

HEIRS OF GREGORIO TENGCO, PETITIONERS, VS. HEIRS OF JOSE AND VICTORIA ALIWALAS AND COURT OF APPEALS, RESPONDENTS.

G.R. No. 77541. November 29, 1988

Ponente: CORTES, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-77541/>

CORTES, J.:

The instant case stemmed from an action to quiet title instituted by the late Victoria L. Vda. de Aliwalas against the Heirs of Gregorio Tengco, the Director of Lands and the Register of Deeds of Pampanga.

The facts as found by the Court of First Instance of San Fernando, Pampanga, Branch VI, in Civil Case No. 4308, are as follows:

The evidence adduced by the parties in this case shows that Lot No. 3563 of the Arayat Cadastre was originally a part of the public domain and it was so declared on October 12, 1933 (Exh. "A-2"). Thereafter, Dr. Jose Aliwalas applied with the Bureau of Lands for the issuance of a homestead patent covering this lot. On December 12, 1936, the Director of Lands granted this application and issued in favor of Jose Aliwalas Homestead Patent No. 38588 (Exh. "E"). This patent was duly registered in the Register of Deeds of Pampanga on April 8, 1937 after the corresponding fees thereon were paid (Exhs. "D-5" and "D-6"). On the same day, the Register of Deeds of Pampanga issued OCT No. 159 (Exh. "D") in the name of Jose Aliwalas. From that time on, Dr. Aliwalas paid the corresponding land taxes thereon (Exh. "I", "I-1" to "I-25") after having declared the land for taxes (sic) purposes in his name (Exh. "F", "G" and "H").

As owner of this property, Jose Aliwalas, thru his overseer Espiridion Manual, had this parcel fenced and vegetables were planted in some portions thereof. Other portions were dedicated initially to cattle raising until the last war broke out.

After the war, palay was planted on some portions of this land, by the tenants of Jose Aliwalas who gave the owner's share to him, thru his caretaker and overseer Espiridion Manual. Other seasonal crops were also planted on the land as well as ipil-ipil trees for firewood purposes. There were also planted mango trees which ultimately bore fruit which, were harvested by the caretaker of Aliwalas in this property and who delivered them to Jose Aliwalas until he died in 1962 when the administration and management was assumed by Jose Aliwalas, Jr., a son of Dr. Aliwalas.

When the properties left by Dr. Jose Aliwalas were partitioned among his surviving heirs, the lot in question was allotted in favor of the plaintiff Victoria L. Vda. de Aliwalas as indicated in the amended project of partition (Exh. "B") executed by her and her nine children, one of whom is Jose Aliwalas, Jr.

After this amended project of partition was approved (Exh. "C") and registered with the Register of Deeds of Pampanga, OCT No. 52526-R (Exh. "A") was issued in the name of the plaintiff on November 14, 1966 (Exh. "A-1"). Thereafter, the tax declaration pertaining to this parcel of land was also transferred to her name (Exhs. "O", "P" and "A"). She also paid the real estate taxes thereon (Exhs. "N", "N-1" to "N-14", Exhs. "R", "R-1" to

"R-53").

On the other hand, the evidence further shows that on October 31, 1973, the defendant Ponciano Tengco in representation of the defendants Heirs of Gregorio Tengco filed an application with the Bureau of Lands, thru its District Land Office here in San Fernando, Pampanga. Among other things, he alleged in his application that this parcel of land had been occupied and cultivated originally and continuously thereafter by Gregorio Tengco. After being given due course, this application was approved by the Director of Lands who issued Free Patent No. 557692 covering this lot on February 5, 1974 (Exh. "3" Tengco; Exh. "6", Dir. of Lands).

This free patent issued in favor of the Heirs of Gregorio Tengco was predicated on the assumption that the lot still formed part of the public domain and on the findings of the Public Land Inspector Romeo Buenaventura who conducted an investigation thereon and who also reported that the land in question was possessed and occupied by the applicant, Heirs of Gregorio Tengco (Exh. "2"-Tengco and Exh. "5"-Dir. of Lands) who had planted different kinds of trees on the land aside from rice and corn.

The defendants Heirs of Gregorio Tengco also adduced evidence tending to show that their late grandfather Gregorio Tengco had occupied this parcel of land exclusively years before the last (sic) and after he died in 1934, his children succeeded him in its possession and enjoying the fruits from the different trees planted thereon, and that the possession of Gregorio Tengco and his successors-in-interest have not been disturbed by anyone including the Aliwalas family.

