

**INOCENCIA INGARAN, ET AL., PLAINTIFFS AND APPELLANTS, VS.
FEDERICO RAMELO, ET AL., DEFENDANTS AND APPELLEES.***G.R. No. 10471. March 30, 1960*

Ponente: GUTIERREZ DAVID, J.

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This is an appeal from an order of the Court of First Instance of Isabela, dismissing plaintiffs' complaint for the cancellation of a homestead patent.

Plaintiffs first filed their complaint in the court below on February 20, 1953 against the defendant Federico Ramelo. The complaint was subsequently amended on December 17, 1953 to include the Director of Lands as party defendant. On July 20, 1954, plaintiffs filed a second amended complaint, including, this time, Felix Guiang as party defendant. Said complaint alleges that in 1936 Prudencio Bumanglag, plaintiffs' predecessor in interest, filed a homestead application for a tract of land in Echague, Isabela, which was given due course by the defendant Director of Lands who acknowledged receipt thereof; that Bumanglag and his family entered the land and cultivated "a greater portion" thereof; that having worked the land for sometime, he intended to submit final proof of his right to a patent, but the war broke but; that after Bumanglag's death, his heirs, herein plaintiffs, continued possession of the land applied for; that on October 26, 1945, plaintiff Inocencia Ingaran filed a new homestead application for the same tract of land; that in 1946 defendant Ramelo entered the land through force and deceit, whereupon plaintiff Ingaran complained to the local District Land Officer who wrote a letter dated September 14, 1946 to said Ramelo advising him to desist from his occupation of the land because Homestead Application No. 217124 of Prudencio Bumanglag was still subsisting; that Ramelo refused to vacate the land; that on October 11, 1947 the District Land Officer rendered a decision rejecting Bumanglag's homestead application (as renewed by plaintiff Inocencia Ingaran, his widow) and gave due course to defendant Ramelo's application for the same land; that while plaintiff's appeal to the Bureau of Lands from said decision was still pending, the Director of Lands on October 18, 1949 ordered the issuance of Homestead Patent No. V-3650 in the name of Ramelo on the strength of which Original Certificate of Title No. P-1004 was issued by the Register of Deeds of Isabela in the name of said Federico Ramelo; that plaintiffs' subsequent appeal to the Secretary of Agriculture and Natural Resources was of no avail because a patent had already been issued to Ramelo; that plaintiffs had acquired a "vested right" over the land in litigation; that Ramelo's title and patent were secured through "fraud, deceit, misrepresentation * * * and by mistake, collusion, with grave abuse of discretion" of the land officials; and that the land in question was sold to defendant Felix Guiang by defendant Ramelo within the prohibited period of 5 years provided in the Public Land Laws. By way of relief, plaintiffs pray, among other things, that the various decisions and orders of the District Land Officer of Isabela, the Director of Lands and the Secretary of Agriculture and Natural Resources be declared null and void; that defendant Ramelo's patent and certificate of title to the land in question be cancelled; and that the land be restored to them, with damages against defendants Ramelo and Guiang.

The defendant Federico Ramelo opposed the filing of the second amended complaint and moved to dismiss the same on the grounds that it did not state a cause of action against him and that it was "evidently an attempt by

plaintiffs to have the court interfere with the purely administrative and jurisdictional functions of the Executive Department of the Government as exercised by the Director of Lands and the Secretary of Agriculture and Natural Resources." The court, however, without acting on the motion to dismiss, overruled defendant Ramelo's opposition and admitted the second amended complaint.

In their separate answers, the defendants set up affirmative defenses which constitute grounds for a motion to dismiss, to wit: that the homestead controversy between the, defendant Federico Ramelo and Prudencio Bumanglag, represented by his widow, herein plaintiff Inocencia Ingaran, had long been settled in favor of the former in a decision rendered by the District Land Officer, which was subsequently affirmed by the Director of Lands and the Secretary of Agriculture and Natural Resources; that plaintiffs' complaint states no cause of action; and that plaintiffs have no personality to assail the validity of the homestead patent and certificate of title issued to defendant Ramelo.

At the instance of the defendants, a preliminary hearing was had, pursuant to section 5 of Rule 8 of the Rules of Court, on the special and affirmative defenses set up by the said defendants. Thereafter, on June 30, 1955, the court below issued an order dismissing plaintiffs' complaint "with prejudice". Plaintiffs in due time filed a motion for reconsideration, but the same having been denied, they appealed directly to this Court.

The appeal is without merit.

