

CENTRAL CAPIZ, A CORPORATION, PETITIONER, VS. ANA RAMIREZ, RESPONDENT.

G.R. No. 16197. March 12, 1920

Ponente: JOHNSON, J.

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JOHNSON, J.:

This is an original action brought in the Supreme Court. Its purpose is to obtain an interpretation and application of the intent, purpose and scope of Act No. 2874 of the Philippine Legislature, known as the "Public Land Act," so far as it affects agricultural lands, privately owned.

The only question presented is, whether or not said Act No. 2874 is applicable to agricultural lands, in the Philippine Islands which are privately owned.

There is no dispute about the facts. They are admitted. The petitioner alleges and respondent admits that on or about July 1, 1919, the latter contracted with the petitioner to supply to it for a term of thirty years all sugar cane produced upon her plantation, which said contract, by agreement, was to be converted later into a right in rem and recorded in the Registry of Property as an encumbrance upon the land, and to be binding upon all future owners of the same. In the interim the execution of said contract and its conversion into a right in rem upon the respondent's property, said Act No. 2874 became effective. The respondent, while admitting said contract and her obligation thereunder to execute a deed pursuant thereto, bases her refusal so to do upon the fact that more than 61 per cent of the capital stock of the petitioner is held and owned by persons who are not citizens of the Philippine Islands or of the United States.

It is conceded by the parties that the land involved is private agricultural land, that is, land which is held and owned by the respondent, for which she holds a Torrens title.

The defendant answered the petition. To the defendant's answer the petitioner demurred. From an examination of the petition, the answer and the demurrer, it appears that the real issue presented is, whether the said Act (No. 2874) is limited in its application to agricultural lands of the public domain, or whether its provisions also extend to agricultural lands held in private ownership.

Inasmuch as the wording of certain sections of said Act (secs. 23, 24, 121 and 122) give rise to a possible construction that private lands are included within its terms, and inasmuch as said Act specifically provides that any land coming within its purview cannot be encumbered, alienated or transferred to corporations in which at least 61 per cent of the capital stock does not belong wholly to citizens of the Philippine Islands or of the United States, the respondent, while not desiring to evade her contract, fears to assume the risk of giving effect to her said contract in view of the drastic penalty prescribed, should her action prove unlawful. The penalty provided in section 122 of said Act includes not only a nullity of the contract but also a reversion of the property and its improvements to the Government.

On behalf of the plaintiff it is argued, first, that the intent of the Legislature, gathered from a reading of Act No.

2874 in its entirety, is to provide simplify or the sale, lease and other disposition of lands of the public domain; that lands held in private ownership are not affected, thereby; and, second, that even had the Legislature intended to include private as well as public land within the scope of the Act, this intent fails because under the Act as entitled such attempt would be in direct violation of section three of the Act of Congress of August 29, 1916, which provides that: "No bill which may be enacted into law shall embrace more than one subject, and that subject shall be expressed in the title of the bill."

Examining Act No. 2874 in detail, there can be little question but that it was intended to apply to and regulate the sale, lease and other disposition of public lands only. The title of the Act, always indicative of legislative intent, reads: "An Act to amend and compile the laws relating to lands of the public domain, and for other purposes." Section one of such act provides: "The short title of this Act shall be The public Land Act." Section two, wherein the purpose of the Act is expressly stated, reads: "The provisions of this Act shall apply to lands of the public domain." Section three provides:

"While title to lands of the public domain remains in the Government, the Secretary of Agriculture and Natural Resources shall be the executive officer charged with carrying out the provisions of this Act, through the Director of Lands, who shall act under his immediate control."

It cannot be contemplated that these officers, charged "with carrying out the provisions of the Act," were intended to exercise authority and control over the sale or other disposition of lands hold in private ownership.

