REPUBLIC OF THE PHILIPPINES, PETITIONER, VS. JEREMIAS AND DAVID HERBIETO, RESPONDENTS.

G.R. NO. 156117. May 26, 2005

Ponente: CHICO-NAZARIO, J.

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CHICO-NAZARIO, J.:

Before this Court is a Petition for Review on Certiorari, under Rule 45 of the 1997 Rules of Civil Procedure, seeking the reversal of the Decision of the Court of Appeals in CA-G.R. CV No. 67625, dated 22 November 2002,[1] which affirmed the Judgment of the Municipal Trial Court (MTC) of Consolacion, Cebu, dated 21 December 1999,[2] granting the application for land registration of the respondents.

Respondents in the present Petition are the Herbieto brothers, Jeremias and David, who filed with the MTC, on 23 September 1998, a single application for registration of two parcels of land, Lots No. 8422 and 8423, located in Cabangahan, Consolacion, Cebu (Subject Lots). They claimed to be owners in fee simple of the Subject Lots, which they purchased from their parents, spouses Gregorio Herbieto and Isabel Owatan, on 25 June 1976.[3] Together with their application for registration, respondents submitted the following set of documents:

(a)

Advance Survey Plan of Lot No. 8422, in the name of respondent Jeremias; and Advance Survey Plan of Lot No. 8423, in the name of respondent David; [4]

(b)

The technical descriptions of the Subject Lots; [5]

(c)

Certifications by the Department of Environment and Natural Resources (DENR) dispensing with the need for Surveyor's Certificates for the Subject Lots; [6]

(d)

Certifications by the Register of Deeds of Cebu City on the absence of certificates of title covering the Subject Lots;[7]

(e)

Certifications by the Community Environment and Natural Resources Office (CENRO) of the DENR on its

finding that the Subject Lots are alienable and disposable, by virtue of Forestry Administrative Order No. 4-1063, dated 25 June 1963;[8]

(f)

Certified True Copies of Assessment of Real Property (ARP) No. 941800301831, in the name of Jeremias, covering Lot No. 8422, issued in 1994; and ARP No. 941800301833, in the name of David, covering Lot No. 8423, also issued in 1994; [9]and

(g)

Deed of Definite Sale executed on 25 June 1976 by spouses Gregorio Herbieto and Isabel Owatan selling the Subject Lots and the improvements thereon to their sons and respondents herein, Jeremias and David, for P1,000. Lot No. 8422 was sold to Jeremias, while Lot No. 8423 was sold to David. [10]

On 11 December 1998, the petitioner Republic of the Philippines (Republic) filed an Opposition to the respondents' application for registration of the Subject Lots arguing that: (1) Respondents failed to comply with the period of adverse possession of the Subject Lots required by law; (2) Respondents' muniments of title were not genuine and did not constitute competent and sufficient evidence of bona fide acquisition of the Subject Lots; and (3) The Subject Lots were part of the public domain belonging to the Republic and were not subject to private appropriation.[11]

The MTC set the initial hearing on 03 September 1999 at 8:30 a.m.[12] All owners of the land adjoining the Subject Lots were sent copies of the Notice of Initial Hearing.[13] A copy of the Notice was also posted on 27 July 1999 in a conspicuous place on the Subject Lots, as well as on the bulletin board of the municipal building of Consolacion, Cebu, where the Subject Lots were located.[14] Finally, the Notice was also published in the Official Gazette on 02 August 1999[15] and The Freeman Banat News on 19 December 1999.[16]

During the initial hearing on 03 September 1999, the MTC issued an Order of Special Default,[17] with only petitioner Republic opposing the application for registration of the Subject Lots. The respondents, through their counsel, proceeded to offer and mark documentary evidence to prove jurisdictional facts. The MTC commissioned the Clerk of Court to receive further evidence from the respondents and to submit a Report to the MTC after 30 days.

