

[WITH RESOLUTION OF SEPTEMBER 29, 1962]*G.R. No. 14643. January 28, 1961*

Ponente: GUTIERREZ DAVID, J.

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Sometime in 1917, Bartolome Quines filed with the Bureau of Lands a homestead application covering a tract of land situated in the municipality of Abulug, province of Cagayan. Upon the approval of his application in the following year, he began clearing and cultivating the land.

In the years 1923 to 1925, cadastral surveys were made by the Bureau of Lands in the municipality of Abulug, during which the tract of land applied for as a homestead by Bartolome Quines was designated as Lot No. 3044 of the Abulug Cadastre. After the surveys were completed, cadastral proceedings were initiated in 1927 by the Director of Lands in the Court of First Instance of Cagayan. Relying upon the assurance made by the employees of the Bureau of Lands that they would take care of his homestead in the cadastral proceedings, Bartolome Quines did not file any answer therein. However, one Maria Florentino filed an answer claiming several lots including Lot No. 3044. After hearing, the cadastral court, on August 16, 1930, rendered its decision wherein Maria Florentino was awarded the lots claimed by her. Lot No. 3044 was included in the award, apparently because neither the Director of Lands nor any of his representatives appeared during the hearing to inform the court that it was under homestead application. On August 29, 1930, pending the issuance of the final decree of registration and the original certificate of title to Maria Florentino, a homestead covering lot No. 3044 was granted to Bartolome Quines, and pursuant thereto, the Register of Deeds of Cagayan, on September 15, 1930, issued Original Certificate of Title No. 623 in his name. Six months thereafter, or on March 12, 1931, the same Register of Deeds issued Original Certificate of Title No. 11982 in the name of Maria Florentino covering the lots awarded to her by the cadastral court including Lot No. 3044.

Sometime in 1952, Maria Florentino, with the consent of her husband Jose Villanueva, sold all the lots approved by Original Certificate of Title No. 11982 to Arturo Nieto, who subsequently secured the issuance of Transfer Certificate of Title No. 1402 in his name on January 21, 1953.

On the other hand, Bartolome Quines executed a deed of sale on December 23, 1953 transferring Lot No. 3044 as covered by Original Certificate of Title issued in his name to Atty. Miguel P. Pio. Discovering that the land he purchased was covered by another title in the name of Arturo Nieto, Atty. Pio, on January 8, 1954, filed an action against the latter in the Court of First Instance of Cagayan for quieting of title. The lower court, however, upon defendant's motion, dismissed the action on the ground that the plaintiff had not yet acquired a legal title that could affect third persons, the sale not having been approved by the Secretary of Agriculture and Natural Resources and the deed not being registered in the office of the Register of Deeds.

Prior to the dismissal of the action to quiet title above mentioned, or on January 16, 1954, Arturo Nieto, the defendant therein, filed a complaint against Bartolome Quines in the Court of First Instance of Cagayan. The complaint, alleging, among other things, that the homestead patent and Original Certificate of Title No. 623 were obtained through fraud and misrepresentation, prayed that the patent and title be cancelled and that Transfer

Certificate of Title No. 1402 issued in plaintiff's name be declared as the true and valid title over the lot in dispute. It was likewise alleged that defendant Quines was not in possession of Lot No. 3044, but of certain portions of other lots belonging to plaintiff, and should, therefore, be ordered to vacate the same. Defendant Bartolome Quines, through his counsel Atty. Miguel P. Pio, answered the complaint denying its material allegations.

During the pendency of the action, the sale of Lot No. 3044 to Miguel P. Pio was approved by the Secretary of Agriculture and Natural Resources and was later registered in the office of the Register of Deeds of Cagayan who issued Transfer Certificate of Title No. 1984 in the name of Miguel P. Pio. Accordingly, Miguel P. Pio filed a motion for his inclusion as party defendant. His motion having been granted, defendant Miguel P. Pio answered the complaint denying the material allegations thereof and interposing a counterclaim for damages.

After trial, the lower court rendered judgment in defendants' favor dismissing the complaint, ordering the cancellation of Original Certificate of Title No. 11982 and Transfer Certificate of Title No. 1402 insofar as they cover Lot No. 3044, and sentencing the plaintiff to pay the defendants P6,000 representing the owner's share in the harvest from the years 1954 to 1957. His two motions for reconsideration having been denied, plaintiff Arturo Nieto appealed directly to this Court.

