

**DIRECTOR OF LANDS, PETITIONER, VS. IGLESIA NI KRISTO AND
HON. DOMIN-GO D. PANIS, PRESIDING JUDGE, COURT OF FIRST
INSTANCE OF ZAMBALES AND OLONGA-PO, BR. III, RESPONDENTS.**

G.R. No. 54276. August 16, 1991

Ponente: NARVASA, J.

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NARVASA, J.:

Application of the doctrine laid down in 1986 in *Director of Lands v. I.A.C.*[1] is all that is necessary to resolve the issue presented in the appeal at bar.

The petitioner takes no issue with the factual findings of the Registration Court. In its petition,[2] it makes the following recitation of the relevant facts, viz.:

"Respondent Iglesia ni Kristo filed an application for the registration and confirmation of title over a parcel of land, with an area of 280 sq. meters, situated at Barrio Consuelo Sur, Municipality of San Marcelino, Province of Zambales. The application ** was docketed in the Court of First Instance of Zambales & Olongapo, Branch III (presided by respondent Judge) as LRC No. N-187-O.

Petitioner (Republic) opposed the application on the ground that the ** Iglesia ni Kristo is a private corporation, and that under Art. XIV, sec. 11, of the Constitution, private corporations cannot acquire lands of the public domain but can only hold them by lease in an area not exceeding 1,000 hectares. ** It appears that the applicant acquired the property in question from Gregorio Rolls and Romualdo Rolls (both of San Marcelino, Zambales) on May 23, 1946, as shown by the Deed of Sale (Exhibit 'I'). After acquiring the land, applicant had it declared for taxation purposes. ** ** The latest tax declaration of this same parcel of land starts with the year 1974 as per Tax Dec. No. 4763 **. The land is exempt from payment of Realty Tax, being devoted primarily for religious purposes (Exhibit N).

Without passing upon the Government's contention that respondent Iglesia ni Kristo was disqualified from acquiring the land in question, the trial court rendered judgment on June 2, 1980 decreeing the registration of the land in the name of the respondent (Iglesia). The dispositive portion of the decision reads:

WHEREFORE, judgment is hereby rendered registering and confirming the title of the applicant, Iglesia ni Kristo with its Executive Minister Eraño G. Manalo as corporation sole with office and postal address at corner of Central and Don Mariano Marcos Avenues, Diliman, Quezon City, over the parcel of land situated at Barrio Consuelo Sur, Municipality of San Marcelino, Province of Zambales, with an area of 280 sq. m. covered by Plan PSU-03-000947. (Exhibit 'F').

SO ORDERED."

(N.B. The decision also makes the finding that since acquiring the land, the Iglesia ni Kristo "has been in open, public, adverse, peaceful and continuous possession in the concept of an owner thereof to the present time," having in fact "put up a chapel made of concrete materials and galvanized iron for its roofing;" and that the "land is not also within any military or naval reservation.")

It is this decision of June 2, 1980 that is subject of the Government's petition for review on certiorari at bar.

The petition will have to be denied, in accordance with the judgment of this Court en banc in *Director of Lands v. Intermediate Appellate Court* handed down on December 29, 1986,[3] involving substantially similar facts. That judgment reconsidered and declared "no longer binding precedent," *Manila Electric Company v. Castro-Bartolome, et al.*, promulgated on June 29, 1982,[4] and instead adopted the dissenting opinion therein[5] (based on a line of cases beginning with *Carino v. Insular Government* in 1909[6] thru *Susi v. Razon* in 1925[7] down to *Herico v. Dar* in 1980.[8])

In that case, *Director of Lands v. I.A.C.*, a private corporation, *Acme Plywood & Veneer Co., Inc.* purchased a tract of land in 1962 from *Mariano Infiel* and *Acer Infiel*, two members of the *Dumagat* tribe, but applied with the Court for registration of its title over the land under the *Torrens Act* only in July, 1981, long after the effectivity of the 1973 Constitution -- which inter alia prohibits private corporations from holding alienable lands of the public domain, except by lease not to exceed 1,000 hectares (a prohibition not found in the 1935 Constitution, in force in 1962 when *Acme* purchased the land in question). There being no question that *Acme* and its predecessors-in-interest had possessed and occupied the land for more than the required 30-year period prescribed in Section 48 of the *Public Land Act* (*Commonwealth Act No. 141*, as amended),[9] the question presented to the Court en banc was whether or not the title that *Acme* had acquired in 1962 could be confirmed in its favor in proceedings instituted by it in 1981 when the 1973 Constitution was already in effect, having in mind the prohibition therein against private corporations holdings lands of the public domain. That question the Court en banc answered in this wise:

