

REPUBLIC OF THE PHILIPPINES, REPRESENTED BY THE DIRECTOR OF LANDS, PLAINTIFF-APPELLANT, VS. AUGUSTO MINA AND REGISTER OF DEEDS OF BULACAN, DEFENDANTS-APPELLEES.

G.R. No. 60685. June 29, 1982

Ponente: RELOVA, J.

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RELOVA, J.:

Petition to review the order of the Court of First Instance of Bulacan, Branch III in Valenzuela, dated December 29, 1977, dismissing the complaint in its Civil Case No. 292-V-75, entitled "Republic of the Philippines, Plaintiff, vs. Augusto Mina and Register of Deeds of Bulacan", instituted by the plaintiff to declare null and void Free Patent No. 467702 and Original Certificate of Title No. P-1382 issued in the name of defendant Augusto Mina; to order the aforesaid defendant to surrender the owner's duplicate of Original Certificate of Title No. P-1382 and the defendant Register of Deeds to cancel the same; to decree the reversion of Lot No. 3745, Cad. 3375, situated in Meycauayan, Bulacan to the mass of public domain and to grant such further relief as may be just and equitable in the premises.

The complaint, among others, alleged that:

"x x x x x x x x

"3. On July 7, 1967, defendant Augusto Mina filed with the Bureau of Lands Free Patent Application No. (III-1) 4471-A for a tract of land designated and identified as Lot No. 3745, Cad. 337, Meycauayan, Bulacan, with an area of 2 hectares, 69 ares and 47 centares; x x x

"4. Relying on the information supplied and/or affirmations made, by defendant Mina in his aforesaid free patent application (Annex 'A' hereof), and after routinary field investigation and processing, the Director of Lands on August 14, 1969 issued an order approving said free patent application and also directing the issuance of patent to defendant Mina and, pursuant thereto, Free Patent No. 467702 was correspondingly issued to said defendant on February 6, 1970;

"5. Said patent was transmitted to the defendant Register of Deeds who registered the same pursuant to Section 122 of the Land Registration Act and issued Original Certificate of Title No. P-1382 therefor in the name of defendant Augusto Mina;

"6. Subsequently, however, on December 16, 1972, Montano F. Esguerra, Jr. filed with the Bureau of Lands a petition assailing the validity of the patent issued to defendant Augusto Mina claiming that the latter obtained the same by means of fraud and misrepresentation;

"7. Acting on the aforementioned petition by Montano F. Esguerra, Jr. an investigation was conducted by the Bureau of Lands which revealed that neither defendant Augusto Mina or his predecessor-in-interest had ever occupied nor worked in the land, subject matter hereof and that defendant Augusto Mina's free patent application aforesaid had been fraudulently obtained thereby prompting the Director of Lands to issue an order on April 2, 1973, the proper court action be initiated for the cancellation of the patent and the corresponding

certificate of title issued, and for the reversion of the land covered thereby to the state;

"8. Defendant Augusto Mina filed a Motion for Reconsideration of the afore-said Order of the Director of Lands dated April 2, 1973, requesting for a reinvestigation thereof but before said investigation could be commenced, defendant Mina executed an affidavit dated October 10, 1974 (xerox copy attached and made part hereof as Annex 'B'), manifesting that he is no longer interested in pursuing his claim over the land in question and that he is willing to surrender Free Patent No. 467702 issued by the Director of Lands;

"9. Defendant Augusto Mina committed fraud in his free Patent Application No. (III-1) 4471-A (E-V-471160) Annex 'A' that he and his alleged predecessor-in-interest had been in continuous possession and had cultivated the land in question since 1943, up to his filing of the application in 1967, when in truth and in fact neither he nor his predecessor-in-interest had occupied nor cultivated the same much less paid the real estate taxes thereon, in violation of Section 1, Republic Act No. 782;

"x x x x x x x x'."

On September 12, 1977, defendant Augusto Mina filed a motion to dismiss stating among others that inasmuch as the free patent was issued to him on February 6, 1970, and the complaint was filed only on October 10, 1975, plaintiff is now barred by the statute of limitation from asking for reversion; that plaintiff has no more cause of action against him for the reason that the property had already been sold to spouses Narciso del Rosario and Teresita Zuñiga on February 11, 1976, that is six (6) years after the original issuance of the title.