The appeal is without merit.

As established during the trial and found by the trial court, Bartolome Quines had been in the continuous and peaceful possession of Lot No. 3044 from the time his homestead application was approved in 1918 up to 1953 when he was forcibly ejected therefrom by Arturo Nieto. As a homestead applicant, he religiously complied with all the requirements of the Public Land Act and, on August 29, 1930, a homestead patent was issued in his favor. Considering the requirement that the final proof must be presented within 5 years from the approval of the homestead application (sec. 14, Public Land Act), it is safe to assume that Bartolome Quines submitted his final proof way back yet in 1923 and that the Director of Lands approved the same not long thereafter or before the land became the subject of the cadastral proceedings in 1927. Unfortunately, there was some delay in the ministerial act of issuing the patent and the same was actually issued only after the cadastral court had adjudicated the land to Maria Florentino. Nevertheless, having complied with all the terms and conditions which would entitle him to a patent, Bartolome Quines, even without a patent actually issued, has unquestionably acquired a vested right on the land and is to be regarded as the equitable owner thereof. (*Balboa vs. Farrales*, 51 Phil., 498.) Under these circumstances and applying by analogy the principles governing sales of immovable property to two different persons by the same vendor, Bartolome Quines' title must prevail over that of Maria Florentino not only because he had always been in possession of the land but also because he obtained title to the land prior to that of Maria Florentino.

Having arrived at the above conclusions, we deem it idle to consider the other points raised in this appeal.

In view of the foregoing, the decision appealed from is hereby affirmed. With costs against appellant.

Bengzon, Padilla, Bautista Angelo, Labrador, and Paredes, JJ., concur.

Concepcion and Reyes, J. B. L., JJ., concur in the result.

RESOLUTION

September 29, 1962

BARRERA, J.:

In the decision of this Court in the herein case, promulgated on January 28, 1961, the following facts were considered duly established:

"Sometime in 1917, Bartolome Quines filed with the Bureau of Lands a homestead application covering a tract of land situated in the municipality of Abulug, province of Cagayan. Upon the approval of his application in the following year, he began clearing and cultivating the land.

"In the years 1923 to 1925, cadastral surveys were made by the Bureau of Lands in the municipality of Abulug, during which the tract of land applied for as a homestead by Bartolome Quines was designated as Lot No. 3044 of the Abulug Cadastre. After the surveys were completed, cadastral proceedings were initiated in 1927 by the Director of Lands in the Court of First Instance of Cagayan. Relying upon the assurances made by the employees of the Bureau of Lands that they would take care of his homestead in the cadastral proceedings, Bartolome Quines did not file any answer therein. However, one Maria Florentino filed an answer claiming several lots including Lot No. 3044. After hearing, the cadastral court, on August 16, 1930, rendered its decision wherein Maria Florentino was awarded the lots claimed by her. Lot No. 3044 was included in the award, apparently because neither the Director of Lands nor any of his representatives appeared during the hearing to inform the court that it was under homestead application. On August 29, 1930, pending the issuance of the final decree of registration and the original certificate of title to Maria Florentino, a homestead patent covering Lot No. 3044 was granted to Bartolome Quines, and pursuant thereto, the Register of Deeds of Cagayan, on September 15, 1930, issued Original Certificate of Title No. 623 in his name. Six months thereafter, or on March 12, 1931, the same Register of Deeds issued Original Certificate of Title No. 11982 in the name of Maria Florentino covering the lots awarded to her by the cadastral court including Lot No. 3044."

Upon the foregoing, it was declared that Quines, "having complied with all the terms and conditions which would entitle him to a patent * * * has unquestionably acquired a vested right on the land and is to be regarded as the equitable owner thereof." The title of appellee Quines to the land, consequently, was held superior to that of Maria Florentino, predecessor-in-interest of herein appellant Arturo Nieto. This Resolution is prompted by appellant's motion for reconsideration of our above mentioned decision.

