

RIZALINA DE LA ROSA ET AL., PLAINTIFFS AND APPELLEES, VS. MAXIMIANA EDRALIN ET AL., DEFENDANTS AND APPELLANTS.*G.R. No. 43585. May 27, 1939*

Ponente: AVANCENA, C.J.

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Bonifacio de la Rosa was first married to Narcisa Regidor, with whom he had three children, named Julian, Rizalina and Eustaquia. Julian died without leaving any descendant. After the death of Narcisa Regidor, Bonifacio de la Rosa contracted a second marriage with Maximiana Edralin, with whom he had a child, named Salunica.

Bonifacio de la Rosa migrated to Mindanao with his second wife and the three children of his first marriage with Narcisa Regidor, establishing himself in Salunayan, municipal district of Midsayap, Province of Cotabato, where he applied for a homestead measuring twelve (12) hectares, eight (8) ares and sixty-seven (67) centares. He cleared and tilled this land with the help of his second wife, Maximiana Edralin, and of the children of his first marriage. On December 17, 1927, Bonifacio de la Rosa died. On February 1, 1928, the Director of Lands wrote a letter, still addressed to Bonifacio de la Rosa, with the information that he had received the papers relative to the final proof which he submitted in connection with his homestead and that this proof was accepted on condition that it would not be approved until the statements set out therein are verified. On May 6, 1930, this final proof was approved, and as all the fees corresponding to said homestead had been paid and all the legal requirements had been complied with, the Director of Lands issued in favor of Maximiana Edralin, as the widow of Bonifacio de la Rosa, the corresponding certificate of title, which was noted in the office of the registrar of deeds of Cotabato on November 22 of the same year.

On September 27, 1932 the children of Bonifacio de la Rosa by his two marriages filed a complaint against Maximiana Edralin in the Court of First Instance of Cotabato, asking that the certificate of title issued in her name be cancelled and another be issued in the name of Rizalina, Eustaquia and Salunica de la Rosa, children of the deceased Bonifacio de la Rosa. Sustaining the complaint, the court declared the certificate of title issued by the Director of Lands on May 6, 1930 null and void, and ordered the said Director of Lands to issue another in favor of Rizalina de la Rosa, Eustaquia de la Rosa and Salunica de la Rosa. From this decision the appeal now before this court was taken.

Section 103 of Act No. 2874 provides that, if the applicant for a homestead shall die before the issuance of the patent, he shall be succeeded in his rights and obligations by his widow, in whose favor the patent shall be issued after she has complied with all the legal requirements. This Act No. 2874 was amended by Act No. 3517, which took effect on February 4, 1929, in the sense that, instead of the widow, the applicant shall be succeeded in his rights and obligations by his legal heirs.

The question thus to be answered boils down to the law applicable to the case, whether Act No. 2874 or the amendatory Act No. 3517. The court applied the latter and so declared null and void the certificate issued by the Director of Lands in the name of the widow pursuant to the former. We hold that the appealed decision is

erroneous.

Act No. 3517 has no retroactive effect. The final proof that the legal requirements had been complied with, for the issuance of the homestead patent, was submitted on January 11, 1928, and accepted by the Director of Lands on February 1st of the same year. On that date Act No. 2874, and not Act No. 3517, was still in force, under which the widow was entitled to have the certificate of title issued in her name.

That this proof was approved by the Director of Lands on May 6, 1930 only, while Act No. 3517 was already in force, does not affect the right acquired by the widow, if not to the ownership of the land derived from the patent, because this has not yet been issued, at least to the issuance of said patent in her name, as was done by the Director of Lands. The effects of the approval of the final proof should retroact to the date the proof was submitted. The investigation which the Director of Lands conducts before his approval is only intended to verify the facts submitted with the proof. If they are verified, and this is all that the law requires, the approval is given, and the right to the patent then arises on the strength of the facts thus verified. Consequently, the approval of the proof means that the right to the patent came into being from the time the proof was submitted, as from that time the facts which give rise to the right already existed. If the law then conferred this right on the widow, a subsequent law cannot divest her of such right. The delay of the Director of Lands in verifying the facts referred to in the final proof should not change the effects thereof.

In view of the foregoing, the appealed decision is reversed, and the certificate of title issued by the Director of Lands in the name of Maximiana Edralin is declared valid and binding, with the costs to the appellees. So ordered.

Villa-Real, Imperial, Diaz, Laurel, Concepcion, and Moran, JJ., concur.

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