The Court a quo granted the motion to dismiss in an Order dated December 29, 1977, stating that "the title of the defendant Augusto Mina has become incontrovertible and indefeasible after the one year period." The dispositive portion of the order reads:

"In view of the above, the Court hereby grants defendant's motion to dismiss. For the same reason, the motion for leave to amend complaint for the purpose of including the spouses Narciso del Rosario and Teresita Zuñiga becomes unnecessary to resolve. The same is true with respect to the motion for leave to intervene filed by Serafin R. Santos who under the same ruling in the case of 'Republic of the Philippines v. Carle, supra' is not left with-out a remedy since he can file the corresponding action for reconveyance. The motion for cancellation of lis pendens is likewise granted in view of the dismissal of this case as a logical and necessary consequence thereof." (Order, pp. 68-73, Rec. on Appeal).

The allegations in the complaint that neither defendant Augusto Mina nor his predecessor-in-interest had ever occupied or worked in subject property, and that Mina's free patent application had been fraudulently obtained, are indicative of fraud in the filing of the application and obtaining title to the land and, if proven, would override the order of the trial court dismissing the case without hearing. The alleged misrepresentation of the applicant that he had been occupying and cultivating the land are sufficient grounds to nullify the patent and title under Section 91 of the Public Land Law which provides as follows:

"That statements made in the application shall be considered as essential conditions or parts of any concession, title or permit issued on the basis of such application, and any false statement thereon or omission of facts, changing or modifying the consideration of the facts set forth in such statement, and any subsequent modification, alteration, or change of the material facts set forth in the application shall ipso facto produce the cancellation of the concession, title or permit granted x x x."

A certificate of title that is void may be ordered cancelled. And, a title will be considered void if it is procured through fraud, as when a person applies for registration of the land on the claim that he has been occupying and cultivating it. In the case of disposable public lands, failure on the part of the grantee to comply with the conditions imposed by law is a ground for holding such title void. (Director of Lands vs. CA, 17 SCRA 71). The lapse of the one (1) year period within which a decree of title may be reopened for fraud would not prevent the

cancellation thereof for to hold that a title may become indefeasible by registration, even if such title had been secured through fraud or in violation of the law would be the height of absurdity. Registration should not be a shield of fraud in securing title (Republic vs. Animas, 56 SCRA 499).

"A title founded on fraud may be cancelled, notwithstanding the lapse of one year from the issuance thereof, through a petition filed in court by the Solicitor General, (Sumail vs. Court of First Instance of Cotabato, 51 O.G. p. 2414 Phil. L-8278, 96 Phil. 946; Eugenio, et al., vs. Perdido, et al., G.R. No. L-7083, May 19, 1955 ; De los Santos vs. Roman Catholic Church of Midsayap , G.R . No. L-6088, Feb. 24, 1954, 94 Phil. 405"

"The complaint in the present case was brought by the Republic of the Philippines not as a nominal party but in the exercise of its sovereign functions, to protect the interests of the State over a public property. This Court has held that the statute of limitations does not run against the right of action of the Govern-ment of the Philippines." (Republic vs. Grijaldo, 15 SCRA 681)

Prescription, both acquisitive and extinctive, does not run against the state. It has been held that the statute of limitations does not run against the right of action of the Government of the Philippines." (31 SCRA 219)

Thus, the right of reversion or reconveyance to the state is not barred by prescription. (Republic vs. Ramona Ruiz, et al. 23 SCRA 348)

WHEREFORE, the order dated December 29, 1977 of the Court of First Instance of Bulacan granting the motion to dismiss and cancelling the notice of lis pendens is declared annulled and set aside; and the Court a quo is ordered to grant the motion to admit amended complaint for the purpose of including the spouses Narciso del Rosario and Teresita Zuñiga, and the motion for leave to intervene filed by Serafin R. Santos, and thereafter to hear Civil Case No. 292-V-75 on the merits and render judgment thereon accordingly.

SO ORDERED.

Teehankee, (Chairman), Makasiar, Plana, Vasquez, and Gutierrez, Jr., JJ.,concur.
Melencio-Herrera, J., on leave.

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