

**THE DIRECTOR OF LANDS, PETITIONER AND APPELLANT, VS.
ELEUTERIO ABOHDO ET AL., CLAIMANTS. MARIA MANTILLA DE
ORTIZ, CLAIMANT AND APPELLEE; SOFIA ROBLES DE BERNARTE,
CLAIMANT AND A...**

G.R. No. 48202. November 28, 1942

Ponente: MORAN, J.

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MORAN, J.:

- REGISTRATION OF LANDS; COURT CANNOT CONFER A NEW TITLE BUT CAN ONLY CONFIRM ONE ALREADY VESTED AND EXISTING; CASE AT BAR.—It is a settled rule that in cadastral or any kind of land registration proceedings, the court cannot confer a new title but can only confirm one already vested and existing, with a view to rendering it indefeasible. In the instant case, the appellee's acquisition of S's rights over the lots; the approval of this transfer by the Bureau of Lands; and her subsequent possession of the property and payment of the balance of the purchase price, confer upon her no more than an expectancy or an inchoate right to own the lots. Not until the patent or certificate has been duly issued to her, does title over the lots vest in her. As no claim to such patent is by her laid, there was no title in her which the court can confirm. The lots are, therefore, still part of the public domain. 2.

- ID.; ID.; ID.; COURT CANNOT DEPRIVE BUREAU OF LANDS OF EXCLUSIVE AUTHORITY OVER DISPOSITION OF PUBLIC LANDS.—As the Bureau of Lands, subject to the control of the Secretary of Agriculture and Commerce, is conferred "direct executive control of * * * sale or any other form of concession or disposition and management of the public domain" (sections 4 and 5, Commonwealth Act No. 141), this conferred authority must be deemed exclusive; and the court can not, in the guise of official function, deprive the Bureau of Lands of such control any more than it can divest the state of its title and confer it to another.

APPEAL from a judgment of the Court of First Instance of Albay. Lesaca, J.

Decision penned by Associate Justice Manuel V. Moran.

Solicitor-General Ozaeta and Solicitor Torres for petitioner-appellant.

Ranola & Lorayes for claimant-appellant.

Maximo Nicolada for claimant-appellee.

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