

**PATRICIO B. MANALASTAS AND BELEN MANALASTAS, PETITIONERS,
VS. HON. COURT OF APPEALS, APOLONIA DELA CRUZ AND THE
HEIRS OF MOISES CAO, RESPONDENTS.***G.R. No. 97493, February 08, 1993*

Ponente: NOCON, J.

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The case at bar involves the question of which prevails: is it the disposition of public agricultural land by a deed of sale over the same or is its disposition by free patent? The answer, of course, is obvious. But first the facts of the case have to be tackled as there is where the seeming confusion lies.

As the petitioners dispute the findings of facts by both the respondent Court of Appeals and the trial court, the respective statements of fact by the litigants will have to be considered for a proper disposition of the case at bar.

According to petitioners:

"By virtue of a Deed of Absolute Sale dated December 30, 1949 (Exhibit "A"), Patricio Manalastas and Belen Manalastas obtained from spouses Albino Magat and Benigna Sangalang a parcel of land situated in Vizal, San Pablo, Candaba, Pampanga, which contained an area of sixty four thousand and sixty (64,060) square meters (tsn, Nov. 15, 1985, pp. 7, 10-12). Due to the construction of road and irrigation canal, the land was separated or divided into Lots Nos. 747, 3801, 3802 and 4160, Pls-476 of the Candaba Public Land Subdivision (Exhibit "E" and Exhibit "B", tsn, id., pp. 29-30). Pursuant to a survey of land conducted on March 7, 1956, the Bureau of Lands approved on October 9, 1972 Exhibit "E", or the survey plan of Lot Nos. 747, 3801 and 3802, as well as Exhibit "B", the survey plan of Lot No. 4160, both in the name of Patricio Manalastas. Lot No. 4160, with an area of two thousand two hundred and two (2,202) square meters (Exhibit "B") adjoined Lot No. 745 belonging to Moises Cao (tsn, id., pp. 10, 14-15). A fence made of concrete hollow blocks was constructed by Moises Cao to separate Lot No. 745 from Lot 4160 (tsn, id., p. 16). On March 2, 1951, Patricio and Belen Manalastas declared the property subject of Exhibit "A" for taxation purposes with the Office of the Provincial Assessor of Pampanga under Tax Declaration No. 4723 (Exhibit "C"), and have since paid the taxes thereon (tsn, id., pp. 17-18).

Specifically, Lot No. 4160 was used for both residential and agricultural purposes. The residential portion is occupied by four householders, namely, spouses Daniel Manalastas and Apolonia Cañasa, Alfonso and Belen Buco, Aquilino and Marieta Buco, and lastly, Maxima Cañasa. They have been staying in Lot No. 4160 since the purchase of the land by Patricio and Belen Manalastas, to whom they each pay a yearly rent of one (1) cavan of palay (tsn, id., pp. 18-20; Oct. 5, 1985, p. 5). Witnesses Aquilino Buco and Maximo Manalastas, both admitted that the lot (Exhibit "B") situated in Vizal, San Pablo, Candaba, Pampanga on which their houses stand is owned by Patricio Manalastas, to whom they pay a yearly rent of one cavan of palay (tsn, Jan. 15, 1986, pp. 9-13). On the other hand, the agricultural portion is cultivated by one Felicisimo Balmeo, tenant of Patricio and Belen Manalastas (tsn, Nov. 15, 1985, pp. 20--21). Witness Balmeo testified that Patricio and Belen Manalastas gave him the authority to cultivate the land, which he started in 1950 continuously up to the present and which portion of land he identified as Exhibit "B--1" (tsn, Jan. 15, 1986, pp. 5-6). From the time

that Patricio and Belen Manalastas acquired Lot No. 4160, neither Moises Cao nor any of his heirs have occupied any portion thereof, whether actual or constructive (tsn, Nov. 15, 1985, pp. 22-23).

Sometime in February 1985, Patricio Manalastas was informed by his tenant, Felicisimo Balmeo that while he was cutting bamboo on a portion of Lot No. 4160, he was stopped by the Caos (referring to the heirs of Moises Cao who died in 1982) who claimed that the property belong to them (tsn, id., p. 23). Patricio Manalastas went to the proper government offices to verify the basis of this claim. He discovered that when Moises Cao was still alive, he filed an application for free patent title with the Bureau of Lands, of which he (Manalastas) did not receive any notice (tsn, id., pp. 22-24). Patricio Manalastas was able to secure a certified true copy of the duplicate original of the said application of Moises Cao dated June 9, 1958, which showed that the application for free patent referred only to Lot No. 745, Pls-476 of Candaba, Pampanga, described therein as containing an area of only one thousand fifty (1,050) square meters (Exhibits "D" and "D-1") (tsn, id., p. 25). On the basis of a free patent title obtained on Lot No. 745, Pls-476, the Register of Deeds for the Province of Pampanga issued Original Certificate of Title No. 948 in favor of Moises Cao on November 17, 1972, which showed however that Lot No. 745, Pls-476 now contains an area of three thousand one hundred and fourteen (3,114) square meters (Exhibit "1"). Comparing Moises Cao's application for free patent with the certificate of title subsequently issued to him (Moises Cao), Patricio Manalastas found that said title to the land embraced and covered the whole of Lot No. 4160 belonging to him (tsn, id., p. 31). Thereafter, Patricio Manalastas went to the farm and talked to the wife and children of the late Moises Cao and told them about the mistake in the title of Moises because it encroached on his Lot No. 4160. He offered to settle the matter amicably with them in order to avoid litigation, but they told him that they could no longer return his lot to him as it was already titled in the name of Moises Cao (tsn, id., p. 32)."[1]

