

DIRECTOR OF LAND MANAGEMENT, PETITIONER, VS. COURT OF APPEALS (SEVENTH DIVISION) AND POMPEYO MALIWAT AND AMELIA G. MALIWAT, RESPONDENTS.

G.R. No. 94525. January 27, 1992

Ponente: GRINO-AQUINO, J.

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GRINO-AQUINO, J.:

This is a petition filed by the Director of Land Management to review the decision dated March 29, 1990 of the Court of Appeals affirming the trial court's decision which ordered the registration of the title of a 16-hectare parcel of land in the names of the private respondents.

The trial Court and the Court of Appeals found the facts of this case to be as follows:

The Land Investigator/Inspector of the Bureau of Lands verified that Feliciano Juco his grandparents or predecessors-in-interest had been in open, exclusive, adverse peaceful and continuous possession of the land in question in the concept of owners, for a period of twenty (20) years. Juco built a house on Lot 3 where his family lived. He had carabaos grazing in his pasture. His brother-in-law, Gelacio de la Cruz, owned and lived on the adjacent Lot 4.

On March 10-11, 1957, Nieves Naval de Roldan caused the whole tract of land in Cuyambay, Tanay, Rizal, to be resurveyed as PSU-164381, by Private Land Surveyor Francisco Agustin. Her children filed an application to purchase the property through the Bureau of Lands. Lot 4 was placed in the name of Desiderio Roldan. A sales application was filed by Mariano Roldan for Lot 3.

Feliciano Juco was informed of the posting in the Municipality of Tanay, Rizal, of Mariano Roldan's sales application for Lot 3. But having no money, he failed to participate in the bidding. Lot 3 was purchased by Bernardina Manalaysay.

In 1963, with Quirino D. Villena's help, Feliciano Juco was able to obtain financial assistance from the spouses Leon and Loretta R. Lina to protest against Mariano Roldan's acquisition of Lot 3. He promised to sell the lot to Lina later. On July 23, 1963, a "Conditional Sale and Transfer of Right to Land" was executed by Juco in favor of the Lina spouses.

The Lina spouses fenced Lots 3 and 4 and planted fruit trees thereon. Two (2) years later, a Bilihang Tuluyan was executed by Juco, with his wife's consent in favor of Lina. The document was notarized by Teodulo Q. Bernardos (Exh. C) and registered under Act No. 3344 on September 5, 1972.

Juco lost his protest in the Bureau of Lands but upon appeal to the Secretary of Agriculture and Natural Resources, he was, on December 18, 1969, adjudged to have the preferential right to buy the property (Exh. O). He was given sixty (60) days from the finality of the decision to file his own application to purchase it, which he did on August 29, 1971 (Exh. I-Director of Lands). Shortly thereafter, Feliciano Juco died.

Juco's wife, Pacita Ressureccion and their children, Jimmy, Nicanor, Beatriz and Adalia, offered to sell the property to Pompeyo Maliwat who was told about the proceedings in the Bureau of Lands but not about the earlier sale of the land to the Lina spouses. He verified from the records that Feliciano Juco did have a preferential right to the property, so he bought it (Exh. D). He had the deed of sale registered (Exh. E) and he declared the land for tax purposes in his name. He placed men on the land to take care of it (pp. 610-613, Rollo.)

Claiming to be the owners in fee simple of Lot 3, PSU-164381, with an area of 169,301 square meters, situated at Barrio Cayambay, Tanay, Rizal, the Maliwats filed on March 20, 1977 in the Regional Trial Court at Pasig, Metro Manila, an application for registration of the land in their names under the Torrens system. It was docketed as Land Registration Case No. N-7753.

The Director of Lands (now Director of the Land Management Bureau) opposed the application on the ground that the land is public land.

The Minister of Agrarian Reform also opposed it on the ground that the land is reserved for agrarian reform.

On November 8, 1972, the Lina spouses filed a motion to dismiss Maliwat's application for registration of title on the ground that the land is covered by a homestead application of Loreto R. Lina duly filed and recorded on January 9, 1970 in the District Land Office No. 3 of the Bureau of Lands, and that it is public land under the administration and disposition of the Director of Lands, not the court. On April 5, 1973, they amended their opposition. They claimed that they had purchased the land from Feliciano Juco, and that hence, the title should be registered in their names.

Another opposition was filed by one Cesar N. Roldan claiming to be the actual occupant of the land, that the possession was given to him by the heirs of Feliciano Juco who died while awaiting the action of the Director of Lands on his application for a free patent: and that he (Roldan) filed an application (for free patent) in substitution of the deceased, Feliciano Juco.

