

THE DIRECTOR OF LANDS, PETITIONER, VS. EL COLEGIO DE SAN JOSE ET AL., CLAIMANTS.

G.R. No. 30185. November 23, 1928

Ponente: OSTRAND, J.

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OSTRAND, J.:

This is a petition for a writ of mandamus to compel the respondent judge to approve and certify a bill of exceptions.

It appears from the record that on September 9, 1927, a compulsory registration proceeding was commenced in the Court of First Instance of the Province of Laguna for the settlement and adjudication of the title to two parcels of land situated in the municipality of San Pedro of said province. The respondent Colegio de San Jose claimed ownership of the parcels, alleging that they were a part of the Hacienda de San Pedro Tunasan, for which the Colegio holds a royal grant. The Director of Lands, in behalf of the Insular Government, also filed a claim alleging that the parcels are a part of the shores of the Laguna de Bay and are periodically covered and uncovered by the waters of said lake, and, therefore, belong to the public domain. Carlos Young, Newland Baldwin, and Adele C. Baldwin appeared in the case as lessees of the land under a sixty-year lease executed in their favor by the Colegio de San Jose on January 3, 1914. Upon trial the Court of First Instance, presided over by Judge Recto, rendered a decision ordering the registration of the land in the name of the Colegio de San Jose with the proviso that the lease executed by the Colegio de San Jose in favor of Carlos Young and Baldwin should subsist and continue on the same terms and conditions stated in the contracts of lease.

The Director of Lands excepted to this decision and filed a motion for a new trial. The motion was denied, and after taking exception thereto, the Director of Lands filed the corresponding bill of exceptions. Copies of exceptions, motion for rehearing and bill of exceptions were served on the attorneys for the Colegio de San Jose and on other claimants, but not on the lessees Carlos Young, Newland Baldwin, and Adele C. Baldwin. At the instance of said lessees and upon their objection, the respondent judge, refused to approve the bill of exceptions and certify it to this court upon the ground that they, the lessees, were not served with copies of the exceptions, motion for rehearing, and bill of exceptions, and the present proceedings were thereupon instituted.

In our opinion, the respondent judge erred in refusing to approve and certify the bill of exceptions in question. The appeal is not taken against the lessees Carlos Young, Newland Baldwin, and Adele Baldwin but simply against the parties who were served with copies of the documents above-mentioned. The fear expressed by counsel for the lessees to the effect that a reversal of the decision of the court below in regard to the rights of the Colegio de San Jose will nullify the lease, is not, as far as we can see, well grounded. The lessees were separate parties to the action, and their large and important interests in the land are specially recognized and declared valid in the decision of the trial court, and inasmuch as no appeal has been properly taken from that declaration, the judgment must be considered final on this point. Consequently, neither the Government nor any other party to the action can lawfully deprive the lessees of their acknowledged rights. (Martinez vs. Reyes, G. R. No. 21618.)[1]

The petition is therefore granted, and it is ordered that the respondent judge approve and certify the aforesaid bill of exceptions. Without costs. So ordered.

Avanceña, C. J., Johnson, Street, Malcolm, and Villamor, JJ., concur.

[1] Promulgated March 22, 1924, not reported.

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