

THE DIRECTOR OF LANDS, PETITIONER AND APPELLEE, VS. ISIDORO ABAJA ET AL., CLAIMANTS. ROMAN DE ARRUZA AND MARIO LUZURIAGA, APPELLANTS.

G. R. No. 42134. October 21, 1936

Ponente: LAUREL, J.

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LAUREL, J.:

This is an appeal from an order of the Court of First Instance of Occidental Negros denying the motion of the appellants to set aside the decision of that court in Cadastral Case No. 22, G. L. R. O. Record No. 174, declaring lot No. 712 public land, and to reopen the case as to said lot in accordance with the provisions of Act No. 4043 of the Philippine Legislature.

The facts of this case are undisputed. On June 12, 1919, the Assistant Director of Lands filed in the Court of First Instance of Occidental Negros a petition praying that the titles with respect to a tract of land containing about 23,443,355 square meters, divided into lots and situated in the municipality of Hog, Occidental Negros, be settled and adjudicated in accordance with the provisions of Act No. 2259, otherwise known as the Cadastral Act. After due hearing, the lower court, in a decision dated August 15, 1925, declared lot No. 712, comprising about 1,322 square meters, public land because no one appeared to claim it. On January 25, 1934, a motion was filed in the same court by the herein appellants, Roman de Arruza and Mario Luzuriaga, through their attorney, praying that the aforesaid decision of the lower court be set aside in so far as lot No. 712 was concerned, that a new trial be granted and that they be allowed to present their claim under the provisions of Act No. 4043. On February 2, 1934, the provincial fiscal of Occidental Negros, on behalf of the government, filed an opposition to the appellants' motion contending that the Court of First Instance of Occidental Negros had no jurisdiction to reopen the case with respect to lot No. 712 because the motion was not filed within the time limit prescribed by Act No. 4043. On April 20, 1934, the judge of the said court denied the motion of the appellants in an order the dispositive part of which is as follows.:

"Interpretando las disposiciones de la Ley arriba acotada, el Juzgado es de opinion que la oposici6n del Fiscal Provincial esta bien fundada. Los procedimientos judiciales en cuanto al expediente catastral arriba especificado se han iniciado en junio 12 de 1919, en virtud de una solicitud presentada por el Director de Terrenos, bajo la Ley No. 2259, pidiendo que se fije y declare el dominio y titulo de los lotes de terreno comprendidos en el referido expediente catastral, entre los cuales estaba el Lote No. 712 objeto de esta moci6n. Desde junio 12 de 1919 hasta febrero 18 de 1933, en que la Ley No. 4043 entro en vigor, han transcurrido trece anos, ocho meses y seis dias y, por tanto, todas aquellas personas que pretendan tener derecho de propiedad sobre los terrenos comprendidos dentro del expediente catastral arriba titulado ya no tienen derecho de acogerse a los beneficios de la Ley No. 4043 para pedir la reapertura de dicho expediente."

The appellants assign three errors alleged to have been committed by the court below all of which raise but one legal question, namely, whether the ten-year period mentioned in Act No. 4043 should be counted from the date the decision was rendered or from the date judicial proceedings were instituted in a cadastral case.

In determining the intention of the lawmaker, we are permitted to look to prior laws on the same subject and to investigate the antecedents or the legislative history of the statute involved (*Loewenstein vs. Page* [1910], 16 Phil., 84, 92; *U. & vs. De Guzman* [1915], 30 Phil., 416, 419; *Tamayo vs. Gsell* [1916], 35 Phil., 953, 963; *Mitsui Bussan Kaisha vs. Hongkong and Shanghai Banking Corporation* [1917], 36 Phil., 27, 36; *Go Chioco vs. Martinez* [1923], 45 Phil., 256, 270, 276; *Portillo vs*. Salvani* [1930], 54 Phil., 543, 546. See also *Kepner vs. United States* [1904], 195 U. S., 100; 24 Sup.Ct, 797; 49 Law. ed., 114; 11 Phil., 669, 692; *Serra vs. Mortiga* [1907], 204 U. S., 470; 27 Sup. Ct, 343; 51 Law. ed., 571; 11 Phil., 762, 766; *Alzua and Arnalot vs. Johnson* [1912], 21 Phil., 308, 331; *affd in 231 U. S., 106*; 34 Sup. Ct., 27; 58 Law, ed., 142; *United States vs. Katz* [1925], 271 U. S., 354; 46 Sup. Ct., 513; 72 Law. ed., 986).

Act No. 4043 was not the only Act passed by the Philippine Legislature to enable persons whose lands had been declared public lands by virtue of the operation of the cadastral system to recover said lands after complying with certain prescribed conditions.

In 1923, the Legislature enacted Act No. 3059 (declared in force by Executive Proclamation No. 57, dated September 25, 1923); in 1930, it approved Act No. 3672 (declared in force by Executive Proclamation No. 299, dated February 28, 1930), and more recently in 1934, it passed Act No. 4195 (declared in force by Executive Proclamation No. 767, dated February 7, 1935). A cursory scrutiny of these four Acts will show that while the titles of Acts Nos. 4043 and 4195 refer to "parcels of land that have been declared public land, by virtue of judicial decisions rendered etc.", those of the earlier Acts Nos. 3059 and 3672 fail to make any such allusion. The title of Act No. 3059 is as follows:

"An Act to provide that certain claims to parcels of land that have been declared public land may be filed in the proper court within the period of one year, under certain conditions." The title of Act No. 3672 is as follows:

