

REPUBLIC OF THE PHILIPPINES, PETITIONER, VS. JUDGE BENJAMIN H. AQUINO, AS JUDGE OF THE COURT OF FIRST INSTANCE OF RIZAL, BRANCH VIII, AND VIVENCIO P. ANGELES, RESPONDENTS.

G.R. No. L-33983. January 27, 1983

Ponente: RELOVA, J.

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RELOVA, J.:

On May 16, 1968, respondent Vivencio P. Angeles filed with the Court of First Instance of Rizal an application for registration of title over a parcel of land covered by Plan Psu-52079, containing an area of 65,181 square meters, more or less, situated in San Mateo, Rizal, under LRC Rec. No. N-35458. Opposition was filed thereto, jointly by Victorino Perez and Dionisio, Conrado, Jose, Nicanor, Lourdes and Trinidad, all surnamed Sta. Maria, and individually by Felix Lorenzo, as representative of the heirs of Victor Lorenzo.

One of the grounds of the opposition is that subject property was declared public land by the Court of First Instance of Rizal in a decision, dated October 31, 1935, in LRC No. 1196, GLRO Rec. No. 50288, entitled: "Isabelo Lorenzo et al., applicants vs. The Director of Lands, et al., Oppositors."

Thereafter, the same property was the subject of a homestead application filed by one Gonzalo Lorenzo with the Bureau of Lands. The application was given due course on July 12, 1939.

On February 29, 1956, Gonzalo Lorenzo sold the property to Vivencio P. Angeles who, on March 23, 1956, filed his own homestead application. It was approved and given Entry No. 7-1206 on March 14, 1958 and herein respondent Angeles was allowed to enter into the possession of the land so as to comply with the cultivation requirements of the Public Land Act.

On May 16, 1968, Vivencio P. Angeles filed with the Court of First Instance of Rizal an application for judicial confirmation of title in accordance with Republic Act 2061, in connection with Republic Act 931, and to avail of the benefits of Section 48 of Commonwealth Act No. 141 (Public Land Act). As a consequence thereof, he withdrew his homestead application on May 24, 1969.

On May 4, 1971, the lower court, after hearing, rendered judgment "finding the applicant to have a registrable title to the parcel of land described in Plan Psu-52084, hereby confirms his title thereto and orders the registration thereof in his name with his personal circumstances, to wit: VIVENCIO P. ANGELES, married to Crisanta Cruz, Filipino Citizen, residing at San Mateo, Rizal. The opposition filed by Victorino L. Perez, and Dionisio, Conrado, Lourdes, Nicanor and Trinidad, all surnamed Sta. Maria and the apposition filed by Felix Lorenzo are hereby dismissed. Without costs."

In its decision, the lower court said:

"The evidence for the applicant clearly shows that Ciriaco Lorenzo, now deceased and his son Gonzalo Lorenzo and the applicant had occupied the land subject matter of the application for so long a time in fact for almost half a century. Gonzalo Lorenzo applied for a homestead patent thereto under H. A. No. 212104, and

later sold all his rights and interest on the land to applicant Vivencio P. Angeles who likewise filed an application for homestead patent thereto under H. A. 7-644 which cancelled the homestead application of his predecessor-in-interest Gonzalo Lorenzo. Exercising the option granted to him by Republic Act 931 the applicant Angeles withdrew the said application for homestead patent (Exhibits R and S), and applied for registration under Act 96. The evidence both testimonial and documentary clearly shows that applicant and before him his predecessor in interest were in possession of the property for more than the required period of thirty (30) years, as owners, publicly, continuously, and uninterruptedly and adverse to any other claim. Under the provisions of Republic Act 931, as amended by Republic Act 2061 the right of applicants to register became unassailable. Although the land was part formerly of the public domain, Vivencio P. Angeles and before him Ciriaco Lorenzo and Gonzalo Lorenzo (father and son) claim title to the land subject of the application and were in actual possession of the same and under Section 2 of Republic Act 931 the applicant is permitted to file a petition for reopening of the judicial proceedings under the provisions of 2259 or may file a direct application to the Court for registration of the land as provided for in Section 2 of Republic Act 931. This latter remedy was resorted to by applicant Vivencio P. Angeles. The evidence shows that during the period required by law applicant was in actual and adverse possession of the land, cultivating the same by himself and his predecessors-in-interest and appropriating to himself or to his predecessors-in-interest benefit of all the fruits gathered from the land. The land taxes were correspondingly paid. The land subject matter of the application although formerly part of the public domain has been released for private ownership under the provisions of the public land provided that the requirements thereof were complied. These requirements were completely satisfied by the applicant."

In this appeal, petitioner alleged that the lower court erred in assuming jurisdiction over the application for registration of title and in ruling that the applicant-respondent Vivencio P. Angeles has a registrable title over the lot in question.

