

**ANGELO ROJAS ET AL., PLAINTIFFS AND APPELLANTS, VS. THE
DIRECTOR OF LANDS, JUAN VALDEZ AND IRENE SAMSON,
DEFENDANTS AND APPELLEES.***G.R. No. 10596. October 27, 1916*

Ponente: TORRES, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-10596/>**TORRES, J.:**

This an appeal raised by bill of exceptions by counsel for the plaintiffs from the order of November 3, 1914, whereby the trial judge sustained the demurrers to the complaint on the ground that courts can not in any manner revise and amend the decision of an administrative official made in the performance of his duty and in fulfilment of his discretionary duties, and dismissed the complaint with the costs against the plaintiffs.

On June 24, 1914, counsel for the plaintiffs Angelo Rojas, Luis Samano, Pedro Pagba, Macario Pascual, Bonifacio Rojas, Mateo Rojas, Donata Manuel, Juan Jora, Macario Lucas, Quintin Colorado, Timoteo Colorado, Felipe Garcia, Felipe Feliciano, Donato Feliciano, Hilario Pascual, Antero Rojas, Doroteo Rojas (2d), Alejandro Rojas, Leon Serial, Tiburcia Rojas, Juan Hipolito and Catalina Esteban, filed a complaint in the Court of First Instance of the Province of Nueva Ecija, alleging, as a first cause of action, that on June 29, 1905, the said plaintiffs, together with other residents of the pueblo of Bongabong, agreed with the defendant Juan Valdez to open and maintain an irrigation ditch, together with its corresponding dike or dam, in order to improve and put into a state of cultivation a tract of unoccupied Government land of about 250 hectares in extent situated in the sitios of Bangad, Lomboy, Camaso, and Degana, of the barrio of San Esteban, municipality "of Bongabong, Nueva Ecija; that the said contract, which was drawn up in Tagalog and a copy of which, as Exhibit A, accompanied the complaint, recited that after the opening of the said irrigation ditch the land referred to would be divided into equal shares among the contracting parties, as in fact was done in the month of April, 1907, and that each of the plaintiffs was allotted a parcel 300 meters long by 27 meters wide, to wit, 81 ares; that they all took possession of their respective parcels and had been occupying the same and using them to grow rice; that after five years' possession of their respective parcels of land the plaintiffs commissioned their councilman, the defendant Juan Valdez, to secure from the Bureau of Lands a sufficient number of copies of homestead application blanks in order to have the Homestead Act made applicable to their respective lands; but that the defendant Juan Valdez, instead of executing his trust, applied to the Director of Lands on his own account for the award of a parcel of 10 hectares of land, which included not only the 81 ares that belonged to him but also the parcels that had been allotted to Angelo Rojas, Luis Samano, Pedro Pagba, Macario Pascual, Bonifacio Rojas, Mateo Rojas, Donata Manuel, Juan Jora and Macario Lucas; that in view of the unlawful procedure of the said Juan Valdez, the aggrieved parties entered their protest with the Director of Lands, who, after making an investigation, disapproved the application presented by the said Juan Valdez and, in two letters, copies of which accompany the complaint as Exhibit B, informed the plaintiffs of his action in the matter.

As a second cause of action, he alleged that the defendant Irene Samson, conspiring and confederating with her codefendant Juan Valdez in about the year 1912, also applied to the Bureau of Lands for the homestead entry of a

tract of land 16 hectares in area, and included in her application the parcels of land that in 1907 had been allotted to, and then (at the time of the complaint) belonged to Quintin Colorado, Timoteo Colorado, Felipe Garcia, Felipe Feliciano, Donato Feliciano, Hilario Pascual, Antero Rojas, Doroteo Rojas (2d), Alejandro Rojas, Leon Senal, Tiburcia Rojas, Juan Hipolito and Catalina Esteban, the said applicant knowing very well that these lands of the aforementioned plaintiffs had been held and cultivated by them since 1907; and that the defendant Samson had never been in possession of, nor had she occupied any part whatever of the land applied for by her, nor had she in any manner shared in the work of construction and maintenance of the dam and irrigation ditch on the said lands.

As a third cause of action, he set forth that as the Director of Lands was, according to the Public Land Act, the official empowered to approve, or, for just causes, disapprove all applications for homesteads; that the then Director of Lands, Charles H. Sleeper, having disapproved, as stated in Exhibit 8, the claim of defendant Juan Valdez, the plaintiffs filed their respective applications to the Director of Lands for the 81 ares which each of them held; but that the present Director of the Bureau of Lands, ignoring the ruling contained in Exhibit B and ignoring the decision already made by his Bureau, wrongfully and unlawfully disapproved all the applications of these plaintiffs and, in violation of section 1 of the Land Act, approved and granted the homestead applications of the defendants Juan Valdez and Irene Samson; that the plaintiffs have complied with all the provisions and requirements of the law for the homesteading of their respective parcels of land, and that the Director of Lands continues to refuse to approve their said applications, thereby failing to perform one of the functions which the Land Act specifically prescribes as a duty of the said Director; that the defendants have hindered the plaintiffs in the free enjoyment and use of their rights in the lots or parcels of lands which the latter occupy, thereby causing them losses and damages amounting to P1,000; and that, as the plaintiffs had no other easy, expeditious and adequate remedy to enforce their homestead rights in the said parcels of land, said counsel prayed that a writ of mandamus issue against the Director of Lands, enjoining him to comply with the duties imposed upon him by section 1 of the Land Act and to approve the homestead applications filed by the plaintiffs; that a writ likewise issue against Juan Valdez and Irene Samson, restraining them from impeding the said plaintiffs in the enjoyment of their rights in the said parcels of land; that a writ of preliminary injunction issue, which should afterwards be made permanent, enjoining the defendants from molesting and disturbing the plaintiffs in the possession of their respective lands; and that the defendants be ordered jointly and severally to pay to the plaintiffs the sum of P1,000 for losses and damages, in addition to the costs of the trial.

