

HEIRS OF GUMANGAN, NAMELY: ANTONIA GUMANGAN, BALBINA G. GOMEZ, IRENE KITDUD, LINA TOLAS, MAGDALENA GUMANGAN, PABLO GUMANGAN, AND VICTORIA G. AMISTAD, PETITIONERS, VS. COURT OF A...

G.R. No. 75672. April 19, 1989

Ponente: GANCAYCO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-75672/>

GANCAYCO, J.:

Can a part of a forest reservation be titled in a land registration proceeding? This is the controversy in this petition for review of a decision and resolution of the Court of Appeals.

On October 3, 1975, the Heirs of Gumangan, represented by Victoria G. Amistad, filed with the then Court of First Instance of Baguio (now Regional Trial Court) an application for original land registration (Land Registration Case No. N-396) covering Lots "C" and "K", as shown in plan II-13973 (RS-985), with a combined area of 14.3884 hectares (143,884 sq. meters) and both situated in Res. Sec. "D", City of Baguio.

On November 13, 1975, the Heirs of Molintas, represented by Josephine M. Abanag, also filed with the Court of First Instance of Baguio an application for original land registration (Land Registration Case No. N-400) covering Lots "A-2", "B", and "C", as shown on plan II-11935, with a total area of 23.3253 hectares (233,253 sq. meters) and all of which are situated in Res. Sec. "D", City of Baguio.

On May 5, 1977, the Director of Lands, represented by the Solicitor General, filed identical motions to dismiss in Land Registration Cases Nos. N-396 and N-400 and several other land registration cases covering lands within the City of Baguio, alleging that the Court of First Instance of Baguio has no jurisdiction over the said applications inasmuch as the parcels of land applied for have been declared public lands, the disposition of which is the concern of the Director of Lands with the prior approval of the Secretary of Natural Resources. It is also alleged therein that whatever registrable rights and/or claims the applicants may have over the subject lands are barred by the Statute of Limitations and by prior judgment (the Decision dated November 13, 1922 in Civil Reservation Case No. 1, G.L.R.O. Record No. 211).

Both applicants in LRC-N-396 and LRC-N-400, now petitioners, filed their oppositions to the said motion to dismiss on the following grounds: the parcels of land applied for cannot be disposed of by the Director of Lands under the Public Land Act; that the parcels of land applied for, although classified as residential, fall under the term "agricultural lands," hence there is no valid reason to exclude them from the coverage of Section 48 of the Public Land Act; that the applicants whose predecessors were not served with notices in Civil Reservation Case No. 1, G.L.R.O. Record No. 211, as required by Section 3 of Act No. 627, are not barred from applying for registration of their titles to the lands applied for; that the declaration of the subject lands as public lands in the townsite proceedings did not disturb their possessory titles or foreclose their right to apply for the benefits under Section 48 of the Public Land Act.

On February 15, 1978, the trial court issued an order dismissing Cases Nos. N-396 and N-400, the dispositive portion of which reads as follows:

WHEREFORE, finding merit in the present motions to dismiss, the same are hereby granted and the applications in the above-entitled cases are dismissed, without costs.

On March 29, 1978, petitioners filed their motions for reconsideration of the dismissal order, anchored on the following grounds:

- a. That the parcels of land covered by LRC-N-396 and LRC-N-400 are included within the boundary lines of Busol Forest Reservation, which reservation was excluded from the proceedings in Civil Reservation Case No. 1, G.L.R.O. Record No. 211;
- b. That the parcels of land subject matter of the said land registration cases are not among those declared as public land in the Decision dated November 13, 1922 in the said reservation proceedings;
- c. That the applicants-petitioners are not barred by the said Decision dated November 13, 1922 from applying for the registration of their titles under Act No. 496, as amended.

On June 13, 1978, the Director of Lands filed his opposition to the motion for reconsideration, alleging that:

"x x x the Court of First Instance of Baguio has no jurisdiction over the parcels of land subjects of land registration cases in question; and that the claims of the Heirs of Gumangan and the Heirs of Molintas in LRC-396 and LRC-400 have already been settled in previous proceedings."

On April 28, 1981, the trial court issued another order denying the motion for reconsideration.

On June 11, 1981, petitioners filed their notices of appeal in both LRC-N-396 and LRC-N-400 with the Intermediate Appellate Court (now Court of Appeals).

