

**THE GOVERNMENT OF THE UNITED STATES OF AMERICA,
PETITIONER, VS. THE JUDGE OF THE COURT OF FIRST INSTANCE OF
PAMPANGA AND THE MANILA RAILROAD COMPANY, RESPONDENTS.**

G. R. No. 26235. October 29, 1926

Ponente: OSTRAND, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-26235/>

OSTRAND, J.:

This is a petition for a writ of certiorari, with a view to set aside a decision of the Court of First Instance of the Province of Pampanga in regard to lots Nos. 678, 679, 683, and 684 in cadastral case No. 6 of that province, on the ground that said lots constitute a part of the Camp Stotsenburg military reservation, and that the lower court had no jurisdiction to order their registration in a cadastral proceeding instituted subsequently to the establishment of the reservation.

It appears from the record that under the provisions of Act No. 627, reservation proceedings Nos. 10 and 42 of the now defunct Court of Land Registration were instituted pursuant to executive orders dated August 7, 1903, and August 5, 1908, for the purpose of reserving for military uses a tract of land now known as the Camp Stotsenburg military reservation, and that on August 10, 1903, and August 10, 1908, orders were entered and published by the Court of Land Registration notifying all persons who had claims to any part of the tract to present them for registration within the period prescribed by law and that failing to do so their claims would be forever barred. As far as the record shows the proceedings were regular, the notices required by law were duly published and served, and on June 15, 1914, the Court of Land Registration issued an order declaring that it appeared from the records that the proceedings had been carried out in conformity with the law; that the time for presenting claims had long since expired, and that further claims were forever barred. No claim was presented by the Manila Railroad Company in the reservation proceedings.

Cadastral case No. 6 was instituted in the Court of First Instance of Pampanga on September 10, 1917, and the lots hereinbefore mentioned were inadvertently included in that case. The Manila Railroad Company filed answers claiming the lots, and no other claims to the lots having been presented, the trial court on April 29, 1919, ordered their registration in the name of the company. The matter was allowed to rest until May 2, 1923, when the Attorney-General, on behalf of the Commanding General of the United States Army, Division of the Philippines, filed a motion in the aforesaid Court of First Instance in which he called attention to the fact that a portion of Camp Stotsenburg military reservation had erroneously been adjudged to the Manila Railroad Company and asked that the decision of the court to that effect be modified and corrected. This motion was denied in an order dated August 20, 1924, on the ground that it had been presented too late and that the court had lost its jurisdiction over the matter.

On July 12, 1926, the present action was brought, the petition alleging most of the facts hereinbefore stated, and praying that a writ of certiorari to the Court of First Instance of Pampanga issue, ordering that court to certify and forward to this court the record of the proceedings in cadastral case No. 6, in so far as they relate to lots Nos. 678,

679, 683, and 684, for review and that upon such review, the decision dated April 29, 1919, and subsequent orders entered in pursuance thereof by the respondent court, be set aside and declared null and void.

In their answer the respondents, in substance, allege: (1) That the petition does not disclose that the respondent court was without jurisdiction in rendering the decision which is the subject-matter of the controversy; (2) that the respondent Manila Railroad Company was in visible possession of the land in question at the time military reservation cases Nos. 10 and 42 were instituted and pending, but that, nevertheless, said respondent company was not served with a copy in the Spanish language of the notice issued by the Court of Land Registration, requiring the presentation of private claims in said military reservation proceedings and that, therefore, the claim of said respondent company is not barred by the termination of said proceedings; (3) that the petitioner had a plain and speedy remedy by appeal from the decision in question and that, therefore, certiorari will not lie; (4) that the petitioner is guilty of laches in not having presented its claim in cadastral case No. 6, and in not having availed itself of the remedy of appeal, or, in not having sought relief under section 113 of Act No. 190, or by a petition under section 38 of Act No. 496 for a review of the decree issued in favor of the respondent company within one year after entry thereof; and (5) that certificates of title having been issued in its favor, the respondent company has now an absolute and indefeasible title to the aforesaid lots Nos. 678, 679, 683, and 684, conclusive upon and against the whole world including the petitioner.

