

MANUEL RAMIREZ ET AL, PLAINTIFFS AND APPELLEES, VS. THE INSULAR GOVERNMENT, DEFENDANT AND APPELLANT.

G.R. No. 3539. March 27, 1908

Ponente: ARELLANO, C.J.

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ARELLANO, C.J.:

Manuel Ramirez y Rodriguez Trujillo together with his sisters petitioned the Court of Land Registration for the inscription and registration of "the mountain slopes surrounding and forming the Sabani Valley," to the extent of 6,000 hectares.' This tract of land is situated in the Province of Nueva Ecija, Island of Luzon.

The said Sabani Valley, which measured 5,103 hectares, was the object of a similar application in the case No. 407, and the petitioners were declared to be the owners thereof, without opposition.

1. Origin.—Manuel Ramirez, predecessor of the applicants, had originally acquired the lands known as "Sabani Valley" from Mariano Alvea on January 25, 1856, and the lands situated "at the bottom of the Sabani Valley" at "Irorulong" from Felix Guianzo. It is to be noted that the lands are described in Guianzo's title as follows: "They include on the N., S., and E., the lands at Irorulong, the slopes of the Ibonan passage and the Mingan mountains, and the cogon fields surrounding them," and those of Alvea "enclosed within the sides of the mountains called Cogonales and Mingan in the direction of Irorulong * * *."

2. Extent.—"Both the purchaser Ramirez and the vendors"—the trial court. says—"thought that the Spanish Government, on issuing the above mentioned titles, conveyed not only the valley but also the mountain sides as integral parts of the lands described therein. This belief, to a certain extent erroneous, but held in good faith, is inferred from the acts executed by Mr. Ramirez since the year 1866, when by his instructions, Esteban Peñarrubia, captain of infantry, surveyor, detailed with the Corps of Engineers, made a report dated February 16, of the said year 1866, and, after a proper survey, made a map of the Sabani Valley, in which documents, attached to the record as evidence adduced by the respondent, it is set forth that the valley and the surrounding mountain sides have always been considered as a large portion of land known as 'The Sabani Valley,' which portion is made up of the valley itself, consisting of about 5,000 hectares, and the mountain sides, amounting to 6,000 hectares, according to the above mentioned report and map." (B. of E. 9.)

3. Operation.—"Mr. Ramirez himself,"—the trial court continues—"granted Messrs. Roesset and Falconet, two French citizens, by means of a public deed, dated February 4, 1876, the exclusive rights to the forest products of every kind that might be found in the Sabani Valley, as described in the report and map drawn up by Peñarrubia, for the period of 30 years from the date last mentioned. In clause 24 of the deed it is set up that, according to the surveys executed and the calculations of the writer of the report, there were about three millions and a half of timber trees of different kinds in the Sabani Valley * * *." (B. of E. 9.)

4. Commencement of the suit.—When Falconet applied for authority for the gratuitous cutting of the timber from the Sabani forests, and the Dirección General de Administración Civil had knowledge of Peñarrubia's report, the said Administración declared that the boundaries of the lands adjoining those of the valley were to be fixed, and

informed the owner of the said estate that, in addition to observing the provisions of the decree dated April 26, 1870, in the future he would be obliged to deposit as a bond the price of the wood he might obtain from such lands. Such was the object of the decree of the Dirección de Administración Civil dated September 11, 1876.

5. Appeal.—From this decree, the owner of the Sabani estate appealed, and his appeal gave rise to a series of reports upon his claims and the status of possession of unappropriated lands and rural property in relation with the various statutes then in force. This appeal of Ramirez was the fundamental cause, according to the opinion of the Council of State, of the regulations concerning uncultivated lands, which commenced with the royal decree of June 25, 1880.

Regarding Ramirez's appeal, the Council of State was of the opinion: 1. That the decree issued by the Dirección de Administración Civil of the Archipelago, on September 11, 1876, should be approved. * * * and 3. "That the resolution that may be adopted on this matter (regarding the regulations for uncultivated lands) may be applied to Manuel Ramirez and to all similar cases." In fact, the Royal Order of November 27, 1880, was issued, approving that decree from the Dirección General de Administración Civil and providing "that the lands of the Sabani Valley referred to by Mr. Ramirez be in every way subject to the provisions of the Reglamento de Composiciones approved by Royal Decree of June 25 last."