On 21 December 1999, the MTC promulgated its Judgment ordering the registration and confirmation of the title of respondent Jeremias over Lot No. 8422 and of respondent David over Lot No. 8423. It subsequently issued an Order on 02 February 2000 declaring its Judgment, dated 21 December 1999, final and executory, and directing the Administrator of the Land Registration Authority (LRA) to issue a decree of registration for the Subject Lots.[18]

Petitioner Republic appealed the MTC Judgment, dated 21 December 1999, to the Court of Appeals.[19] The Court of Appeals, in its Decision, dated 22 November 2002, affirmed the appealed MTC Judgment reasoning thus:

In the case at bar, there can be no question that the land sought to be registered has been classified as within the alienable and disposable zone since June 25, 1963. Article 1113 in relation to Article 1137 of the Civil Code, respectively provides that "All things which are within the commerce of men are susceptible of prescription, unless otherwise provided. Property of the State or any of its subdivisions of patrimonial character shall not be the object of prescription" and that "Ownership and other real rights over immovables

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> also prescribe through uninterrupted adverse possession thereof for thirty years, without need of title or of good faith."
>
> As testified to by the appellees in the case at bench, their parents already acquired the subject parcels of lands, subject matter of this application, since 1950 and that they cultivated the same and planted it with jackfruits, bamboos, coconuts, and other trees (Judgment dated December 21, 1999, p. 6). In short, it is undisputed that herein appellees or their predecessors-in-interest had occupied and possessed the subject land openly, continuously, exclusively, and adversely since 1950. Consequently, even assuming arguendo that appellees' possession can be reckoned only from June 25, 1963 or from the time the subject lots had been classified as within the alienable and disposable zone, still the argument of the appellant does not hold water.
>
> As earlier stressed, the subject property, being alienable since 1963 as shown by CENRO Report dated June 23, 1963, may now be the object of prescription, thus susceptible of private ownership. By express provision of Article 1137, appellees are, with much greater right, entitled to apply for its registration, as provided by Section 14(4) of P.D. 1529 which allows individuals to own land in any manner provided by law. Again, even considering that possession of appelless should only be reckoned from 1963, the year when CENRO declared the subject lands alienable, herein appellees have been possessing the subject parcels of land in open, continuous, and in the concept of an owner, for 35 years already when they filed the instant application for registration of title to the land in 1998. As such, this court finds no reason to disturb the finding of the court a quo.[20]

The Republic filed the present Petition for the review and reversal of the Decision of the Court of Appeals, dated 22 November 2002, on the basis of the following arguments:

First, respondents failed to establish that they and their predecessors-in-interest had been in open, continuous, and adverse possession of the Subject Lots in the concept of owners since 12 June 1945 or earlier. According to the petitioner Republic, possession of the Subject Lots prior to 25 June 1963 cannot be considered in determining compliance with the periods of possession required by law. The Subject Lots were classified as alienable and disposable only on 25 June 1963, per CENRO's certification. It also alleges that the Court of Appeals, in applying the 30-year acquisitive prescription period, had overlooked the ruling in Republic v. Doldol,[21] where this Court declared that Commonwealth Act No. 141, otherwise known as the Public Land Act, as amended and as it is presently phrased, requires that possession of land of the public domain must be from 12 June 1945 or earlier, for the same to be acquired through judicial confirmation of imperfect title.

Second, the application for registration suffers from fatal infirmity as the subject of the application consisted of two parcels of land individually and separately owned by two applicants. Petitioner Republic contends that it is implicit in the provisions of Presidential Decree No. 1529, otherwise known as the Property Registration Decree, as amended, that the application for registration of title to land shall be filed by a single applicant; multiple applicants may file a single application only in case they are co-owners. While an application may cover two parcels of land, it is allowed only when the subject parcels of land belong to the same applicant or applicants (in case the subject parcels of land are co-owned) and are situated within the same province. Where the authority of the courts to proceed is conferred by a statute and when the manner of obtaining jurisdiction is mandatory, it must be strictly complied with or the proceedings will be utterly void. Since the respondents failed to comply with the procedure for land registration under the Property Registration Decree, the proceedings held before the MTC is void, as the latter did not acquire jurisdiction over it.

IJurisdiction

Addressing first the issue of jurisdiction, this Court finds that the MTC had no jurisdiction to proceed with and hear the application for registration filed by the respondents but for reasons different from those presented by

petitioner Republic.