For purposes of resolving the issues raised in the instant motion for reconsideration, attention must be given to the following significant facts appearing in the records: After the approval of appellee's application for homestead of the tract of land involved herein, but before a patent therefor could actually be issued, cadastral proceedings were instituted by the Director of Lands in the Court of First Instance of Cagayan, wherein said land was designated as Lot No. 3044 of the Abulug Cadastre; that in this cadastral proceeding, only Maria Florentino appeared and filed a claim of ownership of Lot No. 3044, as a result of which, the cadastral court, on August 16, 1930, "awarded and decreed said non-contested Lot No. 3044" in favor of claimant Florentino; and that there having been no appeal interposed, the award and decree became final on September 15, 1930; that on August 30, 1930, a homestead patent over the same lot was issued by the Bureau of Lands to appellee Quines, and Original Certificate of Title No. 623, based on said patent was issued by the Register of Deeds in his name on September 15, 1930; that Original Certificate of Title No. 11982, in the name of Maria Florentino de Villanueva, on the other hand, was issued on March 12, 1931.

In the case of *De la Merced vs. Court of Appeals, et al* (L-17757, promulgated on May 30, 1962), it was held:

"Confronted with the question of when title to the land in a cadastral proceeding is vested, this Court, in the case of *Government of the Philippine Islands vs. Abural* (39 Phil., 997), said:

'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 effectuation and accomplishment of the laws relative to the registration of land."

(Administrative Code of 1917, sec. 174.) * * *.

"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 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. * * *.

'As a general rule, registration of title under the cadastral system is final, conclusive, and indisputable, after the passage of 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.'

"Under the foregoing pronouncement, the title of ownership on the land is vested upon the owner upon the expiration of the period to appeal from the decision or adjudication by the cadastral court, without such an appeal having been perfected. The certificate of title would then be necessary for purposes of effecting registration of subsequent disposition of the land where court proceedings would no longer be necessary.

"As we have here a decree issued by the cadastral court, ordering the issuance to Inocencio de los Santos of the certificate of title over Lot No. 395 after the decision adjudicating ownership to him of said property had already become final, and there being no imputation of irregularity in the said cadastral proceedings, title of ownership on the said adjudicates was vested as of the date of the issuance of such judicial decree. The land, for all intents and purposes, had become, from that time, registered property which could not be acquired by adverse possession."

In line with the foregoing ruling, the land, for all legal intents and purposes became registered in the name of the adjudicatee Maria Florentino after the decision of the cadastral court became final, i.e., 30 days from August 16, 1930 or on September 15, 1930 (Sec. 11, Act 2259). As the certificate of title based on the patent was also issued to appellee Quines on the same day, it is clear that Lot No. 3044 was registered in the names of 2 different persons, on the same day, pursuant to 2 different proceedings. This peculiar situation gives rise not to the question of who is rightfully entitled to registration of the property, but which of the two registrations already effected and secured, should prevail.

It is true, as claimed by appellee Quines, that in the case of *Aquino vs. Director of Lands* (39 Phil., 850), this Court declared a decree of registration issued under the Public Land Law to be "conclusive and final", and that "once registered, a patent becomes irrevocable and enjoys the same privileges as Torrens titles issued under Act 496" (*Manalo vs. Lukban*, 48 Phil., 973; *El Hogar Filipino vs. Olviga*, 60 Phil., 17). The pronouncement in the *Aquino* case, however, was based on the conclusion that "proceedings under the Land Registration Law and under the provisions of Chapter VI of the Public Land Law (re-confirmation of imperfect titles) are the same in that both are against the whole world, both take the nature of judicial proceedings"[1]; while in the *Manalo* and *El Hogar Filipino* cases, the issue involved was the efficacy of duly issued certificates of title based on patents, as against titles obtained through cadastral proceedings instituted subsequent to the granting of such patents. Whatever rulings and pronouncements may have been made in said cases, therefore, would have no application to the case

at bar, because the title obtained by appellee Quines was not under Chapter VI of Act 926, but pursuant to the provisions of the same law on homestead (Chap. I, Act 926), and the question herein presented involves the validity and enforceability of 2 different registrations that took effect on the same day. An analysis of the 2 proceedings under which they were obtained is, consequently, imperative and in order.

