

REPUBLIC OF THE PHILIPPINES, PETITIONER, VS. HON. ANGEL G. SANGALANG, AS PRESIDING JUDGE, COURT OF FIRST INSTANCE OF BAGUIO AND BENQUET, BRANCH I; SPS. MARIANO KIANG, AND MIRAND...*G.R. No. 58822. April 08, 1988*

Ponente: YAP, J.

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This is a petition for review of the decision of the Court of First Instance of Baguio and Benquet, Branch I, dated May 26, 1981, in Civil Case No. 3168, entitled "Republic of the Philippines vs. Spouses Mariano Kiang, et al.," dismissing the complaint for the nullification of the decision of Judge Pio R. Marcos dated February 16, 1970, in Land Registration Case No. N-30, G.L.R.O. Record No. N-7307, which granted the petition of Mariano Kiang, et al. for the registration of two parcels of land, otherwise designated as Lots A and B, in Survey Plan II-11747 (SWO-34633) with an area of 117,911 square meters, situated in Residential Section "K" of Baguio City.

The background and antecedent facts pertinent to the case are as follows: The subject property was inherited by the private respondents Kiangs from their father, known as old man Kiang (one name) who in turn inherited the same from his parents Quebec and Cawano, who were in continuous possession of the land since the Spanish times.

For the purpose of securing title over the property in question, the old man Kiang had it surveyed by the Bureau of Lands on October 11, 1916, and filed an application for registration, docketed as Case No. 30, G.L.R.O. Record No. 12073. The said application was instituted by old man Kiang during the pendency of the land registration proceedings in Civil Reservation Case No. 1, G.L.R.O. Record No. 211, filed on April 12, 1912 with the Court of First Instance of Benquet, Mountain Province for the compulsory registration of all lands, buildings and interests within the limits of the Baguio Townsite Reservation in accordance with Section 62 of Act No. 926 (Public Land Act), in relation to Section 3, 4, 5 and 6 of Act No. 627 (an act to bring immediately under the operation of the Land Registration Act all land lying within military reservations). The said petition (Civil Reservation Case No. 1) involved the establishment of the Baguio Townsite Reservation, which included the lands of old man Kiang.

On November 13, 1922, the Court of First Instance of Benquet, Mountain Province, rendered a decision in Civil Reservation Case No. 1, declaring as public lands all lands within the limits of the Baguio Townsite Reservation, with the exception of lands reserved for specific public purposes and those claimed and adjudicated private property. Among those declared public lands were the lands applied for by old man Kiang under Case No. 30, G.L.R.O. Record No. 12073, which was dismissed by the court in said decision.

About 31 years later, or on October 1, 1953, the respondent Kiangs filed with the Court of First Instance of Baguio and Benquet an application for registration under Act No. 496, as amended, of the parcels of land in question, which was docketed as Land Registration Case No. N-30, G.L.R.O. Record No. N-7307. On February 16, 1970, the respondent court presided over by Judge Pio R. Marcos rendered a decision adjudicating the

aforesaid parcels of land in favor of the respondents. Accordingly, on April 17, 1975, the Land Registration Commission issued Decree No. N-154937 over the said lands in favor of applicant Kiangs, and on June 5, 1975, the Register of Deeds of Baguio City issued the corresponding Original Certificate of Title No. 0-280 to the applicants. Subsequently, the Kiangs conveyed portion of the lands covered by O.C.T. No. 0-280 to the other respondents herein (except respondents Register of Deeds of Baguio City and the Land Registration Commissioner).

On June 24, 1977, petitioner Republic of the Philippines, represented by the Solicitor General, filed a complaint with the Court of First Instance of Baguio and Benquet, docketed as Civil Case No. 3168, for the annulment of the decision of Judge Pio R. Marcos dated February 16, 1970, in Land Registration Case No. N-30, as well as the certificates of title issued pursuant thereto. Petitioner alleged in the petition that the claim of the respondent Kiangs was barred by the decision of the court in Civil Reservation Case No. 1, G.L.R.O. Record No. 211, dated November 13, 1922; that the respondent court had no jurisdiction over the subject matter and the nature of the action in Land Registration Case No. N-30 on the ground of *res judicata*, and consequently, all the proceedings held therein and the titles issued pursuant thereto were null and void *ab initio*. On May 26, 1981, the respondent court rendered its decision, dismissing the complaint. Hence, this appeal.

The issues raised in this petition are:

- Whether or not the respondent court had jurisdiction over Land Registration Case No. N-30 considering that the status and ownership of the lands applied for had already been settled and adjudicated in Civil Reservation Case No. 1.
- Whether or not the decision of respondent court in Civil Reservation Case No. 1 barred the application in Land Registration Case No. N-30.
- Whether or not the respondent court gravely erred in dismissing Civil Case No. 3168 for annulment of the decision in Land Reg. Case No. N-30 and the certificates of title issued pursuant thereto.

