

EUGENIO DE LA CRUZ, PETITIONER, VS. COURT OF APPEALS, AND CRISTINA MADLANGSAKAY VILLANUEVA, RESPONDENTS.*G.R. No. 120652. February 11, 1998*

Ponente: ROMERO, J.

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The oft-debated issue of ownership based on acquisitive prescription submits itself before the Court anew, involving a four hundred and seven (407) square meter residential lot located at Barangay San Jose, Bulacan, Bulacan. Petitioner Eugenio De La Cruz claims to be the owner and actual possessor of the lot, having possessed and occupied it openly, publicly, notoriously, adversely against the whole world, and in the concept of an owner, for more than thirty years,[1] at the commencement of this controversy on September 28, 1987. Private respondent Cristina Madlangsakay Villanueva is a purchaser of the same lot from the Ramos brothers, Rogelio and Augusto, Jr., who claim to be successors-in-interest of a previous possessor of the same.

In October 1959, petitioner contracted a loan from the parents of private respondent, Anastacio Sakay and Lourdes Manuel, in the amount of one thousand pesos (P1,000.00), mortgaging the disputed land as security. Sometime in 1973, the land became the subject of an application for registration under the Land Registration Act (Act No. 496)[2] by the Ramos brothers. They insisted that, under said Act, they had a better claim than petitioner, being successors-in-interest of a previous possessor of the land. Petitioner seasonably opposed the application which, after trial, was denied on the ground that the land, not having been reclassified for other purposes, remained part of the forest reserve, hence, inalienable.[3] Consequently, the opposition was dismissed. Shortly thereafter, the brothers successfully pursued the reclassification of the land and were granted ownership of the same. It was after this occurrence that private respondent came to purchase the disputed land from the Ramoses.

Oblivious of the Ramoses' success in claiming the land, petitioner was later surprised to learn that its ownership had been bestowed upon them, and that it was subsequently sold to private respondent. Petitioner, as plaintiff in Civil Case No. 520-M-87, entitled "Eugenio De La Cruz versus Cristina Madlangsakay Villanueva," filed a complaint on September 28, 1987 for reconveyance with damages against private respondent, defendant therein. The complaint was dismissed.

On appeal, plaintiff-appellant elucidated that an uncle of his had given the land to his mother, after having purchased it from a Cecilio Espiritu in 1930.[4] He sought a reversal of the decision of the lower court, praying for a reconveyance of the land in his favor. The appealed decision was affirmed in toto by the appellate court. A motion for reconsideration, for lack of merit, did not prosper.

The persistent petitioner, filing this petition for review, opined that the questioned decision of the trial court was incompatible with the ruling in *Republic vs. Court of Appeals and Miguel Marcelo, et al.*, [5] where this Court held that the primary right of a private individual who possessed and cultivated the land in good faith, much prior to its classification, must be recognized and should not be prejudiced by after-events which could not have been

anticipated.[6] He relies on the equitable principle of estoppel, alleging that, by virtue of the contract of mortgage, private respondent and her parents thereby tacitly acknowledged him as the true and lawful owner of the mortgaged property. As such, they are estopped from claiming for themselves the disputed land. He prays for the reconveyance of the lot in his favor; moral damages in the amount of ten thousand pesos (P10,000.00); exemplary damages of like amount; and attorney's fees of twenty thousand pesos (P20,000.00), plus one thousand pesos (P1,000.00) per court appearance and the costs of the suit.[7]

This petition cannot be given due course.

The several decades when petitioner possessed and occupied the land in question may not be considered in his favor after all. "In an action for reconveyance, what is sought is the transfer of the property which has been wrongfully or erroneously registered in another person's name, to its rightful and legal owner, or to one with a better right. This (sic) is what reconveyance is all about." [8]

The crucial point for resolution is this: Is petitioner vested with a better right over the residential lot to which he devoted an abundance of time, effort and resources in fencing and cultivating the same? It is sad that even the magnanimous compassion of this Court cannot offer him any spark of consolation for his assiduous preservation and enhancement of the property.

We answer in the negative.

Unfortunately for him, *Republic vs. Court of Appeals and Miguel Marcelo, et al.* [9] is inapplicable in the present case. In said case, the disputed land was classified after the possession and cultivation in good faith of the applicant. The Court stated that "the primary right of a private individual who possessed and cultivated the land in good faith much prior to such classification must be recognized and should not be prejudiced by after-events which could not have been anticipated." [10] Land Classification Project No. 3 was certified by the Director of Lands on December 22, 1924, whereas the possession thereof commenced as early as 1909. [11] Petitioner therein was not deprived of his possessory rights by the subsequent classification of the land. Although the classification of lands is a government prerogative which it may opt to exercise to the detriment of another, still, private interests regarding the same are not prejudiced and the possessor in good faith is respected in his right not be disturbed. This was the auspicious situation of petitioner in the abovesited case.

