

**REPUBLIC OF THE PHILIPPINES, PLAINTIFF AND APPELLANT, VS.
CESARIO OCTOBRE, SHERWIN TAMANG, JAMES OLILA, TERIO
BAMBICO AND ERNESTO ROSIMO, DEFENDANTS AND APPELLEES.**

G.R. No. 18867. April 30, 1966

Ponente: BARRERA, J.

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BARRERA, J.:

The Republic of the Philippines instituted in the Court of First Instance of Baguio an action for recovery of possession of a portion of land with an area of one and one-half hectares, allegedly acquired by it by purchase from one Ramon Valles in 1925, for the use of the Mountain National Agricultural School with reserved lands in La Trinidad, Mountain Province, and illegally occupied by defendants Cesario Octubre, Sherwin Tamang, James Olila, Terio Bambico, and Ernesto Rosimo, plaintiff also demanding damages for such unlawful occupancy.

In their answer to this complaint., defendants set up the defense of actual, continuous and peaceful possession of the respective portions of the land occupied by them, on their own and through their predecessors-in-interest, since time immemorial. Furthermore, they alleged that the land in question no longer forms part of the reservation, the same having been released by Eresidential Proclamation No. 209 dated October 20, 1955, for disposition under the provisions of the Public Land Law.

After hearing on this point, and upon the finding that the areas disputed by the parties were actually included in the portion of the government reservation released by proclamation of President Magsaysay, for disposition in accordance with law, the court dismissed the complaint on the ground that the Mountain National Agricultural School has no more claim over this land. Hence, this appeal by the government on the ground that, (1) as the area was already reserved for a specific public purpose, i.e., for use of the students of the Mountain National Agricultural School, the same could not have been validly released from such reservation by a presidential proclamation; and (2) even if Proclamation No. 209 of the President has force and effect, the court should have continued the hearing of the case to determine who were the actual occupants of the land, and entitled to acquire the same from the government, in view of the claim of plaintiff that it purchased the lot in question from one Ramon Valles.

In support of its first contention, appellant cites Section 64(e) of the Revised Administrative Code which reads:

"SEC. 64. Particular powers and duties of President of the Philippines.—In addition to his general supervisory authority, the President of the Philippines shall have such specific powers and duties as are expressly conferred or imposed on him by law and also, in particular, the powers and duties set forth in this chapter.

"Among such special powers and duties shall be:

* * * * *

(e) To reserve from sale or other disposition and for specific public uses or service, any land belonging to the private domain of the Government of the Philippines, the use of which is not otherwise directed by law; and

thereafter such land shall be used for the specific purposes directed By such executive order until otherwise provided by law.

'* * * * (Italics supplied.)

It is not disputed that any disposable land belonging to the government may, by presidential action alone, be reserved for a specific public purpose or service. Appellant's theory, however, seems to be that, once such reservation is made, the President can no longer, by his act alone, lift or release the said land from the reservation, a legislative act being necessary for the purpose. And, in the instant case, it is admitted that the alleged release of the portion of the Mountain National Agricultural School-reservation was effected merely by proclamation of the President.

It may be pointed out, in this connection, that the cited provision of the Revised Administrative Code (Sec. 64-e) did not specifically provided that a congressional act is necessary before a reserved land may be released and opened for disposition. It merely states that such reserved land shall be used for the purposes directed in the reservation, until "otherwise provided by law". The matter to be considered then is whether there is any law that directs or authorizes the President to release a disposable public land from a reservation previously made.

Precisely the Public Land Act (Com. Act 141) contains such an authority. Section 9 of said act provides:

"SEC. 9. For the purpose of their administration and disposition, the lands of the public domain alienable or open to disposition shall be classified, according to the use or purposes Co which such lands are destined, as follows:

"(a) Agricultural.

"(b) Residential, commercial, industrial, or for similar productive purposes.

"(c) Educational, charitable, or other similar purposes.

"(d) Reservations for town sites and for public and quasi public uses.

"The President, upon recommendation by the Secretary of Agriculture and Commerce, shall from time to time make the classifications provided for in this section, and may, at any time and in a similar manner, transfer lands from one class to another." (Italics supplied.)

It may here be reiterated that pursuant to Section 64-(e) of the Revised Administrative Code, alienable lands of the public domain may be ordered reserved, by the President, for a specific public use or service. Then, under the provisions of the Public Land Law abovequoted, the President has authority to re-classify such lands from one class to another, e.g., from agricultural to reserved area and vice-versa. And, this reclassification may be effected any time and in a similar manner, that is, by presidential action. It cannot be rightly claimed, therefore, that the release from reservation of a certain portion of the area originally intended for the use of the Mountain National Agricultural School by a subsequent proclamation of the President, is not in accordance with law.

In view of the foregoing conclusion, appellant's alternative contention must be sustained. The complaint should not have been dismissed merely on the ground that the disputed area was proved to be part of the area released from the reservation. Instead, the hearing should have been continued to determine the persons entitled to acquire the land thus released, the right, if any, of one Ramon Valles from whom plaintiff alleges to have purchased the lot in question, and the validity of the respective claims of the defendants, facts all directly put in issue by the pleadings of the parties.

Wherefore, the order appealed from is hereby set aside and the case is remanded to the court of origin for further proceedings. No costs. So ordered.

Bengzon, C.J., Bautista Angelo, Concepcion, Reyes, J.B.L., Dizon, Regala, Makalintal, Bengzon, J.P., Zaldivar,

and Sanchez, JJ., concur.

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