Moreover, according to private respondents:

"1. The land in dispute (Lot 4160, AS-1547 having an area of 2,202 square meters) was a part of the Candaba Public Land Subdivision located in Visal, San Pablo, Candaba, Pampanga and thus, a public land. It is an agricultural public land and was originally designated as portion of Lot 745, PLS-476 which has a total area of 3,114 square meters. (Annex "1", Comment)

2. In 1930, the parents of Moises Cao were actually possessing and cultivating the said public land. Moises Cao and family, subsequently, occupied the same in the concept of an owner and in an open, public and adverse manner.

3. Moises Cao, on November 13, 1956 caused the survey of the said public land (Lot 745, PLS-476) in his (Cao's) name.

4. Moises Cao, on June 9, 1958 applied for a free patent over said public land.

5. On October 2, 1972, Lot 745, PLS-476 was subdivided by the Bureau of Lands into two (2) lots one of which is Lot 4160-AS-1547 which had an area of 2,202 square meters and the other one, is Lot 245 with an area of 912 square meters.

6. The then Secretary of Agriculture and Natural Resources Arturo R. Tanco, Jr. thru the Bureau of Lands as authorized by the President of the Philippines approved said application for free patent of Moises Cao not only over the 912 square meters' lot but on the original Lot 745, PLS-476 which was said to contain an area of 3,114 square meters. Moises Cao, therefore, obtained a free patent title on the said public land. (Annex "2", Comment) Original Certificate of Title (OCT) No. 948 of the Office of the Register of Deeds of Pampanga, consequently, was issued in Moises Cao's name. (Annex "3", Comment) Moises Cao, thus, become the lawful owner and possessor of Lot 745, PLS-476 which includes Lot 4160, AS-1547 being claimed by the petitioners.

7. Moises Cao, in 1982, died and was survived by his wife Apolonia de la Cruz and their children. Private respondents Apolonia de la Cruz Vda. de Cao and children, consequently, inherited the said property."[2]

As a result of this controversy over Lot 4160, petitioners instituted an action for reconveyance against private respondents which the trial court dismissed for lack of merit, reasoning out as follows:

"The present action was filed only on April 17, 1985, Original Certificate of Title No. 948 issued by virtue of a free patent application, as already stated, on November 17, 1972. For an action for reconveyance of land to prosper in this case, there must be evidence to show that the fraudulent statements were made in the application for free patent, and moreover, the action must be instituted within four years from the discovery of such fraudulent statements. No evidence was presented by the plaintiffs to show such fraudulent statements were made in the application to warrant reconveyance. More than four years had already elapsed when this action was filed. Prescription of action therefrom lies.

'An action for reconveyance of land, for which a patent had been issued to the defendant by reason of fraudulent statements, is one based on fraud, and must be instituted within four years from the discovery of the fraudulent statements made in the application.' (Rosario v. Auditor General, L-11817, April 30, 1958; Jean v. Agregado, L-7921, Sept. 28, 1955).

Another thing that militates against the plaintiffs.

'A holder of a land acquired under free patent is more favorably situated than that of an owner of registered property.' (Cabacug vs. Lao, L-27036, 36 SCRA 92).

The plaintiffs have no title for the portion sought to be reconveyed. They anchor their cause of action merely on the deed of sale and the survey plan.

'Mere claim cannot defeat a registered title. - It is obvious that a mere claim cannot defeat a registered title. Furthermore, the 'claim' is only noted on the survey plan, and such notation cannot prevail over the actual decree of registration as reproduced in the certificate. All claims of third persons to the property must be asserted in the registration proceedings. If any claim to a portion thereof is upheld, that portion is segregated from the property applied for, and is not included in the decree of registration and certificate of title subsequently issued to the applicant. If it is included, the claim is deemed adversely resolved with finality, subject only to a petition for review of the decree within one year from its issuance on the ground of fraud, under Section 38 of the Land Registration Act. (Fernandez vs. Aborantigue, 36 SCRA 476).'"[3]

(Underscoring in the original)

The respondent court found petitioners' appeal to be devoid of merit.[4] Their motion for reconsideration, likewise, met the same fate, with the respondent Court ruling as follows:

"In the present case, the title sought to be annulled, Original Certificate of Title No. 948, was issued by the Register of Deeds of Pampanga on September 17, 1972. Appellants, however, filed their action for reconveyance only on April 16, 1985, clearly beyond the ten (10) year prescriptive period."[5]

Petitioners now plead their case before Us complaining that the respondent Court of Appeals erred in:

"1. X X X IGNORING VITAL FACTS AND CIRCUMSTANCES WHICH SHOW THAT PRIVATE RESPONDENTS AND THEIR PREDECESSOR-IN-INTEREST, MOISES CAO, HAVE NEVER BEEN IN POSSESSION OF LOT 4160 AND THAT THE INCLUSION OF SAID LOT IN THE CERTIFICATE OF TITLE ISSUED TO MOISES CAO WAS DUE TO FRAUD OR MISTAKE.