" ** (The weight of authority is) that open, exclusive and undisputed possession of alienable public land for the period prescribed by law creates the legal fiction whereby the land, upon completion of the requisite period ipso jure and without the need of judicial or other sanction, ceases to be public land and becomes private property. **

" ** ** **

"*Herico* (supra), in particular, appears to be squarely affirmative:

' *** Secondly, under the provisions of *Republic Act No. 1942*, which the respondent Court held to be inapplicable to the petitioner's case, with the latter's proven occupation and cultivation for more than 30 years since 1914, by himself and by his predecessors-in-interest, title over the lands has vested on petitioner so as to segregate the land from the mass of public land. Thereafter, it is no longer disposable under the *Public Land Act* as by free patent. * * * .

'As interpreted in several cases, when the conditions as specified in the foregoing provision are complied with, the possessor is deemed to have acquired, by operation of law, a right to a grant, a government grant, without the necessity of a certificate of title being issued. The land, therefore, ceased to be of the public domain and beyond the authority of the *Director of Lands* to dispose of. The application for confirmation is a mere formality, the lack of which does not affect the legal sufficiency of the title as would be evidenced by the patent and the *Torrens* title to be issued upon the strength of said patent.

"Nothing can more clearly demonstrate the logical inevitability of considering possession of public land which is of the character and duration prescribed by statute as the equivalent of an express grant from the State than the dictum of the statute itself (Section 48 (b) of *C.A. No. 141*) that the possessor(s) ' * * shall be conclusively presumed to have performed all the conditions essential to a Government grant and shall be entitled to a certificate of title * * * .' No proof being admissible to overcome a conclusive presumption, confirmation proceedings would, in truth, be little more than a formality, at the most limited to ascertaining whether the

possession claimed is of the required character and length of time; and registration thereunder would not confer title, but simply recognize a title already vested. The proceedings would not originally convert the land from public to private land, but only confirm such a conversion already effected by operation of law from the moment the required period of possession became complete. As was so well put in Cariño, ' * * (T)here are indications that registration was expected from all, but none sufficient to show that, for want of it, ownership actually gained would be lost. The effect of the proof, wherever made, was not to confer title, but simply to establish it, as already conferred by the decree, if not by earlier law.'

" * * * * *

" * * The purely accidental circumstance that confirmation proceedings were brought under the aegis of the 1973 Constitution which forbids corporations from owning lands of the public domain cannot defeat a right already vested before that law came into effect, or invalidate transactions then perfectly valid and proper. This Court has already held, in analogous circumstances, that the Constitution cannot impair vested rights."

The substantial identity of the facts and issues between the case at bar and *Director of Lands v. I.A.C.* being undeniable, and being cited to no persuasive reason to decline to apply the doctrine in the latter to the former, the Court, as aforesaid, has no alternative except to rule adversely to the petitioner.

WHEREFORE, the petition is DENIED and the judgment of the respondent Court dated June 2, 1980 in LRC No. N-187-0 entitled, "*Iglesia ni Kristo, etc. v. Director of Lands, et al.*," is AFFIRMED. No costs.

SO ORDERED.

Cruz, Gancayco, Griño-Aquino, and Medialdea, JJ., concur.

[1] 146 SCRA 509, 521-522, citing *Ayog v. Cusi*, 118 SCRA 492

[2] At pp. 17, 19-21, 27

[3] 146 SCRA 509

[4] 114 SCRA 799

[5] per Teehankee, J. (later Chief Justice of the Court) (at pp. 524-530)

[6] 41 Phil. 935, 944

[7] 48 Phil. 424

[8] 95 SCRA 437

[9] The section pertinently reads: "The following-described citizens of the Philippines, occupying lands of the public domain or claiming to own any such lands or an interest therein, but whose titles have not been perfected or completed, may apply to the Court of First Instance of the province where the land is located for confirmation of their claims and the issuance of a certificate of title therefor, under the Land Registration Act, to wit: * * (b) Those who by themselves or through their predecessors in interest have been in open, continuous, exclusive, and notorious possession and occupation of agricultural lands of the public domain, under a bona fide claim of acquisition or ownership, for at least thirty years immediately preceding the filing of the application for confirmation of title except when prevented by war or force majeure. These shall be conclusively presumed to have performed all the conditions essential to a Government grant and shall be entitled to a certificate of title

under the provisions of this chapter."

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