

THE GOVERNMENT OF THE PHILIPPINE ISLANDS, PETITIONER. AND APPELLEE. ANTIPAS VAZQUEZ AND BASILIO GAYARES, PETITIONERS AND APPELLANTS, VS. RUFINA ABURAL ET AL., OBJECTORS AND APPE...

G.R. No. 14167. August 14, 1919

Ponente: MALCOLM, J.

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MALCOLM, J.:

The principal question which this appeal presents is— When does the registration of title, under the Torrens System of Land Registration, especially under the different Philippine laws establishing the Cadastral System, become final, conclusive, and indisputable? The supplementary questions are—At what stage of the cadastral proceedings does a decree exist in legal contemplation? Does it exist from the moment that the court, after hearing the evidence, adjudicates the land in favor of a person and then, or later, decrees the land in favor of this person, or does it exist when the Chief of the Land Registration Office transcribes the adjudication in the prescribed form?

STATEMENT OF THE CASE.

Cadastral proceedings were commenced in the municipality of Hinigaran, Province of Occidental Negros, upon an application of the Director of Lands, on June 16, 1916. Notice of the proceedings were published in the Official Gazette as provided by law. The trial judge also issued general notice to all interested parties. Among others, Victoriano Siguenza presented an, answer asking for registration in his name of lot No. 1608. The instant petitioners, Antipas Vazquez and Basilio Gayares, although said to reside in this municipality, and although said to have participated in other cadastral cases, did not enter any opposition as to this lot. Hearing was had during September, 1916. On September 21 of this year, the court issued the following decree:

"It is hereby decreed that, upon a previous declaration of general default, the following lots be adjudged and registered in the names of those persons whose names appear next after the lots, and in accordance with the following conditions; * * * "Lot No. 1608 with the improvements thereon to the conjugal partnership of Victoriano Siguenza and Marcela Guanzon."

On November 23 of the same year, the court declared final the foregoing decree in the following language:

"The decision rendered by the court in the above-entitled case having become final on September 21, 1916, it is hereby ordered that the Chief of the General Land Registration Office issue the decrees corresponding to the lots adjudged by said decision.

"An appeal having however been interposed as to the lots enumerated as follows, the decrees thereon, must be suspended until further order by this court:

"Lot No. 521.

Eight months later, that is, on July 23, 1917, but before the issuance by the Land Registration Office of the so-called technical decree, Antipas Vazquez and Basilio Gayares, the latter as guardian of the minor Estrella

Vazquez, came into the case for the first time. The petitioners, after setting forth their right of ownership in lot No. 1608, and that it was included in their "Hacienda Santa Filomena," and after stating that they were in complete ignorance of the proceedings, asked that the judgment of the court be annulled and that the case be reopened to receive proof relative to the ownership of the lot. Counsel for Victoriano Siguenza answered by counter-motion, asking the court to dismiss the motion presented on behalf of Vazquez and Gayares. The court denied the motion for a new trial on the theory that there being a decree already rendered and no allegation of fraud having been made, the court lacked jurisdiction. It may also be stated parenthetically that counsel for Vazquez and Gayares made an unsuccessful attempt in the Supreme Court, through mandamus, to have the record completed by the taking of evidence.

In order that the matter may not be confused, let it again be made clear that counsel for petitioners have not raised the question of fraud as provided for in section 38 of the Land Registration Law, nor have they asked to be relieved from a judgment or order, pursuant to section 113 of the Code of Civil Procedure, because of mistake, inadvertence, surprise, or excusable neglect. As a matter of fact, they could not well claim fraud because all the proceedings were public and free from any suspicion of chicanery. As a matter of fact, also, any special reliance on section 113 of the Code of Civil Procedure would not get them anywhere because more than six months had elapsed after the issuance of a judgment in this case. The issue fundamentally becomes one of whether or not the Supreme Court has jurisdiction over the appeal, since if the judgment and the supplemental decree issued by the Judge of the Court of First Instance on September 21, 1916, and November 23, 1916, respectively, have become final, petitioners may not bring their appeal before this court, because the time for the filing of their bill of exceptions has expired; while, if the cadastral proceedings did not become final until the formal decree was issued by the Land Registration Office, then it was proper for them to ask for a reopening of the case, and it would, consequently, be just as proper for this court to order the trial court to permit the same.

OPINION.

The prime purpose of the Torrens System is, as has been repeatedly stated, to decree land, titles that shall be final, irrevocable, and indisputable. Incontestability of title is the goal. All due precaution must accordingly be taken to guard against injustice to interested individuals who, for some good reason, may not be able to protect their rights. Nevertheless, even at the cost of possible cruelty which may result in exceptional cases, it does become necessary in the interest of the public weal to enforce registration laws. No stronger words can be found than those appearing in section 38 of the Land Registration Law (Act No. 496) wherein it is said that: "Every decree of registration shall bind the land, and quiet title thereto. * * * It shall be conclusive upon and against all persons, including the Insular Government and all the branches thereof, whether mentioned by name in the application, notice, or citation, or included in the general description 'To all whom it may concern,' Such decree shall not be opened, by reason of the absence, infancy, or other disability of any person affected thereby, nor by any proceeding in any court for reversing judgments or decrees; subject, however, to the right of any person deprived of land or of any estate or interest therein by decree of registration obtained by fraud to file in the Court of Land Registration (Court of First Instance) a petition for review within one year after entry of the decree, provided no innocent purchaser for value has acquired an interest."

