

**DIRECTOR OF LANDS AND DIRECTOR OF FOREST DEVELOPMENT,
PETITIONERS, VS. LOPE GUZMAN RIVAS, PACIFICO V. VIJANDRE,
FERNANDO A. PASCUA, AND COURT OF APPEALS, RESPONDENTS.**

G.R. No. 61539, February 14, 1986

Ponente: AQUINO, C.J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-61539/>

AQUINO, C.J.:

This is a land registration case involving what the Republic of the Philippines claims to be grazing land, a part of the forest reserve.

The evidence shows that on March 14, 1873 the Alcalde Mayor and Judge of the Court of First Instance in Tuguegarao, Cagayan purportedly granted to Domingo Bunagan a possessory information title for a tract of land, called Nottab, "3,500 brazas de largo y 3,000 brazas de ancho", "destinado al pasto de sus ganados" "y bajo la condicion de sin perjuicio del derecho que el Estado o otro tercero pudiera tener en referida finca rustica" (Exh. I and K).

The Gaceta de Manila dated November 3, 1885 mentions Bunagan as having obtained a "composicion gratuita" for a parcel of land in Enrile, Cagayan (Exh. J-1) or a gratuitous adjustment title as distinguished from an onerous adjustment title.*

What happened to the Nottab land? The conflicting evidence of the oppositor Cagayan Valley Agricultural Corporation (Cavaco) and petitioner Pacifico Vijandre shows that two persons, the brothers Luis Guzman Rivas and Lope Guzman Rivas, sons of Pablo Guzman, played decisive roles in its disposition.

The evidence is conflicting because, according to Cavaco's evidence, the whole land was sold to Luis Guzman Rivas and later to Cavaco, whereas, according to Vijandre's evidence, only a portion was sold to Luis and the remainder was sold to Lope Guzman Rivas who in turn sold portions to Vijandre and Fernando A. Pascua.

The Solicitor General's view is that the whole Nottab land, whatever its area, is forestal and grazing land and, consequently, was inalienable land and, there-fore, all supposed sales regarding that land were void.

According to Cavaco's evidence, after Bunagan's death, his son-in-law, Ceferino Saddul, as apoderado of Bunagan's heirs, sold the land to one Manuel Guzman sometime in 1904 or 1905 or 1908.

The administratrix of Manuel Guzman's estate, with the approval of the probate court, sold the land in 1934 to Luis Guzman Rivas who died in 1944. The land passed to his widow, Dolores Enriquez, who sold the northern portion of the land to Saturnino Moldero in 1944 and the southern portion to Rafael Gonzales in 1951.

Moldero in 1948 sold his northern portion to the spouses Antonio and Josefa Estrada. In 1951 the Estrada spouses and Gonzales sold the land to Cavaco (Exh. 12-A to 15 - Pascua, 242 Joint Record on Appeal).

The trial court and the Court of Appeals in a land registration case adjudicated to Cavaco 1,222 hectares of the Nottab land. It is the registered owner of the land. Right or wrong that decision is the law of the case. (Cagayan

Valley Agricultural Corporation vs. Director of Lands, CA-G.R. No. 24931-32, December 9, 1960).

The trial court correctly held that the said adjudication means that the respondents herein cannot use anymore in this case the supposed 1873 information pose-soria and the 1885 composicion gratuita as bases of their application for registration. The reason is that said Spanish titles were already used in the Cavaco case.

Under those Spanish titles a land grant could not exceed 1,000 hectares (Director of Lands vs. Reyes, L-27594, November 28, 1975, 68 SCRA 177, 191 and other cases). It may be repeated that Cavaco obtained more than 1,000 hectares by virtue of the said Spanish titles. Parenthetically, it may be stated that Presidential Decree No. 892 since 1976 discontinued the use of Spanish titles as evidence in land registration proceedings.