A. The misjoinder of causes of action and parties does not affect the jurisdiction of the MTC to hear and proceed with respondents' application for registration.
Respondents filed a single application for registration of the Subject Lots even though they were not co-owners. Respondents Jeremias and David were actually seeking the individual and separate registration of Lots No. 8422 and 8423, respectively.

Petitioner Republic believes that the procedural irregularity committed by the respondents was fatal to their case, depriving the MTC of jurisdiction to proceed with and hear their application for registration of the Subject Lots, based on this Court's pronouncement in Director of Lands v. Court of Appeals,[22] to wit:

> . . . In view of these multiple omissions which constitute non-compliance with the above-cited sections of the Act, We rule that said defects have not invested the Court with the authority or jurisdiction to proceed with the case because the manner or mode of obtaining jurisdiction as prescribed by the statute which is mandatory has not been strictly followed, thereby rendering all proceedings utterly null and void.

This Court, however, disagrees with petitioner Republic in this regard. This procedural lapse committed by the respondents should not affect the jurisdiction of the MTC to proceed with and hear their application for registration of the Subject Lots.

The Property Registration Decree[23] recognizes and expressly allows the following situations: (1) the filing of a single application by several applicants for as long as they are co-owners of the parcel of land sought to be registered;[24] and (2) the filing of a single application for registration of several parcels of land provided that the same are located within the same province.[25] The Property Registration Decree is silent, however, as to the present situation wherein two applicants filed a single application for two parcels of land, but are seeking the separate and individual registration of the parcels of land in their respective names.

Since the Property Registration Decree failed to provide for such a situation, then this Court refers to the Rules of Court to determine the proper course of action. Section 34 of the Property Registration Decree itself provides that, "[t]he Rules of Court shall, insofar as not inconsistent with the provisions of this Decree, be applicable to land registration and cadastral cases by analogy or in a suppletory character and whenever practicable and convenient."

Considering every application for land registration filed in strict accordance with the Property Registration Decree as a single cause of action, then the defect in the joint application for registration filed by the respondents with the MTC constitutes a misjoinder of causes of action and parties. Instead of a single or joint application for registration, respondents Jeremias and David, more appropriately, should have filed separate applications for registration of Lots No. 8422 and 8423, respectively.

Misjoinder of causes of action and parties do not involve a question of jurisdiction of the court to hear and proceed with the case.[26] They are not even accepted grounds for dismissal thereof.[27] Instead, under the Rules of Court, the misjoinder of causes of action and parties involve an implied admission of the court's jurisdiction. It acknowledges the power of the court, acting upon the motion of a party to the case or on its own initiative, to order the severance of the misjoined cause of action, to be proceeded with separately (in case of misjoinder of causes of action); and/or the dropping of a party and the severance of any claim against said misjoined party, also to be proceeded with separately (in case of misjoinder of parties).

The misjoinder of causes of action and parties in the present Petition may have been corrected by the MTC motu propio or on motion of the petitioner Republic. It is regrettable, however, that the MTC failed to detect the misjoinder when the application for registration was still pending before it; and more regrettable that the petitioner

Republic did not call the attention of the MTC to the fact by filing a motion for severance of the causes of action and parties, raising the issue of misjoinder only before this Court.

B. Respondents, however, failed to comply with the publication requirements mandated by the Property Registration Decree, thus, the MTC was not invested with jurisdiction as a land registration court.

Although the misjoinder of causes of action and parties in the present Petition did not affect the jurisdiction of the MTC over the land registration proceeding, this Court, nonetheless, has discovered a defect in the publication of the Notice of Initial Hearing, which bars the MTC from assuming jurisdiction to hear and proceed with respondents' application for registration.

A land registration case is a proceeding in rem,[28] and jurisdiction in rem cannot be acquired unless there be constructive seizure of the land through publication and service of notice.[29]

Section 23 of the Property Registration Decree requires that the public be given Notice of the Initial Hearing of the application for land registration by means of (1) publication; (2) mailing; and (3) posting. Publication of the Notice of Initial Hearing shall be made in the following manner:

> 1. By publication. –
>
> Upon receipt of the order of the court setting the time for initial hearing, the Commissioner of Land Registration shall cause a notice of initial hearing to be published once in the Official Gazette and once in a newspaper of general circulation in the Philippines: Provided, however, that the publication in the Official Gazette shall be sufficient to confer jurisdiction upon the court. Said notice shall be addressed to all persons appearing to have an interest in the land involved including the adjoining owners so far as known, and "to all whom it may concern." Said notice shall also require all persons concerned to appear in court at a certain date and time to show cause why the prayer of said application shall not be granted.

