

REPUBLIC OF THE PHILIPPINES, PETITIONER, VS. HON. SOFRONIO G. SAYO, JUDGE, BR. I, CFI, NUEVA VIZCAYA, HEIRS OF CASIANO SANDOVAL, HEIRS OF LIBERATO BAYAUUA, JOSE C. REYES, AND PHI...

G.R. No. 60413. October 31, 1990

Ponente: NARVASA, J.

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NARVASA, J.:

Sought to be annulled and set aside in this special civil action of certiorari is the decision of respondent Judge Sofronio G. Sayo rendered on March 5, 1981 in Land Registration Case No. N-109, LRC Record No. 20850, confirming, by virtue of a compromise agreement, the title of the private respondents over a tract of land.

The spouses, Casiano Sandoval and Luz Marquez, filed an original application for registration of a tract of land identified as Lot No. 7454 of the Cadastral Survey of Santiago, BL Cad. 211 (July 17, 1961) and having an area of 33,950 hectares. The land was formerly part of the Municipality of Santiago, Province of Isabela, but had been transferred to Nueva Vizcaya in virtue of Republic Act No. 236.

Oppositions were filed by the Government, through the Director of Lands and the Director of Forestry, and some others, including the Heirs of Liberato Bayaua.[1] In due course, an order of general default was thereafter entered on December 11, 1961 against the whole world except the oppositors.

The case dragged on for about twenty (20) years until March 3, 1981 when a compromise agreement was entered into by and among all the parties, assisted by their respective counsel, namely: the Heirs of Casiano Sandoval (who had since died), the Bureau of Lands, the Bureau of Forest Development, the Heirs of Liberato Bayaua, and the Philippine Cacao and Farm Products, Inc. Under the compromise agreement, the Heirs of Casiano Sandoval (as applicants) renounced their claims and ceded -

- 1) in favor of the Bureau of Lands, an area of 4,109 hectares;
- 2) in favor of the Bureau of Forest Development, 12,341 hectares;
- 3) in favor of the Heirs of Liberato Bayaua, 4,000 hectares; and
- 4) in favor of Philippine Cacao & Farm Products, Inc., 8,000 hectares.

The remaining area of 5,500 hectares was, under the compromise agreement, adjudicated to and acknowledged as owned by the Heirs of Casiano Sandoval, but out of this area, 1,500 hectares were assigned by the Casiano Heirs to their counsel, Jose C. Reyes, in payment of his attorney's fees. In consideration of the areas respectively allocated to them, all the parties also mutually waived and renounced all their prior claims to and over Lot No. 7454 of the Santiago Cadastre.

In a decision rendered on March 5, 1981, the respondent Judge approved the compromise agreement and confirmed the title and ownership of the parties in accordance with its terms.

The Solicitor General, in behalf of the Republic of the Philippines, has taken the present recourse in a bid to have that decision of March 5, 1981 annulled as being patently void and rendered in excess of jurisdiction or with grave abuse of discretion. The Solicitor General contends that -

- 1) no evidence whatever was adduced by the parties in support of their petitions for registration;
- 2) neither the Director of Lands nor the Director of Forest Development had legal authority to enter into the compromise agreement;
- 3) as counsel of the Republic, he should have been but was not given notice of the compromise agreement or otherwise accorded an opportunity to take part therein;
- 4) that he was not even served with notice of the decision approving the compromise; it was the Sangguniang Panlalawigan of Quirino Province that drew his attention to the "patently erroneous decision" and requested him to take immediate remedial measures to bring about its annulment.

The respondents maintain, on the other hand, that the Solicitor General's arguments are premised on the proposition that Lot 7454 is public land, but it is not. According to them, as pointed out in the application for registration, the private character of the land is demonstrated by the following circumstances, to wit:

- 1) the possessory information title of the applicants and their predecessors-in-interest;
- 2) the fact that Lot 7454 was never claimed to be public land by the Director of Lands in the proper cadastral proceedings;
- 3) the pre-war certification of the National Library dated August 16, 1932 to the effect that the Estadística de Propiedades of Isabela issued in 1896 and appearing in the Bureau of Archives, the property in question was registered under the 'Spanish system of land registration as private property owned by Don Liberato Bayaua, applicants' predecessors-in-interest;
- 4) the proceeding for registration, brought under Act 496 (the Torrens Act) presupposes that there is already a title to be confirmed by the court, distinguishing it from proceedings under the Public Land Act where the presumption is always that the land involved belongs to the State.

