

REPUBLIC OF THE PHILIPPINES, PETITIONER, VS. COURT OF FIRST INSTANCE OF LANA DEL NORTE, BRANCH IV, HONORABLE PRESIDING JUDGE HERNANDO PINEDA; ALEJO VILLAROS; AND REGISTER OF DE...

G.R. No. L-32032. August 28, 1984

Ponente: RELOVA, J.

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RELOVA, J.:

Appeal by certiorari to annul and set aside the order of respondent court dismissing the complaint on the ground that petitioner's cause of action has prescribed, as well as the order denying the motion for reconsideration.

Records show that private respondent Alejo Villaros was issued Homestead Patent No. 51621, covering a tract of land containing an area of 5.509 hectares situated at Buru-un, Municipality of Iligan, Province of Lanao (now Mago-ong, Linamon, Lanao del Norte). He was issued the corresponding Original Certificate of Title No. 917 by the Register of Deeds of Lanao (now Lanao del Norte). Within the year, respondent Alejo Villaros sold subject property to one Marta Roxas for P315.00. As a consequence, herein petitioner, represented by the Solicitor General, filed a complaint for reversion before the then Court of First Instance of Lanao del Norte (Civil Case No. 1382), alleging that the sale or conveyance by private respondent Villaros in favor of Marta Roxas "is violative of Section 118 of the Public Land Act and, pursuant to Section 124 of the same Act, is null and void from its execution, produces the effect of annulling the patent and title, and causes the reversion of the property and the improvements therein to the State," (pp. 13-14, Rollo) and praying that -

1. Homestead Patent No. 51621 and the corresponding Original Certificate of Title No. 917 in the name of Alejo Villaros be declared null and void ab initio;
2. All subsequent Transfer Certificates of Title issued pursuant to or transferred from the said Original Certificate of Title No. 917, be declared also as null and void ab initio;
3. The Register of Deeds be ordered to cancel the aforementioned Certificates of Title; and
4. The land in question be reverted to the mass of the public domain under the administration of the Director of Lands.

Private respondent Villaros filed a motion to dismiss the complaint for reversion on the ground that "the cause of action is barred by laches, estoppel, and the statute of limitations or prescription." (p. 26, Rollo) The motion was opposed by herein petitioner. After hearing, respondent judge issued an order, dismissing the complaint on the ground that "the present action having been filed 11 years and 6 months from and after Plaintiff's cause of action had accrued, x x x is barred by prescription." (p. 42, Rollo)

Hence, this petition for review on certiorari, petitioner alleging that the lower court erred "in holding that Civil Case No. 1382 filed by the petitioner Republic of the Philippines for reversion is barred by prescription, because the State in said case did not sue in its sovereign capacity but as a private individual seeking to recover a

patrimonial property that had been patented in favor of the defendants for thirty years." (p. 4, Petitioner-Appellant's Brief)

There is merit in this appeal considering that the statute of limitation does not lie against the State. Civil Case No. 1382 of the lower court for reversion is a suit brought by the petitioner Republic of the Philippines as a sovereign state and, by the express provision of Section 118 of Commonwealth Act No. 141, any transfer or alienation of a homestead grant within five (5) years from the issuance of the patent is null and void and constitute a cause for reversion of the homestead to the State. In *Republic vs. Ruiz*, 23 SCRA 348, We held that "the Court below committed no error in ordering the reversion to plaintiff of the land grant involved herein, notwithstanding the fact that the original certificate of title based on the patent had been cancelled and another certificate issued in the names of the grantee heirs. Thus, where a grantee is found not entitled to hold and possess in fee simple the land, by reason of his having violated Section 118 of the Public Land Law, the Court may properly order its reconveyance to the grantor, although the property has already been brought under the operation of the Torrens System. And, this right of the government to bring an appropriate action for reconveyance is not barred by the lapse of time; the Statute of Limitations does not run against the State." (*Italics supplied*). The above ruling was reiterated in *Republic vs. Mina*, 114 SCRA 945.

ACCORDINGLY, the order of respondent court dismissing the complaint for reversion, as well as the order denying the motion for reconsideration, in Civil Case No. 1382, are SET ASIDE and REVERSED, and respondent court is hereby ORDERED to take further proceedings in the case.

SO ORDERED.

Teehankee, Acting C.J., Melencio-Herrera, Plana, Gutierrez, Jr., and De La Fuente, JJ., concur.

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