On rebuttal, the plaintiff adduced evidence showing that the pre-war records of the Bureau of Lands pertaining to public land applications were burned during the war as indicated in the certification issued by the Chief of the Records Management Division of the Bureau of Lands. This is to explain why the Bureau has no more record pertaining to the Homestead Patent issued in favor of Jose Aliwalas in 1936 which gave rise to the issuance of OCT No. 159 of the Register of Deeds of Pampanga on April 8, 1937. The certification also attests that what is now found in the files of the Bureau of Lands is Free Patent V-557692 issued on February 5, 1974 in favor of the Heirs of Gregorio Tengco pertaining to Lot No. 3563. [Rollo, pp. 18-20.]

On the basis of the evidence, the trial court rendered judgment as follows:

WHEREFORE, and in view of all the foregoing, judgment is hereby rendered:

1.

Declaring the herein plaintiff Victoria Vda. de Aliwalas as the true owner of Lot No. 3563 of Arayat Cadastre embraced in TCT No. 52526-R of the Register of Deeds of Pampanga in her name;

2.

Ordering the Register of Deeds of Pampanga to cancel TCT Nos. 132263-R, 132264--R and 132349-R in the name of Cipriano Tengco, Ponciano Tengco, et al., and Eugenia Tengco, respectively, covering portions of this Lot No. 3563;

3.

Ordering the herein defendants-Heirs of Gregorio Tengco to vacate the land in question and to pay the amount of P5,000.00 a year to the plaintiff beginning from the year 1974 until the land is vacated by them and turned over to the plaintiff; and

4.

Ordering the defendants-Heirs of Gregorio Tengco to pay the plaintiff the sum of P2,000.00 as attorney's fees, plus costs. [Rollo, pp. 17-18.]

Dissatisfied with the trial court's judgment, the Heirs of Gregorio Tengco interposed an appeal to the Court of Appeals, docketed as CA-G.R. CV No. 69706. The appellate court, adopting the trial court's findings of fact, affirmed the latter's judgment [Rollo, pp. 17-24.] Petitioners moved for reconsideration but their motion was denied [Rollo, pp. 25-26.] Hence, the instant petition.

Private respondents filed a comment to the petition, to which petitioners replied. On September 16, 1987, the Court resolved to give due course to the petition and the parties were required to submit their respective memoranda. After the petitioner filed a reply to private respondent's memorandum, the case was deemed submitted for decision.

In their petition the Heirs of Gregorio Tengco have ascribed several errors to the Court of Appeals, which involve mixed questions of fact and law [Rollo, p. 4.] But, as stated in their memorandum, the issues may be limited to the following:

(a)

Whether or not the court of origin and/or, subsequently, the respondent Honorable Court of Appeals, had jurisdiction to take cognizance of, and pass upon, the instant case;

(b)

Whether or not the claim or contention of the private respondents will hold true and prosper before a proper forum; and

(c)

Whether or not the private respondents, assuming for the sake of argument, that they have proprietary rights on and to the land in question, have not long lost such rights by laches and/or prescription. [Memorandum for Petitioners, p. 6.]

1. Petitioners contend that the trial court (and, consequently, the Court of Appeals) had no jurisdiction to take cognizance of and pass upon the instant case as private respondents have failed to exhaust administrative remedies. They point out that instead of bringing her case to the Bureau of Lands, Victoria Vda. de Aliwalas went directly to the court.

On the other hand, private respondents argue that since a homestead patent and an original certificate of title had already been issued to their predecessor-in-interest, the land had ceased to be part of the public domain and, hence, the Bureau of Lands had no jurisdiction over the controversy. Private respondents add that since an original certificate of title had been issued pursuant to the homestead patent, their title to the property had become conclusive, absolute, indefeasible and imprescriptible.

In rebuttal, petitioners contend that private respondents' title had not acquired said qualities as it was derived from a homestead patent. Petitioners advanced the view that only titles based upon a judicial declaration can be vested with the attributes of conclusiveness, indefeasibility and imprescriptibility.