Under the Regalian Doctrine,[2] all lands not otherwise appearing to be clearly within private ownership are presumed to belong to the State. Hence it is that all applicants in land registration proceedings have the burden of overcoming the presumption that the land thus sought to be registered forms part of the public domain.[3] Unless the applicant succeeds in showing by clear and convincing evidence that the property involved was acquired by him or his ancestors either by composition title from the Spanish Government or by possessory information title, or any other means for the proper acquisition of public lands, the property must be held to be part of the public domain.[4] The applicant must present competent and persuasive proof to substantiate his claim; he may not rely on general statements, or mere conclusions of law other than factual evidence of possession and title.[5]

In the proceeding at bar, it appears that the principal document relied upon and presented by the applicants for registration, to prove the private character of the large tract of land subject of their applicant, was a photocopy of a certification of the National Library dated August 16, 1932 (already above mentioned) to the effect that according to the Government's Estadística de Propiedades of Isabela issued in 1896, the property in question was registered under the Spanish system of land registration as private property of Don Liberato Bayaua. But, as this Court has already had occasion to rule, that Spanish document, the Estadística de Propiedades, cannot be considered a title to property, it not being one of the grants made during the Spanish regime, and obviously not constituting primary evidence of ownership.[6] It is an inefficacious document on which to base any finding of the private character of

the land in question.

And, of course, to argue that the initiation of an application for registration of land under the Torrens Act is proof that the land is of private ownership, not pertaining to the public domain, is to beg the question. It is precisely the character of the land as private which the applicant has the obligation of establishing. For there can be no doubt of the intendment of the Land Registration Act, Act 496, that every applicant show a proper title for registration; indeed, even in the absence of any adverse claim, the applicant is not assured of a favorable decree by the Land Registration Court, if he fails to establish a proper title for official recognition.

It thus appears that the decision of the Registration Court a quo is based solely on the compromise agreement of the parties. But that compromise agreement included private persons who had not adduced any competent evidence of their ownership over the land subject of the registration proceeding. Portions of the land in controversy were assigned to persons or entities who had presented nothing whatever to prove their ownership of any part of the land. What was done was to consider the compromise agreement as proof of title of the parties taking part therein, a totally unacceptable proposition. The result has been the adjudication of lands of no little extension to persons who had not submitted any substantiation at all of their pretensions to ownership, founded on nothing but the agreement among themselves that they had rights and interests over the land.

The assent of the Directors of Land and Forest Development to the compromise agreement did not and could not supply the absence of evidence of title required of the private respondents.

As to the *informacion posesoria* invoked by the private respondents, it should be pointed out that under the Spanish Mortgage Law, it was considered a mode of acquiring title to public lands, subject to two (2) conditions: first, the inscription thereof in the Registry of Property, and second, actual, public, adverse, and uninterrupted possession of the land for twenty (20) years (later reduced to ten [10] years); but where, as here, proof of fulfillment of these conditions is absent, the *informacion posesoria* cannot be considered as anything more than *prima facie* evidence of possession.[7]

Finally, it was error to disregard the Solicitor General in the execution of the compromise agreement and its submission to the Court for approval. It is, after all, the Solicitor General, who is the principal counsel of the Government; this is the reason for our holding that "Court orders and decisions sent to the fiscal, acting as agent of the Solicitor General in land registration cases, are not binding until they are actually received by the Solicitor General." [8]

It thus appears that the compromise agreement and the judgment approving it must be, as they are hereby, declared null and void, and set aside. Considerations of fairness however indicate the remand of the case to the Registration Court so that the private parties may be afforded an opportunity to establish by competent evidence their respective claims to the property.

WHEREFORE, the decision of the respondent Judge complained of is ANNULLED and SET ASIDE. Land Registration Case No. N-109 subject of the petition is REMANDED to the court of origin which shall conduct further appropriate proceedings therein, receiving the evidence of the parties and thereafter rendering judgment as such evidence and the law may warrant. No pronouncement as to costs.

SO ORDERED.

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

[1] See *Municipality of Santiago, Isabela v. C.A., et al.*, 120 SCRA 734, *infra*, involving parties surnamed

Bayaua, claimants to Lots No. 49760A and No. 8000-A of the Santiago cadastre, Province of Isabela, which lots were declared to belong to the Municipality of Santiago.

[2] Embodied "in Section 1 of Article XIII of the Constitution of 1935 * * declaring that 'all agricultural, timber, and mineral lands of the public domain . . . and other natural resources of the Philippines belong to the State . . .'" (Piñero, Jr. v. Director of Lands, 57 SCRA 386) (See Secs. 2 and 3, ART. XII, 1987 Constitution)

[3] National Power Corporation v. C.A., 114 SCRA 318 [1982]; Armagui v. Director of Forestry, 126 SCRA 69 [1983]

[4] Director of Lands v. Reyes, 68 SCRA 2177 [1971]

[5] Republic v. C.A., 167 SCRA 150 [1988]

[6] Municipality of Santiago v. C.A., 120 SCRA 734, 743 [1983]

[7] Republic v. Feliciano, 148 SCRA 424 [1987]

[8] Republic v. C.A., 148 SCRA 480 [1987]; Republic v. C.A., 135 SCRA 157 [1985]; Republic v. Mendoza, 125 SCRA 539 [1983].

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