Even as this Court concedes that the aforequoted Section 23(1) of the Property Registration Decree expressly provides that publication in the Official Gazette shall be sufficient to confer jurisdiction upon the land registration court, it still affirms its declaration in Director of Lands v. Court of Appeals[30] that publication in a newspaper of general circulation is mandatory for the land registration court to validly confirm and register the title of the applicant or applicants. That Section 23 of the Property Registration Decree enumerated and described in detail the requirements of publication, mailing, and posting of the Notice of Initial Hearing, then all such requirements, including publication of the Notice in a newspaper of general circulation, is essential and imperative, and must be strictly complied with. In the same case, this Court expounded on the reason behind the compulsory publication of the Notice of Initial Hearing in a newspaper of general circulation, thus "

> It may be asked why publication in a newspaper of general circulation should be deemed mandatory when the law already requires notice by publication in the Official Gazette as well as by mailing and posting, all of which have already been complied with in the case at hand. The reason is due process and the reality that the Official Gazette is not as widely read and circulated as newspaper and is oftentimes delayed in its circulation, such that the notices published therein may not reach the interested parties on time, if at all. Additionally, such parties may not be owners of neighboring properties, and may in fact not own any other real estate. In sum, the all encompassing in rem nature of land registration cases, the consequences of default orders issued against the whole world and the objective of disseminating the notice in as wide a manner as possible demand a mandatory construction of the requirements for publication, mailing and posting.[31]

In the instant Petition, the initial hearing was set by the MTC, and was in fact held, on 03 September 1999 at 8:30 a.m. While the Notice thereof was printed in the issue of the Official Gazette, dated 02 August 1999, and officially released on 10 August 1999, it was published in The Freeman Banat News, a daily newspaper printed in

Cebu City and circulated in the province and cities of Cebu and in the rest of Visayas and Mindanao, only on 19 December 1999, more than three months after the initial hearing.

Indubitably, such publication of the Notice, way after the date of the initial hearing, would already be worthless and ineffective. Whoever read the Notice as it was published in The Freeman Banat News and had a claim to the Subject Lots was deprived of due process for it was already too late for him to appear before the MTC on the day of the initial hearing to oppose respondents' application for registration, and to present his claim and evidence in support of such claim. Worse, as the Notice itself states, should the claimant-oppositor fail to appear before the MTC on the date of initial hearing, he would be in default and would forever be barred from contesting respondents' application for registration and even the registration decree that may be issued pursuant thereto. In fact, the MTC did issue an Order of Special Default on 03 September 1999.

The late publication of the Notice of Initial Hearing in the newspaper of general circulation is tantamount to no publication at all, having the same ultimate result. Owing to such defect in the publication of the Notice, the MTC failed to constructively seize the Subject Lots and to acquire jurisdiction over respondents' application for registration thereof. Therefore, the MTC Judgment, dated 21 December 1999, ordering the registration and confirmation of the title of respondents Jeremias and David over Lots No. 8422 and 8423, respectively; as well as the MTC Order, dated 02 February 2000, declaring its Judgment of 21 December 1999 final and executory, and directing the LRA Administrator to issue a decree of registration for the Subject Lots, are both null and void for having been issued by the MTC without jurisdiction.

IIPeriod of Possession

Respondents failed to comply with the required period of possession of the Subject Lots for the judicial confirmation or legalization of imperfect or incomplete title.

While this Court has already found that the MTC did not have jurisdiction to hear and proceed with respondents' application for registration, this Court nevertheless deems it necessary to resolve the legal issue on the required period of possession for acquiring title to public land.

