

**REPUBLIC OF THE PHILIPPINES, PETITIONER, VS. THE  
INTERMEDIATE APPELLATE COURT, PABLO, JUAN, JR., JULIAN,  
RUFINA, LEONOR, GLORIA TERESITA, ANTONIO, DOLORES,  
BERNARDO, JR., AND MA...**

*G.R. No. 73085. June 04, 1990*

Ponente: PARAS, J.

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**PARAS, J.:**

This is a petition for review on certiorari of the decision of the then Intermediate Appellate Court\*, dated December 2, 1985, in AC-G.R. CV No. 67964 affirming the appealed decision of the then Court of First Instance (now Regional Trial Court) of Quezon, Branch II, Lucena City.

The antecedent facts of this case are as follows:

Claiming that they acquired the property by virtue of a document which they alleged to be a Spanish title originally issued in the name of Bernardo Merchan, the private respondents filed a complaint dated August 7, 1974 against petitioner Republic of the Philippines for quieting of title over said property located in Sitio de Malapianbato alias Arras, Bo. de Ayuti, Lucban, Quezon, containing an area of one million six hundred and sixty thousand (1,660,000) square meters, more or less, or 166 hectares.

The petitioner moved to dismiss the complaint on the ground that the trial court had no jurisdiction over the subject matter of the case because the land is part of a forest reserve established by Proclamation No. 42 dated October 14, 1921, and by Proclamation No. 716 dated May 26, 1941 which declared the area as part of the "Mts. Banahaw-San Cristobal National Park."

The motion to dismiss was denied by the trial court.

The private respondents filed a motion to declare the petitioner in default for failure to file its answer within the reglementary period and for the appointment of a Commissioner to receive their evidence, which was granted.

The petitioner filed a motion to lift the order of default which was denied by the trial court. The petitioner filed a motion for reconsideration of the aforesaid denial.

Meanwhile, Judge Manolo L. Maddela rendered a decision on December 18, 1975, declaring the private respondents as owners of the land subject of the litigation.

On April 21, 1976, the trial court, presided over by Judge Delia P. Medina, issued an order declaring as moot and academic petitioner's motion for reconsideration of the order denying the motion to lift the order of default in view of this Court's resolution declaring null and void all judicial acts, decisions, orders and resolutions performed, promulgated and issued after January 2, 1976, by then Judge Manolo L. Maddela. In the same order, Judge Medina required the petitioner to file a reply to the private respondents' opposition to its motion to set aside the decision of December 18, 1975. The petitioner filed its reply on May 10, 1976.

Petitioner's motion to set aside the decision dated December 18, 1975 of the trial court which rendered judgment in private respondents' favor was granted by the court on July 23, 1976, thereby vacating and setting aside the questioned decision and the order of default. In the same order, the petitioner was required to file its answer to the complaint which it did.

The private respondents filed a motion for reconsideration of the order granting the motion to set aside the decision dated December 18, 1975, which was denied.

On September 16, 1976, the private respondents filed a manifestation assailing the jurisdiction of the court to hear the case contending that it properly belonged to another branch of the court but this was denied.

On September 27, 1976, the private respondents filed with the Court of Appeals a petition for certiorari and prohibition with preliminary injunction against Judge Medina. The appellate court issued a temporary restraining order enjoining respondent judge from further proceeding with Civil Case No. 7840. The appellate court further required the petitioner to file its answer, which was duly submitted.

Meanwhile, on December 29, 1976, the private respondents, six months after the effectivity of P.D. No.892, filed an application for the registration of the parcel of land involved in Civil Case No. 7840. This was docketed as Land Registration Case No. N-1055.

On November 29, 1977, the appellate court denied the aforesaid petition for certiorari and lifted the restraining order.

The trial court, this time presided by Judge Benigno M. Puno, issued an order setting the case for pre-trial. For failure of petitioner's counsel to attend the scheduled hearing, the trial court issued an order declaring the said failure as a waiver to present evidence and to cross-examine the private respondents' witnesses and declared the case submitted for decision.

