

REPUBLIC OF THE PHILIPPINES, PETITIONER, VS. COURT OF FIRST INSTANCE OF PAMPANGA, PRESIDED FORMERLY BY JUDGE L. PASICOLAN, AND NOW BY JUDGE ANDRES C. AGUILAR, THE SPOUSES FRANCI...

G.R. No. L-27006. June 30, 1970

Ponente: RE YES, J. B. L., J.

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RE YES, J. B. L., J.:

Petition for certiorari against the order of the Court of First Instance of Pampanga in an expropriation case (Civil Case No. 1130), declaring itself without jurisdiction to pass upon the question of ownership of one of the condemned lots, in the same proceeding.

The controversy here is an incident in the case filed by the Republic of the Philippines in the Court of First Instance of Pampanga, for the expropriation of the so-called Henson Estate, situated in the municipality of Angeles of that province and belonging to the heirs of the deceased Jose P. Henson, viz., Amanda Henson-Nepomuceno, Manuela Henson vda. de Suarez, Sor Maria Luisa Henson, Mariano Henson, Ines Henson vda. de Dizon, Francisco Henson-Roque, and the minors Placido H. de Guzman, Jr. and Vitali H. de Guzman, who were all named defendants in the complaint. The records show that when the complaint was filed on 18 September 1956, the estate had already been subdivided and partitioned among the above-named heirs. One of the lots assigned to defendant Francisca Henson-Roque was Lot No. 6, Block 6, plan Psd-2017, with an area of 757 square meters.

After a motion to dismiss was filed on behalf of all the defendants, one Antonio Feliciano, representing himself to be the owner of the lot identified as Lot No. 6, Block 6, plan Psd-2017, with proper leave of court, filed a motion in intervention praying for the dismissal of the case as far as such property was concerned. The motion was opposed by the plaintiff Republic of the Philippines, pointing out that the sale of the land by Francisca Henson-Roque to movant-intervenor was made on 16 September 1957, or a year after the filing of the expropriation case, in violation of Section 20 of the Land Reform Act of 1955 (Republic Act 1400).[1] Acting on the foregoing motions, the court, in its order of 6 October 1958, declared as null and void the sale of the lot to Antonio Feliciano; reconsidered the order allowing the intervention of Feliciano and treated Francisca Henson as the defendant in the case; and directed the Register of Deeds of Pampanga to cancel the certificate of title (TCT No. 17235-R) issued in the name of Feliciano.

It appears, however, that on 5 August 1958, or before the above order was issued, Feliciano sold the same lot to the spouses Juan Punzalan and Eufrosina Wingco, as a result of which TCT No. 17235-R in the name of Feliciano was cancelled and another one (TCT No. 19484-R) was issued in favor of the Punzalan spouses. Required later to show cause why the sale of the lot to them should not be declared invalid and their title cancelled, the Punzalans contested the jurisdiction of the lower court, submitting that not being a land registration court, it is without authority to pass upon the validity of the sale and of the certificate of title. Besides, it was claimed that the sale of

the lot to them was in good faith and for value. On 30 January 1959, the lower court promulgated an order stating that since the issue in that incident revolves around the validity of the sale of the lot (after the expropriated case had started), which issue would call, for the determination of the interests of third parties in the property, the proper procedure would be to have the said question ventilated and threshed out in a separate action.

Thereafter, in a joint motion dated 28 July 1960, plaintiff and defendants manifested in court that they had come to an amicable settlement of their controversy, the defendants agreeing to the sale of their land and to the government's immediate taking of possession thereof upon payment of the provisional value to be fixed by the court. Taking cognizance of such agreement between the parties, the court, on 3 August 1960, entered an order of condemnation against the defendants' properties. The value of the condemned land was later provisionally fixed at p3.00 per square meter, and the amounts accruing to each of the defendants ordered delivered to them.[2]

On 21 August 1960, the defendants prayed for the modification of the condemnation-order, to exclude therefrom eight lots which the said defendants allegedly wanted to retain for themselves. One such lot was the parcel of land, Lot 6, Block 6, plan Psd-2017. Then, it seems that another motion dated 8 February 1962, was also filed by defendants, increasing to sixteen the number of lots sought to be excluded from the condemnation-order. The prayer for exclusion this time was based on the contention that the said lots were already sold to third parties when the expropriation case was instituted on 18 September 1956. By order of 3 April 1962, the lower court granted the defendants' motion and directed the exclusion of the enumerated 16 lots from the order of condemnation. The records show, however, that on 27 February 1963, the court changed its stand and ordered the re-inclusion of Lot 6, Block 6 in the list of expropriable properties, declaring further that the issues of the validity of the two sales and the propriety of the cancellation of the titles issued to the vendees should be determined at the instance of the affected party or parties.

