

W. F. STEVENSON & CO., LTD., PETITIONER, VS. EULOGIO RODRIGUEZ, SECRETARY OF AGRICULTURE AND COMMERCE, AND JOSE P. DANS, DIRECTOR OF LANDS, RESPONDENTS.

G. R. No. 45314. December 29, 1936

Ponente: IMPERIAL, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-45314/>

IMPERIAL, J.:

The petitioner filed this petition to set aside the proceedings conducted by the Director of Lands in connection with certain applications for homesteads, and particularly the decisions rendered by the respondents dismissing the petitioner's protest

According to the complaint, the petitioner is the absolute owner, in fee simple, of a parcel of land situated in Palo, municipality of Bato, Province of Camarines Sur, bounded on the northwest by public lands; on the southeast by the Pambuhan River, public lands and property of Robert E. Manly; on the southwest by the Ragay Gulf, and on the northwest by the Quiquiog River and property of Isidora Oida; with an area of 400 hectares, 18 ares and 45 centiares; the bearings and distances of which appear in Plan 11-3707 approved by the Director of Lands on December 13, 1910. The petitioner claims that he possesses a possessory information title and a title by composition with the State of the land in question, which were issued by the former Spanish Government to Cosme Zatarain y Castillo and Lomas, its predecessors in interest, in the years 1391 and 1892, respectively. Prior to August 25, 1933, several persons filed applications for homesteads in the Bureau of Lands, claiming portions included in said land. On October 31, 1933, the petitioner filed a protest under oath in said office, alleging that it was the exclusive owner of the land and that the Director of Lands had no jurisdiction to consider the applications and adjudicate the portions of land claimed as homesteads, and asked that the applications be denied. The Director of Lands sent two of his inspectors to investigate the condition of the land and later to submit their report. According to the inspectors, the investigation showed that the petitioner had never been in possession of the land or made any improvement thereon and that it was the applicants who were in the material possession of the portions claimed by them and had made improvements thereon. The petitioner refrained from presenting evidence in support of its ownership and possession and while it presented copies of the records of its titles, it was for the sole purpose of questioning the jurisdiction of the Director of Lands. The Director of Lands dismissed its protest upon the foregoing facts. The petitioner appealed to the Secretary of Agriculture and Commerce but its appeal was overruled on the ground that it was interposed out of time. It filed a motion for reconsideration which was acted upon favorably and, after the filing of its memorandum wherein it assigned the alleged errors committed by the Director of Lands, the Secretary of Agriculture and Commerce rendered a decision affirming that of the Director of Lands. The motion for reconsideration filed later was likewise denied.

The petitioner contends that as the land is private property, the petitioner being in possession of titles of possession and by composition with the State, it has ceased to form a part of the lands of the public domain, and consequently the respondents have no jurisdiction to conduct the investigation or to render the decision granting, the portions of said real property as homesteads, and cites in its support sections 2 and 8 of Act No. 2874 as

amended. Although the petitioner might be the true owner of the land because it alleges that it has titles of possession and composition with the State, it was not absolutely entitled to have its titles respected in said administrative investigation conducted by the Director of Lands, in view of the fact that the investigation revealed that it was not the petitioner but the applicants for homesteads who were in possession of said land. Section 4 of said Act expressly confers jurisdiction upon the Director of Lands to conduct investigations of this nature and provides that his conclusions of facts, once they are approved by the Secretary of Agriculture and Commerce, are final (*Julian vs. Apostol*, 52 Phil., 422). Not only was the petitioner found not to be in possession of the land but, according to the inspectors who made an ocular inspection, it never was in the material possession thereof and did not pay the land tax on said property since 1901. These being the facts, this court holds that the Director of Lands had jurisdiction to conduct the investigation and render the decision in question affirmed by the Secretary of Agriculture and Commerce. The decisions of these officials relative to the validity of the petitioner's titles are, of course, neither final nor indisputable.

There is another reason justifying the denial of the petition filed by the petitioner and it is that, under the provision of section 217 of the Code of Civil Procedure, it shall not be granted when there is a plain, speedy and adequate remedy in the ordinary course of law. The petitioner may very well enforce its rights of ownership and possession by bringing an ordinary civil action in the competent Court of First Instance. To declare the petitioner in these proceedings the absolute owner of the entire land entitled to the exclusive possession thereof, would be equivalent to depriving the Director of Lands of his authority expressly conferred by law to conduct investigations for the purpose of determining whether or not certain lands applied for as homesteads are of the public domain.

For the foregoing considerations, the remedy applied for is denied, with costs to the petitioner. So ordered.

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

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.