On May 8, 1985, the Director of Lands, through the Solicitor General, filed a motion to dismiss the appeal, alleging therein as follows - -

"On November 29, 1984, the Supreme Court promulgated its Decision in G.R. Nos. 57112-21, entitled 'Republic of the Philippines, represented by the Director of Lands, petitioner vs. Judge Sinforoso Fangonil, et al., respondents,' holding that lands within the Baguio Townsite reservation may not be the subject of original registration proceedings; that said lots may only be disposed of by the Director of Lands under the townsite provisions of the Public Land Act' and that claims for private lands not presented in Civil Reservation Case No. 1 are concluded or barred forever by the decision in said case."

On July 1, 1985, petitioners opposed the motion to dismiss filed by the Director of Lands on the following grounds - -

1. That the lands applied for in Land Registration Case Nos. N-396 and N-400 are admittedly within the physical boundaries of Busol Forest Reservation, which is outside the Baguio Townsite, hence the Regional Trial Court of Baguio City has jurisdiction to hear the cases;
2. That the parcels of land applied for in Land Registration Cases Nos. N-396 and N-400, are not among those declared public lands in the Decision dated November 13, 1922 in Civil Reservation Case No. 1, G.L.R.O. Record No. 211, hence trial of said cases are (sic) not barred by res judicata;
3. That there is a necessity for the Regional Trial Court of Baguio City to conduct a regular hearing of Land Registration Cases Nos. N-396 and N-400 to determine if petitioners, by themselves and through their predecessors, have acquired registerable titles to the lands claimed by them before the establishment of the Busol Reservation on April 27, 1922."

On November 6, 1985, petitioners submitted to respondent Court of Appeals a memorandum of evidence with documentary exhibits to prove the grounds of their opposition to the motion to dismiss filed by the Director of Lands.

On January 13, 1986, the Third Civil Cases Division of the Intermediate Appellate Court promulgated its Decision[1] in AC-G.R. CV Nos. 69847 and 69848, the dispositive portion of which reads as follows:

"WHEREFORE, considering the foregoing, the motion to dismiss the appeal filed by the Office of the Solicitor General has to be, as it is hereby, granted, without the necessity of presentation of evidence.

"SO ORDERED."[2]

Petitioners filed a motion for reconsideration but the same was denied on July 28, 1986.[3]

Hence, these two petitions for certiorari to review the decision of the respondent appellate court. This Court gave due course to the petition on February 23, 1987.[4]

The petition is devoid of merit.

Petitioners admit that the property subject of their applications are within the Baguio Townsite Reservation that was established on April 12, 1912. In a decision in Civil Reservation Case No. 1 dated November 13, 1922, it was held that all lands within the Reservation are public lands with the exception of (1) lands reserved for specified public uses and (2) lands claimed and adjudicated as private property. It was also held in said case that claims for private lands by all persons not presented for registration within the period fixed in Act No. 627, in relation to the first Public Land Law, Act No. 926, are barred forever.[5]

Of course petitioners claim lack of notice in the aforesaid case so that they may not be barred by the former judgment. This issue was squarely disposed of by this Court in a case of other applicants similarly situated as petitioners. In *Republic vs. Fangonil*,[6] this Court held as follows:

"That 1922 decision established the rule that lots of the Baguio Townsite Reservation, being public domain, are not registerable under Act No. 496. As held by Judge Belmonte in a 1973 case, the Baguio Court of First Instance 'has no jurisdiction to entertain any land registration proceedings' under Act No. 496 and the Public Land Law, covering any lot within the Baguio Townsite Reservation which was terminated in 1932 (*Camdas vs. Director of Lands*, L-37782, Resolution of this Court of March 8, 1974, dismissing petition for review of Judge Belmonte's ruling).