It is the supposed remainder of Bunagan's land that is now involved in this case, the portion transferred to Lope Guzman Rivas as differentiated from the Cavaco land which came from Lope's brother Luis. It should be stressed that according to the Cavaco case the whole land was sold to Luis and, therefore, no remainder could have been transferred to Lope.

On the other hand, according to Vijandre's evidence in this case, on July 26, 1915, Manuela Bunagan, the sole heir of Domingo, sold to Pablo Guzman for P1,000 the remainder of the land in Nottab, Enrile, Cagayan, "una parcela de pasto de ganaderia", covered by Tax Declaration No. 626 (Exh. H).

Pablo Guzman died in 1927. The Nottab land was inherited by his son, petitioner Lope Guzman Rivas, who leased the land for grazing purposes to other persons. Lope has been residing in Makati, Metro Manila since 1961 because he has a heart ailment.

In 1958 about 800 hectares of the said land were sold by Lope to Ignacio Pascua who in 1962 sold the same portion to his son, Fernando.

Lope Guzman Rivas and Vijandre filed in May, 1968 an application for the registration of two parcels of land located at Sitio Nottab, the same Nottab land previously applied for by Cavaco. It is covered by Plan Psu-178846, embracing thirteen lots with an area of 1,033, hectares, and Plan Psu-179101 covering fifteen lots with an area of 890 hectares, or a total of 1,923 hectares.

Before the application was filed, Lope Guzman Rivas sold to his co-petitioner Vijandre 1/2 of the entire land at P50 a hectare. Vijandre undertook to finance the registration of the land. Should the registration of the land not materialize for causes not imputable to Vijandre, then Lope would return to him all his cash advances (9-16, Joint Record on Appeal).

The learned trial court declared the disputed land public land and dismissed the applications of Lope Guzman Rivas and Vijandre and the claims of Pascua and Cavaco.

The Appellate Court reversed the trial court's decision. It granted the application of Lope and Vijandre, except with respect to Lot No. 13, which was already covered by OCT No. 0-393. The Directors of Lands and Forest Development appealed to this Court. Lope Guzman Rivas and Vijandre did not file any appellees' brief.

The Solicitor General contends that the Appellate Court erred (1) in not declaring that the disputed land is part of a forest reservation; (2) in not finding that Lope Guzman Rivas and Vijandre and their predecessors have not been in the open, continuous, uninterrupted, exclusive and notorious possession of the disputed land and that their possession was not in the concept of owner; (3) in not finding that Domingo Bunagan's Spanish titles were not authentic and (4) in not finding that the 1960 decision in favor of Cavaco is not res judicata.

On the other hand, lawyer Pascua argues (1) that the disputed land was already private in the hands of Domingo Bunagan; (2) that portions of said land, 1,222 hectares and 9 hectares, were titled in the names of Cavaco and

Melardo Agapay (Benjamin V. Pascua) respectively; (3) that the pasture lease agreements did not convert private land into public land and (4) that Bunagan's Spanish titles were authentic and valid.

We hold that the disputed land is inalienable public grazing land, being a part of the forest reserve. It is part of Timberland Project No. 15-A of Enrile, Cagayan. It is included in the Bureau of Forestry Map L. C. 2263, comprising the Timberland of the Cagayan Land Classification, containing an area of 8,249 hectares, situated in Enrile, Solana and Amulong, Cagayan. It is nonregisterable (Exh. 2-Rep.). It cannot be appropriated by private persons. It is not disposable public agricultural land.

Said land is a part of the forest reserve under Presidential Proclamation No. 159 dated February 13, 1967. It is intended for "wood production, watershed, soil protection and other forest uses" (Exh. 1-B and 7, Rep.; 63 OG 3364). The reservation was made prior to the instant 1968 application for registration.

Applicant Lope Guzman Rivas and oppositor Pascua and their predecessors have always treated the 1,923 hectares as pasture land. Portions of the land had been the object of pasture lease agreements with the Bureau of Forestry. Among the lessees were oppositor Fernando A. Pascua himself, Eliseo Lasam and J. T. Torres, Jr. (Exh. 3 and 4, Rep.).