To the same effect are sections four, five, and eighty-seven of the Act, wherein executive control is vested in the Director of Lands with respect to the survey, appraisal, classification, etc., of lands of the public domain, with authority to prepare rules and regulations for carrying into effect the provisions of the Act, and to receive all applications filed pursuant thereto, etc.

Sections 105 contains another indication that said Act does not apply to privately owned agricultural lands. Said section provides: "All patents or certificates for lands granted under this Act * * * shall issue in the name of the Government of the Philippine Islands, under the signature of the Governor-General, countersigned by the Secretary of Agriculture and Natural Resources." The Legislature certainly did not intend that all sales, leases, etc. of privately owned agricultural lands should hereafter be "issued in the name of the Government of the Philippine Islands, under the signature of the Governor-General." etc.

Section 23, after describing the persons and corporations authorized to purchase any tract of public agricultural lands "disposable under this Act," proceeds:

"Provided, further. That citizens of countries the laws of which grant to citizens of the Philippine Islands the same right to acquire public lands as to their own citizens, may, while such laws are in force, but not thereafter * * * purchase any parcel of agricultural land * * * available under this Act."

In other words, it is only necessary for other countries to grant to citizens of the Philippine Islands the right to acquire "public lands," in order that their citizens may have the right to acquire any land available under this Act. This provision would be altogether anomalous had it been the intent to apply Act No. 2874 to lands held in private ownership.

Referring again to section two of said Act, we find the following:

"That nothing in this Act provided shall be understood or construed to change or modify the government and disposition of the lands commonly known as 'friar lands' and those which, being privately owned, have reverted to or become the property of the Philippine Government, which administration and disposition shall be governed by the laws at present in force or which may hereafter be enacted by the Legislature."

The purpose of said provision is obvious. Inasmuch as these friar estates and other real property purchased or owned by the Government are subject to its control and disposition equally with lands of the public domain, it could be reasonably argued that they should be subject to and governed by the laws applicable to public lands. Through the insertion of the provision above quoted, however, this construction of the Act is avoided. If said Act, by express provisions, does not apply to lands privately owned by the Government, it could hardly have been the intent of the Legislature to make the Act applicable to lands held in private ownership by individuals.

The Act nowhere contains any direct or express provision applying its terms to privately owned lands. The doubts of defendant in that regard are caused by inferences drawn from the language used in sections 24 and 121 of the Act. The first paragraph of section 24 provides:

"No * * * corporation * * * other than those mentioned in the last preceding section may acquire or own agricultural public land or land of any other denomination or classification, not used for industrial or residence purposes, that is at the time or was originally, really or presumptively, of the public domain, or any permanent improvement thereon, or any real right on such land and improvement."

Said section as worded, and standing alone, presents some question as to the character of land sought to be included therein. This doubt is dispelled, however, when its provisions are read in connection with other sections of the same chapter. Chapter five, in which section 24 is found, deals with "Sales," and section 25 thereof specifically provides that: "Lands sold under the provisions of this chapter must be appraised in accordance with section 114 of this Act." Section 114 confers authority upon the Director of Lands, with the approval of the Secretary of Agriculture and Natural Resources, to appraise lands or improvements subject to concession or disposition under the provisions of this Act. Inasmuch as the Legislature cannot vest authority in the Director of Lands to "appraise" or "sell" lands held in private ownership, it is not presumed it was the intention to include private lands in the Act or subject them in the manner indicated to any such authority. The same observations and the same conclusions apply to section 121 of the Act, where much the same language is used as found in section 24 above quoted.

Whatever interpretation said sections 24 and 121 might receive if standing alone, it is clear they cannot prevail against the general intent of the Act, derived not only from the language used but from the machinery adopted for giving effect to its provisions. (See secs. 87, 88, 90, 93, 94, 99, 103, 105, and 115.)

We hold, therefore, that the purpose of the Legislature in adopting Act No. 2874 was and is to limit its application to lands of the public domain, and that lands held in private ownership are not included therein and are not affected in any manner whatsoever thereby.