In the instant cases, after more than half a century from the 1922 decision declaring the townsite public domain, or during the years 1972 to 1976, Modesta Paris, Lagya Paris, Samuel Baliwan, Pablo Ramos, Jr., Josephine Abanag, Menita T. Victor, Emiliano Bautista and Odi Dianson filed with the Court of First Instance of Baguio applications for the registration of lots (with considerable areas) inside the Baguio Townsite Reservation.

xxx xxx xxx xxx

As already noted, the fact is that the notice in Case No. 211 was issued on July 22, 1915. The clerk of court certified that 134 persons living upon or in visible possession of any part of the reservation were personally served with notice of the reservation. Section 3 of Act No. 627 provides that the certificate of the clerk of court is conclusive proof of service.' (*Zarate case*, 158, 162).

xxx xxx xxx xxx

We hold that the trial court erred in requiring the presentation of evidence as to the notice required under Act No. 627. Such evidence cannot be produced at this time because the court record of Case No. 211 was

completely destroyed during the last war.

xxx xxx xxx xxx

The period of more than fifty years completely bars the applicants from securing relief due to the alleged lack of personal notice to their predecessors. The law helps the vigilant but not those who sleep on their rights. 'For time is a means of destroying obligations and actions, because time runs against the slothful and contemners of their own rights.'"

Thus, inasmuch as the said properties applied for by petitioners are part of the public domain, it is the Director of Lands who has jurisdiction in the disposition of the same (subject to the approval of the Secretary of Natural Resources and Environment), and not the courts.

Petitioners nevertheless contend that said properties are within the Busol Forest Reservation which was established on April 27, 1922 under Proclamation No. 15 and that they had the same surveyed in their behalf even before the creation of the said reservation. They cite the aforestated decision of November 13, 1922 to the effect:

"x x x, el Juzgado par orden de fecha 7 de Octubre de 1922 ordeno que este expediente de reserva sea incluido en el calendario de sesiones del Tribunal, correspondiente al 27 de Octubre de 1922 se celebre esta vista, y en esta dia se ha dado asimismo cuenta el Juzgado de la mocion presentado por el Fiscal pidiendo que sean excluido de este expediente de reserve las sequientes reservas forestales, administrades por el Oficina de Monte."

x x x x x x x x

"Busol, reserva forestal establecida bajo la Proclama del Governador General de la Islas Filipinas No. 15, de fecha 27 de Abril de 1922.

"En su virtud, y teniendo en cuenta que se han cumplido todos los tramites que require la ley en los casos de reserva como el que tramita, esta Tribunal concluyentemente,

"ORDENA, ADJUDICA Y DECRETA:

"(a) Que con excepcion de las referidas reserva forestales tituladas 'Forbes Park', 'Busol', y 'The Cave', cuyos linderos y superficies constan en los planos respectivos; y de los terrenos mencionados en los Expediente referidos, numerados x x x, decididos y declarados a favor de sus respectivos solicitantes, las parcelas de terrenos arriba descritas y objeto de esta expediente de reserva, asi como los intereses o derechos reales comprendidos en dicha reserva, son terrenos publicos;"[7]

Even assuming that petitioners did have the said properties surveyed even before the same was declared to be part of the Busol Forest Reservation, the fact remains that it was so converted into a forest reservation, thus it is with more reason that this action must fail. Forest lands are inalienable^[8] and possess on thereof, no matter how long, cannot convert the same into private property.^[9] And the courts are without jurisdiction to adjudicate lands within the forest zone.^[10]

WHEREFORE, the petitions are DISMISSED for lack of merit, with costs against petitioners.

SO ORDERED.

Narvasa, (Chairman), Cruz, Griño-Aquino, and Medialdea, JJ., concur.

[1] Penned by Associate Justice Floreliana Castro-Bartolome, concurred in by Associate Justices Jorge R. Coquia, Mariano A. Zosa and Bienvenido C. Ejercito.

[2] Pages 29-39, Rollo.

[3] Page 40, Rollo.

[4] Page 65, Rollo.

[5] Sections 3 and 4, Act No. 627.

[6] 133 SCRA 513 (1984).

[7] Memorandum of petitioners, page 93, Rollo.

[8] The Director of Lands vs. Abanzado, 65 SCRA 5 (1975).

[9] Vaño vs. Government of the Philippine Islands 41 Phil. 161 (1920); Adorable vs. Director of Forestry, 107 Phil. 401 (1960); Director of Forestry vs. Muñoz, 23 SCRA 1183 (1968); Republic vs. Animals, 56 SCRA 499 (1974); Director of Lands vs. Reyes, 68 SCRA 177 (1975); and Director of Lands vs. Court of Appeals, 117 SCRA 346 (1982).

[10] Republic of the Philippines vs. Court of Appeals, 89 SCRA 648 (1979).

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.