

JUAN CASTILLO, APPLICANT, VS. THE DIRECTOR OF LANDS AND LA UNION AGRICOLA Y PECUARIA DEL SUR DE LUZON, OPPOSITORS; LA UNION AGRICOLA Y PECUARIA DEL SUR DE LUZON, PETITIONER AND ...

G.R. No. 46470. September 27, 1939

Ponente: LAUREL, J.

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LAUREL, J.:

On June 30, 1920, the sales application of the La Union Agricola y Pecuaria del Sur de Luzon to purchase from the Government 1,024 hectares of grazing land situated in the municipality of Baao, Province of Camarines Sur, filed in 1919 with the Director of the Bureau of Lands, was duly approved. This entity during the same year acquired the adjoining properties, consisting of three parcels of rice land, from Teodosio Cortez, Valentin Bulalacao and ToMasa Benosa. Survey of the government-purchased land showed that it contained a total area of 1,017.6272 hectares, while the three parcels of rice land had an area of 54.0070 hectares. A consolidated plan was made and the rice land was indicated therein as lot No. 12.

On August 25, 1930, one Juan Castillo filed an application for the registration of certain parcels of land located in the same municipality. La Union Agricola y Percuaría del Sur de Luzon, the Director of Lands, the Director of Forestry and several adverse claimants filed their oppositions. The first-named oppositor based its opposition on the ground that applicant's plan Psu-77657, marked Exhibit B, included eight parcels of the grazing land bought from the Government, and the three parcels of rice land purchased from private persons. The Government opposed the registration because the land sought to be registered is public. Denial of Castillo's application by the Court of First Instance of Camarines Sur followed, and, on appeal, the decision was affirmed by the Court of Appeals in a decision promulgated February 25, 1938. After the case was returned to the court of origin, La Union Agricola y Percuaría del Sur de Luzon, on May 20, 1938, filed with that court a motion praying for amplification of its decision "by making an express finding to the effect that the herein petitioner, La Union Agricola y Pecuaria del Sur de Luzon is the owner in fee simple of the said Lot No. 12 and entitled to the decree in fee simple of the said lot No. 12 and entitled to the decree and registration of the same in its name." The motion was denied by the lower court on June 17, 1938, on the authority of *Shioji vs. Harvey* (43 Phil., 333). Exception was taken and the case was elevated to this court by bill of exceptions.

Counsel for the corporation alleges that not even the Government questions appellant's ownership over lot No. 12; that this being the case, it will be paying for what already belongs to it; not only this, but if this parcel, lot No. 12, is included as part of the grazing land, the Director of Lands, it is contended, would have approved the sales application in spite of the fact that the total area is more than what is allowed by law. (Sec. 2, Article XII, Constitution.) Counsel then contends that this case, being one of clerical error, the court may make the necessary correction even after the case has been remanded to it for execution and proceeds to cite authorities to support his stand.

Perusal of the decision of the lower court shows that the error sought to be corrected is not of a clerical nature. In the decision rendered by the Court of First Instance on January 31, 1935 (bill of exceptions, pp. 2-19), it appears that lot No. 12 formed part of the land purchased from the Government. "* * * La opositora La Union Agricola y Pecuaria," runs the decisions, "solicito del Gobierno la compra de una extension de terreno en Baao (Exh. 7-Pecuaria), que incluye totalmente los lotes Nos. 4, 5, 6, 7, 8, 9, 10, 11 y 12 del plano Psu-77657, cuyo registro Juan Castillo solicita * * *." (Bill of exceptions, p. 6.) And in the dispositive part of the said decision, the lower court concluded: "* * * que dichos terrenos son terrenos publicos, sujetos a los derechos adquiridos por La Union Agricola y Pecuaria del Sur de Luzon como solicitante de compra del Gobierno. * * *"

To exclude lot No. 12, under the circumstances, is far from correcting a mere clerical error, and it is apparent that at this stage of the proceedings we cannot alter the findings and conclusion of the lower court with reference to lot No. 12. It should be observed, however, that the Government does not seem to pretend that lot No. 12 ever formed part of the grazing land purchased by the appellant. In point of fact, the Government has not filed any brief in this appeal. As no one should be permitted to enrich himself at the expense of another (*Angeles vs. Samia*, 37 Off. Gaz., 303, 305, citing *Gustillo vs. Maravilla*, 48 Phil., 442; and *Angelo vs. Director of Lands*, 49 Phil., 838), it is believed that the corresponding administrative office or department of the Government may take such appropriate steps as may be necessary with a view to the recognition of the claim of the La Union Agricola y Pecuaria del Sur de Luzon, should such claim be found to be justified by the facts and equities of the case, attention in this connection being further invited to the provision of section 2 of Article XII of our Constitution with reference to the extent of agricultural land that may be acquired by a private corporation or association.

The decision appealed from is affirmed, without any pronouncement regarding costs. So Ordered.

Avanceña, C. J., Villa-Real, Imperial, Diaz, Concepcion, and Moran, JJ., concur.

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