

ESTANISLAO PANIMDIM, PETITIONER, VS. THE DIRECTOR OF LANDS, ET AL., RESPONDENTS.

G.R. No. 19731. July 31, 1964

Ponente: BAUTISTA ANGELO, J.

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BAUTISTA ANGELO, J.:

On December 27, 1927, the Director of Lands rendered a joint decision approving the free patent applications filed separately by Joaquin Panimdim and Fulgencio Minalabag. Accordingly, Parcel A containing an area of 9.000 hectares was adjudicated to Panimdim, while Parcel B containing an area of 13.000 hectares was adjudicated to Minalabag. The opposition interposed by Mariano De la Rosa to the approval of said free patent applications was overruled.

Nevertheless, De la Rosa took steps to have said Parcels A and B surveyed under his name as Lot No. 4, Psu-49596, and applied later for their registration in his name before the Court of First Instance of Camarines Sur. After due hearing, the Court denied the petition for registration declaring said parcels of land as parts of the public domain.

Meanwhile, Joaquin Panimdim was succeeded in his rights over Parcel A by his son Estanislao, and after the former's death, the latter succeeded in having a patent issued in his name on July 8, 1957, the register of deeds of Camarines Sur having issued in his favor Original Certificate of Title No. 9040. But in issuing said certificate of title, it was made to appear erroneously therein that it covers both Parcels A and B although the late Joaquin Panimdim never possessed Parcel B nor has laid any claim therefor thereby creating a trust in favor of the heirs of Fulgencio Minalabag.

Mariano De la Rosa did not cease in asserting his claim not only over Parcel B but also over a portion of Parcel A and so he again filed a petition with the Director of Lands praying for the annulment of the free patent issued in the name of Estanislao Panimdim claiming that the latter if at all is only entitled to an area of about 4 hectares. Acting on this petition, the Director of Lands ordered a new investigation of the claim relative to the two parcels of land and in the course thereof an ocular inspection was ordered which was carried out by Deputy Public Land Inspector Augusto Corpuz. In this ocular inspection, Inspector Corpuz interviewed several persons he found in the premises although it is claimed that Estanislao Panimdim was not notified thereof, nor given an opportunity to be present.

On March 20, 1959, Panimdim moved to dismiss the petition of Da la Rosa, as well as to set aside whatever administrative action has been taken thereon, en the ground that the Director of Lands has already lost jurisdiction over the parcel of land adjudicated to him inasmuch as after the issuance of the patent covering the same in his favor the land is deemed to have been segregated from the public domain and as such it no longer comes under the jurisdiction of the Director of Lands.

On August 24, 1959, the Director of Lands rendered decision denying the motion to dismiss and declaring the issuance of the patent in favor of Panimdim erroneous and improper for it covers more area than what he was

entitled to. He stated that the "corresponding administrative action to amend the said free patent and re-issue it for the arears marked A only will be taken accordingly."

Panimdim moved to reconsider the decision reiterating his plea that the Director of Lands had no longer jurisdiction to reopen the case relative to his patent because of the many years that have elapsed since it was issued, but the motion was denied. In due time, he appealed to the Secretary of Agriculture and Natural Resources, and when the decision of the Director of Lands was affirmed, he filed the present petition for certiorari.

It appears that the free patent application of petitioner's predecessor-in-interest was approved by the Director of Lands on December 27, 1927, and after petitioner had succeeded to the rights of his father over the land a free patent was issued in his name on July 8, 1957, and thereafter Original Certificate of Title No. 904) was also issued in his name by the register of deeds of Camarines Sur. But because of a protest lodged by Mariano De la Rosa against the issuance of the patent over Parcel A, the Director of Lands ordered a new investigation in the course of which an ocular inspection was made which was conducted by Land Inspector Augusto Corpuz. And notwithstanding the opposition of petitioner on the ground that the Director of Lands had no longer jurisdiction to act thereon because the property had ceased to be a portion of the public domain, said official rendered on August 24, 1959 a decision ignoring the opposition and declaring the issuance of said patent over a portion of Parcel A "legally wrong and improper." The Director of Lands made manifest that corresponding administrative action to amend said free patent and re-issue it to cover a smaller area will be taken accordingly. Petitioner has now come pleading that such administrative action be prevented for being erroneous and illegal.

We find this stand in line with the ruling we recently laid down in the case of *Republic of the Philippines vs. Heirs of Ciriaco Carle, et al.*, 105 Phil., 1227, the facts of which are on all fours with those of the present.