Even should the holding of the court upon this question of intent be different, it would not affect the final outcome of the case. Under the Act as entitled, any attempt by the Legislature to insert provisions in the body thereof relating to lands of private ownership would be in violation of the provisions of the Jones Law and, therefore, null and void.

It is provided in section 3 of the Jones Law (Act of Congress of August 29, 1916): "That no bill which may be enacted into law shall embrace more than one subject, and that subject shall be expressed in the title of the bill."

Identical provisions to the above are contained in most of the State Constitutions, and have been repeatedly construed. In the States of Alabama, California, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Jersey, New York, Ohio, Oregon, Pennsylvania, South Carolina, Texas, Tennessee, Virginia, West Virginia, Wisconsin and Wyoming, identical provisions are found in the Constitution.

The purpose of this legislative restriction, and the evils sought to be remedied thereby, are clearly stated by Sutherland in his valuable work on Statutory Construction. In section 111 he says that:

"In the construction and application of this constitutional restriction the courts have kept steadily in view the correction of the mischief against which it was aimed. The object is to prevent the practice, which was common in all legislative bodies where no such restrictions existed, of embracing in the same bill incongruous matters having no relation to each other or to the subject specified in the title, by which measures were often adopted without attracting attention. Such distinct subjects represented diverse interests, and were combined in order to unite the members of the legislature who favor either in support of all. These combinations were corruptive of the legislature and dangerous to the State. Such omnibus bills sometimes included more than a hundred sections on as many different subjects, with a title appropriate to the first section, 'and for other purposes.'

"The failure to indicate in the title of the bill the object intended to be accomplished by the legislation often resulted in members voting ignorantly for measures which they would not knowingly have approved; and not only were legislators thus misled, but the public also; so that legislative provisions were steadily pushed through in the closing hours of a session, which, having no merit to commend them, would have been made odious by popular discussion and remonstrance if their pendency had been seasonably announced. The constitutional clause under discussion is intended to correct these evils; to prevent such corrupting aggregations of incongruous measures, by confining each act to one subject or object; to prevent surprise and inadvertence by requiring that subject or object to be expressed in the title."

In the case of *Walker vs. State* (49 Ala., 329), the Supreme Court of Alabama stated the proposition as follows—citing and quoting from *Cooley's Constitutional Limitations*, p. 143:

"The object sought to be accomplished and the mischief proposed to be remedied by this provision are well known. Legislative assemblies, for the dispatch of business, often pass bills by their titles only without requiring them to be read. A specious title sometimes covers legislation which, if its real character had been disclosed, would not have commanded assent. To prevent surprise and fraud on the legislature is one of the purposes this provision was intended to accomplish. Before the adoption of this provision the title of a statute was often no indication of its subject or contents.

"An evil this constitutional requirement was intended to correct was the blending in one and the same statute of such things as were diverse in their nature, and were connected only to combine in favor of all the advocates of each, thus often securing the passage of several measures no one of which could have succeeded on its own merits. Mr. Cooley thus sums up in his review of the authorities defining the objects of this provision: 'It may therefore be assumed as settled that the purpose of this provision was: First, to prevent hodge-podge or log-rolling legislation; second, to prevent surprise or fraud upon the legislature by means of provisions in bills of which the titles gave no information, and which might therefore be overlooked and carelessly and unintentionally adopted; and, third, to fairly apprise the people, through such publication of legislative proceedings as is usually made, of the subjects of legislation that are being considered, in order that they may have opportunity of being heard thereon by petition or otherwise if they shall so desire.' (Cooley's Constitutional limitations, p-143.)"

To the same effect, in the case of *Lindsay vs. V. S. Say. & Loan Ass'n.* (120 Ala., X56 [42 L. R. A., N. S., 783]), the court said:

"The purposes of the constitutional requirement must be borne steadily in mind when it becomes necessary to determine whether there has been legislative observance of it. The exposition of these purposes by Judge Cooley is accepted, we believe, in all the states in which alike limitation prevails." (Then follows quotation from Cooley, *supra*.)