The 1960 and 1968 tax declarations of applicant Lope Guzman Rivas describe the 2,000 hectares of land in question as for "pasture exclusively", meaning it is grazing land (Exh. R and S). Similarly, the 1960 and 1962 tax declarations submitted in evidence by oppositor Pascua describe 790 or 767 hectares of the land as "pasture land" (Exh. 27 and 28-Pascua).

We have stated that the supposed possessory information title issued in 1873 to the original claimant, Domingo Bunagan, describes the land as "una estancia de ganado al terreno" (grazing land), or "un terreno destinado al pasto de sus ganados" or "la estancia para ganados denominada Nottab".

The application for the possessory information title was approved "bajo la condicion de sin perjuicio del derecho que el Estado o otro tercero pudiera tener en referida finca rustica" (Exh. I). (Note that Exhibit J, the 1885 resolution published in Gaceta de Manila, is not a composition title at all).

Manuela Bunagan, the supposed heir to Domingo Bunagan, sold in 1915 the 2,000 hectares in question to Pablo Guzman at fifty centavos a hectare as "una parcela de pasto de ganaderia" (Exh. H). Similarly, Ignacio A. Pascua bought from Lope Guzman Rivas the 800 hectares in 1962 as "a parcel of pasture land" (Exh. 1-Pascua).

Grazing lands and timber lands are not alienable under section 1, Article XIII of the 1935 Constitution and sections 8, 10 and 11 of Article XIV of the 1973 Constitution. Section 10 distinguishes strictly agricultural lands (disposable) from grazing lands (in-alienable).

Lands within the forest zone or timber reservation cannot be the object of private ownership (Republic vs. Animas, L-37682, March 29, 1974, 56 SCRA 499; Director of Forestry vs. Muñoz, 132 Phil. 637; Republic vs. Court of Appeals, G.R. No. 56077, February 28, 1985, 135 SCRA 156 and other cases).

WHEREFORE, the decision of the Appellate Court is reversed and set aside. The application for registration of Lope Guzman Rivas and Pacifico V. Vijandre and the counter-application of lawyer Fernando A. Pascua are dismissed. No costs.

SO ORDERED.

Concepcion, Jr., (Chairman), Abad Santos, Escolin, and Alampay, JJ., concur.
Cuevas, J., took no part.

* The supposed possessory information title, which, like the composition title, the Solicitor General regards as not authentic (p. 21, Brief), reads in part as follow:

"Del examen de estas actuaciones, instruidas por gestion de Da. Domingo Bunagan, vacino de esta Cablesa (sic), resulta se solicita por el mismo se lo admita una informacion testifical a fin de acreditar esta, en la legal posesion y tranquilogose (sic) de un terreno destinado al pasto de sus ganados titulado de Nottab, el cual herado de sus (sic) padres y que se lo preven de un testimonio del espediente (sic) terminado que son por convenierio, pasa acreditar en todo tiempo diho es estremo y como efectivamente prueba con Dn. Mariano Pamittan, Da. Jacinto Saddul, y Dn. Calisto Bauay; que son testigos que han depuesto que la peticion del interesado es cierta en todas sus partes como consta en sus declaraciones a los fes "4" y 5 vto apereciendo (sic) en la delegencia (sic) del f. "6" vto que los testigos, cuyos nombres quedan espresadas son de Moralidad y de responsabilidad el Ministerio fiscal es de parecer que por el Juzgado despues de aprobar este espediente por el correspondiente decreto judicial se sirva acceder a la petision echa por al Dn. Domingo Bunagan, sin entendiente la providencia, bajo la condicion de sin perjuicio del derecho que el Estado o otro tercero pudiera tener en referida finea rustien. El Juzgado no obstante acordara lo que estima se mas justo.

Tuguegarao doca de mil ocho cientos setenta y tres. (sic)

(Licdo BERNARDO DE AREVALO Y BRACE Rubricada"

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.