

HEIRS OF WENCESLAO TABIA, SPOUSES ERLINDO MAMONONG AND VIRGINIA DE LUMBAN, HEIRS OF MANUEL SOMO AND FELICIDAD SOCORRO, SPOUSES NICANOR OSORIO AND MARIETTA DE LEON, SPOUSES MAXIM...

G.R. NOS. 129377 & 129399. February 22, 2007

Ponente: TINGA, J.

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TINGA, J.:

Before this Court are two Petitions for Review[1] both filed under Rule 45 of the Revised Rules of Court assailing the 29 November 1996 Decision,[2] as well as the 4 June 1997 Resolution[3] of the 8[th] Division of the Court of Appeals in CA-G.R. CV No. 39205, which affirmed the 31 August 1992 Order[4] of the Regional Trial Court of Sta. Cruz, Laguna in Civil Case No. SC-2852 and denied reconsideration thereof, respectively.

On 16 April 1991, Francisco, Amparo, Rosita, Araceli and Teresita, all surnamed Tabia; Yolanda, Roynilo, Tomas, Jr., Domingo, Carlito and Augustus, all surnamed Añonuevo; Susan, Jojo, and Wilma, all surnamed Cacalda; and Danilo, Moises, Jr., Ramon and Roberto, all surnamed Paraiso (herein petitioners) filed a complaint, docketed as Civil Case No. SC-2852, for Annulment of Free Patent No. DENR IV-FP No. 00002P and Damages and/or Reconveyance of Title with the Regional Trial Court (RTC) of Laguna against Abraham dela Cruz (dela Cruz), representing the heirs of Antonina Rabie, and Abelardo G. Palad, Jr., Director of Lands.

The case arose from a Decision[5] rendered by the Director of Lands on 1 February 1989 in B.L. Claim No. 288(n), the dispositive portion of which reads:

WHEREFORE, the claim of the Heirs of Wenceslao Tabia represented by Narciso Tabia, et al[.] is hereby dismissed and this case, dropped from the records. Within the period of sixty (60) days from finality hereof, the [petitioners] shall remove their improvements from the land and shall vacate the premises thereof. The Free Patent Application (Unnumbered) of Antonina Rabie, represented by Abraham dela Cruz, is hereby amended to exclude therefrom the portions occupied by the Provincial Road and Lumban Elementary School. As thus amended the same shall be given further due course.

SO ORDERED.[6]

The subject matter of B.L. Claim No. 288(n) was Lot No. 1430 situated at Lumban, Laguna. It appears that on 21 October 1984, dela Cruz, in behalf of the heirs of the deceased Antonina Rabie, applied for a free patent with the Bureau of Lands (now Lands Management Bureau) covering said lot.[7] Petitioners filed their respective protests and/or oppositions to said application, alleging ownership and possession for over 50 years, and lack of jurisdiction by the Bureau of Lands inasmuch as the subject property had become private land.[8] An ocular inspection was conducted by the Bureau of Lands in the presence of all the parties claimants. Thereafter, the Director of the Bureau of Lands rendered the Decision quoted above.

Petitioners filed a motion for reconsideration but the same was denied by the Director of Lands in his Order, dated

27 June 1989.[9] The matter was brought by petitioners to the Secretary of Agriculture and Natural Resources. The appeal, however, was dismissed by the Secretary in his Order of 27 December 1989, for failure of petitioners to file an appeal memorandum.[10] Accordingly, Free Patent No. DENR IV-FP No. 00002P and Original Certificate of Title No. P-9927 were issued in favor of and in the name of dela Cruz on 26 October 1990.[11]

In Civil Case No. SC-2852, petitioners accused the Director of Lands of unlawful conspiracy with dela Cruz and gross ignorance of the law in issuing the 1 February 1989 decision. They claimed that the decision was obtained through misrepresentation of facts and pursuant to a conspiracy for some unlawful and illegal consideration. They further claimed damages, attorneys' fees and litigation expenses.