In the case of *People vs. Parks* (58 Cal., 624) where, in the body of an act, provision was made for something not included in the title, the Supreme Court of California said:

"At the least, then, two heterogeneous subjects are embraced in the act, one of which is not expressed in the title, and they cannot be segregated. The title does not express the objects of legislation embodied in the provisions of the act. It is, therefore, narrower than the body of the act, and fails to impart that notice of the measures enacted, which the Constitution requires. To prohibit such legislation was the sole end and aim of the constitutional requirement. 'The practice, says the Supreme Court of Missouri, of comprising in one bill subjects of a diverse and antagonistic nature, in order to combine in their support members who were in favor of particular measures, but neither of which could command the requisite majority on its own merits, was found to be not a corruptive influence in the Legislature itself, but destructive of the best interests of the State. But this was not more detrimental than that other pernicious practice, by which, through dexterous and unscrupulous management, designing men inserted clauses in the bodies of bills, of the true meaning of which the titles gave no indication, and by skillful maneuvering urged them on to their passage. These things led to fraud and injury,' and it was found necessary to apply a corrective in the shape of a constitutional provision. (*City of St. Louis vs. Tiefel*, 42 Mo., 590.) This provision has been framed in the constitutions of many of the States of the Union; and courts, whenever it has come before them, have liberally construed it as the will of the people in the interests of honest legislation."

The authorities are to all intents uniform that this constitutional requirement is mandatory and not directory. Sutherland on Statutory Construction, section 112, states the rule correctly as follows:

"The efficiency of this constitutional remedy to cure the evil and mischief which has been pointed out, depends on judicial enforcement; on this constitutional injunction being regarded as mandatory, and compliance with it essential to the validity of legislation. The mischief existed notwithstanding the sworn official obligation of legislators; it might be expected to continue notwithstanding that that obligation is formulated and emphasized in this constitutional injunction if it be construed as addressed exclusively to them and only directory. It would in a general sense be a dangerous doctrine to announce that any of the provisions of the constitution may be obeyed or disregarded at the mere will or pleasure of the legislature unless it is clear beyond all question that such was the intention of the framers of that instrument. It would seem to be a lowering of the proper dignity of the fundamental law to say that it descends to prescribing rules of order in unessential matters which may be followed or disregarded at pleasure. The fact is this: That whatever constitutional provision can be looked upon as directory merely is very likely to be treated by the legislature as if it was devoid of moral obligation, and to be therefore habitually disregarded."

In the case of *Cannon vs. Mathes* (8 Heisk. [Tenn.], 504) Nicholson, C. J., referring to the provision that "No bill shall become a law which embraces more than one subject," said:

"This is a direct, positive and imperative limitation upon the power of the legislature. It matters not that a bill has passed through three readings in each house on three different days and has received the approval of the governor, still it is not a law of the State if it embraces more than one subject."

In the case of *Walker vs. State* (49 Ala., 329) *supra*, the court said:

"It is the settled law of this court, founded on reasoning which seems to us unanswerable that this provision of the constitution is not a mere rule of legislative procedure, directory to the general assembly, but that it is mandatory, and it is the duty of courts to declare void any statute not conforming to it."

Justice Cooley, in his work on Constitutional Limitations (pp. 179-180) states that our courts have held, without exception, that such constitutional provision is mandatory.

As heretofore noted, the title of Act 2874, here under construction, reads: "An Act to amend and compile laws relative to lands of the public domain, and for other purposes."

In our interpretation of said Act, the words "and for ether purposes" contained in its title, must be treated as non-existent. Under all the authorities wherein the requirement—"That no bill shall embrace more than one subject, which subject shall be expressed in the title of the bill"—has been considered, the words "and for other purposes" when found in the title, have been held to be without force or effect whatsoever and have been altogether discarded in construing the Act.