On July 23, 1914, the Director of Lands, through the Attorney-General, demurred to the aforementioned complaint on the grounds (1) that the court lacked jurisdiction to try the subject matter of the action, for the reason that the disputed lands belonged to the Government and were under the immediate executive control of the Director of Lands; (2) that said court also lacked jurisdiction to grant to the plaintiffs the remedy prayed for with respect to the lands adjudicated to Juan Valdez and to Irene Samson, inasmuch as that court could not, by means of an order or decree, intervene in a public official's discharge of his discretionary duties; and (3) that the complaint did not allege facts sufficient to constitute a cause of action against the Director of Lands for the reason that the contract on which the complaint is founded is null and void, and, besides, because the Director of Lands had not intervened as a party therein. Said counsel therefore prayed the court to deny the prayer for the writ of injunction and to dismiss the complaint with the costs against the plaintiffs.

Counsel for the defendants Juan Valdez and Irene Samson also demurred to the complaint and alleged that there was a misjoinder of parties-defendant; that the court lacked jurisdiction over the matter in litigation; and that the facts alleged in the complaint do not warrant the relief of mandamus.

After a hearing on the aforesaid demurrers, the court issued the order above-referred to, dismissing the complaint. To this ruling counsel for the plaintiffs excepted and announced his intention of perfecting a bill of exceptions,

which, when presented, was approved and transmitted to the clerk of this court.

As in their written demurrers the defendants admitted the fact alleged by counsel for the plaintiffs, in this decision we shall discuss the question of whether or not this court has jurisdiction over the matter in litigation and over the respective personality of the defendants, and whether the facts alleged in the complaint do or do not constitute a right of action.

This is a complaint filed by the plaintiffs by reason of the nonfulfilment of the provisions of Act No. 926, entitled "The Public Land Act," by virtue of which law any citizen who possesses the qualifications therein prescribed may acquire public land by homestead up to the amount specified in the said Act, the first section of which reads as follows:

"Any citizen of the Philippine Islands, or of the United States, or of any insular possession thereof, over the age of twenty-one years, or the head of a family, may, as hereinafter provided, enter a homestead of not exceeding sixteen hectares of unoccupied, unreserved, unappropriated agricultural public land in the Philippine Islands, etc.

"Sec. 2. Any person applying to enter land under the provisions of this chapter shall file * * * an application under oath showing that he has the qualifications required under section one of this chapter, and that he possesses none of the disqualifications there mentioned; that such application is made for his exclusive use and benefit; that the same is made for the purpose of actual settlement and cultivation, and not, either directly or indirectly, for the use or benefit of any other person, persons, corporation, or association of persons; * * *. Upon the filing of said application the Chief of the Bureau of Public Lands shall summarily determine, by inquiry of the Chief of the Bureau of Forestry and from the available land records, whether the land described is prima facie subject under the law to homestead settlement, and, if he shall find nothing to the contrary, the applicant, upon the payment of ten pesos, Philippine currency, shall be permitted to enter the quantity of land specified."

It is incumbent upon the courts of justice to examine and declare, at the instance of an interested party, whether in the enforcement of any statute there has been any violation of its provisions, in order to prevent, in the use of the discretion commended to the public official authorized to apply the law, the commission of abuses detrimental to the citizen, whose rights are expressly insured by the exact fulfilment of the law.

On the foregoing premise, it is unquestionable that the courts are vested with power and jurisdiction to try the case referred to, in which, according to the complaint made by the aggrieved persons, they were, by an erroneous application of the Act aforesaid, deprived and despoiled of their rights in the lands which they have been occupying for more than five years, and wherein the claims of only one of them for the greater part of the property, and of a third person, a stranger, for the rest of it, were allowed.

It is expressly provided in section 1 of Act No. 926 that lands granted for homestead purposes shall be unoccupied lands. If the petitioners, in applying for the grant of a considerable tract of land, gave uncontradicted assurances that they had been occupying it for more than five years, as they had been growing rice thereon, and their homestead applications were duly admitted by the Bureau of Lands and filed under No. 15195, the said petitioners, after having complied with the condition required by the Director of Lands, had a right to have their applications approved, unless there be shown the legal reason which determined the grant of their lands to one only of them and to a third person and the proceedings continue until by final decision this court holds that the Public Land Act has been complied with and that the petitioners have no grounds to complain of an improper application thereof.

For the foregoing reasons, the order dismissing the complaint is reversed. The record of the proceedings will be remanded to the Court of First Instance from whence it came where the case will be carried forward to final

judgment. So ordered.

Johnson, Carson, Trent, and Araullo, JJ., concur.

Moreland, J., dissents.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.