Dela Cruz filed a Motion to Dismiss[12] Civil Case No. SC-2852 on the following grounds: (1) lack of jurisdiction, and (2) bar by prior judgment. On the other hand, the Director of Lands, through the Office of the Solicitor General, filed an Answer.[13] Petitioners filed a Motion for Admission of/and Opposition to Motion to Dismiss.[14]

On 19 August 1991, the trial court resolved to deny the motion to dismiss.[15] Meanwhile, dela Cruz filed a Reply[16] to petitioner's Opposition to the Motion to Dismiss.

On 7 May 1992, dela Cruz filed a Motion for Reconsideration of the 19 August 1991 Order of the trial court.[17] On 31 August 1992, the trial court granted reconsideration and dismissed the complaint.[18]

The trial court noted the Director of Lands' exhaustive findings of fact and conclusions of law. It held that petitioners' failure to exploit the available administrative remedy of appeal to the Secretary of Agriculture and Natural Resources rendered the decision of the Director of Lands final and executory. Consequently, the filing of Civil Case No. SC-2852 was deemed premature for failure to exhaust administrative remedies. Further, the decision of the Director of Lands having become final, *res judicata* operated to preclude the trial court from assuming jurisdiction. The trial court further found that petitioners were precluded from questioning the jurisdiction of the Director of Lands because they voluntarily submitted themselves to said jurisdiction by actively participating in B.L. Claim No. 288(n). Finally, it held that the decision of the Director of Lands was supported by substantial evidence.

On 11 September 1992, petitioners filed with the trial court a Notice of Appeal to the Court of Appeals of the Order dated 31 August 1992.[19] On 16 September 1992, the records of the case were ordered forwarded to the Court of Appeals.[20]

On 29 November 1996, the Court of Appeals rendered a Decision affirming the Order of the trial court.[21] The appellate court stressed the fact that the matters raised by petitioner in Civil Case No. SC-2852 were the same matters raised in their protests filed in B.L. Claim No. 288(n).

Petitioners filed a motion for reconsideration of the 29 November 1996 Decision of the Court of Appeals but the same was denied on 4 June 1997.[22] Hence, petitioners filed the instant Petitions for Review.

The grounds relied upon by the trial court and the Court of Appeals in granting the Motion to Dismiss filed by dela Cruz in Civil Case No. SC-2852 were the following: (1) finality of the Director of Lands' findings of facts; (2) failure of petitioners to exhaust administrative remedies; and (3) *res judicata*. All the grounds relied upon by the trial court and the Court of Appeals are all meritorious.

Petitioners' foremost contention is anchored on the Director of Lands' alleged disregard of a supposedly undisputed factual matter, which is that Wenceslao Tabia and the predecessors-in-interest of petitioners, had been in open, continuous, exclusive, and notorious possession and occupation of Lot No. 1430 for a period of more

than fifty (50) years, and by virtue of this possession, they are the owners of the said lot, to the exclusion of dela Cruz. It is on this basis that they seek the annulment of Free Patent No. DENR IV-FP No. 00002P which, it was alleged, was fraudulently issued to dela Cruz who misrepresented himself as the actual possessor of the land.

A determination of the validity of petitioners' claim necessitates a review of the factual findings of the Director of Lands. However, in petitions such as the one in the case at bar, pure questions of fact may not be the proper subject of appeal by certiorari under Rule 45 of the Revised Rules of Court as this mode of appeal is generally confined only to questions of law.[23] Further, findings of the Director of Lands as to questions of fact shall be conclusive when approved by the Secretary of Agriculture and Natural Resources.[24] In this case, the dismissal of petitioners' appeal with the Secretary of Agriculture and Natural Resources had the effect of rendering the decision of the Director of Lands final and executory.

