

FLORA CAMPANERO, ET AL., PLAINTIFFS AND APPELLEES, VS. APOLONIO T. COLOMA, ET AL., DEFENDANTS AND APPELLANTS.

G.R. No. 11908. January 30, 1960

Ponente: PADILLA, J.

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PADILLA, J.:

Appeal from a judgment rendered by the Court of First Instance of Nueva Vizcaya in civil case No. 642, the dispositive part of which is as follows:

In view of the foregoing, decision is hereby rendered in favor of the plaintiffs and against the defendants, ordering the latter to surrender the possession of the parcel of land in question to the plaintiffs; and ordering the cancellation of Transfer Certificate of Title No. 2398 in the name of the defendant Apolonio T. Coloma, over the parcel of land in question and the issuance, in lieu thereof, of another transfer certificate of title in the name of the herein plaintiffs in equal shares, upon reimbursement by them to the defendants of the sum of P700.00 with interest at the rate of 6% per annum from the date this decision has become final. And without special pronouncement as to costs.

In its decision the Court states that—

The parties have submitted a stipulation of facts quoted as follows :

"1. That defendants admit pars. 1, 2, 3 (except the words 'within the five-year prohibitory period'), 4, 5, 6, 7 (except that the crop is 70 cavanas instead of 120) and 8.

"2. The plaintiffs admit that they have no allegation that the defendants purchased not in good faith.

"3. They submit also that the only issue is one of law, whether the deed of sale in favor of the defendants can be annulled when they purchased the land from the transferee of the original owner, Ismael Asuncion."

It appears from the allegation of the complaint that Filomeno Campanero was the registered owner of a parcel of land described in paragraph 2 of the complaint, his title thereto is shown by Free Patent No. 10746, issued on September 2, 1925, and registered in the office of the Register of Deeds for Nueva Vizcaya, on January 26, 1926, for which Original Certificate of Title No. 116 was issued in his name. On August 12, 1927, or to be exact one (1) year, eleven (11) months and ten (10) days, after the issuance of the Free Patent, said Filomeno Campanero conveyed in a definite sale to Ismael Asuncion (on) the said parcel of land the latter caused the cancellation of Original Certificate of Title No. 116 and the issuance in his favor of Transfer Certificate of Title No. 438. On March 4, 1932 said Ismael Asuncion sold to the herein defendants Apolonio T. Coloma and Abdulia Doronio, for P700.00 the aforesaid described parcel of land and by virtue of said sale Transfer Certificate of Title No. 438 was cancelled and Transfer Certificate of Title No. 2398 was issued in favor of the said defendants.

On November 19, 1944, Filomeno Campanero above-referred to died intestate without debts in the barrio of San Antonio, municipality of Bambang, province of Nueva Vizcaya, leaving the plaintiffs herein as his only heirs.

The question to be determined is whether the rule that the purchaser of a parcel of land registered under Act No. 496 need not make inquiries as to the legitimacy and legality of the title of the registered owner but may rely upon the title of such owner as it appears in the certificate of title issued to him by the Register of Deeds, can be invoked to defeat the express policy of the State that no agricultural land of the public domain acquired under the provisions of the Public Land Act can be alienated or encumbered within five years from the date of the issuance of the patent.

After a careful study and consideration of all the phases of the question raised, involved and submitted for determination, this Court has arrived at the conclusion that the rule mentioned above, though sound as applied to lands registered under the Land Registration Act through judicial proceedings, cannot defeat the express policy of the State prohibiting the alienation or encumbrance of lands of the public domain acquired under the provisions of the Public Land Act within five years from and after the date of the issuance of the patent. The lofty aim, purpose and wisdom of the prohibition cannot be gainsaid. Landless citizens acquiring land of the public domain would soon revert to their former condition if not for the prohibition. The appellants and their predecessor-in-interest cannot be deemed to be innocent purchasers of the free patent land sold by the appellees' late ancestor, because in original certificate of title No. 116 issued by the Registrar of Deeds in and for the province of Nueva Viscaya to Filomeno Campanero, the patentee, the following appears: "Surveyed under authority of sections 41 to 43, Act No. 2874," and "subject to the provisions of sections 116, 119, 120 and 122 of Act No. 2874 of the Philippine Legislature which provide that the land thereby acquired shall be inalienable and shall not be subject to incumbrance for a period of five (5) years from the date of this patent, * * *;" and in transfer certificates of title Nos. 438 and 2398 issued by the Registrar of Deeds to Ismael Asuncion and Apolonio T. Coloma, the following appears: "Surveyed under authority of sections 41 to 43, Act No. 2874 * * *," which clearly indicate that the land was acquired under the provisions of the Public Land Act. Such being the case the alienation of the land by Filomeno Campanero, the patentee, was null and void. The alienation being null and void, Ismael Asuncion, the first purchaser, acquired no title to the land. As he acquired no title thereto, he could not transmit any to Apolonio T. Coloma, the second purchaser and one of the appellants herein.

The judgment appealed from is affirmed, without pronouncement as to costs.

Bengzon, Bautista Angelo, Labrador, Concepcion, Reyes, J. B. L., Endencia, Barrera, and Gutierrez David, JJ., concur.

Paras, C. J., concurs in the result.

Montemayor, J., did not take part.

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