Upon this point, Justice Cooley in his *Constitutional Limitations*, 6th ed., pp. 173-174, states as follows:

"One thing, however, is very plain: That the use of the words 'other purposes,' which has heretofore been so common in the title to acts, with a view to cover any and everything whether connected with the main purpose indicated by the title or not, can no longer be of any avail where these provisions exist. As was said by the Supreme Court of New York in a case where these words had been made use of in the title to a local bill: 'The words "for other purposes" must be laid out of consideration. They express nothing and amount to nothing as a compliance with this constitutional requirement. Nothing which the act could not embrace without them can be brought in by their aid.' "

Sutherland on *Statutory Construction*, section 122 says:

"The phrase 'and for other purposes' expresses no specific purpose and imports indefinitely something different from that which precedes it in the title. It is, therefore, universally rejected as having no force or effect wherever this constitutional restriction operates." (Citing numerous cases).

In the case of *Ryerson vs. Utley* (16 Mich., 269), an Act was construed by the court reading: "An Act to provide for the preservation of the Muskegon river improvements, and for other purposes." Cooley, C. J., who wrote the opinion, said:

"The Constitution (of Michigan) provides that no law shall embrace more than one subject, which shall be expressed in its title. We have heretofore had occasion to consider this section, and have said of it that it ought to be construed reasonably and not in so narrow and technical a sense as unnecessarily to embarrass legislation. But the only object mentioned in the title of this Act is the preservation of the Muskegon River Improvements, for which purpose the act authorizes tolls to be levied and expended.

"The payment of Beard's claim is in no way connected with this object and the title to the act would apprise neither the legislature nor the public that it covered provisions under which a large sum was to be collected and disbursed to pay for the original construction of the work. The words 'other purposes' in the title can have no force whatever under the constitutional provision which has been quoted."

In the case of *Board of Education vs. Barlow* (49 Ga., 232) the title of the Act under consideration read: "An Act to establish a permanent Board of Education for the City of Americus and to incorporate the same, and for other purposes." The State constitution prohibited any law which referred to more than one subject, or contained matter different from that expressed in the title of the act. The court said:

"Does this not close the door to any force and effect being given the words 'for other purposes?' If these words were once necessary to permit the introduction of matter in the bill, different from what was expressed in the other portion of the title, would not that very thing show now that the bill would thereby become obnoxious to the other clause prohibiting more than one subject matter? The necessity of such words under the provision as it formerly stood to prevent the bill from containing matter different from the title could only arise because such matter is something different from what had already been expressed. It shows that something more than one subject-matter is intended. If so, although it was allowed under the clause as it was formerly, it cannot now be done."

Equally may it be said of the Act of the Philippine Legislature here involved, the addition of the words "and for other purposes," contained in its title, can only be explained on the theory that something different was to be

included therein from that previously expressed, i. e., "lands of the public domain."

Another case where the same conclusion is forcibly expressed is that of *Spier vs. Baker*, (120 Cal., 370). There the court construed an Act reading: "An Act providing for general primary elections within the State of California and to promote the purity thereof by regulating the conduct thereof, and to support the privileges of free suffrage thereat, by prohibiting certain acts and practices in relation thereto, and providing for the punishment thereof, and for other purposes" The California State Constitution provides: "Every Act shall embrace but one subject, which shall be expressed in its title; but, if any subject shall be embraced in an act which shall not be expressed in its title, such act shall be void only as to so much thereof as shall not be expressed in its title." The court, after citing this constitutional provision, said:

