

WENCESLAO URMANETA, PLAINTIFF AND APPELLEE, VS. MARTIN MANZANO ET AL., DEFENDANTS. MARTIN MANZANO, DEFENDANT AND APPELLANT.

G. R. No. 17478. February 28, 1962

Ponente: LABRADOR, J.

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LABRADOR, J.:

This is an appeal to the Court of Appeals from a decision dated September 9, 1958 of the Court of First Instance of Isabela, Hon. Pedro C. Quinto, presiding in Civil Case No. II-256, entitled "Wenceslao Urmaneta, plaintiff, versus Martin Manzano, Victor Mendoza, Florentino Bea, Enciong Gamad and Felix Pataray, defendants." The Court of Appeals resolved on June 29, 1960 to elevate this appeal to this Court, for the reason that inasmuch as "appeal questions the correctness of the interpretations and conclusions reached by the trial judge on the pleadings and documents presented and such pleadings and documents were the only basis of the judgment appealed from, the issue is one of law."

The dispositive part of the decision appealed from reads as follows:

"There is no genuine issue as to any material fact between the herein plaintiff and defendant Martin Manzano, hence, plaintiff's motion for summary judgment should be granted as he is entitled to judgment as a matter of law.

"Wherefore, the Court hereby renders judgment declaring the plaintiff the equitable owner with vested dominical and possessory rights over the land in question, and ordering the herein defendant Martin Manzano and his co-defendants to vacate and surrender to the herein plaintiff the material and peaceful possession of the land described in the complaint."

On November 14, 1957, the plaintiff filed a complaint in the lower court against the above-named defendants, alleging that he is the owner of a parcel of land covered by Homestead Application No. 170944, Lot 6654-"B", Cad. 211, Santiago Cadastre, situated at Bagnos, Victoria, San Mateo and Alicia, Province of Isabela, as evidenced by a transfer of homestead rights and an order for the issuance of patent; that defendants took possession of said property, thereby depriving the plaintiff of the fruits thereof, which had amounted to P10,000.00; that defendants continued in possession of the land despite repeated demands by the plaintiff for them to vacate the premises; that in 1955, defendant Martin Manzano filed a criminal action against the plaintiff in connection with this land, which case was subsequently dismissed; that by reason of the acts of the defendants, the plaintiff suffered moral damages amounting to P10,000.00 and he was forced to hire the services of counsel. Plaintiff, therefore, prays that he be restored possession of said land and that defendants be ordered to pay damages to him. Attached to the complaint are (a) an order dated January 18, 1956 of the Director of Lands approving the transfer of homestead rights over said land from the Heirs of Pio Novesteros to the plaintiff (Annex A), and (b) another order dated June 1, 1956 of the Director of Lands, approving the final proof submitted over said land and ordering issuance of patent to the applicant, the plaintiff herein. (Annex B).

On December 14, 1957, upon motion of the plaintiff, defendants Victor Mendoza, Florentino Bea, Enciong Gamad and Felix Pataray were declared in default for their failure to answer the complaint within the reglementary period.

Defendant Manzano filed on December 19, 1957, a motion to dismiss the complaint, claiming that it does not state a cause of action and that plaintiff's claim for damages is without legal basis. Attached to his motion are (1) an order of the Director of Lands dated February 14, 1955, confirming, among other things, Teodora Manzano's right to portion "B" of Lot 6654 (now in question); (2) a certification of the Land Registration Commission that said Lot 6654 was declared public land and that copies of the decision relative to said lot were lost by reason of the last war; (3) an order of the lower court dismissing, upon motion of the Fiscal, a criminal case of theft filed against Wenceslao Urmaneta, the plaintiff herein.

Acting upon said motion to dismiss, the lower court denied the same on February 8, 1958. Consequently, defendant Manzano filed his answer, wherein he alleged among other things, as a specific defense, the following:

"9. That under the facts and circumstances stated in the preceding paragraphs, the defendant Martin Manzano, much less the other defendants herein, has no interest over the parcel of land in litigation described in paragraph 2 of the complaint, designated as Portion "B", of Lot No. 6654, Cad. No. 211, except for being a tenant of Teodora Manzano just as the other defendants herein, since the present agricultural year (1957-1958), with a fixed quantity of palay (8 cavans per hectare) to be delivered to her every harvest season; and alleges as" (p. 48, ROA).

