

HEIRS OF AGUSTIN FIESTA AND SIMEON JUAN, PETITIONERS, VS. THE HONORABLE COURT OF APPEALS AND POTENCIANO REAÑO, RESPONDENTS.

G.R. No. 50345. May 14, 1985

Ponente: MELENCIO-HERRERA, J.

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MELENCIO-HERRERA, J.:

This Petition for Review on Certiorari seeks the reversal of the Decision of the then Court of Appeals (in CA-G.R. No. 58190-R), affirming in toto the Decision of the former Court of First Instance of Nueva Ecija, Branch 1, awarding the lots in question to private respondent Potenciano REANO.

On January 14, 1934, after a cadastral survey of the Municipality of Sta. Rosa, Nueva Ecija, the Director of Lands filed a petition before the then Court of First Instance of Nueva Ecija (Cadastral Court, for short) praying that titles to the cadastral lots be settled and adjudicated (Cad. Case No. 67; LRC Cad. Rec. No. 1556).

The deceased, Agustin FIESTA, filed an Answer on June 15, 1940 claiming Lot No. 1858 and on July 6, 1940, a claim for Lot No. 1 890. Petitioner Simeon JUAN claimed Lots Nos. 1877 and

After its Order of General Default issued on July 8, 1940, the Cadastral Court took no further action due to the outbreak of the 2nd World War.

On May 26, 1948, petitioner JUAN obtained OCT No. P-241 covering Lots Nos. 1877 and 1888. He died in 1965 and his heirs succeeded him in possession.

On his part, FIESTA obtained OCT No. P-695 for Lots Nos. 1858 and 1890, pursuant to a Homestead Patent granted on April 7, 1951. Upon his death in 1953, TCT No. NT-22990 was issued in favor of his heirs who have since substituted him in this case.

On January 24, 1958, or eighteen years after the Order of General Default, the case was reset for hearing upon motion of another claimant, Rosalina Z. Tiongco.

On May 16, 1966, private respondent REAÑO prayed for the lifting of the Order of General Default and for the admission of his Answer claiming approximately 30 cadastral lots including the lots already titled in the names of FIESTA and JUAN. REAÑO based his claim on a deed of sale from the Heirs of Pedro Padilla who traced their title to an "information possessoria."

After protracted litigation, the Cadastral Court rendered a Decision on November 25, 1971 adjudicating a number of lots in favor of REAÑO, including the lots claimed by petitioners FIESTA and JUAN. The Cadastral Court declared:

"All homestead patents or free patents covering areas in the premises in question issued by the Director of Lands after January 18, 1934 are hereby declared null and void."

After several pleadings filed and resolved, the reconsideration sought by petitioners was ultimately granted. On appeal by REAÑO, however, respondent Appellate Court set aside the Order granting reconsideration and reinstated the Cadastral Court Decision of November 25, 1971 adjudicating the lots here in question to REAÑO. Hence, the present Petition for Review, to which we gave due course.

The sole issue presented for determination is whether or not the Director of Lands could validly grant homestead patents in petitioners' favor during the pendency of cadastral proceedings for lands the nature and character of which had not yet been determined.

The issue raised has already been resolved in the following related cases: *De la Cruz, et al vs. Reano, et al.*, G.R. No. L-29792; *Francisco Juan, et al. vs. Reano, et al.*, G.R. No. L-29866 (34 SCRA 585 [1970]); and more recently in *De la Cruz, et al. vs. Hon. Pobre Yñigo, et al.*, G.R. No. L-39899 (126 SCRA 413 [1983]). As a matter of fact, those cases and the present one involve the same cadastral proceeding (Cad. Case No. 67, LRC Cad. Rec. No. 1 556 of the Nueva Ecija CFI), and differ only as to claimants and lots involved.

In G.R. No. L-29792 and G.R. No. L-29866, this Court held:

"The issue arising from the above facts may be briefly stated as follows:

"May a parcel of land already titled for more than ten years in the name of a party by virtue of a Homestead Patent issued by the Government in the ordinary course of administrative proceedings, be registered again in the name of another party as a result of subsequent cadastral proceedings?

"The answer, We believe, must be in the negative.

"In *Manalo v. Lukban, et al.*, Vol. 48, Phil. p. 973, We held that land granted by the Government to a private individual who applied for it as a homestead is considered no longer registerable within the meaning of the Land Registration Act after the issuance of the homestead patent and the original certificate of title issued in accordance therewith.

"In *Pamintuan v. San Agustin, et al.*, 43 Phil. 558, as well as in *El Hog Filipino v. Olviga*, 60 Phil. p. 17, We likewise held that in a cadastral proceeding the Court has no jurisdiction to decree again the registration of land already decreed and registered in an earlier registration case, and that the second decree entered for the same land is null and void.

"Moreover, considering that the petitioners in both cases before Us and their predecessors had been in possession of the land, first as homesteaders and later as absolute owners, for more than ten years before respondent Reaño filed his application for registration; that, as a result of the proceedings had in connection with their Homestead application, the homestead patents and original certificates of title mentioned heretofore were issued in their name, no further argument is needed to show that said petitioners and their predecessors had acquired title to the land by prescription."

In the present case, petitioner JUAN obtained OCT No. P-241 covering Lots Nos. 1877 and 1888 in 1948, or eighteen years before respondent REAÑO filed his Answer in the cadastral case. Similarly, FIESTA obtained OCT No. P-695 for Lots Nos. 1858 and 1890 pursuant to a Homestead Patent granted on April 7, 1951, or fifteen (15) years before REANO's Answer had been presented to the Cadastral Court. Significantly, too, before petitioners became registered owners, they were already homesteaders in possession of their respective lots.

Since the lots in question had been already titled in the names of FIESTA and JUAN for more than ten years before REAÑO intervened in the cadastral case, the Cadastral Court had no jurisdiction to adjudicate the lands again in favor of another party (*Manah vs. Lukban*, 48 Phil. 973; *Pamintuan vs. San Agustin, et al.*, 43 Phil. 558).

ACCORDINGLY, the judgment under review is hereby set aside. Transfer Certificate of Title No. NT-22990

covering Lots Nos. 1858 and 1890 issued in the name of the Heirs of Agustin Fiesta; and Original Certificate of Title No. P-24I covering Lots Nos. 1877 and 1888 in the name of Simeon Juan, are hereby declared valid and effective.

Costs against private respondent Potenciano Reaño.

SO ORDERED

Teehankee, (Actg. C.J.), Plana, Relova, Gutierrez, Jr., Dela Fuente, and Alampay, JJ., concur.

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