"Let us test the title of this act in the crucible furnished by the foregoing provision of the constitution. The legislature, in framing this title, was above all things candid. Upon its very face the law-making power challenged the sound policy of this provision of the constitution, and avowedly disregarding it, declared that the purpose of the act was the creation of a primary election law and 'other purposes.' Under the cloak of 'other purposes' all and every conceivable kind of legislation could hide and thrive in the body of the act, and thus the constitutional provision be set at naught. In this state, when these words 'for other purposes' are found in the title of an act of the state legislature they accomplish nothing, and in reading the title our eyes are closed to them. We then have before us, tested by its title, an act dealing solely with general primary elections, and providing penalties for violating the law relating thereto. Any matters of legislation contained in the body of the act not bearing upon primary elections must go out; the constitutional provision quoted so declares. Weighing and measuring the legislation found in the act by this test, very many provisions have no place there. It would seem that the legislature, in using the words 'for other purposes' in the title, used those words advisedly, and in good faith lived up to them fully. For the legislation found in section after section of the act can find no justification in its title, save under these words of boundless meaning, 'for other purposes.' "

The court, after referring to various matters included in the bill but not specified in the title, said:

"Many of these things are totally foreign to any question relating to primary elections, and others are so remotely connected with that subject as to clearly come within the prohibition of the constitutional provision. These matters of legislation, not being embraced within the purview of the title, are void and fall to the ground."

Applying the doctrine of the above cases to the Act before us for interpretation, its title must be considered and treated as though reading: "An Act, to amend and compile the laws relative to lands of the public domain."

Inasmuch as agricultural lands in the Philippine Islands held in private ownership, under fee title, constitute no part of "the public domain" they cannot come within the purview of Act No. 2874 as it is entitled.

The words "public land" are habitually used in our legislation to describe such as are subject to sale or other disposal under general laws.

In the case of *Wilcox vs. Jackson* (13 Peters, 498 [10 L. ed., 264]) the court, in dealing with the matter of public lands, stated:

"Whensoever a tract of land shall have once been legally appropriated to any purpose, from that moment the land thus appropriated becomes severed from the mass of public lands; and no subsequent law, or proclamation, or sale, would be construed to embrace it, or to operate upon it, although no reservation were made of it."

The above case is quoted and applied in the case of *United States vs. Blendoner* (122 Fed. Rep., 703, 708). In *U. S. vs. Garreston* (42 Fed., 22), the court said:

"Such lands comprise the general public domain; unappropriated lands; lands not held back or reserved for any special governmental or public purpose."

In the case of *Yakima County vs. Tuller* (3 Wash., T., 393), the court said that the term "public lands" in a grant of public Sands for roads, etc., shall be construed to mean strictly public lands, such as are open to entry and settlement, and not those in which the rights of the public have passed and which have become subject to some individual right of a settler.

In the case of *Bardon vs. Nor. Pac. R. R. Co.* (145 U. S., 535), the court said:

"* * * It has long been settled * * * that all land to which any claims or rights of others have attached does not fall within the designation of public lands."

The Attorney-General of the Philippine Islands, in a very elucidated opinion in which the Attorney-General of the United States agreed, held that "friar lands" purchased by the Insular Government formed no part of the "public domain" and were not affected by nor subject to the restrictions of the Act relating to public lands.

Section 2 of the Act before us exempts not only "friar lands" from its operation but also all lands which have reverted to, or become the property of, the Philippine Government.

It is clearly evident, therefore, that under no possible construction of the law can the words "lands of the public domain," used in the title of Act No. 2874, be held to include, or be authorized to include, lands held in freehold. While this is true generally, it is peculiarly applicable to lands held and owned under Torrens title—as are the lands of the defendant herein—in which all interest of the Government is expressly eliminated. Section 38 of the Land Registration Act (No. 496) provides that such registered title "shall be conclusive upon and against all persons, including the Insular Government and all branches thereof, whether mentioned by name in the application, notice or citation, or included in the general description. To all whom it may concern."