Here, petitioner possessed and occupied the land after it had been declared by the Government as part of the forest zone. In fact, the land remained part of the forest reserve until such time that it was reclassified into alienable or disposable land at the behest of the Ramoses. As succinctly stated by this Court in *Director of Lands vs. Court of Appeals*, [12] a positive act of the Government is needed to declassify land which is classified as forest, and to convert it into alienable or disposable land for other purposes. Until such lands have been properly declared to be available for other purposes, there is no disposable land to speak of. [13] Absent the fact of declassification prior to the possession and cultivation in good faith by petitioner, the property occupied by him remained classified as forest or timberland, which he could not have acquired by prescription. [14]

Clearly, the effort to apply *Republic vs. Court of Appeals and Miguel Marcelo, et al.* in the case at bar is futile. No similarity of facts or events exist which would merit its application to the case presented by petitioner.

Neither may the rewards of prescription be successfully invoked by petitioner, as it is an iron-clad dictum that prescription can never lie against the Government. The lengthy occupation of the disputed land by petitioner cannot be counted in his favor, as it remained part of the patrimonial property of the State, which property, as stated earlier, is inalienable and indisposible. Under Article 1113 of the Civil Code:

"All things which are within the commerce of men are susceptible of prescription, unless otherwise provided.

Property of the State or any of its subdivisions not patrimonial in character shall not be the object of prescription.” (Italics supplied).

Further, jurisprudence is replete with cases which iterate that forest lands or forest reserves are not capable of private appropriation, and possession thereof, however long, cannot convert them into private property.[15] Possession of the residential lot by petitioner, whether spanning decades or centuries, could never ripen into ownership. This Court is constrained to abide by the latin maxim “(d)ura lex, sed lex.”[16]

The fact that the disputed land was used for a dual private purpose, namely, as a residential lot and as part of the ricemill business of private respondent’s parents, is immaterial. As held in *Heirs of Jose Amunategui vs. Director of Forestry*,[17] the classification of forest land, or any land for that matter, is descriptive of its legal nature or status, and does not have to be descriptive of what the land actually looks like.

Recourse to the principle of estoppel must likewise fail. Petitioner invokes this principle in light of the contract of mortgage between him and the parents of private respondent. While it is true that the mortgagees, having entered into a contract with petitioner as mortgagor, are estopped from questioning the latter’s ownership of the mortgaged property and his concomitant capacity to alienate or encumber the same,[18] it must be considered that, in the first place, petitioner did not possess such capacity to encumber the land at the time for the stark reason that it had been classified as a forest land and remained a part of the patrimonial property of the State. Assuming, without admitting, that the mortgagees cannot subsequently question the fact of ownership of petitioner after having dealt with him in that capacity, still, petitioner was never vested with the proprietary power to encumber the property. In fact, even if the mortgagees continued to acknowledge petitioner as the owner of the disputed land, in the eyes of the law, the latter can never be presumed to be owner.

WHEREFORE, considering the foregoing, we are bound by the findings of the appellate court and are constrained to AFFIRM the same in toto. No pronouncement as to costs.

SO ORDERED.

Narvasa, C.J., (Chairman), Kapunan, Francisco, and Purisima, JJ., concur.

[1] Rollo, p. 9.

[2] As amended by Presidential Decree No. 1529.

[3] Rollo, p. 56.

[4] The appellate court found that petitioner was not able to convincingly prove the existence of the Deed of Sale between his uncle, Anselmo Hilario, and Cecilio Espiritu. Presentation of secondary evidence likewise failed because petitioner, not being familiar with the signature of Espiritu, could not have had the capacity to testify regarding the due execution of the deed.

[5] 168 SCRA 77 (1988).

[6] *Republic vs. Court of Appeals*, supra.

[7] Rollo, p. 11.

[8] *Amerol vs. Bagumbaran*, 154 SCRA 396 (1987).

[9] Supra.

[10] Supra.

[11] Supra.

[12] 178 SCRA 708 (1989).

[13] Heirs of Proceso Bautista vs. Barza, 208 SCRA 454 (1992).

[14] Director of Forest Administration vs. Fernandez, 192 SCRA 121 (1990).

[15] Republic vs. IAC, 186 SCRA 88 (1990); Director of Lands vs. CA, 178 SCRA 708 (1989).

[16] “The law is hard, but that is the law.”

[17] 126 SCRA 69 (1983)

[18] Article 1431 of the Civil Code provides: “Through estoppel an admission or representation is rendered conclusive upon the person making it, and cannot be denied or disproved as against the person relying thereon.” While the provision applies directly to the one making the representation (petitioner herein), estoppel may be applied by analogy to the other parties (mortgagees herein) who deal directly with the former.

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