The defendant's contention that the respondent court, in a cadastral case, has jurisdiction to order the registration of portions of a legally established military reservation cannot be sustained. The establishment of military reservations is governed by Act No. 627 of the Philippine Commission and section 1 of that Act provides that "All lands or buildings, or any interest therein, within the Philippine Islands lying within the boundaries of the areas now or hereafter set apart and declared to be military reservations shall be forthwith brought under the operations of the Land Registration Act, * * * "

This provision appears to have been duly complied with in the Camp Stotsenburg reservation proceedings. Upon the expiration of the term fixed in section 4 of Act No. 627 for the presentation of private claims to lands within the limits of the reservation, and after the termination of the registration of the lands so claimed, the titles to all lands within the limits of the reservation were definitely settled. The purpose of the enactment of the Cadastral Act is to provide a proceeding for settling and adjudicating land titles, and the jurisdiction of the courts in such proceedings is limited to the carrying out of the purpose of the act and does not extend to the readjudication of titles already settled by previous proceedings of a similar character. This point is more fully discussed in our decision of the case of Pamintuan vs. San Agustin (43 Phil., 558), and what is there said applies with equal force to the present case.

The assertion of the respondents that the Railroad Company, at the time of the institution of, the reservation proceedings, was in visible possession of the lots in dispute and therefore entitled to personal service of the notice issued by the Court of Land Registration, is not supported by any evidence; the mere allegation thereof" in the respondents' verified answer is not sufficient to overcome the presumption of the regularity of the reservation proceedings and, the force of the affidavits of the deputy sheriffs charged with the service of. the notices, which affidavits are attached to the record and presented in evidence in the present case. It follows that, as far as the record shows, the Railroad Company was not entitled to personal service of the aforesaid notice, but only to service by publication, in accordance with the provisions of section 3 of Act No. 627.

The respondents also argue that the petitioner having had a plain and speedy remedy by appeal from the decision in the cadastral case, and having failed to avail itself thereof, is not now in position to apply for a writ of certiorari. Ordinarily that would be true; the rule is that the writ will not issue when the petitioner has had an adequate remedy by appeal and has lost it through his own negligence, but this rule does not apply when the right

of appeal is lost through no fault of the petitioner. (Boynton vs. Nelson, 46 Ala., 501; Burgett vs., Apperson, 52 Ark., 213; Skinner vs. Maxwell, 67 N. C., 257; Copeland vs. Cox, 5 Heisk. [Tenn.], 172; Evans vs. Christian, 4 Or., 375, in connection with Schirott & Groner vs. Phillippi & Coleman, 3 Or., 484.) To hold otherwise would, indeed, amount to a denial of justice. As the laches of its officers is not imputable to the United States Government, it seems obvious that the rule may not be invoked where the action is brought by the Government for the protection of public interest. That is the case here; the Government of the United States is the petitioner and it prosecutes the action on its own behalf and not in the interest of private parties.

The contention that the petitioner was guilty of laches in not taking timely advantage of the various other remedies available may be best answered by quoting the language of the Supreme Court of the United States in the case of United States vs. Des Moines Navigation & Railroad Company, 142 U. S., 510 (citing U. S. vs. Nashville, Chattanooga and St. Louis Railway Company, 118 U. S., 120; U. S. vs. Insley, 130 U. S., 263) : "When the government is the real party in interest, and is proceeding simply to assert its own rights and recover its own property, there can be no defense on the ground of laches or limitation."

The respondents' contention that certificates of title having been issued in its favor for the land in question the respondent company has an indefeasible title to the lots, is also without merit. If, as we have seen, the respondent court had no jurisdiction to order the registration of the lands located within the reservation, it follows that the certificates of title issued in pursuance of such an order are null and void.

For the reasons stated, the petition for a writ of certiorari is granted and the judgment rendered by the Court of First Instance of the Province of Pampanga in cadastral case No. 6 of that province is hereby declared null and void in so far as it relates to lots Nos. 678, 679, 683, and 684 of said case, and all orders and final decrees entered in said cadastral case in relation to said lots are likewise declared null and void.

It is further ordered that the certificates of title for said lots, issued in favor of the respondent Railroad Company, be surrendered to the register of deeds of Pampanga for cancellation upon the corresponding petition to the Court of First Instance, filed in the aforesaid cadastral case in accordance with the provisions of section 112 of the Land Registration Act (Act No. 496). Without costs. So ordered.

Avanceña, C. J., Johnson, Villamor, Johns, Romualdez, and Villa-Real, JJ., concur.

DECISION ON RECONSIDERATION

February 24, 1927

OSTRAND, J.:

Upon petition of the respondent Manila Railroad Company, the case was reopened for the reception of evidence as to the character of said respondent's possession of the land in dispute and the case is now before the court for decision upon such evidence.