On February 22, 1958, the plaintiff filed a motion for summary judgment, claiming that Teodora Manzano, the alleged landlady of defendants, had on November 17, 1950 sold to the plaintiff all her rights and interests in the said land, as evidenced by a deed of "Transfer of Homestead Rights" executed by Teodora Manzano in favor of the plaintiff (Annex "A" to motion). After the plaintiff filed his answer to defendant's counterclaim, the lower court on March 15, 1958 denied the motion for summary judgment for the reason that the supporting evidence is a mere photostat of the supposed transfer of rights.

Consequently, on April 7, 1958, the plaintiff filed a second motion for summary judgment, reiterating the reasons alleged in the first motion and attaching thereto the following documents: (1) Deed of Transfer of homestead rights over the land in question executed on November 17, 1950 by Teodora Manzano in favor of Wenceslao Urmaneta, the plaintiff herein (Annex A-motion); (2) Affidavit of Alejandro Ramos, a public land inspector, to the effect that he ratified the aforesaid transfer of homestead rights and that he actually saw Urmaneta cultivate said land after said deed was executed (Annex B-motion); (3) Order dated January 18, 1956 of the Director of Lands approving transfer of homestead rights of the heirs of Pio Novesteros over the land in favor of Wenceslao Urmaneta (Annex C-motion); (4) Certification of Alejandro C. Ramos, Public Land Inspector, that he has inspected the land applied for by Urmaneta and that he recommended issuance to him of a patent after the land is surveyed. This report was endorsed on April 30, 1956 by the District Land Officer to the Director of Lands, with the recommendation for the issuance of a patent (Annex D); (5) Order dated June 1, 1956 by the Assistant Director of Lands approving final proof submitted by the plaintiff and ordering the issuance of a patent in his name (Annex E); (6) Declaration of Real Property No. 5222, in the name of Wenceslao Urmaneta, over the property in question. This tax declaration contains a statement that the taxes from 1954 to 1957 have been paid with the backpay of said Urmaneta. (Annex F).

Defendant Manzano filed his opposition to said second motion for summary judgment, claiming that Teodora Manzano, his landlady, is an indispensable party to the case and should be included as a party thereto. In his opposition, defendant Manzano attached several documents, as follows: (1) Complaint filed by Teodora Manzano against Martin Manzano dated February 24, 1956 (Civil Case No. 63), for forcible entry with application for

receivership, involving the land in question in this case; (2) Order of the Justice of the Peace Court of San Mateo, Isabela dismissing the complaint upon motion of plaintiff's counsel; (3) motion of plaintiff's counsel in said Civil Case No. 63 asking for a temporary dismissal of the case on the ground that the whereabouts of the plaintiff are unknown; (4) a protest filed by Teodora Manzano with the Director of Lands against the plaintiff herein, denying transfer of her rights over the land to the plaintiff; (5) Letter dated May 10, 1957 of the Director of Lands forwarding the protest of Teodora Manzano to the District Land Officer, Ilagan, Isabela and requiring him to conduct an investigation of said protest; (6) Subpoena directed to Teodora Manzano et al., from the Land Investigator Maniquis requiring them to appear on May 22, 1958 at the Municipal Building of San Mateo, Isabela, in connection with said case.

On September 9, 1958, after the lower court gave the defendant time to submit his annexes, the said court rendered the decision now under review, finding that there is no genuine issue as to any material fact between the parties and declaring the plaintiff owner and rightful possessor of the land, and ordering defendant Martin Manzano to vacate the land and surrender its material and peaceful possession to plaintiff.

Defendant Manzano filed a motion for reconsideration on September 30, 1958, which was opposed by the plaintiff on October 10, 1958. On October 17, 1958, the court denied the motion for reconsideration, and so defendant prosecuted this appeal. On the same date, the court, in a separate order, dismissed plaintiff's claim for damages, upon the latter's motion.