The basic issue in the instant case is whether or not the court which awarded title to the Kiangs in Land Registration Case No. N-30 had jurisdiction over the subject matter of the action. It is well-settled that lack of jurisdiction over the subject matter cannot be waived and can be raised at any time.[1] Jurisdiction of the subject matter is conferred by law and does not depend on the consent or objection or the acts or omissions of the parties or any one of them.[2]

The subject matter of Land Registration Case No. N-30 was property already declared public land and part of the Baguio Townsite Reservation by virtue of the decision of the Court of First Instance of Benquet, Mountain Province, dated November 13, 1922, in Civil Reservation Case No. 1, G.L.R.O. Record No. 12073. The latter case involved the compulsory registration of land within the Baguio Townsite Reservation pursuant to Section 62 of Act No. 926, in relation to Sections 3, 4, 5 and 6 of Act No. 627. Section 62 of Act No. 926 provides:

"Sec. 62. Whenever any lands in the Philippine Island are set apart as town sites, under the provisions of Chapter Five of this Act, it shall be lawful for the Chief of the Bureau of Public Lands, with the approval of the Secretary of the Interior, to notify the judge of the Court of Land Registration that such lands have been reserved as a town site and that all private lands or interests therein within the limits described ought forthwith to be brought within the operation of the Land Registration Act, and to become registered land within the meaning of said Registration Act. It shall be the duty of the judge of said court to issue a notice thereof, stating that claims for all private lands or interests therein within the limits described must be presented for registration under the Land Registration Act in the manner provided in Act Numbered Six hundred and twenty-seven, entitled "An Act to bring immediately under the operation of the Land Registration Act all lands lying within the boundaries lawfully set apart for military reservations, and all lands desired to be purchased by

the Government of the United States for military purposes." The procedure for the purpose of this section and the legal effects thereof shall thereupon be in all respects as provided in sections three, four, five, and six of said Act Numbered Six hundred and twenty-seven."

In accordance with the aforesaid provision, the procedure for the purpose of this Section 62 and "the legal effects thereof" shall be in all respects as provided in Sections 3, 4, 5 and 6 of Act No. 627. Under the provisions of Sec. 5 of Act No. 627:

"Sec. 5. Upon the filing of claims and application for registration in the Court of Land Registration, the same procedure shall be adopted as is by the Land Registration Act provided for other claims and applications; but in case of all claims and applications which are finally dismissed, the judgment shall be that the lands embraced therein are public lands, unless the same shall be included within other claims or applications which are favorably acted upon by the court. It shall be the duty of the court to expedite proceedings under this Act, and give to them precedence over other claims for registration under the Land Registration Act. All rights of appeal secured by the Land Registration Act shall be applicable to proceedings under this Act."

Hence, the decision of land registration court in Civil Reservation Case No. 1 declared all lands comprised within the Baguio Townsite Reservation as public lands, with the exception of lands "reserved for specific public purposes and those claimed and adjudicated private property." Outside of those lands specifically excepted from the effects of the decision, all lands within the limits of the Baguio Townsite Reservation were declared "public lands" no longer registrable under the Land Registration Act. It is clear, therefore, that the Court of First Instance of Baguio and Benquet, presided over by Judge Pio R. Marcos, had no jurisdiction over the subject matter of Land Registration Case No. N-30, and to render a decision awarding title to the land in question to the applicants Mariano Kiang, et al. The decision of Judge Marcos in Land Registration Case No. N-30 was null and void ab initio for want of jurisdiction over the subject matter.

The reliance of respondent court on the exception provided in Section 79 of Commonwealth Act No. 141 to justify the jurisdiction of the court to award the title of the land in question to the Kiangs in Land Registration Case No. N-30 is misplaced. Section 79 of Commonwealth Act No. 141 provides:

"Sec. 79. All lots, except those claimed by or belonging to private parties and those reserved for parks, buildings, and other public uses, shall be sold, after due notice, at public auction to the highest bidder, after the approval and recording of the plat of subdivision as above provided, but no bid shall be accepted that does not equal at least two-thirds of the appraised value, nor shall bids be accepted from persons, corporations, associations, or partnerships not authorized to purchase public lands for commercial, residential or industrial purposes under the provisions of this Act. The provisions of sections twenty-six and sixty-five of this Act shall be observed in so far as they are applicable. Lots for which satisfactory bids have not been received shall be again offered for sale, under the same conditions as the first time, and if they then remain unsold, the Director of Lands shall be authorized to sell them at private sale for not less than two-thirds of their appraised value."