On March 3, 1980, the trial court rendered its decision in favor of the private respondents, the dispositive portion of which reads:

"WHEREFORE, judgment is hereby rendered in favor of the plaintiffs and against the defendant:

"(1) Declaring the plaintiffs the rightful co-owners and possessors of the land in question as well as the improvements thereon since time immemorial by themselves and/or their predecessors-in-interests;

"(2) Ordering the defendant Bureau of Forestry, as represented by the Director of Forestry, to desist from disturbing the peaceful possession and ownership of the plaintiffs over the land in question;

"(3) Ordering the defendant to recognize the right of possession and ownership of the plaintiffs over the land described in paragraph 7 of the complaint which is particularly known as Cad. Lot No. 4292 (portion) of Cadastral Survey No. 340-D, Case No. 4, situated at the barrio Ayuti, Municipality of Lucena, Province of Quezon, Island of Luzon;

"(4) Ordering the defendant to agree in, and cause the segregation of the land in question within the perimeter of the Mt. Banahaw-San Cristobal National Park, it being private property of the plaintiffs; and

"(5) The applicants in Land Registration Case No. 1055 are hereby directed to take immediate measures for the early and prompt hearing and/or disposition of said case, otherwise, the Court will be constrained to dismiss the same for lack of interest." (Rollo, pp. 113-114).

The petitioner appealed to the then Intermediate Appellate Court which affirmed the judgment of the trial court.

Hence, this petition.

On August 10, 1987, the Court gave due course to the petition and granted the parties a period of thirty (30) days from notice within which to file memoranda (Rollo, p. 112). The petitioner filed its memorandum on September 18, 1987 (Rollo, p. 113), while the private respondents submitted for consideration their comment to the petition dated August 25, 1986, and their rejoinder to the reply of the petitioner dated June 29, 1987 (Rollo, p. 135).

The main issue in this case is whether or not the subject parcel of land which was declared a part of the forest reserve in 1921 and later a national park in 1941 may be subject of private appropriation and registration.

The petitioner contends that being part of a forest reserve, and later as a national park, the subject parcel of land cannot be the subject of appropriation as private property. As reservation for a national park, the land cannot be registered because public reservations are outside the commerce of man and cannot be disposed of or registered as private property.

The petitioner further argues that the document itself dated July 29, 1870 which private respondents allege to be a Spanish title negates their claim. The supposed Spanish title plainly reveals that it is a mere instrument executed by Bernardo Merchan, private respondents' predecessor-in-interest, claiming possession over the land described therein which he sought to be recognized by the government during the Spanish regime. The document does not say it is a title, nor does it state that Bernardo Merchan has acquired ownership over the land. The document does not contain the specific area of the land which is claimed to be owned by private respondents.

The petition is impressed with merit.

The land in question was proclaimed part of a forest reserve by virtue of Proclamation No. 42 dated October 14, 1921. This proclamation was superseded by Proclamation No. 716 dated May 26, 1941 establishing the Mts. Banahaw-San Cristobal National Park. It is already a settled rule that forest lands or forest reserves are not capable of private appropriation, and possession thereof, however long, can not convert them into private property (Vano v. Government of the Philippine Islands, 41 Phil. 161 [1920]; Adorable v. Director of Forestry, 107 Phil. 401 [1960]; Director of Forestry v. Munoz, 132 Phil. 637 [1968]; Republic v. De la Cruz, 67 SCRA 221 [1975]; Director of Lands v. Reyes and Alinsunurin v. Director of Lands, 68 SCRA 177 [1975]; Republic v. Court of Appeals, 89 SCRA 648 [1979]; Republic v. Animas, 56 SCRA 499 [1974]; Director of Lands v. Court Of Appeals, 133 SCRA 701 [1984]; Republic v. Court of Appeals, 135 SCRA 156 [1985]; Director of Lands v. Rivas, 141 SCRA 329 [1986]) unless such lands are reclassified and considered disposable and alienable by the Director of Forestry (Republic v. Court of Appeals, 154 SCRA 476 [1987]).

In this case, there is no proof of reclassification by the Director of Forestry that the land in question is disposable or alienable.

Furthermore, with the passage of Presidential Decree No. 892, effective February 16, 1976, Spanish Titles can no longer be used as evidence of land ownership. Under the same decree, lands not under the Torrens System shall be considered as unregistered.

PREMISES CONSIDERED, the decision of the appellate court is hereby REVERSED, and Civil Case No. 7840 and Registration Case No. N-1055 are hereby DISMISSED.

**SO ORDERED.**

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

\* IAC, Second Civil Cases Division, Justice Jose C. Campos, Jr., penned the decision and concurred in by Justices Crisolito Pascual, Serafin E. Camilon and Desiderio P. Jurado.

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