Appellant contends that the lower court erred in not ordering appellee to amend his complaint to include Teodora Manzano as a party defendant and in rendering a summary judgment in favor of the appellee. But in a motion dated April 18, 1960, appellee attached an affidavit dated April 6, 1959, wherein Teodora Manzano reiterated that she had transferred to the appellee all her rights and interests in the land, and that appellant Manzano had never been her tenant thereon after February 14, 1955.

We have examined the records of the case, and we find that there was no formal trial conducted by the court during which the parties introduced their evidence. Summary judgment was rendered upon the documentary evidence attached to the pleadings, which evidence are not controverted.

Appellant claims possession of the land as tenant of Teodora Manzano, whom he alleged to be the owner thereof.

The documentary evidence belie the claim of the appellant that Teodora Manzano is the owner of the property. They show that on July 8, 1930, the late Pio Novesteros filed a homestead application over the land and his application was approved on November 28, 1930. The heirs of said Pio Novesteros, upon his death, proposed to sell their rights to Teodora Manzano, but before the transfer could be approved by the Director of Lands, Teodora sold on November 17, 1950 all her rights thereon to the plaintiff-appellee. It is apparent also from the order of the Director of Lands dated January 18, 1956 that the heirs of the late Pio Novesteros, represented by Jaime Novesteros, transferred their rights over the land to Wenceslao Urmaneta, the appellee herein, which transfer was approved by the Director of Lands in said order. Immediately after the approval of the transfer of rights, Urmaneta continued with the homestead application of the late Pio Novesteros, and on June 1, 1956, the final proof submitted by him was approved by the Director of Lands, and a patent was ordered issued in his name. Thereafter, the appellee declared the property for taxation purposes under Tax Declaration No. 5222 of Isabela, and he paid the corresponding taxes thereon from 1954 up to 1957.

It is evident from the foregoing facts that the appellee is the owner of the land in question and that Teodora Manzano had validly transferred whatever rights and interests therein she had to the appellee.

It is true that a protest was filed by said Teodora Manzano in connection with said land with the Director of Lands

and that the latter had previously (on February 14, 1955) upheld her rights thereon. But no patent was issued to Teodora Manzano; neither was a final proof submitted by her been approved by the Director of Lands. Moreover, said Teodora Manzano had confirmed the sale of her rights and interests in the land to the appellee, in her affidavit dated April 6, 1959. In the same affidavit, said Teodora Manzano denied that the appellant has been her tenant after February 14, 1955 (long before the complaint in this case was filed).

Conclusive is the documentary evidence of appellee's ownership of the land in question. It is true that three documents presented by defendant Martin Manzano show that Teodora Manzano had brought an action of forcible entry against Martin Manzano (Annex 1) but this action was dismissed upon motion by the lawyer for Teodora Manzano herself as the latter could not be located (Annexes 2 & 3). It is also true that on September 28, 1956, Teodora Manzano filed a protest with the Bureau of Lands against the claim of plaintiff Urmaneta to the land in question (Annex 4). But the first three documents do not show any right of defendant to the land. On the other hand, the supposed protest of Teodora Manzano came late because in an order of the Director of Lands of January 18, 1956, it was declared that Teodora Manzano had renounced her right and interest to the land in favor of Urmaneta (Annex A-Complaint) and patent for the land was ordered issued on June 1, 1956 (Annex B-Complaint). Even in the case of the protest, defendant cannot shield himself behind it, for defendant-appellant does not claim the land; he only claims that it belongs to another, Teodora Manzano. But even this conclusion is fully overcome by the approval of the transfer of the homestead in favor of Urmaneta and the order of the Director of Lands for the issuance of title to him. Furthermore, in an affidavit dated April 16, 1959, Teodora Manzano admitted having transferred her rights and interests over the land.

There was really no genuine issue of fact. If there is, the same was easily determinable from the pleadings and documents attached thereto; hence, the trial court correctly rendered the summary judgment on said pleadings and documents.

Wherefore, the decision appealed from is hereby affirmed. With costs against the appellant. So ordered.

Bengzon, C. J., Padilla, Bautista Angelo, Concepcion, Reyes, J. B. L., Barrera, Paredes, Dizon, and De Leon, JJ., concur.

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