

PLACIDO MANALO AND ARMANDO MANALO, PETITIONERS, VS. HON. INTERMEDIATE APPELLATE COURT, SPOUSES GEMINIANO DE OCAMPO AND AMPARO DE OCAMPO, AND SPOUSES PEDRO SANTOS AND CRISANTA SA...

G.R. No. 64753. April 26, 1989

Ponente: GUTIERREZ, JR., J.

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GUTIERREZ, JR., J.:

This petition for review by certiorari seeks the reversal of the decision of the respondent Intermediate Appellate Court (now Court of Appeals) which affirmed the cancellation of the petitioners' Free Patents and Original Certificates of Titles (OCTs) and upheld the titles of the private respondents as the true, valid and legal titles to the parcels of land in question.

On October 18, 1973, the private respondents instituted an action for the cancellation of the petitioners' titles over certain parcels of land. The respondents prayed that their titles over the said parcels of land be declared as the true and valid ones.

According to the private respondents, they are the co-owners of two parcels of land containing an area of 33.6344 hectares, more or less, and presently embraced within Transfer Certificate of Titles (TCTs) Nos. T-44205 and T-43298 respectively, both of the Registry of Bataan; that the TCTs were acquired by the respondents by virtue of Sales Patents Nos. 5339 and 5387 issued on November 17, 1972 and February 3, 1973, respectively, by the Director of Lands under Commonwealth Act No. 141, otherwise known as the Public Land Law; that the petitioners Placido Manalo and Armando Manalo with malice and evident bad faith misrepresented that they have been in possession of the parcels of land in dispute since the year 1944 by themselves and/or through their predecessors-in-interest; and that in view of the said misrepresentations, the Director of Lands issued Free Patents Nos. 522897 and 502977 on October 2, 1971 by virtue of Free Patent Applications Nos. (III-4) 508 and (III-4) 519 filed with the Bureau of Lands under the provisions of Section 44, Chapter VII of the Public Land Law, and by virtue of which OCTs Nos. 296 and 297 were respectively issued in the names of the petitioners covering the disputed parcels of land.

In their answer, the petitioners alleged, among others, they have been in actual, peaceful, continuous and open possession of the parcels of land in Cabcaben, Mariveles, Bataan since 1944 as evidenced by their documents duly filed with the Bureau of Forestry and of Lands, although the same were still then part of the U.S. Military Reservation; that the lots are already covered by Torrens Certificates of Titles since 1971 and, therefore, its decree of registration can no longer be impugned on the ground of fraud, error, or lack of notice, as more than one year had already elapsed from the issuance and entry of the titles; and that the private respondents have no legal capacity to institute the action for cancellation, the proper party to question their titles being the Director of Lands through the office of the Solicitor General.

After hearing, the trial court found for the private respondents and ordered the cancellation of the petitioners' titles

over the lots in dispute. On appeal, the appellate court sustained the trial court's decision. Hence, petitioners filed this petition raising the following reasons or issues why the petition should be allowed, to wit:

A

RESPONDENT INTERMEDIATE APPELLATE COURT DECIDED THIS CASE NOT IN ACCORD WITH LAW AS WELL AS APPLICABLE DECISIONS OF THE SUPREME COURT.

B

RESPONDENT COURT HAS GRAVELY ERRED IN ITS INTERPRETATION AND APPLICATION OF REPUBLIC ACT NO. 274.

C

RESPONDENT COURT HAS COMMITTED GRAVE ABUSE OF DISCRETION AMOUNTING TO LACK OF JURISDICTION IN NOT DECLARING THE SALES PATENTS OF THE PRIVATE RESPONDENTS AS NULL AND VOID AB-INITIO. (p. 12, Rollo)

In their first ground, the petitioners contend that only the Government, represented by the Director of Lands, can bring an action to cancel their titles since the disputed parcels of land were originally part of the public domain. Therefore, the private respondents have no legal personality to file and prosecute the case below.

This contention is without merit.