Under Act 926 which is the law governing this case, the Director of Lands, upon receipt of a homestead application, shall summarily determine whether the land described is prima facie subject to homestead settlement, and should he find nothing to the contrary, the applicant shall be permitted to enter the land specified (Sec. 2). In not less than five nor more than eight years from the date of the filing of the application, final proof of residence and cultivation may be made by the applicant (Sec. 2), of which, the public shall be notified, and any person may contest the same on any of the grounds enumerated in the law (Sec. 8). Should the applicant successfully prove that he has complied with all the requirements of the law, a patent, under the name of the Government, shall be issued to him (the applicant), upon payment of the necessary fee (Sec. 3). The procedure, initiated by the applicant and acted upon by the grantor (the Government), is purely administrative.[2] As this Court observed:

"* * * while provision is made for notice to the public of the intention of the homesteader to apply for a patent upon final proof of occupation and cultivation of the land, and for the hearing of objections to the application upon various grounds, including the contention that the land in question was not 'unoccupied at the time of filing the application, the statute nowhere undertakes to declare that the decision of the Director upon such contest shall be conclusive, or that the failure of the real owner to contest the application shall have the effect of forfeiting his title by making the director's decision as to the public character of the land final and conclusive." (De los Reyes vs. Razon, supra.)

Upon the other hand, the proceedings under the Cadastral Act, at the initiative of the Government (Sec. 1, Act 2259), are judicial. Process is served by publication upon all persons who may have interest on the land, including the Government, to appear and prove or oppose the claims of ownership that may be filed therein (Sees. 8 and 9). The action is one in rem and any decision rendered therein by the cadastral court is binding against the whole world, (Sec. 11) including the Government.

The decision of the cadastral court, recognizing Maria Florentino's right of ownership over the land, was rendered on August 16, 1930. There being no charge, much less proof, of irregularity of the cadastral proceeding, the Government, on which said decision of the cadastral court is also binding and which is supposed to have knowledge thereof, had actually no more right to convey by homestead grant on August 29, 1930, said parcel of land to appellee Quines. The fact that the decision of the cadastral court became final only on September 15, 1930, after the patent was issued, does not alter the situation that when such patent was obtained, there was already a court adjudication in favor of Maria Florentino, binding upon the government itself, predecessor-in-interest of Quines.

Furthermore, a certificate of title based on a patent, even after the expiration of one year from the issuance thereof, is still subject to certain conditions and restriction[3]. As a matter of fact, in appropriate cases and after prior administrative investigations by the Director of Lands, proper actions may be instituted by said official which may lead to the cancellation of the patent and the title, and the consequent reversion of the land to the Government.[4] On the other hand, a certificate of title issued pursuant to Act 2259, after the lapse of 1 year, becomes incontrovertible.[5] The inescapable conclusion, therefore, is that, while with the due registration and issuance of a certificate of title over a land acquired pursuant to the Public Land Law, said property becomes registered in contemplation of Act 496,[6] in view of its nature and manner of acquisition, such certificate of title, when in conflict with one obtained on the same date through judicial proceedings, must give way to the latter.

Wherefore, the Decision of January 28, 1961 is hereby reconsidered; the judgment of the lower court reversed and

set aside, and another one is entered declaring Original Certificate of Title No. 11982 in the name of Maria Florentino de Villanueva, and Transfer Certificate of Title No. 140 in the name of plaintiff-appellant Arturo Nieto, subsequently issued upon cancellation of the former, as the true and valid titles over Lot No. 3044 of the Abulug Cadastre. Appellant's claim for damages, however, is denied there being no sufficient justification for awarding the same. Without costs. So ordered.

Bengzon, C. J., Padilla, Concepcion, Paredes, and Dizon, JJ., concur.

[1] Claims and applications for registration of imperfect titles are to be filed in the Court of Land Registration for investigation and hearing. The parties and the general public, including the Government (represented by the Attorney General) are notified thereof. In such hearings, the procedure prescribed for hearings and in the matter of appeal under Act 946 shall be observed. (Secs. 59, 60, Act 926).

[2] De los Reyes vs. Razon, 38 Phil., 480.

[3] Secs. 118, 119, 121, 122, Com. Act 141; Sec. 35, Act 926; Campanero vs. Coloma, 106 Phil., 993.

[4] Secs. 123 anti 124, Com. Act 141; Rellin vs. Cabigas, 109 Phil., 1180.

[5] Sec. 11, Act 926 in connection with Sec. 38, Act 493.

[6] Sec. 122, Act 496

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