6. Proceedings.—The appeal from the decree ordering the fixing of the boundaries having been decided, proceedings were continued for the purpose of fixing the true extent of the Sabani Valley, purchased from the state, and to subject the same to composición as to the excess, as was expressly provided in the Royal Decree of November 27, 1880. The boundaries were fixed in March, 1894, and approved by a decree from the Administración General de Administración Civil on June 17, 1896.

Regarding the excess, however, nothing was decided, and this was the cause of the suit between the appellant and the administración, until the question was sent to the proper department in February, 1898, in order that a report might be submitted without delay and a statement of the facts rendered.

What might be and should be called excess, must be taken into account because all the parties interested in the case foresaw that some would result. According to the respondent, as well as the administrative officers who took part in the fixing of the boundaries, the excess was in the valley itself, whereas, according to the opinion of the petitioner, and taking into account the origin of the suit, such excess was principally on the mountain sides in the tract of 6,000 hectares which Ramirez understood as incorporated with his estate in the valley, considering the purchase of the latter not at a rate of so much for a certain measure, but as a total amount for a fixed price within the limits expressed in the title deeds of Alvea and Guianzo, especially in those pertaining to the latter, which expressly "included the sides of the Ibonan passage and the Mingan mountains" or, as stated in the second of the reasons supporting the decree appealed from, of September 11, 1876: "That, according to the same documents, the estate should not include the sides of the mountains surrounding the valley."

If the excess was in the valley itself and the latter was more than 2,564 hectares in extent, yet, in the case No. 407, there has been no opposition to the registration of the valley, including the excess in question, that is to say, an extension of 5,003 hectares, as the legal property of the petitioners.

7. Decision of the case.—On March 2, 1898, the chief of the department of the Dirección de Administración Civil rendered his report in which, among other things, he alleged as facts, "that Manuel Ramirez was in possession of that valley, which, at the present time, measures 5,003 hectares, by a just title and uninterrupted dominion; that he believed himself to be the owner of the mountain *sidí* that is, 6,000 hectares, by an uninterrupted possession also, although without any title, which matters Your Excellency is now requested to decide," and he suggested, as a decision, the following declarations:

"(1) Manuel Ramirez y Carvajal is hereby considered as the legal owner, with all legal effects, of the 5,003 hectares included in the low lands of the Sabani Valley, he having been in uninterrupted possession of the same for more than thirty years, whether the extent set forth in the former documents be greater or less. (2) The said Ramirez is hereby acknowledged as the legal owner, for all legal effects, of the 6,000 hectares to which, united with and surrounding the said valley, form the sides of the mountains around, he having been in uninterrupted possession of the same for more than 41 years. So that, joining the latter with the former portion, they form one single estate having an extension of 11,003 hectares. (3) The prohibition imposed by this Dirección General against cutting and taking wood from the lands belonging to Mr. Ramirez, is hereby canceled; and (4) That the interested party be informed of this decision as a resolution to the suit commenced and to the petition filed; that no indemnity for losses and damages as asked for be granted."

There is a note at foot reading as follows: "The Dirección General having jurisdiction of these matters (art. 11 of the Regulations of June 25, 1880), kindly decide what Your Excellency may deem convenient. Manila, March 2, 1898. Antonio Escartin. Rubric.—Agreed.—Moneada, —rubric."

The resolution, in addition to the foregoing word "agreed," continued in the following language: "This Dirección General, deciding the case brought as a consequence of the petition filed by you with His Excellency, the Minister for the Colonies; in compliance with the provisions of the Royal Order of November 27, 1880, which directs the strict application to this case of the Reglamento de Composición of June 25, of said year; after hearing the opinion of the technical authorities; in view of articles 4 and 5 of said regulations, has agreed to the opinion rendered by the department, and held accordingly that: (1) Manuel Ramirez y Carvajal is hereby considered as the lawful owner, for all the effects. * * * (2)

He is also acknowledged * * *. (3) The prohibition imposed by this Dirección General for cutting * * * is hereby canceled * * *. All of which I beg to inform you for your knowledge and for the proper effects. * * * Greeting, * * *. Date." There is a seal reading: "Dirección General de Administración Civil—Issued March 8, 98."