Thus, in said case a homestead patent was issued to the heirs of one Ciriaco Carle on April 26, 1944 which was duly recorded in the office of the register of deeds and for which a certificate of title was issued in their favor on May 11, 1946. Seven years later, or on August 31, 1953, acting on the opposition of certain Maynardo Ilagan, the Director of Lands declared said patent inoperative insofar as it covers a portion designated as area A-2 and, adjudged the same in favor of the oppositor, this decision having been affirmed by the Secretary of Agriculture and Natural Resources. Thereafter, the Director of Lands filed an action with the Court of First Instance of Mindoro to have the homestead patent declared null and void, to which the patentees objected claiming that the action has already prescribed since more than one year had elapsed since the issuance of the patent. This objection was sustained, and on appeal this Court made the following pronouncement:

"There is no controversy as to the fact that on May 11, 1946, the homestead patent in favor of the appellees heirs of Ciriaco Carle was duly registered in the Office of the Register of Deeds of Mindoro and the corresponding certificate of title issued to them, and that the order of the Director of Lands cancelling a part of the homestead patent upon which the aforesaid certificate of title was based was handed down on August 31, 1953, or after the lapse of more than 7 years. Appellant, however, maintains that Section 38 of the Land Registration Act providing for the prescriptive period of one year within which to assail the correctness or validity of a certificate of title is not controlling in the case at bar. It is claimed that a homestead patent differs from a decree of restoration obtained in an ordinary registration proceeding in many fundamental ways, thus depriving the former of that indefeasible nature ordinarily characteristic of the latter.

"The flaw in this contention is that appellant compares a homestead patent and a decree of registration. But what is involved in the instant case is the indefeasibility of the certificate of title issued after the homestead patent has been duly registered pursuant to Section 122 of the Land Registration Act (No. 496). As to this, the law is clear: 'After due registration and issue of the certificate and owner's duplicate, such land shall be registered land for all purposes under this Act.' (Sec. 122). Consequently, the land automatically comes under

the operation of Sec. 88 of the same Act and subject to all the safeguards therein provided. And this, too, is the constant doctrine laid down by this Court in a long line of adjudicated cases.

* * * * *

True, it may be, as appellant alleges, that neither the Public Land Act (Com. Act 141) nor the land Registration Law provides for the period within which the certificate of title to a public land grant may be questioned, but this does not necessarily sustain appellant's contention that such action may be brought within 10 years (Art. 1144, new Civil Code), because this point has already been determined by this Tribunal-when we held that:

'A certificate of title issued pursuant to a homestead patent partakes of the nature of a certificate issued as a consequence of a judicial proceeding, as long as the land disposed of is really a part of the disposable land of the public domain, and becomes indefeasible and incontrovertible upon the expiration of one year from the date of the issuance thereof (Lucas vs. Durian, G. R. No. L-7886, promulgated September 23, 1957)'

"But appellant contends that as he is the official who exercises the power to dispose public lands, it necessarily follows that the right to review a patent pertains to him. In support of his stand, he cites Section 91 of Commonwealth Act 141. This view is correct but only as long as the land remains a part of the public domain and still continues to be under his exclusive and executive control. But once the patent is registered and the corresponding certificate of title is issued, the land ceases to be part of the public domain and becomes private property over which the Director of Lands has neither control nor jurisdiction (Sumail vs. Judge, Court of First Instance, et al., supra.).

"The parties, however, are not without any remedy in law. As we have suggested:

'If patent has already been issued, allegedly through fraud or mistake and had been registered, the remedy of the party who had been injured by the fraudulent registration is an action for reconveyance (Koco vn. Gemida, 104 Phil., 1011, promulgated December 27, 1958)."

Here the free patent covering Parcel A was issued to Estanislao Panimdim on July 8, 1957 for which Original Certificate of Title No. 9010 was issued in his name by the register of deeds of Camarines Sur, but on August 24, 1959 the Director of Lands, acting on a protest interposed by Mariano de la Rosa, rendered a decision declaring the issuance of the patent erroneous and ordering that an administrative action be taken in order to amend the same and issue another reducing the patent to merely four hectares. This the Director of Lands can no longer do, considering that more than two years had elapsed since the registration of the patent. As such, the same has already become indefeasible and incontrovertible.

WHEREFORE, petition is granted. The decision of respondent Director of Lands of August 24, 1959 is hereby set aside. No costs.

Bengzon, C. J., Padilla, Concepcion, Reyes, J. B. L., Paredes, Regala and Makalintal, JJ., concur.

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