

SOL SAMONTE, ET AL., PLAINTIFFS AND APPELLEES, VS. JUANA SAMBILON, ET AL., DEFENDANTS. LUIS DESCALLAR, AND RAMON TIGLE, DEFENDANTS AND APPELLANTS.

G.R. No. 12964. February 29, 1960

Ponente: BAUTISTA ANGELO, J.

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BAUTISTA ANGELO, J.:

Plaintiffs brought this action against defendants before the Court of First Instance of Zamboanga del Sur to recover the possession of three lots situated in Atimonan, Molave, Zamboanga del Sur, which were covered by Torrens title.

Defendants Ramon Tigle and Luis Descallar claim to be the owners of the lots respectively occupied by them having acquired them from one Numeriano Acasio in 1951, while Juana Sambilon claims that she is occupying a portion different from the lots in questions. Felix Temporada in turn merely claims to be a tenant of his co-defendant Luis Descallar. Defendants set up the common defense that the titles that were issued to plaintiffs over the lots in question by the Bureau of Lands are null and void because they were obtained by them through fraud and, misrepresentation. By way of counterclaim, they asked for damages and attorney's fees.

After trial, the court rendered judgment (1) ordering the relocation of the boundaries of the lots in question to determine whether the portion occupied by Juana Sambilon is covered by the lots claimed by plaintiffs; (2) declaring plaintiffs entitled to the immediate possession of the lots respectively owned by them and ordering Luis Descallar, Ramon Tigle and Felix Temporada to vacate them; and (3) granting defendants Ramon Tigle and Luis Descallar the right to amend their answer by including therein a claim for the value of the improvements they have introduced on the lots in question within 15 days from receipt of the decision with the understanding that if they should fail to do so this privilege will be deemed waived.

Defendants brought this case on appeal directly to this Court upon the plea that only questions of law are involved.

Plaintiffs Sol Samonte and Rustico Samonte are the sons of Felino Samonte who died on December 28, 1951. In 1944, they applied for homestead patents for lots Nos. 5338, 5339 and 5340 with the Bureau of Lands. On September 4, 1950, Original Certificate of Title No. P-100 covering Lot No. 5340 was issued to Rustico Samonte and Original Certificate of Title No. P-101 covering Lot No. 5339 was issued) to Felino Samonte, and on October 4, 1950 Original Certificate of Title No. P-197 covering Lot No. 5338 was issued to Sol Samonte. In 1950, they entered into contracts with some tenants to work the lands with the understanding that for the first two years they will not share in the produce that might be harvested, but in 1953 their tenants informed them that they had been driven out of the lands by some squatters among whom were Luis Descallar and Ramon Tigle; and because the latter did not withdraw notwithstanding the intervention of the chief of police, plaintiffs brought the present action.

The question to be determined is whether appellants can question at this late hour the validity of the homestead

patents issued by the Bureau of Lands to appellees covering the lots in question upon the ground that they obtained the same through fraud and misrepresentation. The trial court resolved the question in the negative holding that since a homestead patent for which a certificate of title is issued has the same effect and validity as a Torrens title, the same cannot be collaterally attacked. Appellants now assign this as error.

We find no error in the ruling of the trial court. In *El Hogar Filipino vs. Olviga*, 60 Phil., 17, we held that "Once a homestead patent, issued according to the Public Land Act, is registered in conformity with the provisions of section 122 of Act No. 496, it becomes irrevocable and enjoys the same privilege as Torrens titles issued under the latter Act." (See also *Aquino vs. Director of Lands*, 39 Phil., 850; *Manalo vs. Lukban and Liwanag*, 48 Phil., 973.) On the other hand, we also held that "As the land in dispute is covered by plaintiff's Torrens certificate of title and was registered in 1914, the decree of registration can no longer be impugned on the ground of fraud, error, or lack of notice to defendant, as more than one year has already elapsed from the issuance and entry of the decree. Neither could the decree be collaterally attacked by any person claiming title to, or interest in, the land prior to the registration proceedings" (*Sorongon vs. Makalintal*, 45 Off. Gaz., 3819; See also *G. M. Tuason & Co., Inc., vs. Quirino Bolaños*, 95 Phil., 106; *Aguilar, et al. vs. Caoagdan, et al.*, 105 Phil., 661; 56 Off. Gaz. [28] 4546; *Henderson vs. Garrido, et al.*, 90 Phil., 624; *Italics supplied*).

It appearing that the homestead patents, the validity of which appellants are now seeking to impugn collaterally in this proceeding, were issued way back in 1950, or more than four years prior to the institution of the present case, it is evident that their claim that the trial court erred in not sustaining their theory that said patents are null and void, has no legal basis. The remaining alternative is that they have to yield the possession of the lands to appellees who, by virtue of the ruling of the Director of Lands, are the ones entitled to their possession. They should, however be given an opportunity to prove the value of the improvements they have introduced thereon, as was granted them by the trial court, which however failed to set a date for the presentation of the necessary evidence apparently through an oversight.

The decision appealed from is affirmed, with the only modification that appellants should be given an opportunity to present evidence on the value of the improvements they have made on the lands on a date to be set by the trial court. No pronouncement as to costs.

Paras, C. J. Bengzon, Montemayor, Labrador, Concepcion, Reyes, J. B. L., Endencia, Barrera, and Gutierrez David, JJ., concur.

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