The factual findings of the Director of Lands assume an even more conclusive character because they were affirmed by both the Regional Trial Court and the Court of Appeals. Their reliance on the factual findings of the Director of Lands is not without reason. By reason of his special knowledge and expertise over matters falling under his jurisdiction, he is in a better position to pass judgment thereon. Thus, his factual findings in that regard are generally accorded great respect, if not finality, by the courts, as long as they are supported by substantial evidence, even if such evidence might not be overwhelming or even preponderant. It is not the task of an appellate court to weigh once more the evidence submitted before the administrative body and to substitute its own judgment for that of the administrative agency in respect of sufficiency of evidence.[25]

Petitioners cannot fault the Director of Lands for not appreciating the Deeds of Sale[26] allegedly executed by and between Glicerio Tabia (the immediate heir of Wenceslao Tabia) and the parents of dela Cruz for the reason that said documents were not presented in B.L. Claim No. 288(n). They presented said documents only in Civil Case No. SC-2852. Thus, the Director of Lands, in his Answer to the Complaint, denied petitioners' allegation to the effect that the parents of dela Cruz bought portions of Lot No. 1430 from Glicerio Tabia.[27] Further, considering that the Deeds of Sale were allegedly dated 1951, there was no reason for their non-production or presentation in B.L. Claim No. 288(n). Failure to submit evidence could only mean that if produced, it would have been adverse to petitioners' case.[28] If the inability to produce it was due to their counsel's negligence or omission, the same would bind petitioners.

It is worth mentioning that the bulk of the evidence presented in support of their protest to dela Cruz's application for free patent consisted mainly of the following documents: (1) tax declarations, the earliest of which is for the year 1945; (2) Deeds of Sale; (3) Deeds of Partition; and (4) Payment Receipts. The transactions evidenced by the Deeds of Sale, the earliest of which is dated 1958, show the chain of transfer from Glicerio Tabia to the predecessors-in-interest of petitioners. On this score, the Director of Lands ruled:

Wenceslao Tabia is neither a survey-claimant nor owner of the land in question and the same cannot form part of his estate which could be validly transmitted to his heirs by succession. The extra-judicial partition of the land, confirmatory deed of sale and deed of sale executed by the Heirs of Wenceslao Tabia are, therefore, null and void because they have not acquired any right to the land in question.

x x x

[Petitioners] anchored their right to, and interest in, the land by virtue of the sale executed by the heirs of Wenceslao Tabia and alleged continuous possession of their respective portions. As earlier mentioned, Tabia was not the owner of the land in question and as such, he has nothing to transmit to his heirs. Corrorarily,[sic] his heirs has [sic] nothing to sell in favor of the [petitioners].[29] [Emphasis supplied.]

On the other hand, the conclusions of the Director of Lands were drawn from affidavits, public documents and

records,[30] as well as the results of the ocular inspection conducted.

On petitioners' failure to exhaust administrative remedies, the trial court aptly held that petitioners were, in effect, seeking a review of the decision of the Director of Lands which was the basis for the issuance of the free patent. Since what is being disputed is an action of an administrative agency, in consonance with the principle of exhaustion of administrative remedy, the concerned agency should be given the opportunity to correct itself before the intervention of the court is sought. There is a further requirement that the party with an administrative remedy must not merely initiate the prescribed administrative procedure to obtain relief, but must also pursue it to its appropriate conclusion before seeking judicial intervention.[31]

Petitioners in the instant case did not fully exploit the administrative remedies available to them. In fact, they were responsible for the dismissal of their appeal before the Secretary of Agriculture and Natural Resource. It should be remembered that their failure to file an appeal memorandum was the cause for the dismissal of their appeal. They did not even question the dismissal by the Secretary of Agriculture and Natural Resource. Indeed, by their own neglect and grave omission they allowed the Decision of the Director of Lands to become final and executory, a matter that they could no longer question in Civil Case No. SC-2852.

While the rule on exhaustion of administrative remedies has recognized exceptions, [32] none of them obtains in the case at bar.