On December 26, 1985, the trial court rendered judgment as follows:

"In view of the foregoing, this Court hereby orders and decrees the registration of the parcel of land subject matter of the present proceeding and the registration of title thereto in favor of the applicants, Pompeyo Maliwat and Amelia G. Maliwat, spouses, of age, Filipinos with residence and postal address at Sta. Mesa, Metro Manila, who are hereby declared the true and lawful owners in fee simple thereof.

"Upon the finality of this decision, let the corresponding decree of registration and certificate of title be issued in the name of the applicants." (pp. 123-124, Rollo.)

The Director of Lands appealed the decision to the Court of Appeals (CA-G.R. CV No. 12601). On March 29, 1990, the Court of Appeals affirmed the decision of the trial court. A motion for reconsideration filed by the petitioner, was denied, hence, this petition for review.

The Director of Lands avers that the Court of Appeals erred:

- In holding that Lot 3, Plan Psu-164381 is private land, despite overwhelming evidence including the admissions of private respondents' predecessors-in-interest, that it is a public land.
- In applying the Bengzon (152 SCRA 369) and Acme (146 SCRA 509) rulings on the conversion of alienable public land to private property, notwithstanding the undisputed fact that the possession of Lot 3, Psu-164381 by Feliciano Juco and respondents spouses Pompeyo Maliwat and Amelia Maliwat, was not in the concept of owners: and

- In confirming the alleged registrable right of the private respondents to the land in question.

After deliberating on the petition we hold that the Court of Appeals correctly ruled that Lot 3, had become private land by virtue of the late Feliciano Juco's open, continuous, and exclusive occupation and cultivation thereof since 1939, which when tacked to Maliwat's possession after February 12, 1972 (when he purchased it) far exceeds the statutory thirty-year period for the conversion of alienable public agricultural land into private property. The decision of the Court of Appeals accords with the following rulings of this court:

"x x x alienable public land held by a possessor, personally or thru his predecessors-in-interest, openly, continuously, and exclusively for the prescribed statutory period (30 years under the Public Land Act as amended) is converted to private property by the mere lapse or completion of said period, ipso jure.

"The above (doctrine) is a reaffirmation of the principle established in the earlier cases of *Cariño vs. Insular Government*, 42 Phil. 935; *Suzi vs. Razon*, 48 Phil. 424; and *Herico vs. DAR*, 95 SCRA 437: that open, exclusive and undisputed possession of alienable public land for the period prescribed by law creates the legal fiction whereby the land, upon completion of the requisite period ipso jure and without the need of judicial or other sanction, ceases to be public land and becomes private property." (*Director of Lands vs. Bengzon*, 152 SCRA 369, 376, citing the doctrine laid down in the *Director of Lands vs. IAC and Acme Plywood and Veneer Co., Inc.*, 146 SCRA 509, 522).

"x x x The mandate of the law itself is that the possessors 'shall be conclusively presumed to have performed all the conditions essential to Government grant and shall be entitled to a certificate of title' and by legal fiction, the land ceases to be public and thus becomes private land. In the language of *Herico vs. DAR*, supra title over the land has vested on the possessor so as to segregate the land from the mass of the public domain. And as stressed in *Suzi vs. Razon*, supra, it is not necessary that a certificate of title should be issued in order that said grant may be sustained by the courts, an application thereunder being sufficient." (*Republic vs. De Porkan*, 151 SCRA 107-108.)

"As an applicant possessor who has complied with all the necessary requirements for the grant by the government under the Public Land Act through actual possession, openly, continuously, and publicly, private respondent through his predecessor-in-interest is deemed to have already acquired by operation of law not only a right to a grant but the grant itself of the government for it is not necessary that a certificate of title be issued in order that said grant may be sanctioned by courts – an application therefore being sufficient under the law." (*Santos vs. CA*, 189 SCRA 550.).

Juco's admission in his free patent application that the land he was applying for is public land did not divest the title which had already vested in him before he filed said application on August 9, 1971. Having become private property, the land, as correctly noted by the Court of Appeals, was "beyond the control or jurisdiction of the Bureau of Lands. Consequently, the order of the Secretary of Agriculture and Natural Resources x x x giving him (Juco) sixty (60) days within which to file the corresponding land application was null and void and of no legal effect whatsoever on the already acquired title of Juco under Section 48 (b) of C.A. No. 141, as amended. Nevertheless, the decision established the fact that Juco was the actual occupant of the land with improvements thereat" (pp. 136-137, Rollo).

WHEREFORE, the petition for review is denied for lack of merit. The decision of the Court of Appeals in CA-G.R. CV No. 12601 is affirmed in toto.

SO ORDERED.

Narvasa, C.J., Cruz, and Medialdea, JJ., concur.

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