

JUAN ADUAN, ET AL., APPLICANTS AND APPELLEES, VS. PANTALEON ALBA, ET AL., RESPONDENTS AND APPELLANTS.*G.R. No. 17046. April 25, 1961*

Ponente: BAUTISTA ANGELO, J.

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Sometime in 1956 appellees filed a petition before the Court of First Instance of La Union for the registration of a parcel of land situated in Aringay, La Union, known as Lot No. 6698-B of the Aringay cadastre. The petition was published in the Official Gazette as required by law and notice thereof given, among others, to the Solicitor General, Director of Lands and Director of Forestry. On September 29, 1956, after hearing on the merits, the court rendered judgment ordering the registration of the land in the name of appellees. Thereafter, Original Certificate of Title No. 0-247 was issued in their favor.

On March 26, 1958, appellees filed a motion for a writ of possession alleging, among other things, that during the pendency of the case one Juan Dulay, together with appellants Pantaleon Alba and Macario Alba, were allowing their animals to pasture within the premises of the land covered by their title thereby destroying the crops existing thereon and praying that said individuals be enjoined from interfering with the ownership thereof.

On May 12, 1958, Juan Dulay filed an opposition claiming that his father-in-law, Prudencio Gundran, is the registered owner of a portion of land included in the area registered in the name of appellees and which at the time was the subject of Civil Case No. 1252 pending before the Court of First Instance of La Union. Macario Alba, Pantaleon Alba and Ariston Cagujas also opposed the motion on the ground that portions of the land registered in the name of the appellees were occupied by them and are the subject of an application for homestead they filed with the Bureau of Lands and so they cannot be deprived thereof. Thereupon, appellees and oppositors submitted a stipulation of facts wherein they agreed to exclude from the scope of the motion the northern portion of the land covered by Civil Case No. 1252, and on the strength of said stipulation the trial court issued an order directing the issuance of the writ prayed for.

On December 18, 1958, Juan Dulay filed a motion for reconsideration with regard to the portion occupied by his father-in-law which was excluded from the writ in the stipulation of facts, and considering that it committed an oversight, the court granted the motion excluding from the order the above portion and striking out the name of Dulay from the record. And their opposition having been disregarded, Pantaleon Alba and Macario Alba interposed the present appeal.

The main theme of appellants is that the trial court erred in not nullifying the certificate of title issued in the name of appellees considering that the land applied for by them is forestry in character and as such could not have been acquired by them. They also claimed that the decree of registration issued by the registration court is null and void because being in possession of portions of the land applied for by appellees they have never been notified of the petition for registration filed by appellees as required by law.

This claim cannot be entertained. Even if it were true that the portions of the land registered in the name of

appellees are forestry in character, the right to raise the issue relative to the validity of their acquisition is not the concern of appellants but of the Bureau of Forestry which is not a party to this case. It appears, however, that when appellees applied for the registration of the property in question the Bureau of Forestry was duly notified of the proceedings and yet it did not file any opposition thereto, a circumstance which in a way belies the claim of appellants.

While it may be true that appellants may not have been notified of the petition for registration in spite of the fact that they were allegedly in possession of portions of the land applied for, no importance can be attached to their claim it appearing that they were occupying a portion of a forest land which they intend to apply for as homestead. Their right to the land is, therefore, merely subsidiary to that of the government. Moreover, the petition was published in the Official Gazette, which is deemed to be a sufficient notice in contemplation of law.

The order appealed from is affirmed, without costs.

Bengzon, Acting C.J., Padilla, Labrador, Concepcion, Reyes, J.B.L., Paredes, and Dizon, JJ., concur.

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