When the lots in dispute were certified as disposable on May 19, 1971, and free patents were issued covering the same in favor of the private respondents, the said lot ceased to be part of the public domain and, therefore, the Director of Lands lost jurisdiction over them. Since the lots were no longer part of the public domain, the private respondents, as holders of the titles based on free patents acquired subsequent to the declaration of alienability and disposability, have the personality to file the case against persons whom they alleged were in possession of void titles. As we have held in the case of *Heirs of Tanak Pangawaran Patiwayan v. Martinez*, (142 SCRA 252, 258-260 [1986]):

"The petitioner's main purpose in bringing the action is to recover their rightful share of inheritance and this fact was even admitted by the trial court when it stated that: 'A reading of the afore-quoted argument of plaintiff Tanak would reveal that the primary objective of the suit is for plaintiff Tanak to have her rightful share in the property and in the process to have the certificate of title cancelled.' However, said court was of the opinion that 'Plaintiff Tanak cannot get her rightful share in the property unless and until the title issued has been cancelled.' And that 'once the title is cancelled then the land automatically reverts to the public domain.'

"This is error on the part of the respondent-court because when the patent was issued, the property in question ceased to become part of the public domain and, therefore, even if respondent Tagwalan eventually is proven to have procured the patent and the original certificate of title by means of fraud, the land would not revert back to the state but will be partitioned among the rightful heirs which also include Tagwalan and his co-respondents.

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"In the case at bar, as stated earlier, because of Pangawaran's cultivation of the land throughout his lifetime, he became entitled to the free patent and such entitlement benefitted his heirs after he died. Therefore, in the event that the petitioners are able to prove that they are entitled to a share in the land, there is no need for the land to first revert back to the public domain before they could acquire their share. By virtue of the free patent issued thereon, the land ceased to be public. This was our decision in the *Sumail* case wherein we ruled:

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"As already stated, free patent No. V-459 was issued in the name of Gepuliano on September 26, 1949, while Civil Case No. 420 was filed in court only on July 21, 1952, or almost three years after the issuance of the free patent. It is therefore, clear that the trial court no longer had jurisdiction to entertain the complaint in Civil Case No. 420 for the reason already stated, but not as contended by the Director of Lands that it involved public land, over which he had exclusive and executive control, because once the patent was granted and the corresponding certificate of title was issued, the land ceased to be part of the public domain and became private property over which the Director of Lands has neither control nor jurisdiction."

As to the second ground raised in this petition the petitioners contend that Republic Act (RA) No. 274 is not applicable to the lots in dispute. The title of the said Act states:

"An act authorizing the Director of Lands to Subdivide the Lands within the Military Reservations belonging to the Republic of the Philippines which are no longer needed for military purposes and to dispose the same by sale subject to certain conditions, and for other purposes."

and Section 1 provides:

"Sec. 1 - The Director of Lands shall cause the subdivision of lands within military reservations owned by the Republic of the Philippines which may be declared by the President of the Philippines as no longer needed for military purposes. (Phil. Permanent & General Statutes, Vol. II p. 698)"

According to the petitioners, the above-quoted law only applies to lands within military reservations belonging to the Republic of the Philippines and not to military reservations belonging to the United States Government because the parcels of lands belonging to the latter category upon their release to the Philippine Government never became part of the military reservations belonging to the Philippines but became part of the public domain. Therefore, Republic Act No. 274 is not applicable to the disputed lots.

This contention is likewise without merit.

As correctly pointed out by the appellate court in its questioned decision:

"Appellants' contention in their fifth assignment of error is likewise not well taken. It is not correct to say that when the U.S. Military Reservation in Bataan, of which the land in question forms part, was turned over to the Philippine government, the same automatically became a disposable land of the public domain. The ownership and control over said reservation was transferred to the Philippine government, but its nature as a military reservation remained unchanged. Said parcels of land became a disposable land of public domain only on May 19, 1971, per certification of the Bureau of Forestry (Project No. 4-A, C-C. Map No. 26-40). Its disposition only by sale was duly authorized pursuant to the provisions of Republic Act No. 274. If the land in question became immediately disposable upon its turn over to the Philippine government in 1965, then why, it may be asked, was it certified disposable only in 1971. This Court is of the conclusion that this land above referred to continued to be a military reservation land while in the custody of the Philippine government until it was certified alienable in 1971." (p. 37, Rollo)