The judicial department of the government hesitates to pronounce invalid the Acts of the legislative department, and will not do so until and unless it is shown that the same exceed the authority conferred upon said department or contravene some express or necessarily implied provision of the Organic Law of the state. (Case vs. Board of Health, and Heiser, 24 Phil., 250; U. S. vs. Joson, 26 Phil., 1, 64; U. S. vs. Gomez Jesus, 31 Phil., 218, 225, 228; *Tajanlañgit vs. Peñaranda*, 37 Phil., 155.)

In the interpretation and construction of statutes the court should give, them the meaning and effect which the legislature intended, unless that meaning and effect is in conflict with the organic law of the land. The question of the validity of the statutes is first determined by the legislative department of the government, and the courts will resolve every presumption in its favor. The wisdom or advisability of a particular statute is not a question for the courts to determine. If a particular statute is within the constitutional powers of the legislature, it will be sustained, whether the courts agree or not in the wisdom of its enactment. If the statute covers a subject not authorized by the fundamental laws of the state, or by the constitution, then the courts are not only authorized but are justified in pronouncing the same illegal and void, no matter how wise and beneficent such legislation may seem to be. The courts are not justified in measuring their opinion with the opinion of the legislative department of the government, as expressed in statutes, upon the question of the wisdom, justice and advisability of a particular law. The courts have no right to dictate what law shall be adopted by the legislative department of the government, so long as a well defined public policy or an organic act is not violated. (Case vs. Board of Health, and Heiser, 24 Phil., 250; U. S. vs. Gomez Jesus, 31 Phil., 218.)

Our conclusions, therefore, from all of the foregoing are:

- That it was the purpose and intent of the legislature to comply with the provisions of the Jones Law and to limit

the application of Act No. 2874 to lands of the public domain;

- That the phrase "and for other purposes," found in the title of said Act (No. 2874), by virtue of the provisions of section 3 of the Act of Congress of August 29, 1916 (the Jones Law), cannot be interpreted to include, nor be made applicable to any lands not public;

- That eliminating the phrase "and for other purposes" from the title of said Act, the same must be considered and treated as though reading: "An Act to amend and compile the laws relative to lands of the public domain;"

- That lands held in freehold or fee title, or private ownership, constitute no part of the public domain and cannot possibly come within the purview of said Act No. 2874, inasmuch as the "subject" of such freehold or private land is not embraced in any manner in the title of the Act.

- That it is the uniform holding of the United States Supreme Court, and of other courts interpreting the phrase "public lands," that once such lands have been "legally appropriated" by the Government or by individuals, they become segregated from the mass of public lands, and no law or proclamation thereafter made or issued relating to "public lands" operate upon them.

- That whatever right or authority the Government of the Philippine Islands may have had at any time to assert any right, title, or interest in and to the lands involved in this proceeding, whether as a part of the "public domain" or otherwise, was absolutely divested by virtue of the provisions of section 38 of Act No. 496, after such lands were registered in the court of land registration under the Torrens system.

- That under said Act (No. 2874) as entitled any provisions or provisions in the body thereof applicable to lands held under fee title is null and void and of no effect.

- That inasmuch as said Act (No. 2874) cannot be interpreted to apply to, nor include, lands held in fee title, the penal provisions thereof cannot be held to apply to leases, sales, concessions, nor any other transaction by the holders.

- That by virtue of the provisions of section 127, as well as the general jurisprudence upon that subject our conclusions herein shall not be held to affect any of the provisions of said Act No. 2874 except those provisions which relate to private agricultural lands, or lands held in private ownership, in contradistinction to lands of the public domain.

Therefore, having demonstrated that said Act No. 2874 does not apply to lands of the respondent, and there being no objection to the form of the remedy prayed for, the same is hereby granted, without any finding as to costs. So ordered.

Arellano, C. J., Malcolm, and Avanceña, JJ., concur.

CONCURRING

TORRES, J., with whom concurs ARAULLO, J.:

Inasmuch as it does not appear what action or remedy is prayed for and the petition is only concerned with the interpretation of Act No. 2874, I concur with the foregoing decision.

Writ granted.

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