Respondents' application filed with the MTC did not state the statutory basis for their title to the Subject Lots. They only alleged therein that they obtained title to the Subject Lots by purchase from their parents, spouses Gregorio Herbieto and Isabel Owatan, on 25 June 1976. Respondent Jeremias, in his testimony, claimed that his parents had been in possession of the Subject Lots in the concept of an owner since 1950.[32]

Yet, according to the DENR-CENRO Certification, submitted by respondents themselves, the Subject Lots are "within Alienable and Disposable, Block I, Project No. 28 per LC Map No. 2545 of Consolacion, Cebu certified under Forestry Administrative Order No. 4-1063, dated June 25, 1963. Likewise, it is outside Kotkot-Lusaran Mananga Watershed Forest Reservation per Presidential Proclamation No. 932 dated June 29, 1992."[33] The Subject Lots are thus clearly part of the public domain, classified as alienable and disposable as of 25 June 1963.

As already well-settled in jurisprudence, no public land can be acquired by private persons without any grant, express or implied, from the government;[34] and it is indispensable that the person claiming title to public land should show that his title was acquired from the State or any other mode of acquisition recognized by law.[35]

The Public Land Act, as amended, governs lands of the public domain, except timber and mineral lands, friar lands, and privately-owned lands which reverted to the State.[36] It explicitly enumerates the means by which public lands may be disposed, as follows:

(1) For homestead settlement;
(2) By sale;

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(3) By lease;
(4) By confirmation of imperfect or incomplete titles;
(a) By judicial legalization; or
(b) By administrative legalization (free patent).[37]

Each mode of disposition is appropriately covered by separate chapters of the Public Land Act because there are specific requirements and application procedure for every mode.[38] Since respondents herein filed their application before the MTC,[39] then it can be reasonably inferred that they are seeking the judicial confirmation or legalization of their imperfect or incomplete title over the Subject Lots.

Judicial confirmation or legalization of imperfect or incomplete title to land, not exceeding 144 hectares,[40] may be availed of by persons identified under Section 48 of the Public Land Act, as amended by Presidential Decree No. 1073, which reads –

> Section 48. The following-described citizens of the Philippines, occupying lands of the public domain or claiming to own any such lands or an interest therein, but whose titles have not been perfected or completed, may apply to the Court of First Instance of the province where the land is located for confirmation of their claims and the issuance of a certificate of title thereafter, under the Land Registration Act, to wit:
> (a) [Repealed by Presidential Decree No. 1073].
>
> (b) Those who by themselves or through their predecessors-in-interest have been in open, continuous, exclusive, and notorious possession and occupation of agricultural lands of the public domain, under a bona fide claim of acquisition of ownership, since June 12, 1945, or earlier, immediately preceding the filing of the applications for confirmation of title, except when prevented by war or force majeure. These shall be conclusively presumed to have performed all the conditions essential to a Government grant and shall be entitled to a certificate of title under the provisions of this chapter.
>
> (c) Members of the national cultural minorities who by themselves or through their predecessors-in-interest have been in open, continuous, exclusive and notorious possession and occupation of lands of the public domain suitable to agriculture whether disposable or not, under a bona fide claim of ownership since June 12, 1945 shall be entitled to the rights granted in subsection (b) hereof.

Not being members of any national cultural minorities, respondents may only be entitled to judicial confirmation or legalization of their imperfect or incomplete title under Section 48(b) of the Public Land Act, as amended. Section 48(b), as amended, now requires adverse possession of the land since 12 June 1945 or earlier. In the present Petition, the Subject Lots became alienable and disposable only on 25 June 1963. Any period of possession prior to the date when the Subject Lots were classified as alienable and disposable is inconsequential and should be excluded from the computation of the period of possession; such possession can never ripen into ownership and unless the land had been classified as alienable and disposable, the rules on confirmation of imperfect title shall not apply thereto.[41] It is very apparent then that respondents could not have complied with the period of possession required by Section 48(b) of the Public Land Act, as amended, to acquire imperfect or incomplete title to the Subject Lots that may be judicially confirmed or legalized.

