

THE ROMAN CATHOLIC ARCHBISHOP OF MANILA, APPLICANT AND APPELLEE, VS. THE DIRECTOR OF LANDS, RESPONDENT AND APPELLANT.

G.R. No. 8414. March 19, 1914

Ponente: CARSON, J.

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CARSON, J.:

In the course of proceedings had in the Court of Land Registration, title to a certain tract of land was adjudicated in favor of the Roman Catholic Archbishop of Manila, upon proof that the applicant had been in possession under claim of ownership for more than forty years. Before the issuance of the final decree directing the registration of this land in favor of the applicant, the official surveyor of the court reported that the original plan submitted by the applicant was defective, in that it had not been approved by the Director of Lands. Thereafter an order was issued directing the applicant to present a new plan, whereupon the applicant prayed that under the provisions of section 66 of Act No. 926 the Bureau of Lands be directed to make a new survey at the expense of the Insular Government. This is an appeal by the Director of Lands on behalf of the Government of the Philippine Islands from an order of the court granting the prayer of the applicant and directing that the tract be surveyed at the cost of the Insular Government.

Section 66 of Act No. 926 is as follows:

"Whenever any judgment of confirmation or other decree of the court involving public lands shall become final, the clerk of the court shall certify that fact to the Bureau of Public Lands, with a copy of the decree of confirmation or judgment of the court, which shall plainly state the location, boundaries, and area as nearly as may be, of the tract involved in the decree or judgment, and shall be accompanied by a plan of the land as confirmed or acted upon by the court. In the event the original survey was made by the Bureau of Public Lands and the decree of the court conforms thereto, no further proceedings shall be required. When the original survey was made by the applicant or where the tract confirmed by the court varies from the original survey as made by the Bureau of Public Lands, the Chief of the Bureau of Public Lands shall immediately cause the tract, so confirmed by the court, to be surveyed at the cost of the Insular Government, and shall, when such survey has been approved by him, furnish a copy of same to the Court of Land Registration and to the applicant, which survey when approved by the court, and unless objected to by the applicant within thirty days, shall be conclusively presumed to be correct. If objection is made to the survey by the applicant, the court, upon notice to the Bureau of Public Lands, shall hear such objections., and its action in the matter shall be final."

The judge of the Court of Land Registration was of opinion that in any case wherein the facts disclosed by the proceedings had upon an application for adjudication of title and registration under the Land Registration Act disclosed that the applicant would be entitled to a certificate of title under the provisions of subsection 6 of section 54 of Act No. 926 as amended, such applicant is further entitled to have his land surveyed at the cost of the Insular Government under the provisions of section 66. The contention seems to be that since section 66 and section 54 are both contained in Chapter VI of the Act, which treats of "unperfected titles and Spanish grants and

concessions," the provisions of section Q6 must be held to be applicable to all of the cases mentioned in section 54, by virtue of which occupants of public lands in the Philippine Islands claiming under "unperfected titles and Spanish grants and concessions" may have their claims confirmed and secure the issuance of a certificate of title therefor.

Subsection 6 of section 54 is as follows:

"All persons who by themselves or their predecessors in interest have been in the open, continuous, exclusive, and notorious possession and occupation of agricultural public lands, as defined by said Act of Congress of July first, nineteen hundred and two, under a bona fide claim of ownership except as against the Government, for a period of ten years next preceding the taking effect of this Act, except when prevented by war or force majeure, shall be conclusively presumed to have performed all the conditions essential to a Government grant and to have received the same, and shall be entitled to a certificate of title to such land under the provisions of this chapter."

Unlike the other cases dealt with in that section, the provisions of subsection 6 manifestly contemplate the registration of lands which are conclusively presumed to have long ceased to be public lands as a result of a presumed Government grant and the performance of all the conditions essential thereto, including the acceptance of the grant. Before a court can adjudicate title in favor of an applicant under the provisions of subsection 6 of section 54, proof must be submitted sufficient under the provisions of that section to sustain a finding that the applicant had received a Government grant of the lands in question more than ten years prior to the date of the enactment of the Act (October 7, 1903), and that since that time the lands had ceased to be a part of the public domain. Manifestly a "judgment of confirmation or other decree of the court" adjudicating title under the provisions of the above cited subsection 6 of section 54 does not in any proper sense involve "public lands" as that term is used in section 66 of the Act. The provisions of this section clearly refer to cases wherein a final judgment of confirmation or other decree of the court is entered which has the effect of adjudicating title or decreeing the registration of lands in favor of private individuals which prior thereto constituted a part of the public domain, as might well occur under the provisions of subsections 1, 2, 3, 4, and 5 of section 54, where claimants to public lands seek to have title thereto adjudicated in their favor although the title had not theretofore passed from the Government to the claimant. The words "public lands" as used in this section are not intended to include all lands which may at any time have been a part of the public domain, though long since severed therefrom. They refer rather to lands the title to which continues to be in the United States up to the time of the entry of the final "judgment of confirmation or decree" involving them, to which reference is made in the opening sentence of this section.

We are confirmed in our construction of the provisions of these sections by the consideration that if the contention of the appellee were sustained, the burden would be placed upon the Insular Government of surveying at its cost all, or nearly all, lands registered under the provisions of the Land Registration Act to which the applicants or their predecessors in interest claimed ownership prior to the transfer of sovereignty of these Islands to the Government of the United States. We do not think that if it was the intention of the lawmaker to impose such a burden upon the Insular Government the language used would have been so uncertain as to require the court to rely upon strained and uncertain inferences in giving its proper effect.

The order appealed from should be and is hereby reversed, without costs to either party.

Arellano, C. J., Trent and Araullo, JJ., concur.

Moreland, J., concurs in the result.

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