTS ENTITLED TO THE MATERIAL AND PHYSICAL POSSESSION OF THE LAND IN QUESTION AND IN NOT TERMINATING THE RECEIVERSHIP IN THIS CASE."

The appeal is without merit.

This Court in G. R. No. L-8263 has expressed in no uncertain terms that the conveyance of the land in question from Ursula Francisco to the Rodriguezes is "null and void and produced as a consequence the reversion of the property with all rights thereto to the State." This pronouncement is well in accordance with the following wording of Section 29 of Commonwealth Act 141:

"\* \* \* Any sale and encumbrance made without the previous approval of the Secretary of Agriculture and Commerce shall be null and void and shall produce the effect of annulling the acquisition and reverting the property and all rights thereto to the State, and all payments on the purchase price theretofore made to the Government shall be forfeited. \* \* \*"

The reversion referred to is self-operative and no separate action need be instituted by the Government for that purpose.

The parties, however, insist on a formal action for reversion, citing Section 101 of the Public Land Law (Commonwealth Act 141), which provides that "all actions for the reversion to the Government of lands of the public domain or improvements thereof shall be instituted by the Solicitor General or the officer acting in his stead, in the proper courts, in the name of the Commonwealth of the Philippines." But the aforequoted section

does not apply here. The same may be invoked only when title has already vested in the individual, e.g., when a patent or a certificate of title has already been issued. As already stated, no new separate action is necessary for the reversion of the property in question and futile for the parties to ask for possession of the same.

Neither may the parties claim for the proceeds of the property during the pendency of this case because "all rights in and interest to, and the improvements and crops upon, land for which an application has been denied or cancelled or a patent or grant refused, or a contract or concession rescinded or annulled, shall be forfeited to the Government" (Section 98, Public Land Law).

It is, however, contended that the property as well as the fruit thereof pendente lite cannot be delivered to the Director of Lands, because he is not a party to the case. We do not think the contention is tenable. One of the purposes for which a receivership is established is to preserve the property during the pendency of the litigation or to dispose of it according to the judgment when the judgment is finally rendered or otherwise to carry the judgment into effect. This Court has already made the pronouncement in G. R. No. L-8263 that the land in question reverted to the State, and directed the officials of the Department of Agriculture to take whatever action is necessary with regard to said land. In accordance therewith, the Director of Lands filed a motion to intervene in the proceedings and the same was granted by the lower court. It cannot be argued, therefore, that the Director of Lands is not a party to this case.

Of course, We have taken note that the intervention by the Director of Lands was not strictly in accordance with Rule 13 of the Rules of Court. But the motion was not so filed as to have unduly delayed the disposition of the case and substantially impaired the rights of the original parties. On the other hand, the circumstances obtaining in the proceedings pointed to the advisability, even necessity, of having the intervenor take part therein. An examination of the record shows that this case has been pending since 1948 and that the parties have patently no rights whatsoever to the land in question. To require a strict compliance with the Rules would only further delay the proceedings and subject both parties as well as the government to additional unnecessary expense. Technicality, when it deserts its proper office as an aid to justice and becomes its great hindrance and chief enemy, deserves scant consideration. (Alonso vs. Villamor, 16 Phil. 315)

In view of the foregoing, the order appealed from is hereby affirmed, without special pronouncement as to costs.

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

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