On the third ground relied upon for granting the Motion to Dismiss, we agree with the trial court that the doctrine of res judicata operates to bar the filing of Civil Case No. SC-2852.

We have held that the rule of res judicata which forbids the reopening of a matter once judicially determined by competent authority applies as well to the judicial and quasi-judicial acts of public, executive or administrative officers and boards acting within their jurisdiction as to the judgments of courts having general judicial powers.[33] The Director of Lands is a quasi-judicial officer.[34] As such officer, his decisions and orders rendered pursuant to his quasi-judicial authority, have upon their finality, the force and binding effect of a final judgment within the purview of the doctrine of res judicata.[35]

Res judicata comprehends two distinct concepts: (1) bar by former judgment and (2) conclusiveness of judgment. In the case at bar, where there is no identity of causes of action, but only an identity of issues, there exists res judicata in the concept of conclusiveness of judgment. Thus, the issues in B.L. Claim No. 288(n) of prior possession of Lot No. 1430 as well as the sufficiency of the evidence supporting the Director of Lands' conclusion may no longer be relitigated.

The issues now remaining for the Court to resolve do not detract from the conclusion that the dismissal of Civil Case No. SC-2852 is proper. The issues are: (1) whether petitioners have the legal personality to institute the action for annulment of the free patent and and/or reconveyance; (2) whether the Director of Lands had jurisdiction to award the free patent to dela Cruz; and (3) whether a constructive trust was created in favor of petitioners when the free patent was awarded to dela Cruz.

The first issue is the personality of petitioners to bring the action for annulment of Free Patent No. DENR IV-FP No. 00002P. Suffice it to say that since the land in this case was public land prior to the issuance of the free patent, the only party who could question that grant is the government, represented by the Solicitor General. The free patent is a grant by the government, acting through the Director of Lands. Thus, the cancellation thereof is a matter between the grantor and the grantee.[36]

On the issue of jurisdiction, there is no question that the Director of Lands had jurisdiction over B.L. Claim No. 288(n). Under Commonwealth Act (C.A.) No. 141, or the Public Land Law, the Director of Lands has

jurisdiction, authority and control over public lands.[37] Section 4 of C.A. No. 141 states:

Sec. 4. Subject to said control, the Director of Lands shall have direct executive control of the survey, classification, lease, sale or any other form of concession or disposition and management of the lands of the public domain, and his decisions as to questions of fact shall be conclusive when approved by the Secretary of Agriculture and Natural Resources. [Emphasis supplied.]

The alleged pendency of a cadastral case involving Lot No. 1430 is not at all inconsistent with the Director of Lands' exercise of jurisdiction in B.L. Claim No. 288(n). In fact, the assumption underlying the initiation of cadastral registration proceedings is that the parcels of land covered by the cadastral proceedings are public lands and it is up to the claimants as oppositors to plead and prove otherwise. Precisely, the cadastral proceedings is an innovation which was conceived to hasten and accelerate registration of lands with the Director of Lands, not the claimants, initiating the proceedings.[38] Since there is no showing that the cadastral case adjudicated Lot No. 1430 in favor of one of the claimants therein, it may still be presumed to be land of the public domain under the jurisdiction of the Director of Lands.

If public purpose is to encourage land registration for lands to be covered by the Torrens System and considering further that the cadastral proceedings has remained pending and unresolved since 1930, the Director of Lands properly entertained dela Cruz's application for free patent.

Furthermore, the effect of registration of a homestead or any similar patent and the issuance of a duplicate certificate of title to the patentee is to vest in him an incontestable title to the land, in the same manner as if ownership had been determined by final decree of the court.[39] Thus, in the case at bar, the issuance of Original Certificate of Title No. P-9927 operates to take Lot No. 1430 out of that mass of public land that could be the proper subject of cadastral registration proceedings.

