

MONTE DE PIEDAD Y CAJA DE AHORROS DE MANILA, APPLICANT AND APPELLANT, VS. TOMAS ROBERTO AND CLARA PESAFLOR, AND THE DIRECTOR OF LANDS, OPPOSITORS AND APPELLEES.*G.R. No. 47962. April 18, 1941*

Ponente: MORAN, J.

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On July 13, 1913, the Roman Catholic Archbishop of Manila, as a corporation sole, filed a petition in the Court of First Instance of Bataan for the registration in its favor of the "Hacienda Dinalupihan". The petition was opposed by the Director of Lands on the ground that some of the portions of the land sought to be registered have been applied for as homesteads by Felipe Peñaflor and Basilio Penaflor under applications of December 6, 1907, and November 11, 1908. On May 15, 1914, judgment was rendered adjudicating the "hacienda," including the portions of land disputed by the Director of Lands, in favor of the Roman Catholic Archbishop of Manila, and on May 16, 1922, the final decree therefor was issued.

It also appears that, after investigations duly conducted by the Bureau of Lands in accordance with the requirements of law, the land applied for by Felipe Penaflor and Basilio Penaflor were found to be "unclaimed, unoccupied, and uncultivated public agricultural lands," and accordingly, the homestead applications of said applicants were approved and corresponding patents given out, and on June 23, 1917, and May 17, 1918, certificates of title were issued by the register of deeds of Bataan in their favor. Thereafter, Felipe Penaflor and Basilio Penaflor conveyed their homesteads to Tomas Roberto and Clara Penaflor to whom transfer certificates of title were issued. Upon such certificates of title as well as upon the original ones the following notation was made:

"Lot 'A' 2.9086 hectares, included within the boundaries of the above described property is in conflict with lot 1 of 11-6927."

"Lot 'A' 7.3260 hectares, included within the boundaries of the above described property is in conflict with lot 1 of 11-6927."

Plan 11-6927, mentioned in the foregoing notation, pertains to the certificate of title of the Roman Catholic Archbishop of Manila and the lots therein recited constitute the subject of the present litigation. "El Monte de Piedad," successor in interest of the Roman Catholic Archbishop of Manila, discovering that the parcels in question were occupied by Tomas Roberto and Clara Peñaflor, filed on August 10, 1937, a petition for a writ of possession in its favor, which petition was opposed by said Tomas Roberto and Clara Penaflor. On June 30, 1938, the lower court granted the writ, but upon motion for reconsideration by Tomas Roberto and Clara Penaflor, the order granting the writ was set aside and a new order issued denying the petition. Hence, this appeal.

It does not seem to be fair to the Penaflors that such a serious question like the validity of their certificates of title be passed upon summarily in a petition for writ of possession. While, on the one hand, the parcels of land in question were first registered in the name of the Penaflors, predecessors in interest of the present oppositors, and five years thereafter they were registered in the name of the Roman Catholic Archbishop of Manila, predecessor

in interest of the present appellant, and the settled rule which entitles the first registrant to an indefeasible title against the second registrant (*Legarda and Prieto v. Saleeby*, 31 Phil., 590; *Acantilado v. De Santos*, 32 Phil., 350; *Government of P. I. v. Arias*, 36 Phil., 194; *Government of P. I. v. Zamora*, 41 Phil., 905; *Roman Catholic Bishop of Cebu v. Phil. Railway Co.*, 49 Phil., 546; *Reyes and Nadres v. Borbon*, 50 Phil., 791; Niblack, *Analysis of the Torrens System*, p. 237; Hogg, *Australian Torrens System*, p. 823), would seem to apply, on the other hand, the Director of Lands has duly filed its opposition in the original registration case on the ground that the parcels of land in question had been applied for as homesteads by the Penafors; that notwithstanding this opposition, a decision was rendered adjudicating the land to the Roman Catholic Archbishop of Manila; that such decision has become final, and the issuance of the government patent in favor of the Penafors three or four years after the rendition of such decision and in disregard thereof is, unless otherwise clarified, of dubious validity. (See. 301, No. 1, of Act No. 190, now Kule 39, Sec. 44, Rules of Court). Under these circumstances, and there being incidental questions involved, such as the good or bad faith in possession as a prerequisite to claim for improvements, a complete exploration of the merits of the case in an appropriate, independent action—and not merely in an incidental proceeding as the instant one—appears necessary for a just solution of the whole conflict between the parties.

Wherefore, with a view to giving the parties an opportunity to take the appropriate action on the premises, pursuant to the suggestion contained herein, the order denying the petition is affirmed, without costs.

Imperial, Diaz, Laurel, and Horrilleno, JJ., concur.

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