The new evidence has not, as far as we can see, improved the position of said respondent. It appears that during the period between the years 1897 and 1904, there was a spur or siding on the west side of the main line of the railroad at a point about 400 meters to the south of Dao station. The spur was about 200 meters long and while the greater part of it appears to have been located on the railroad right of way, it terminated within lot No. 679, one of the parcels now in question, and was used for the transportation of gravel from a pit located within the limits of said lot. From 1904 until 1911, the Railroad Company took its ballast gravel from land situated on the east side of

the main railroad line and the pit on the west side appears to have been temporarily abandoned.

In the year 1911, the Company again removed several carloads of gravel from the pit on lot No. 679. The Military authorities protested and requested the Railroad Company to remove the siding leading to said pit and in a letter dated September 20, 1911, Mr. Horace Higgins, then president of the Railroad Company, informed the Adjutant General of the Philippine Division that orders had been given for the removal of the siding referred to without prejudice to the Railroad Company taking up the question of the ownership of the land at some future date.

On April 29, 1919, the Court of First Instance of Pampanga rendered a decision in cadastral case No. 6 of the Province of Pampanga, ordering the registration of the lots here in question in the name of the respondent Railroad Company. Over three months thereafter, Mr. E. J. Westerhouse, as general manager of the Railroad Company, wrote the following letter to the Chief Quartermaster of the Philippine Division:

"THE MANILA RAILROAD COMPANY
""OFFICE OF THE GENERAL MANAGER, MANILA

"August 14, 1919

"THE CHIEF QUARTERMASTER,

"U. S. ARMY,

"(Through His Excellency)
"The Governor-General

"Manila.

"Sir: I have the honor to request authority for the reopening of the ballast pit located within the Military Reservation at Dao, Camp Stotsenburg. This pit was operated during the construction period and in recent years abandoned for a better grade of ballast. As a result of the protracted rains all of our ballast pits are now flooded and will remain inaccessible for weeks. Our northern lines from Paniqui to Dagupan are badly washed and unless we reopen the Dao pit, it may be weeks before we are able to get our trains through. The pit which we propose to reopen is located near the Dao station, about six kilometers from Camp Stotsenburg. We propose to excavate the sand dune formation leaving the surface uniform and well drained. It should add to the value of the land.

"As this matter is extremely urgent, each days delay meaning just so much delay in reestablishing communication with the north, and as corn and rice is deteriorating at many of the stations on this section, it is respectfully requested that telephonic authority be given for the installation of the siding, formal authority to be forwarded in due course of time.

"Very respectfully,

(Sgd.) "E. J. WESTERHOUSE

"General Manager"

The land in question was included in Military Reservation No. 42 initiated on August 10, 1908, but the publication of the reservation proceedings was not effected until April 13, 1912, and no default was declared until June 15, 1914.

The respondent's contention seems to be that the gravel pit on lot No. 679, together with the siding leading thereto, was sufficient evidence of visible possession on the part of the Railroad Company; that the company therefore was entitled to personal service of notice of the reservation proceedings; and that no such notice having

been personally served upon it, the reservation proceedings are void as far as the Railroad Company is concerned.

Without going into the question as to whether the omission of personal service of notice upon one of the visible occupants of a small portion of the land to be reserved will avoid the reservation proceedings as to that occupant, we shall merely call attention to the facts that there is no evidence showing that the Railroad Company had a registrable title to the land in question at the time the reservation proceedings were instituted; that reservation case No. 42 was instituted in 1908 and notices were then personally served upon the persons in visible occupation; that there is no evidence that the Railroad Company at that time was in visible occupation of the land; that it appears from plans presented in evidence that the boundaries of the reservation were clearly shown by monuments; that the letter of Mr. Higgins written on September 20, 1911, several years before default was declared and the claims of occupants foreclosed, shows that the company had full notice of the reservation proceedings and had ample opportunity then to assert its claim; and that the letter of Mr. Westerhouse dated August 14, 1919 must be construed as a recognition of the Government's title to the land. Upon these facts, the respondent Railroad Company is certainly not now in position to question the validity of the reservation proceedings.

Our decision herein-before rendered and promulgated on October 29, 1926, is therefore reaffirmed in toto. So ordered.

Johnson, Street, Malcolm, Villamor, Romualdez, and Villa- Real JJ., concur.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.