The confirmation of respondents' title by the Court of Appeals was based on the erroneous supposition that respondents were claiming title to the Subject Lots under the Property Registration Decree. According to the Decision of the Court of Appeals, dated 22 November 2002, Section 14(4) of the Property Registration Decree allows individuals to own land in any other manner provided by law. It then ruled that the respondents, having possessed the Subject Lots, by themselves and through their predecessors-in-interest, since 25 June 1963 to 23 September 1998, when they filed their application, have acquired title to the Subject Lots by extraordinary prescription under Article 1113, in relation to Article 1137, both of the Civil Code.[42]

The Court of Appeals overlooked the difference between the Property Registration Decree and the Public Land Act. Under the Property Registration Decree, there already exists a title which is confirmed by the court; while under the Public Land Act, the presumption always is that the land applied for pertains to the State, and that the occupants and possessors only claim an interest in the same by virtue of their imperfect title or continuous, open, and notorious possession.[43] As established by this Court in the preceding paragraphs, the Subject Lots respondents wish to register are undoubtedly alienable and disposable lands of the public domain and respondents may have acquired title thereto only under the provisions of the Public Land Act.

However, it must be clarified herein that even though respondents may acquire imperfect or incomplete title to the Subject Lots under the Public Land Act, their application for judicial confirmation or legalization thereof must be in accordance with the Property Registration Decree, for Section 50 of the Public Land Act reads –

> SEC. 50. Any person or persons, or their legal representatives or successors in right, claiming any lands or interest in lands under the provisions of this chapter, must in every case present an application to the proper Court of First Instance, praying that the validity of the alleged title or claim be inquired into and that a certificate of title be issued to them under the provisions of the Land Registration Act.[44]

Hence, respondents' application for registration of the Subject Lots must have complied with the substantial requirements under Section 48(b) of the Public Land Act and the procedural requirements under the Property Registration Decree.

Moreover, provisions of the Civil Code on prescription of ownership and other real rights apply in general to all types of land, while the Public Land Act specifically governs lands of the public domain. Relative to one another, the Public Land Act may be considered a special law[45] that must take precedence over the Civil Code, a general law. It is an established rule of statutory construction that between a general law and a special law, the special law prevails – Generalia specialibus non derogant.[46]

Wherefore, based on the foregoing, the instant Petition is GRANTED. The Decision of the Court of Appeals in CA-G.R. CV No. 67625, dated 22 November 2002, is REVERSED. The Judgment of the MTC of Consolacion, Cebu in LRC Case No. N-75, dated 21 December 1999, and its Order, dated 02 February 2000 are declared NULL AND VOID. Respondents' application for registration is DISMISSED.

SO ORDERED.

Puno, Acting C.J., (Chairman), Austria-Martinez, and Callejo, Sr., JJ., concur.
Tinga, J., out of the country.

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[1] Penned by Associate Justice Mercedes Gozo-Dadole with Associate Justices B.A. Adefuin-De La Cruz and Mariano C. Del Castillo concurring, Rollo, pp. 52-58.

[2] Penned by Judge Wilfredo A. Dagatan, Records, pp. 100-108.

[3] Records, pp. 1-6.

[4] Ibid., pp. 7-8.

[5] Ibid., pp. 9-10.

[6] Ibid., pp. 11-12.

[7] Ibid., pp. 13-14.

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[8] Ibid., pp. 15-18.

[9] Ibid., pp. 19-20.

[10] Ibid., p. 21.

[11] Ibid., pp. 27-29.

[12] Order, dated 29 April 1999, penned by Judge Wilfredo A. Dagatan, Ibid., p. 41.

[13] Ibid., p. 59.

[14] Ibid., p. 52.

[15] Ibid., p. 58.

[16] Ibid., pp. 96-97.

[17] Penned by Judge Wilfredo A. Dagatan, Ibid., 62-65.

[18] Penned by Judge Wilfredo A. Dagatan, Records, p. 109.

[19] CA Rollo, pp. 20-38.

[20] Supra, note 1, pp. 57-58.

[21] G.R. No. 132963, 10 September 1998, 295 SCRA 359.

[22] G.R. No. L-45168, 27 January 1981, 102 SCRA 370, 438, also quoted and/or reiterated in subsequent cases of Alabang Development Corporation v. Valenzuela, G.R. No. L-54094, 30 August 1982, 116 SCRA 261, 271; Tahanan Development Corporation v. Court of Appeals, G.R. No. L-55771, 15 November 1982, 118 SCRA 273, 309; Register of Deeds of Malabon, G.R. No. 88623, 05 February 1990, 181 SCRA 788, 791; Allama v. Republic, G.R. No. 88226, 26 February 1992, 206 SCRA 600, 605.