Petitioners' theory is not supported by the jurisprudence on the matter. The rule is well-settled that an original certificate of title issued on the strength of a homestead patent partakes of the nature of a certificate of title issued in a judicial proceeding, as long as the land disposed of is really part of the disposable land of the public domain, and becomes indefeasible and incontrovertible upon the expiration of one year from the date of the promulgation of the order of the Director of Lands for the issuance of the patent [*Republic v. Heirs of Carle*, 105 Phil. 1227 (1959); *Ingaran v. Ramelo*, 107 Phil. 498 (1960); *Lopez v. Padilla*, G.R. No. L-27559, May 18, 1972, 45 SCRA 44.] A homestead patent, once registered under the Land Registration Act, becomes as indefeasible as a Torrens Title [*Pamintuan v. San Agustin*, 43 Phil. 558 (1922); *El Hogar Filipino v. Olviga*, 60 Phil. 17 (1934); *Duran v. Oliva*, 113 Phil. 144 (1961); *Pajomayo v. Manipon*, G.R. No. L-33676, June 30, 1971, 39 SCRA 676.]

The contention of non-exhaustion of administrative remedies, on the theory that the case should have been brought before the Director of Lands, had already been rejected by the Court in earlier decisions. Thus, while the Director of Lands has the power to review homestead patents, he may do so only so long as the land remains part of the public domain and continues to be under his exclusive control; but once the patent is registered and a certificate of title is issued, the land ceases to be a part of public domain and becomes private property over which the Director of Lands has neither control nor jurisdiction [*Sumail v. Judge of Court of First Instance*, 96 Phil. 946 (1955); *Republic v. Heirs of Carle*, *supra*.]

2. Anent the second issue, petitioners contend that petitioners' title to the property was defective for the following reasons: (a) Dr. Jose Aliwalas was not qualified to be a homesteader being a rich landed person; and (b) private respondents and their predecessors-in-interest have never been in actual or physical possession of the property, unlike petitioners and their predecessor-in-interest who have been in continuous and open possession of the property since 1918. Thus, petitioners rely on a report prepared by a certain Librado B. Luna, hearing officer of the Bureau of Lands, attesting to such facts [Memorandum for Petitioners, p. 13.]

But, as correctly pointed out by the respondent Court of Appeals, Dr. Aliwalas' title to the property having become incontrovertible, such may no longer be collaterally attacked. If indeed there had been any fraud or misrepresentation in obtaining the title, an action for reversion instituted by the Solicitor General would be the proper remedy [Sec. 101, C.A. No. 141; *Director of Lands v. Jugado*, G.R. No. L-14702, May 21, 1961, 2 SCRA 32; *Lopez v. Padilla*, *supra*.]

3. Finally, petitioners contend that private respondents have lost their title to the property through laches and prescription. They assert that private respondents and their predecessors-in-interest have never actually possessed the property while petitioners and their predecessor-in-interest have been in actual, open, uninterrupted and adverse possession of the property since 1918.

But as stated above, title acquired through a homestead patent registered under the Land Registration Act is imprescriptible. Thus, prescription cannot operate against the registered owner.

Moreover, as found by the Court of Appeals:

. . . The allegation of defendants-appellants (petitioners herein) that plaintiff-appellee (Victoria L. Vda. de Aliwalas) and her predecessor-in-interest slept on their rights for over 40 years, since 1936 when the patent was issued to Aliwalas is untenable. It has been established that Jose Aliwalas through his overseer Espiridion Manual planted the subject land to vegetables and raised cattle therein until the last war broke out. After the war, the land was planted with palay, seasonal crops, ipil-ipil trees and mango trees. When Jose Aliwalas died in 1962, the administration and management of the farm was assumed by his son, Jose Aliwalas, Jr. Upon the partition of the properties left by the late Jose Aliwalas, the subject property was allotted to and registered in the name of plaintiff-appellee. It was in 1974 when the defendants-Heirs of Gregorio Tengco wrested possession of the subject land from plaintiff-appellee's caretaker and deprived her of its produce. On October

14, 1976, the plaintiff filed her second amended complaint. The foregoing facts show that plaintiff-appellee and her predecessor-in-interest occupied, possessed and exercised rights of ownership over the subject land prior to the filing of the instant suit. [Rollo, pp. 23-24.]

The Court finds no cogent reason to disturb the appellate court's findings, in the absence of a clear showing that the facts have been misapprehended.

WHEREFORE, finding no reversible error, the petition is DENIED and the decision of the Court of Appeals in CA-G.R. CV No. 69706 is AFFIRMED.

SO ORDERED.

Fernan, C.J., Gutierrez, Jr., Feliciano, and Bidin, JJ., concur.

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.