"An Act to authorize the filing in the proper court, under certain conditions, of certain claims of title to parcels of land that have been declared public land, within the period of one year from the date of the promulgation of this Act." The title of Act No. 4043 is as follows:

"An Act to authorize the filing in the proper court, under certain conditions, of certain claims of title to parcels of land that have been declared public land, by virtue of judicial decisions rendered within the fifteen years next preceding the approval of this Act." (Underscoring ours.) And the title of Act No. 4195 reads:

"An Act to authorize the filing in the proper court, under certain conditions, of certain claims of title to parcels of land that have been declared public land, by virtue of judicial decisions rendered within the fifteen years next preceding the approval of this Act." (Underscoring ours.) Upon the other hand, the bodies of all the four Acts just mentioned speak in clear and, unmistakable terms of parcels of land that "have been, or are about to be, declared land of public domain, by virtue of judicial proceedings instituted etc,"

The discrepancy between the titles and the bodies of Acts Nos. 4043 and 4195 may be explained. Act No. 4043 was originally House Bill No. 949 (First Session, Ninth Philippine Legislature). The said bill as presented referred in both its title and body solely to the rendition of judicial decisions. The first paragraph of the explanatory note prepared by the authors of the bill reads:

"The attached bill is practically the same as Act No. 3672 approved by the Eighth Legislature with the exception that it authorizes the filing of claims to lots that have been declared public land by virtue of judicial decisions rendered during the last ten years, whereas by Act 3672 no such claims may be authorized if the judicial proceedings were instituted more than ten years ago."

It is obvious that the intention of the framers of House Bill No. 949 was to alter the language and the meaning of the previous Acts of the Legislature on the same subject. The Legislature, however, thought it proper not to make

such alteration and as finally approved, Act No. 4043 adopts the language used in Acts Nos. 3059 and 3672 and refers to the institution of judicial proceedings instead of the rendition of judicial decision as proposed by the authors of the bill. In enacting the bill into law, however, the corresponding change in the title was not made. It is pertinent to observe in this connection that the title of Act No. 4043, herein before quoted, is a verbatim copy of the title of House Bill No. 949. When Act No. 4195 was passed, the title of Act No. 4043 was almost literally retained.

The fact that in all the four Acts so far passed by the Philippine Legislature on the subject there has been a repeated and consistent reference to the institution of judicial proceedings has the starting point in the computation of the period of ten years (or fifteen years as regards Act No. 4195) therein laid down is, in our opinion, significant. It shows beyond question the desire of the Legislature to adhere to the one and only method of computation consistently followed by it since the beginning. Whether the statute is in this respect wise and expedient is not for us to determine (*U. S. vs. Ten Yu* [1912], 24 Phil., 1, 10; *U. S. vs. Estapia* [1917], 37 Phil., 17,26; *Cruz vs. Youngberg* [1931], 56 Phil., 234, 238). Courts must administer the law, not as they "think it ought to be but as they find it and without regard to consequences." (*Velasco vs. Lopez* [1903], 1 Phil., 720, 723, 724.)

It will also be observed that the body of Act No. 4043, like those of Acts Nos. 3059, 3672 and 4195, employ the phrase "are about to be, declared land of public domain". This phrase would be meaningless if we construe the Act to refer to the rendition of judicial decisions in cadastral cases. A judicial decision may declare lands to be of the public domain but to say that a decision is about to declare it so would be absurd. The fact that the construction placed upon the statute by the appellants would lead to an absurdity is another argument for rejecting it (*In re Allen* [1903], 2 Phil., 630, 643; *Marin vs. Nacianceno* [1911], 19 Phil., 238, 240; *Rivera vs. Campbell* [1916], 34 Phil., 348, 353; *Chartered Bank of India, Australia and China vs. Imperial and National Bank* [1921], 48 Phil., 931, 948; *City of Manila vs. Lyric Music House* [1930], 62 Phil., 125; 25 R. C. L., 1019).

The contention of the appellants that the reference made in Executive Proclamation No. 549 to the rendition of judicial decisions as the starting point in the computation of the ten-year period mentioned in Act No. 4043 amounts to a contemporaneous construction placed upon the statute by the Executive Department of the Government and, therefore, is entitled to great weight and respect, is devoid of foundation. All that the proclamation did was to copy the title of the statute to which it referred. At any rate, the intention of the Legislature, as disclosed by a uniform trend of legislation, is clearly expressed in the body of Act No. 4043, and it is our duty to give effect to that intention in the case before us (sec. 288, Code of Civil Procedure).

The more recent Act No. 4195 repeals Act No. 4043. But the provisions of said Act No. 4195 can not be availed of by the claimants and appellants herein, because the cadastral proceedings in question were instituted on June 12, 1919, or more than fifteen years before the approval of that Act. It appearing, however, that the other provisions of the Act have been complied with, that is to say, (1) that at the time of the survey, the claimants were in actual possession of the parcel of land involved, (2) that for some justifiable reason, they were unable to file their claim in the proper court during the period established by law, (3) that the land has not yet been alienated, reserved, teased, granted, or otherwise provisionally or permanently disposed of by the Government, and (4) that all taxes, interests and penalties thereof have been paid, the claimants and appellants herein may bring the matter to the attention of the proper administrative authorities for such action as they might deem proper and equitable.

In view of the conclusion reached by us on the principal question raised in the case at bar, we do not deem it necessary to pass upon the other questions raised by counsel for both parties in their briefs.

The judgment of the lower court is hereby affirmed, with- out costs. So ordered.

Avanceña, C. J., Villa-Real, Abad Santos, Imperial, and Diaz, JJ., concur.

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