In view of the foregoing, and after proper proceedings, the Registration Court rendered its decision, decreeing the adjudication and registry of the land described in the petition, in the name of Manuel Ramirez y Rodriguez Trujillo, Irene, Ramirez y Salgado, and Amalia Ramirez y Rodriguez Trujillo.

The decision was based on the previous resolution of the Dirección General de Administración Civil of the former sovereignty and on subsection 4, section 54, of Act No. 926, according to which "all persons who were entitled to apply and did apply for adjustment or composition of title to lands against the Government under the Spanish laws and royal decrees in force prior to the royal decree of February thirteenth, eighteen hundred and ninety four, but who failed to receive title therefor through no default upon their part," may apply to the Court of Land Registration of the Philippine Islands for confirmation of their claims and the issuance of a certificate of title therefor.

Counsel for the Government impugns this decision, alleging three assignments of error committed by the trial court.

1. "In not declaring the abovementioned resolution of the Dirección General de Administración Civil, acknowledging Manuel Ramirez as the owner of the lands on the sides of the Sabani Mountain, null and void, and, consequently, in assigning said lands to the petitioners, holding them as being included in paragraph 4, section 54, of Act No. 926.

2. "Because neither do the petitioners come within the conditions of paragraph 6, section 54, of Act No. 926, and they can not, therefore, under such provision, apply for the ratification of their right nor for the issue of a certificate of title in their favor regarding the mountain slopes in question.

3. "Because neither Manuel Ramirez nor his predecessors have been in possession of the slopes of the mountains surrounding the Sabani Valley under the conditions required by the law in order that the ownership of an estate may be acquired by prescription by means of simple possession."

It does not seem necessary to consider the 2d and 3d assignments of error, the latter, because, as a matter of fact, we find no reason showing that the fact on which it is based, admitted by a resolution of the former sovereignty and by the trial court, is not supported by the evidence in the proceedings; nor the former, because the grant for the registration and for the title is founded on subsection 4, section 54, of Act No. 926.

As regard to the first assignment of error, we do not deem possible or feasible, in good law, that the courts of the present sovereignty should declare null a final resolution, adjudged during the former sovereignty. In the case of *Roura vs. The Insular Government* (8 Phil. Rep., 214) this court held: "(1) That an unappealed administrative decision becomes firm and constitutes a judgment in the matter between the interested parties; (2) that, whatever may have been the nature of the decision of the former sovereignty—whatever may have been the defects it contained or the injuries thereby inflicted upon private individuals—the logical and proper thing to do was to take exception to the error, to the violation of law, the absence of jurisdiction, the excess of powers, the infringement of private rights, in fact to everything that could be objected to in the form of a petition for remedy, filed in due course with the higher authorities either through administrative channels or, through the *contencioso-administrativo* procedure with the courts of said jurisdiction, which existed under the former sovereignty."

The decision in question was final, and the *contencioso* appeal against the same should have been filed within the period of three months. From March 2, the date of the decision, to August 13, 1898, the date on which the city of Manila was occupied by the military, the Spanish *contencioso-administrativo* court did not cease its functions, and there were five months for the appeal. And although the *contencioso* proceedings had only just been commenced, yet according to section 38 of Act No. 136 the Supreme Court would have had jurisdiction to try the same, after the suspension of the judicial proceedings on account of the war had been ended.

There was a decree of composition in favor of the predecessor of the petitioners. The jurisdiction of the *Dirección General de Administración Civil* which issued the same, as set forth in the decision itself, was well known.

Therefore, we affirm the judgment appealed from, without costs in this instance. So ordered.

Torres, Mapa, Johnson, Carson, Willard, and Tracey, JJ., concur.

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