Thus, in the case of *Republic v. Intermediate Appellate Court*, (155 SCRA 412, 418-419 [1987]) we held:

"In effect, what the Court a quo has done is to release the subject property from the unclassified category, which is beyond their competence and jurisdiction. The classification of public lands is an exclusive prerogative of the Executive Department of the Government and not of the Courts. In the absence of such classification, the land remains as unclassified land until it is released therefrom and rendered open to disposition (Sec. 8, Commonwealth Act No. 141, as amended: *Yngson v. Secretary of Agriculture and Natural Resources*, 123 SCRA 441 [1993]; *Republic v. Court of Appeals*, 99 SCRA 742 [1980]). This should be so under time-honored Constitutional precepts. This is also in consonance with the Regalian doctrine that all lands of

the public domain belong to the State (Secs. 8 & 10, Art. XIV, 1973 Constitution), and that the State is the source of any asserted right to ownership in land and charged with the conservation of such patrimony (Republic v. Court of Appeals, 89 SCRA 648 [1979])."

The petitioners' third ground actually raises questions of fact, the petitioners dealing mainly with the appellate court's appreciation of evidence.

It is not the function of this Court to evaluate each piece of evidence presented before the lower court. Suffice it to say that we find the conclusions of the lower court and appellate courts amply supported by evidence and so we apply the time-honored doctrine that absent the recognized exceptions, the findings of fact of the Court of Appeals are conclusive on the parties and the Supreme Court; and that this Court decides appeals which only involve questions of law. (See Philippine national Bank v. Court of Appeals, 159 SCRA 433, 445 [1988]). We, thus, quote with approval the following findings of the appellate court:

"In their fourth assignment of error, appellants would devote much of their discussion to the proposition that appellees' Sales Patents are null and void ab-initio, the land covered therein having been already previously titled in the name of appellants. This has to be so according to the appellants, in view of the fundamental principle that once a patent is registered and the corresponding title is issued, the land ceases to be part of the public domain and becomes private property over which the Director of Lands has neither control nor jurisdiction. A fortiori, the Director of Lands could not have validly issued Sales Patent Titles in favor of appellees. We disagree, Appellants' argumentation would be plausible if we assume that their titles are valid. Unfortunately, this is not so in the case at bar. Their titles to the land in question are null and void, it (sic) having been obtained in contravention with the requirements provided by law. On this score, we have the following learned observation of the court a quo:

"The big tract of land in Mariveles, Bataan to which the parcels of land involved in the case belong was formerly a portion of the U.S. Military Reservation in Mariveles, Bataan which was turned over to the Philippine Government only on December 22, 1965 (Republic of the Philippines v. Court of Appeals, et al. No. L-39473, April 30, 1979, 89 SCRA 648). Under such a situation, the Court seriously doubts whether Placido Manalo and their predecessors-in-interest could have been in possession of the land since 1944 as they claimed:

"Lands covered by reservation are not subject to entry, and no lawful settlement on them can be acquired (Republic of the Philippines v. Hon. Court of Appeals, et al., No. 14912, September 30, 1976, 76 SCRA 146)."

"Thus, the Manalos appeared not to have satisfied the requirement of possession since July 4, 1945.

"The improvements supposedly constituting of fence, nangka and other fruit-bearing trees and introduction of cattle in the area involved could have been proven through photographs or the parties could have sought an ocular inspection by the Court of the site in question. It should be noted that one of the requisites before a free patent could be issued would be an ocular inspection and nothing was shown that such had been made.

"It should be noted that at the time the Manalos filed their application on April 1967, the lands were not yet surveyed for the survey plans (Exhibits 4-A and 5-A Manalos) were approved only on June 17, 1971. These survey plans also have the annotation that the lands became disposable and alienable only on May 19, 1971. Before these, the Bureau of Lands has no jurisdiction and could not have accepted the Manalo application in April 1967." (pp. 35-36, Rollo)

We, therefore, find no reversible error in the appealed decision of the Court of Appeals.

WHEREFORE, the instant petition is DENIED. The decision of the Court of Appeals is AFFIRMED. Costs against the petitioners.

SO ORDERED.

Fernan, C.J., (Chairman), Feliciano, and Cortes, JJ., concur.

Bidin, J., no part.

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