The exception provided for in the above-cited provision refer to lands "claimed by or belonging to private parties." This exception can not possibly apply to the respondents Kiangs, since the land which was the subject of Land Registration Case No. N-30 can no longer be considered land "claimed by or belonging to private parties." By virtue of the decision of the Court of First Instance of Benquet, Mountain Province, in Civil Reservation Case No. 1, the said land was declared public land and the claim of the predecessor of respondents Kiangs over said land was already barred by virtue of the provisions of Section 5 of Act No. 627 in relation to Section 62 of Act No. 926. Hence, the court which awarded the title to the Kiangs in 1970 in Land Registration Case No. N-30 had no jurisdiction over the land subject matter of the case, and its decision therein is null and void.

In *Republic vs. Hon. Pio R. Marcos, et al.*, 52 SCRA 238, held that the Court of First Instance of Baguio and

Benquet had no jurisdiction to reopen Civil Reservation Case No. 1, G.L.R.O. Record No. 211, on the ground that said case did not partake of the nature of cadastral proceedings as contemplated in Republic Act No. 931, as amended, and that lands within Government reservations can not be registered in favor of private individuals. Recognizing that before the promulgation of said decision, large portions of the public land within the Baguio Townsite Reservation had been illegally decreed in favor of private individuals, Presidential Decree No. 1271 was issued on December 22, 1977, which was intended to protect title holders who, before the promulgation of the Supreme Court decision on July 31, 1973, had acted in good faith and relied, although mistakenly, on the indefeasibility of torrens certificates of titles and had introduced substantial improvements on the land covered by said certificates. Said PD No. 1271 provides:

"Section 1. All orders and decisions issued by the Court of First Instance of Baguio and Benquet in connection with the proceedings for the reopening of Civil Reservation Case No. 1, GLRO Record No. 211, covering lands within the Baguio Townsite Reservation, and decreeing such lands in favor of private individuals or entities, are hereby declared null and void and without force and effect; PROVIDED, HOWEVER, that all certificates of titles issued on or before July 31, 1973 shall be considered valid and the lands covered by them shall be deemed to have been conveyed in fee simple to the registered owners upon a showing of, and compliance with, the following conditions:

- The lands covered by the titles are not within any government, public or quasi-public reservation, forest, military or otherwise, as certified by appropriate agencies;
- Payment by the present title holder to the Republic of the Philippines of an amount equivalent to fifteen per centum (15%) of the assessed value of the land whose title is voided as of revision period 1973 (P.D. 76), the amount payable as follows: Within ninety (90) days of the effectivity of this Decree, the holders of the titles affected shall manifest their desire to avail of the benefits of this provision and shall pay ten per centum (10%) of the above amount and the balance in two equal installments, the first installment to be paid within the first year of the effectivity of this Decree and the second installment within a year thereafter.

Sec. 2. The provisions of the preceding section for the validation of titles shall not apply to cases in which the registration was obtained through fraud or misrepresentation in the proceedings or the reopening of Civil Registration Case No. 1, GLRO Record No. 211, nor shall the confirmation or issuance of new title under this Decree have the effect of validating titles otherwise invalid because obtained through fraud or misrepresentation in the aforesaid reopening proceedings.

Sec. 3. The holders of the titles falling under Section 1 of this Decree that are not considered valid pursuant to the proviso thereof shall, within ninety (90) days from the effectivity of this Decree, surrender their respective titles for cancellation and the owners and/or possessors of the areas covered by such titles shall vacate the premises and remove whatever improvements or structures they may have introduced thereon within six (6) months from notice. If, by removal of the improvements, damage to the lands would result, such improvements shall be forfeited in favor of the government or shall be demolished or removed at the title holder's expense. All taxes and registration fees paid in connection with the lands are deemed forfeited in favor of the Government.

Sec. 4. Ninety (90) days after the effectivity of this Decree, the Commission on Land Registration shall cause the cancellation of original and transfer certificates of titles not validated under Section 1 hereof, including those titles whose holders have failed to avail the benefits granted under the same section within the period therein provided."

The proviso in favor of bona-fide holders of titles issued on or before July 31, 1973 does not apply to the case at bar, since the certificate of title of the respondents Kiangs was issued only on June 5, 1975. Neither is there any showing that respondents complied with the requirements of Section 1 of PD No. 1271 for the validation of their title.

WHEREFORE, the petition is GRANTED and the decision of respondent court in Civil Case No. 3168 is REVERSED and Original Certificate of Title No. 0-280 of the Registry of Deeds of Baguio City and all transfer certificates of title therefrom are hereby nullified and cancelled.

SO ORDERED.

Yap, (Chairman), Melencio-Herrera, Paras, Padilla, and Sarmiento, JJ., concur.

[1] *Juanillo v. De la Rama*, 74 Phil. 43; *Viuda y Hijas de Pedro P. Ramos vs. Rafferty*, 37 Phil. 921.

[2] *Manila Railroad vs. Attorney-General*, 20 Phil. 523.

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