2. X X X DISREGARDING THE SETTLED JURISPRUDENCE THAT AN ACTION TO QUIET TITLE TO PROPERTY IN ONE'S POSSESSION IS IMPRESCRIPTIBLE.

3. X X X HOLDING THAT THE CARAGAY-LAYNO DOCTRINE HAS BEEN ABANDONED."[6]

From the narration of facts by petitioners, essentially, what petitioners did was to:

1. buy a parcel of land from the Magat spouses on December 30, 1949;
2. have the land surveyed due to the construction of a road and irrigation canal;
3. declare the property for taxation purposes and pay the taxes;
4. put a tenant in the agricultural area; and
5. build four (4) houses for himself and relatives.

What private respondents did, essentially, was to:

1. cause the survey of the land in Moises Cao's name; and
2. apply for a free patent over the said land.

Since what is at stake here was public agricultural land, the procedure to obtain such land must be followed. Said procedure is spelled out in Section 11, CA 141, as amended, which reads as follows:

"Sec. 11. Public lands suitable for agricultural purposes can be disposed of only as follows, and not otherwise:

1. For homestead settlement.
2. By sale.
3. By lease.
4. By confirmation of imperfect or incomplete titles:
 - a) By judicial legislation.
 - b) By administrative legislation (free patent)."

Obviously, petitioners did not follow the procedure mandated by law. Even if petitioners could trace their deed of sale back to Adam and Eve, fill in every square inch of the land with agricultural tenants, have residential houses built every few meters here and there, pay the realty taxes religiously every year and have an approved Bureau of Lands Survey yearly, they will NOT become the owners of said parcel of land IF THEY WILL NOT follow the procedures above indicated.

Since private respondents' father, the deceased Moises Cao did follow the procedure outlined in the law, Moises Cao became the owner of the disputed parcel of land, as in fact, he was awarded title to all 3,134 square meters of it by no less than the then Secretary of Agriculture and Natural Resources, Arturo R. Tanco, Jr.[7]

There was no fraud on the part of the late Moises Cao in obtaining title to the land in dispute. On the other hand, there was lack of proper legal advice on the part of petitioners. They probably thought they knew what to do in this particular situation without consulting a lawyer. For example, petitioners could have tacked on to their length of possession the possession of the Magat spouses and any predecessors-in-interest and then apply for judicial confirmation of their imperfect title.[8] Sad to say, they did not.

The respondent court and the trial court, therefore, did not ignore those alleged vital facts and circumstances upon which petitioners stake their claim.

There is no need, therefore, to discuss the other assigned errors.

WHEREFORE, the petition is hereby DENIED for lack of merit. The respondent court's resolution is hereby AFFIRMED in toto.
SO ORDERED.

Narvasa, C.J., (Chairman), Feliciano, Regalado, and Campos, Jr., JJ., concur.

[1] Petitioners' Memorandum, pp. 2-6; Rollo, pp. 294--298.

[2] Private Respondents' Memorandum, pp. 1-2; Ibid, pp. 284-285.

[3] Decision, Manalastas vs. De la Cruz, Civil Case No. 7381, September 30, 1987, RTC, San Fernando, Pampanga, Branch XLI, penned by Judge Graduacion A. Reyes-Claravall, pp. 5-6; Ibid., pp. 66-67.

[4] Decision, Manalastas vs. De la Cruz, CA-G.R. No. 16057, July 30, 1990, penned by Pronove, Jr., J., concurred in by Benipayo and Montoya. JJ.; Ibid., pp. 163-167.

[5] Resolution, Ibid., February 20, 1991, Ibid; Ibid., pp. 232-233.

[6] Petition, pp. 13-14; Ibid., pp. 20-21.

[7] OCT Bo. 948 of the Register of Deeds for the Province of Pampanga, issued November 17, 1972 by virtue of Free Patent No. 525871; Ibid., p. 257.

[8] Section 48, 48b, CA 141, amended as of June 19, 1971 -- The following described citizens of the Philippines, occupying lands of the public domain or claiming to own any such lands or an interest therein, but whose title have not been perfected or completed, may apply to the Court of First Instance of the province where the land is located for confirmation of their claims and the issuance of a certificate of title therefor, under the Land Registration Act, to wit:

'xxx xxx xxx

"(b) Those who by themselves or through their predecessors in interest have been in open, continuous, exclusive, and notorious possession and occupation of agricultural lands of the public domain, under a bona fide claims of acquisition of ownership, for at least thirty years immediately preceding the filing of the application for the confirmation of title except when prevented by war or force majeure. These shall be conclusively presumed to have performed all the conditions essential to a Government grant and shall be entitled to a certificate of title under the provisions of this chapter."

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