While such statements can be made of the Torrens System proper, they become even more incisive and peremptory when we come to consider the offspring of this system, here known as the Cadastral System. Under the Torrens System proper, whether action shall or shall not be taken is optional with the solicitant. Under the Cadastral System, pursuant to initiative on the part of the Government, titles for all the land within a stated area, are adjudicated whether or not the people living within this district desire to have titles issued. The purpose, as stated in section one of the Cadastral Act (No. 2259), is to serve the public interests, by requiring that the titles to any lands "be settled and adjudicated."

Admitting that such compulsory registration of land and such excessive interference with private property constitutes due process of law and that the Acts providing for the same are constitutional, a question not here raised, yet a study of the law indicates that many precautions are taken to guard against injustice. The proceedings are initiated by a notice of survey. When the lands have been surveyed and plotted, the Director of Lands, represented by the Attorney-General, files a petition in court praying that the titles to the lands named be settled and adjudicated. Notice of the filing of the petition is then published twice in successive issues of the Official Gazette in both the English and Spanish languages. All persons interested, are given the benefit of assistance by competent officials and are informed of their rights. A trial is had. "All conflicting interests shall be adjudicated by the court and decrees awarded in favor of the persons entitled to the lands or the various parts thereof, and such decrees, when final, shall be the bases of original certificates of title in favor of said persons." (Act No. 2259, sec. 11.) Aside from this, the commotion caused, by the survey and a trial affecting ordinarily many people, together with the presence of strangers in the community, should serve to put all those affected on their guard.

After trial in a cadastral case, three actions are taken. The first adjudicates ownership in favor of one of the claimants. This constitutes the decision—the judgment—the decree of the court, and speaks in a judicial manner. The second action is the declaration by the court that the decree is final and its order for the issuance of the certificates of title by the Chief of the Land Registration Office. Such order is made if within thirty days from the date of receipt of a copy of the decision no appeal is taken from the decision. This again is judicial action, although to a less degree than the first.

The third and last action devolves upon the General Land Registration Office. This office has been instituted "for the due effectuation and accomplishment of the laws relative to the registration of land." (Administrative Code of 1917, sec. 174.) An official found in the office, known as the chief surveyor, has as one of his duties "to prepare final decrees in all adjudicated cases." (Administrative Code of 1917, sec. 177.) This latter decree contains the technical description of the land and may not be issued until a considerable time after the promulgation of the judgment. The form for the decree used by the General Land Registration Office concludes with the words: "Witness, the Honorable (name of the judge), on this the (date)." The date that is used as authority for the issuance of the decree is the date when, after hearing the evidence, the trial court decreed the adjudication and registration of the land.

The judgment in a cadastral survey, including the rendition of the decree, is a judicial act. As the law says, the judicial decree when final is the base of the certificate of title. The issuance of the decree by the Land Registration Office is a ministerial act. The date of the judgment, or more correctly stated, the date on which the defeated party receives a copy of the decision, begins the running of the time for the interposition of a motion for a new trial or for the perfection of an appeal to the Supreme Court. The date of the title prepared by the Chief Surveyor is unimportant, for the adjudication has taken place and all that is left to be performed is the mere formulation of the technical description. If an unknown individual could wait possibly years until the day before a surveyor gets around to transcribing a technical description of a piece of land, the defeated party could just as reasonably expect the same consideration for his appeal. As a matter of fact, the so-called unknown is a party just as much as the known oppositor for notice is to all the world, and the decree binds all the world.

Both counsel for petitioners and respondents rely upon the decision of this court in the case of *Tambunting vs. Manuel* ([1916], 35. Phil.; 699). That case and the instant case are not the same. In the *Tambunting* case the contest was really between two parties each claiming to have a Torrens title; here one party has the title and the other is seeking to oust him from his fortress. In the *Tambunting* case the declaration of ownership but not the decree of registration had issued; here both declaration and decree have issued. The doctrines announced in the decision in *Grey Alba vs. De la Cruz* ([1910], 17 Phil., 49) relating to general notice and the indefeasibility of

land titles under the Torrens system are much more applicable and can, with as much reason, be applied to the cadastral system.

As a general rule, registration of title under the cadastral system is final, conclusive and indisputable, after the passage of the thirty-day period allowed for an appeal from the date of receipt by the party of a copy of the judgment of the court adjudicating ownership without any step having been taken to perfect an appeal. The prevailing party may then have execution of the judgment as of right and is entitled to the certificate of title issued by the Chief of the Land Registration Office. The exception is the special provision providing for fraud.

Counsel for appellants and appellees have favored the court with able arguments relative to the applicability of sections 113 and 513 of the Code of Civil Procedure to cadastral proceedings. The view we take of the case would make unprofitable any discussion of this question.

It appearing that the judgment of the Court of First Instance of Occidental Negros of September 21, 1916, has become final, and that no action was taken within the time provided by law for the prosecution of an appeal by bill of exceptions, this court is without jurisdiction. Accordingly the appeal is dismissed with costs against the appellants. So ordered.

Arellano, C.J., Torres, Johnson, Street, Avanceña, and Moir, JJ., concur.

Appeal dismissed.

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