

DIRECTOR OF LANDS, APPLICANT AND APPELLEE, VS. EUGENIO ABALLA ET AL., CLAIMANTS. LAZARO GARRIDO ET AL., APPELLANTS.

G. R.No. 31875. February 14, 1930

Ponente: ROMUALDEZ, J.

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ROMUALDEZ, J.:

Several claimants included in the above entitled cadastral case, filed with the court below through their attorney a petition praying that this case be dismissed, that Act No. 3327 be declared unconstitutional and the instant cadastral proceeding illegal and of no effect whatever for failure to comply with the law and the regulations of the Bureau of Lands, and that the applicant, the Director of Lands be sentenced to pay the costs.

Their petition is based on the following allegations:

"That Act No. 3327 under the provisions of which the above entitled petition was begun, prepared, and presented, is void, illegal, and unconstitutional (1) because it deprives a person of his property without due process of law and curtails his right to dispose and enjoy thereof, and (2) because it imposes as penalty, the seizure of property—which are gross violation of our constitutional rights guaranteed by the Jones Law and the Philippine Organic Act.

"That even assuming that Act No. 3327 is constitutional, the cadastral project of Jaro, Leyte, now the object of this petition, is null, void and illegal (1) because in March 13, 1927, when said cadastral project together with the amount, conditions, and terms of payments of the survey fees, was filed with and presented to the municipal council of Jaro, Leyte, for approval, it was filed by one Romualdo Añoover in the name and representation of the Leyte Cadastral Surveys, Inc., a corporation which not then existing at that date, March 13, 1927, and could not therefore, file this cadastral project as required by Act No. 3327; and (2) because said resolution indorsed to the Governor-General thru the Director of Lands by the Provincial Board of Leyte, showing that it was approved and sanctioned by the municipal council of Jaro, Leyte, is false and has in fact, never been approved by said body; and (3) because the field work of this cadastral survey has not been executed in accordance with the regulations of the Bureau of Lands. And to substantiate the foregoing allegations, we beg leave of this court to present the corresponding evidence.

"That the herein claimants further contend that without the fulfillment of the legal formalities required by Act No. 3327 as are alleged in foregoing paragraphs, all proceeding in this petition cannot be lawfully carried out; consequently, this court has no jurisdiction to take cognizance of this case." (Pages 1, 2 and 3, Bill of Exceptions.)

Upon consideration of that motion, the Court of First Instance of Leyte denied the same in its order of May 5, 1929, which is the subject of this appeal.

Said claimants contend that the lower court erred in holding that Act No. 3327 was constitutional, and point out that sections 1 and 3 thereof furnish ground for its unconstitutionality.

They allege that said section 1 curtails the right to enter into contract enjoyed by every property owner and recognized by the Organic Law of the Philippines and by our statutes, and that said right is essential and inherent in the right to hold, enjoy, and dispose of property.

These principles are admitted beyond discussion. But it should not be forgotten that neither the right to enter into contract nor the right to acquire, hold, enjoy, and convey property, is an absolute right. Such rights are subordinate to the police power of the State, and may be regulated and restricted by the Legislature for the public weal.

The provisions of section 1 of Act No. 3327, and other provisions of like nature of said Act are intended to insure a prompt and speedy proceeding for the registration of titles to land in the Philippines, and the peculiar provisions of paragraph b, section 1, of said Act, intended for the same purpose, namely, the public weal through the speedy registration of land titles, do not unduly abridge the right to contract freely.

With reference to the compulsory registration of lands, such a provision is not unconstitutional, because it allows to all parties interested due process of law. On this point, see the ruling of this court in the case of Jose vs. Commander of the Philippine Squadron (16 Phil., 62), of Government of the Philippine Islands vs. Municipality of Binalonan (32 Phil., 634), of Ruymann and Farris vs. Director of Lands (34 Phil., 428), of Roman Catholic Archbishop of Manila vs. Barrio of Sto. Cristo (39 Phil., 1), of Sena vs. Manila Railroad Co. and Insular Government (42 Phil., 102). And it is unnecessary to add that the prompt registration of titles to land in the Philippines constitutes an advancement of the public interests, for, besides promoting peace and good order among landowners in particular and the people in general, it helps increase the industries of the country, and makes for the development of the natural resources, with the consequent progress of the general prosperity. And these ends are pursued in a special manner by the State through the exercise of its police power (Rubi vs. Provincial Board of Mindoro, 39 Phil., 660).

The appellants find elements of unconstitutionality also in section 3 of said Act No. 3327, because it provides that in cases of default in the payment of the fees for the survey, the same proceedings are to be followed as in default in the payment of taxes. There is nothing improper here, considering that this provision is a part of the general scheme of the law, and that the fees for the survey, with respect to fixing the amount thereof and the terms, and conditions of payment have not been left to the will of the corporation of surveyors alone, but must, according to said Act No. 3327, be submitted to the sanction and approval of the respective municipal council and provincial board, and endorsed through the Director of Lands to the Governor-General, provided the project be reasonable, and the aforesaid details equitable. Furthermore, said Act No. 3327, in its various provisions, surrounds the payment of said fees with such guarantees that the public interest, and the rights of individuals are both duly safeguarded.

As to the manner of collecting said fees, besides the general consideration that the one provided in this Act is in keeping with the general scheme thereof which is all intended to promote public weal, it should be noted that the intervention, inspection, and control exercised by different departments of the Government over the amount and other details of said fees which do not belong to the State, must be, and the law so recognizes it, a protection to the owners of said survey fees, for justice and equity so demand.

We do not find in the provisions of this Act assailed by the appellants any ground for its alleged unconstitutionality.

The order appealed from is affirmed, with costs against the appellants. So ordered.

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

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