It is not disputed that in a decision rendered by the District Land Officer at Ilagan, Isabela, on October 11, 1947, the homestead application of herein plaintiffs' predecessor in interest Prudencio Bumanglag for the land in question was rejected and the application of defendant Federico Ramelo for the same tract of land was given due course. That decision was rendered after the District Land Officer, upon investigation of the conflict between the homesteaders, found that Federico Ramelo had since 1939 continuously occupied and cultivated the land, ultimately converting the entire area into a productive ricefield, without having been molested by Bumanglag or by his widow; that said Bumanglag and his widow cleared only a very insignificant portion thereof; and that the last time the said spouses saw the land was in 1940, thereby practically abandoning the same. (See Annex A, Answer of the defendant Director of Lands.) The above decision of the District Land Officer was confirmed by the Director of Lands in his order of November 29, 1949. (Annex B, Id.) Not satisfied, Inocencia Ingaran, representing her deceased husband Prudencio Bumanglag, filed a motion for reconsideration but the same was denied. (Annex C, Id.) On appeal to the Secretary of Agriculture and Natural Resources, that official in his decision dated November 29, 1950 affirmed the decision of the District Land Officer and the orders of the Director of Lands. (Annex D, Id.) Inocencia Ingaran then filed a motion for a reinvestigation of the case, but the motion was denied. Her motion for reconsideration was likewise denied by the Secretary on September 7, 1951. (Annexes E and F, Id.)

The authenticity of the above documents annexes A to F of the answer of the defendant Director of Lands has not been assailed in the proceedings below. As a matter of fact, the parties agreed, that they be considered for the purpose of resolving the grounds for the motion to dismiss pleaded as affirmative defenses in the answers of the defendants. In the circumstances, we see no valid reason why they should not be taken into account by the court.

Plaintiffs, in effect, seek a judicial review of the administrative decision above mentioned. Obviously, plaintiffs' action must fail. It is well settled that the decision rendered by the Director of Lands when approved by the Secretary of Agriculture and Natural Resources is final and conclusive upon all questions of fact concerning homesteads which fall within his scope and authority, in the absence of a showing that such decision was rendered in consequence of a fraud, imposition or mistake other than error of judgment in estimating the value or effect of evidence. (Julian vs. Apostol, 52 Phil., 422; Ortua vs. Singson Encarnacion, 59 Phil., 440; De Guzman vs. De

Guzman, et al., 104 Phil., 24, 56 Off. Gaz., [4] 753.).

Plaintiffs claim that they had acquired a "vested right" over the land in question and that defendant Ramelo's patent and title thereto were secured through fraud and deceit and "by mistake, collusion, with grave abuse of discretion" of the lands officials. We find the claim to be unfounded. An applicant may be said to have acquired a vested right over the homestead only when his application has been perfected by the presentation of the final proof and its approval by the Director of Lands. (Balboa vs. Farrales, 51 Phil., 498; Republic of the Phil. vs. Diamon, et al., 97 Phil., 838.) In the present case, plaintiffs merely alleged in their complaint that an "intention to make final proof was submitted to the proper authorities." No such final proof appears to have actually been presented to show compliance with the requirements of the law as to warrant the issuance of a patent. Indeed, the homestead application of Prudencio Bumanglag, as renewed by plaintiff Inocencia Ingaran, had not even been approved.

As to plaintiffs' allegation of fraud or mistake, it will be observed that the complaint does not state the circumstances constituting the fraud or mistake as required by section 12 of Rule 15. In this connection, it should be stated that plaintiff Inocencia Ingaran in her appeal to the Secretary of Agriculture and Natural Resources in the administrative case involving the homestead in question, raised for the first time the question of "fraud" by alleging that there was no investigation conducted in the case and that "if ever * * * (she) affixed her thumbmark on the alleged report or minutes of investigation, it was done thru fraud, misrepresentation and deceit." The Secretary, however, expressly found that an investigation was duly conducted and that Inocencia Ingaran even signed the portion of the minutes of the investigation containing her testimonies.

We also note that, as stated in plaintiffs' complaint, Homestead Patent No. V-3650 was issued to defendant Ramelo as far back as October 18, 1949 on the strength of which an original certificate of title was thereafter issued in his name. That certificate of title partakes of the nature of a certificate issued in a judicial proceeding and became indefeasible and incontrovertible upon the expiration of one year from the date of the issuance thereof. (See Lucas vs. Durian, et al., G. R. No. L-7886, September 23, 1957.) The present complaint having been filed more than 3 years after the issuance of the homestead patent to defendant Ramelo, it is apparent that the lower court no longer had jurisdiction to entertain it.

Finally, the annulment and cancellation of a homestead patent, as prayed for by plaintiffs, and the consequent reversion of the property to the state, are matters between the state and the grantee or his heirs, and until the government has taken steps to annul the grant and assert title to the homestead, the rights of the homesteader stand and must be recognized in the court of law. (Eugenio, et al. vs. Perdido et al., 97 Phil., 41).

In view of the foregoing, the order appealed from is affirmed, with costs against plaintiffs-appellants.

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

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