[23] Presidential Decree No. 1529.

[24] Section 14 of the Property Registration Decree provides that, "Where the land is owned in common, all the co-owners shall file the application jointly."

[25] Section 18 of the Property Registration Decree reads –

SEC. 18. Application covering two or more parcels. – An application may include two or more parcels of land belonging to the applicant/s provided they are situated within the same province or city. The court may at any time order an application to be amended by striking out one or more of the parcels or by a severance of the application.

[26] Katipunan v. Zandueta, 60 Phil 220 (1934).

[27] Significant provisions of the Rules of Court are quoted below –

RULE 2, SEC. 6. Misjoinder of causes of action. – Misjoinder of causes of action is not a ground for dismissal of an action. A misjoined cause of action may, on motion of a party or on the initiative of the court, be severed and proceeded with separately.

RULE 3, SEC. 11. Misjoinder and non-joinder of parties. – Neither misjoinder nor non-joinder of parties is ground for dismissal of action. Parties may be dropped or added by order of the court on motion of any party or on its own initiative at any stage of the action and on such terms as are just. Any claim against a misjoined party

may be severed and proceeded with separately.

[28] Section 2 of the Property Registration Decree.

[29] Republic v. Court of Appeals, G.R. No. 113549, 05 July 1996, 258 SCRA 223, 236.

[30] G.R. No. 102858, 28 July 1997, 276 SCRA 276.

[31] Ibid., p. 286.

[32] TSN, 24 September 1999, p. 28.

[33] Records, pp. 15, 17.

[34] Padilla v. Reyes, 60 Phil 967, 969 (1934).

[35] Lee Hong Hok v. David, G.R. No. L-30389, 27 December 1972, 48 SCRA 372, 379.

[36] Section 2.

[37] Section 11.

[38] Del Rosario-Igtiben v. Rebublic, G.R. No. 158449, 22 October 2004, p. 11.

[39] Section 34 of Batas Pambansa Blg. 129, otherwise known as the Judiciary Reorganization Act of 1980, as amended, allows the inferior courts (i.e., Metropolitan Trial Courts, Municipal Trial Courts, and Municipal Circuit Trial Courts), duly assigned by the Supreme Court, to hear and determine cadastral and land registration cases covering lots where there is no controversy or opposition, or contested lots with values not exceeding P100,000. Decisions of the inferior courts in such cases shall be appealable in the same manner as decisions of the Regional Trial Courts. Accordingly, the Supreme Court issued Administrative Circular No. 6-93-A, dated 15 November 1995, authorizing the inferior courts to hear and decide the cadastral or land registration cases as provided for by the Judiciary Reorganization Act of 1980, as amended.

[40] Section 47 of the Public Land Act, as amended.

[41] Almeda v. Court of Appeals, G.R. No. 85322, 30 April 1991, 196 SCRA 476; Vallarta v. Intermediate Appellate Court, G.R. No. L-74957, 30 June 1987, 151 SCRA 679; Republic v. Court of Appeals, G.R. No. L-40402, 16 March 1987, 148 SCRA 480.

[42] The complete text of these provisions are reproduced below, for reference –

ART. 1113. All things which are within the commerce of men are susceptible of prescription, unless otherwise provided. Property of the State or any of its subdivisions not patrimonial in character shall not be the object of prescription.

ART. 1137. Ownership and other real rights over immovables also prescribe through uninterrupted adverse possession thereof for thirty years, without need of title or of good faith.

[43] Aquino v. Director of Lands, 39 Phil 850, 858 (1919).

[44] Now the provisions of the Property Registration Decree.

[45] This Court is not unaware that there are decisions by this Court declaring the Public Land Act as a general law [Republic v. Court of Appeals, G.R. No. 106673, 09 May 2001, 357 SCRA 608, 616; Oliva v. Lamadrid, 128 Phil 770, 775 (1967)]. These cases, however, involve the Public Land Act in relation to statutes other than the Civil Code. The pronouncement made in the present Petition is particular to the nature of the Public Land Act

vis-á-vis the Civil Code.

[46] Manila Railroad Co. v. Rafferty, 40 Phil 224 (1919).

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