

JUANA FARIÑAS VDA. DE BACLIG, ET AL., PLAINTIFFS AND APPELLANTS, VS. EXTOR SERRANO, DEFENDANT AND APPELLEE.*G.R. No. 12515. April 30, 1959*

Ponente: BAUTISTA ANGELO, J.

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Plaintiffs brought this action in the Court of First Instance of Rizal for the annulment of a certain document whereby Juana Fariñas Vda. de Baclig released in favor of defendant a portion of public agricultural land which was the subject of a sales application then pending consideration by the Bureau of Lands.

Plaintiffs are the heirs of one Eustaquio Baclig, Sr., who died in 1944. They alleged that in 1932 Baclig filed a sales application to buy a parcel of public agricultural land situated in Kiañgan, Mt. Province; that in 1934 Baclig placed defendant as his overseer to take care of the cultivation of the land having acted as such continuously up to June, 1956; that on November 4, 1954, after the death of Baclig, defendant requested his widow to be allowed to apply with the Bureau of Lands for a free patent of a portion of the land covered by their sales application containing an area of 30 hectares to which the widow, moved by his appeal was prevailed upon to agree provided that the portion to be released be taken from the uncultivated part of the land, and to that effect she executed the deed of release Annex A on November 4, 1954; that sometime in 1956, the widow sent a representative to visit the land which was under the supervision of defendant and it was only then that she discovered that the portion of land described in the deed of release was the cultivated portion contrary to the agreement and representations made by defendant; and that defendant, acting in bad faith, has caused his wife and daughter to file free patent applications for the parcel of land covered by the deed of release which are now causing delay in the approval of the sales application of plaintiffs because of the conflict occasioned by the aforesaid free patent applications.

Defendant, in his answer, admitted that he acted as overseer of plaintiffs and their predecessor in interest in the land covered by their sales application, but denied that the deed of release Annex A has been executed by the widow through false representation on his part. He averred that said deed was executed by her because of their agreement to transfer to him a portion of the land covered by their application in consideration of the sum of P1,000.00 which was actually received by her in Manila sometime in 1954, and that if such consideration does not appear in the deed, it was due to fraud committed by the widow. Defendant also set up a counterclaim for damages and attorney's fees.

When the case was called for trial, defendant moved for the dismissal of the complaint on the ground that it does not state a cause of action, whereupon the court allowed defendant to submit evidence in support thereof.

At this juncture, plaintiffs admitted that the portion of land covered by the deed of release sought to be annulled is part of the public agricultural land covered by their sales application pending in the Bureau of Lands which was then under consideration. In view of this admission, defendant desisted from presenting further evidence and submitted his motion for resolution. Thereupon, the court issued an order sustaining the motion and dismissing the complaint. Hence the present appeal.

The reasons given by the trial court in dismissing the complaint are as follows:

"The only question to be determined in this case is whether the plaintiffs, under the above facts stipulated by the parties, can maintain a separate and simultaneous action in Court against the herein defendant in whose favor was executed the deed of release to the portion of public land before the Bureau of Lands which was likewise applied with Free Patent Applications of the defendant's representatives, now pending action and approval by said office.

"In this connection, it may not be amiss to state that the Bureau of Lands is a quasi-judicial tribunal having exclusive jurisdiction over the disposition of public domain and charged with the administration of all laws relative thereto. It appearing that the Bureau of Lands has taken cognizance of the case, the determination of which depends the present action, the Court believes that it cannot divest of it until after exhausting the exercise of its authority."

It would appear that the trial court considered itself without jurisdiction to take cognizance of the case for the only reason that the portion of land covered by the deed of release which is sought to be annulled is part of a public agricultural land covered by sales application filed by plaintiffs as well as by the free patent application filed by defendant with the Bureau of Lands which were then pending consideration by said office. The court reasoned out that because said Bureau has exclusive jurisdiction over disposition of public lands, the conflict can not be passed upon by the trial court without the parties having first exhausted their administrative remedies, or without said conflict having first been determined by the Bureau of Lands.

We believe this to be an error. While it is true that the Bureau of Lands has exclusive jurisdiction to act on matters which concern the sale, lease or other disposition of public lands, and that any conflict that may arise in relation thereto comes under its authority, the question herein involved is one that comes under the jurisdiction of the regular courts, for it merely concerns the annulment of a private contract even if it covers a portion of the public domain. Here it appears that plaintiffs applied for a sales application of a large tract of public agricultural land with the Bureau of Lands, and while the same was pending consideration, an agreement was entered into between Juana Fariñas widow of Baclig and defendant whereby the latter was allowed to apply for himself a portion thereof containing an area of 30 hectares. On the strength of this agreement, defendant was able to file with the Bureau of Lands in behalf of his wife and daughter a free patent application covering that portion which during the pendency of this case was also under the consideration of said Bureau. It developed however that the agreement was entered into through fraud and misrepresentation on the part of defendant, as claimed in the complaint, for which reason the present action was instituted. As a consequence, the widow wants now to annul the agreement in order that the free patent application submitted by defendant in behalf of his wife and daughter will not be given due course. This gave rise to a conflict between the sales application of the widow on one hand, and the free patent application of the defendant, on the other. It therefore becomes necessary to first determine the validity of the agreement in order to resolve that conflict. This is not the concern of the Bureau of Lands. This comes within the province of the regular courts.

Wherefore, the order appealed from is set aside. The case is remanded to the lower court for further proceedings. Costs against appellee.

Paras, C. J., Bengzon, Padilla, Montemayor, Reyes, A., Labrador, Concepcion, and Endencia, JJ., concur.

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