On 17 July 1963, the Punzalans once more applied to the court for the exclusion of the lot from the order of 3 August 1960, and for the cancellation of the lis pendens notice at the back of their certificate of title. This motion was denied by the court on 28 August 1963, reasoning that to grant movants' prayer at that point would amount to prejudging the matter of the validity of their (movants) title to the land. On 25 October 1963, the court issued another order giving the government 30 days within which to initiate the necessary action to settle the question of the Punzalans' title over the property. When the given period elapsed without the government's making any move on the premises, the Punzalans filed another motion in the expropriation case reiterating their prayer for the exclusion of the lot from the condemnation-order and for cancellation of the lis pendens annotation on their title. On 17 December 1963, the court denied movants' motion; ordered the lifting of its previous order of 25 October 1963, and declared itself possessed of authority to pass upon the issue raised in that incident, in accordance with Section 10, Rule 69[3] of the Rules of Court. There was a lull in the proceeding in the lower court until 14 September 1966, when the judge to whom the case was reassigned[4] issued an order disavowing jurisdiction over the question of the validity of the subsequent sales of the lot, and directing its exclusion from the order of condemnation of 3 August 1960. When its motion for reconsideration of this latest order was denied, the plaintiff Republic of the Philippines came to this Court by way of the present certiorari proceeding.

The sole issue in this case, i.e., whether or not the court that hears the expropriation case has also jurisdiction to determine, in the same proceeding, the issue of ownership of the land sought to be condemned, must be resolved in the affirmative. That the court is empowered to entertain the conflicting claims of ownership of the condemned or sought to be condemned property and adjudge the rightful owner thereof, in the same expropriation case, is evident from Section 9 of the Revised Rule 69, which provides:

"SEC. 9. Uncertain ownership. Conflicting claims. - If the ownership of the property taken is uncertain, or there are conflicting claims to any part thereof, the court may order any sum or sums awarded as compensation

for the property to be paid to the clerk of court for the benefit of the person adjudged in the same proceeding to be entitled thereto. But the judgment shall require the payment of the sum or sums awarded to either the defendant or the clerk before the plaintiff can enter upon the property, or retain it for the public use or purpose if entry has already been made." (Underlining supplied.)

In fact, the existence of doubt or obscurity in the title of the person or persons claiming ownership of the properties to be expropriated would not preclude the commencement of the action nor prevent the court from assuming jurisdiction thereof.[5] The Rules merely require, in such eventuality, that the entity exercising the right of eminent domain should state in the complaint that the true ownership of the property cannot be ascertained or specified with accuracy.[6]

Now, to determine the person who is to be indemnified for the expropriation of Lot 6, Block 6, Psd-2017, the court taking cognizance of the expropriation must necessarily determine if the sale to the Punzalan spouses by Antonio Feliciano is valid or not. For if valid, said spouses must be the ones to be paid by the condemnor; but if invalid, the money will be paid to someone else.

Neither can it be maintained that, not being a land registration court, the court below is bereft of authority to enter a judgment cancelling the certificates of title issued to Feliciano and herein respondents Punzalan spouses. For it must be realized that should the parties' evidence so warrant, any order for the cancellation of the certificates of title that may be found to have been unduly or illegally obtained would only be the necessary consequence of the lower court's vested power to rule on the question of rightful ownership of the property involved herein. And that would not go against the doctrine of inviolability of the Torrens title; because if it could be established, a declaration by the lower court of the nullity of the sale of the lot to herein respondent spouses and the consequent cancellation of their certificate of title would not constitute a reopening of the registration proceeding by virtue of which the lot was brought under the operation of the Torrens System. In other words, the land will remain a registered land; it is merely the right of the present registered owners over the said property that would be affected.

It is easy to understand, finally, that if the Punzalans' title were to be tried in a separate action, then, should their title be upheld, a multiplicity of expropriations would ensue, and the Government would have to readduce its evidence on the value of the land, and a second set of commissioners of appraisal must be appointed. Proceedings would be thus unnecessarily complicated and multiplied.

WHEREFORE, the writ of certiorari prayed for is granted, and the respondent court's order of 14 September 1966 is hereby reversed and set aside. The case is remanded to the lower court for further proceedings. No costs.

Concepcion, C.J., Dizon, Makalintal, Zaldivar, Castro, Fernando, Teehankee, Barredo, and Villamor, JJ., concur.

[1] "SEC. 20. Prohibition against alienation. - Upon the filing of the petition referred to in sections twelve and sixteen, the landowner cannot alienate any portion of the land covered by such petition except in pursuance of the provisions of this Act, or enter into any form of contract to defeat the purposes of this Act, and no ejectment proceedings against any tenant or occupant of the land covered by the petition shall be instituted or prosecuted until it becomes certain that the land shall not be acquired by the Administration."

[2] Order of 9 August 1960.

[3] Now Section 9, Revised Rule 67.

[4] Following the retirement of the judge who was previously hearing the expropriation case.

[5] See *Manila Railroad Co. vs. Caligsihan*, 40 Phil. 326; *Metropolitan Water District vs. Director of Lands*, 57 Phil. 293.

[6] Section 1, Revised Rule 69.

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