

REPUBLIC OF THE PHILIPPINES, PETITIONER AND APPELLANT, VS. SEGUNDO SIOSON AND PASCUALA BAUTISTA, RESPONDENTS AND APPELLEES.

G.R. No. 13687. November 29, 1963

Ponente: PADILLA, J.

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PADILLA, J.:

This is an appeal certified by the Court of Appeals to this Court, because in its opinion "the only purpose of the instant appeal is to question the propriety of the lower court's order denying the petition to review on the grounds alleged therein," which is purely a question of law, the review of which falls exclusively within the jurisdiction of this Court.

It appears that on 6 November 1951, in the Court of First Instance of Bulacan the spouses Segundo Sioson and Pascuala Bautista filed an application for registration of four (4) parcels of land situated in barrio San Roque, municipality of Paombong, province of Bulacan, delimited in plan Psu-12152, attached to their application, of which they claimed to be the owners in fee simple.

On 20 March 1951, the Director of Lands filed an opposition to one of the parcels of land the registration of which was applied for stating (a) that neither the applicants nor their predecessors in interest had sufficient title to the said parcel of land, the same not having been acquired either by *composición* title from the Spanish Government or by possessory information title under the Royal Decree of February 13, 1894; (b) that neither the applicants nor their predecessors in interest have possessed the land openly, continuously, publicly, adversely and under bona fide claim of ownership since July 26, 1894; and, (c) that the said parcel of land sought to be registered is a part of the public domain and as such belong to the Republic of the Philippines.

After hearing, on 30 January 1954, judgment was rendered by the court, the dispositive portion of which is as follows:

IN VIEW OF THE FOREGOING, the Court confirming its order of general default issued herein, hereby adjudicates and orders the registration of Lots Nos. 1, 2 and 3 shown in plan f Psu-127152, Exhibit A, and described in technical description Exhibits B, B-1, and B-2, respectively, in favor of the spouses Segundo Sioson and Pascuala Bautista, of legal age, Filipinos, with residence and postal address at Dampalit, Malabon, Rizal.

No adjudication is hereby made with respect to Lot 4 of plan, Psu-127152, Exhibit A. No pronouncement as to costs.

The applicants appealed from the judgment in so far as it did not decree the registration of Lot No. 4 in their names.

On 20 January 1955, the Solicitor General in behalf of the Director of Lands, instead of filing a brief to answer that of the appellants, filed in the Court of Appeals a pleading recommending that the registration of Lot No. 4 be

decreed in the name of the appellants.

On 31 January 1955, the Court of Appeals rendered judgment modifying that of the lower court and decreeing the registration of Lot No. 4 in the name of the appellants.

On 25 April 1955, in accordance with the judgment rendered by the Court of Appeals just mentioned the lower court entered an order for the issuance of the decree on Lot No. 4.

On 25 April 1956, the Solicitor General in behalf of the Republic of the Philippines, filed in the same Court a petition for review of the decree of registration and cancellation of title to a parcel of land (Pesqueria) in the name of the spouses Segundo Sioson and Pascuala Bautista. The parcel of land referred to in the petition is Lot No. 4, the registration of which was decreed on appeal by the Court of Appeals in Land Registration Case No. 317, G.L.R.O. 4928, CA-GR No. L-12688-R. The petition alleges actual and extrinsic fraud practiced by the herein respondents, then applicants, by intentional and deliberate concealment of facts and connivance by and between the herein respondents and the land inspector.

On 2 May 1956, the respondents Segundo Sioson and Pascuala Bautista filed an opposition to the "Petition for Review of Decree of Registration and Cancellation of Title" filed by the Solicitor General. In their opposition, respondents alleged, among other things, that they had not practiced any actual fraud; that the said Lot No. 4 was and still is in truth and in fact an accretion to a titled parcel of land: that the present petition for review under the principle of *res judicata* is undeniably improper, unwarranted and illegal; that the lower court lacked jurisdiction to review or nullify a final and irrevocable judgment rendered by the Court of Appeals; that the issue raised in their appeal to and passed upon by the Court of Appeals is the same as the one raised by the Solicitor General in its petition for review; that petitioner's petition for review does not state facts sufficient to constitute a cause of action; that during the pendency in the Court of Appeals of the appeal of Lot No. 4, the Solicitor General as counsel for the Director of Lands filed a pleading entitled "Comments" recommending that the registration of the fourth parcel of land which was an accretion to the titled lands of the then applicants-appellants be decreed in their names; and that the Solicitor General is deemed to be in estoppel to make allegations in the present petition contrary to or inconsistent with those stated in the aforesaid "Comments".

On 18 September, 1956 without hearing and presentation of evidence the lower court entered an order denying the petition. The Republic of the Philippines has appealed.

In its brief, petitioner-appellant assigns two (2) errors claimed to have been committed by the lower court, to wit:

I

THE TRIAL COURT ERRED IN HOLDING THAT NO EXTRINSIC OR COLLATERAL FRAUD HAD BEEN COMMITTED BY THE RESPONDENTS-APPELLEES IN COLLUSION WITH OTHERS, AGAINST THE PETITIONER-APPELLANT REPUBLIC OF THE PHILIPPINES, IN EFFECTING THE REGISTRATION OF A PORTION OF THE LAND SUBJECT MATTER OF THE INSTANT CASE.

II

THE TRIAL COURT THEREFORE ERRED IN DISMISSING THE PETITION AT BAR WITHOUT AFFORDING AN OPPORTUNITY TO THE PETITIONER-APPELLANT TO ADDUCE EVIDENCE IN SUPPORT OF THE SAME.

The petition for review is predicated on actual and extrinsic fraud committed by the respondents, then applicant, and was filed within a year from the entry of the decree. Without hearing the evidence in support of the allegation

and claim that actual and extrinsic fraud had been committed by the respondents the Court below denied the petition. This is an error. There being an allegation of actual and extrinsic fraud the Court should have afforded the petitioner an opportunity to prove it. Moreover, if it is true that the lot is or forms part of the bed of a navigable stream, creek or river the decree and title to it in the name of the respondents would not give them any right or title of it. Navigable rivers cannot be appropriated and registered under the Land Registration Act.

The order appealed from is set aside and the case remanded to the lower court for further proceedings in accord with law, without pronouncement as to costs.

Bengzon, C. J., Bautista Angelo, Labrador, Concepción, Reyes, J. B. L., Barrera, Paredes, and Makalintal, JJ., concur.

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