It is the position of the petitioner that Republic Act 931 applies only to:

"... 'persons claiming title to parcels of land that have been object of cadastral proceedings, who at the time of the survey were in actual possession of the same, but for some justifiable reason had been unable to file their claim in the proper court during the time limit established by law.' They are allowed, 'in case such parcels of land, on account of their failure to file such claims, have been, or are about to be declared land of the public domain,' to petition for a reopening of such judicial proceedings, even if they have pending applications for homestead, free patent, sale or lease over said lands which have not yet been approved by the Director of Lands (Republic vs. Marcos, L-29675, Sept. 30, 1969; 29 SCRA 517, 526).

"Republic Act No. 931 does not apply to any person claiming title to land that has been declared public land in an ordinary registration proceedings invoking judicial confirmation of imperfect title. Hence, it cannot be invoked to allow the reopening of Land Registration Case No. 1196, GLRO Rec. No. 50288, entitled 'Isabelo Lorenzo, et al. vs. Ciriaco Lorenzo, et al.,' where the Court of First Instance of Rizal declared the land in question as public land. The decision therein had long become final and cannot be disturbed anymore being res judicata."

On the other hand, private respondent Vivencio P. Angeles claims that petitioner has no personality to file this petition considering that it had been declared in default for not having filed its opposition to his application for land registration and that it did not even file a motion to lift the order of default nor file a motion for reconsideration.

We find merit in the petition. In the first place, in Land Registration Case No. 1196, GLRO Rec. 50288, entitled "Isabelo Lorenzo et al. vs. The Director of Lands, et al., the Court of First Instance of Rizal had already declared subject property as a public land. That was in 1935. The decision had long become final and, therefore, cannot be disturbed anymore on the ground of res judicata. And, Republic Act 931 does not apply to persons claiming title

to land which has been declared public land in an ordinary registration proceeding.

Herein private respondent Vivencio P. Angeles also based his application for judicial confirmation and registration of title on the provisions of Section 48(b) of Commonwealth Act 141, as amended by Republic Act 1942, which allowed "those who by themselves or through their predecessors-in-interest have been in open, continuous, exclusive and notorious possession and occupation of agricultural lands of the public domain, under a bona fide claim of acquisition of ownership for at least thirty years immediately preceding the filing of the application," although neither he (Vivencio P. Angeles) nor his predecessor-in-interest, Gonzalo Lorenzo, can rightfully claim that they have been in open, continuous, exclusive and notorious possession of subject property under bona fide claim of acquisition of ownership. The fact that he had filed a homestead application over the property is an admission that their possession was not in the concept of an owner.

As held in the case of *People vs. The Director of Lands*, 39 Phil. 850, "The main differences between the Land Registration Law and the Public Land Law are: Under the first, there exists already a title which is to be confirmed by the court; under the second, the presumption always is that the land applied for pertains to the State, and that the occupants and possessors claim an interest only in the same by virtue of their imperfect title or continuous, open, and notorious possession. Under the Land Registration Law, the court may dismiss the application of the applicant with or without prejudice to the right to file a new application for the registration of the same land. (Act No. 496, sec. 37.) Under the Public Land Law, the court has jurisdiction or power to adjudicate land in favor of any of the conflicting claimants. Under the Land Registration Law, the only risk that an applicant runs is to have his application denied; under the Public Land Law, the applicant runs the risk of losing the land applied for. While the goal at which the two laws finally arrive is the same, namely, a Torrens title, which aims at complete extinguishment once and for all of right adverse to the record title, one law containing certain advantages not found in the other law, and similarly certain disadvantages, the two laws provide different routes to travel to attain the ultimate goal."

Relative to the allegation that the Director of Lands or that the government did not oppose the application of herein respondent, as in fact on December 26, 1969 an order of general default was issued by the court against the whole world, suffice it to say that as stated by this Court in *Luciano vs. Estrella*, 34 SCRA 769, "it is a well known and settled rule in our jurisdiction that the Republic, or its government, is usually not estopped by mistake or error on the part of its officials or agents." And, in an earlier case, *Republic vs. Philippine Rabbit Bus Lines, Inc.*, 32 SCRA 211, "there was an enunciation of such a principle in this wise: 'Thus did the lower court, as pointed out by the then Solicitor General, conclude that the government was bound by the mistaken interpretation arrived at by the national treasurer and the auditor general. It would consider estoppel as applicable. That is not the law. Estoppel does not lie. Such a principle dates back to *Aguinaldo de Romero v. Director of Lands*, a 1919 decision."

WHEREFORE, the decision of the lower court, dated May 4, 1971, is hereby SET ASIDE and accordingly, private respondent Vivencio P. Angeles' application in Land Registration Case No. N-6783, LRC Rec. N-35458 is hereby DISMISSED. With costs.

SO ORDERED.

Melencio-Herrera, Plana, Vasquez, and Gutierrez, Jr., JJ., concur.
Teehankee (Chairman), J., in the result.

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