Petitioners' alternative prayer for reconveyance of Lot No. 1430 based on the principle of constructive trust[40] must likewise fail considering that their claimed ownership of Lot No. 1430 was found to be without basis. Under this principle, registration of property by one person in his name, whether by mistake or fraud, the real owner being another person, impresses upon the title so acquired the character of a constructive trust for the real owner, which would justify an action for reconveyance.[41] The essence of an action for reconveyance is that the decree of registration is respected as incontrovertible but what is sought instead is the transfer of the property which has been wrongfully or erroneously registered in another person's name, to its rightful owner or to one with a better right.[42] Clearly, not being the owners of Lot No. 1430, petitioners cannot ask for reconveyance of the property to them under the principle of constructive trust.

WHEREFORE, premises considered, the petition are hereby DENIED. The 29 November 1996 Decision and the 4 June 1997 Resolution of the Court of Appeals in CA-G.R. CV No. 39205 are hereby AFFIRMED.

Costs against petitioners.

SO ORDERED.

Quisumbing, (Chairperson), Carpio, Carpio Morales and Velasco, Jr., JJ., concur.

[1]Rollo (G.R. No. 129399), p. 107. On 17 November 1997, G.R. No. 129399 was consolidated with G.R. No. 129377.

[2]Id. (G.R. No. 129377), pp. 41-54; Id. at 41-54; Rollo (G.R. No. 129399), pp. 52-65; CA rollo, pp. 340-352; 479-492; 605-618. Penned by Justice Jaime M. Lantin and concurred in by Justices Corona Ibay-Somera and

Salvador J. Valdez, Jr., CA rollo, pp. 41-54.

[3]Id. at 57; Id. at 64; Id. at 437 and 494.

[4] Id. at 116-119; CA rollo, pp. 6-9; 31-34; 135-138; 551-554;

[5] Rollo (G.R. No. 129377), pp. 60-62; CA rollo, pp. 120-122; 495-497; Records, pp. 116-118.

[6] Id. at 62; Id. at 497; Id. at 118.

[7]Records, pp. 56-59.

[8]Id. at 60-115.

[9] Rollo (G.R. No. 129377), pp. 63-65; Records, pp. 148-150.

[10] Records, pp. 119-121; 151-154. Signed by Romulo D. San Juan, Assistant Secretary for Legal Affairs.

[11] Id. at 122-123.

[12] Id. at 135-144. Dela Cruz raised the following as grounds to dismiss the complaint: (1) that the RTC has no jurisdiction over the nature of the action [Section 1(b), Rule 16, Rules of Court], and (2) that the action is barred by prior judgment [Section 1(f), Rule 16, Rules of Court].

[13]Id. at 187-194.

[14] Id. at 195-200.

[15] Id. at 201-202; CA rollo, pp. 535-536; Penned by Judge Zenaida R. Daguna.

[16] Id. at 203-219.

[17]Id. at 232-245.

[18] Id. at 248-251; Penned by Judge Fernando M. Pacliban, Jr., CA rollo, pp. 135-138.

[19] Id. at 252.

[20] Id. at 253. The appeal was docketed as CA-G.R. CV No. 39205.

[21] Supra note 2.

[22] Supra note 3.

[23] See *De Guzman v. Court of Appeals*, 442 Phil. 534, 544 (2002), citing *Spouses Leon Casimiro and Pilar Pascual, et al. v. Court of Appeals, et al.*, G.R. No. 136911, July 3, 2002 and *Concepcion v. Court of Appeals*, 324 SCRA 85, 91 (2000).

[24] Commonwealth Act No. 141 (1936), Sec. 4.

[25]See *Villaflor v. Court of Appeals*, 345 Phil. 524, 562 (1997).

[26] Records, pp. 124-125.

[27] Id. at 187-194.

[28] *Coca-Cola Bottlers Philippines, Inc. v. NLRC*, G.R. No. 78787, 18 December 1989, 180 SCRA 195, 201, citing *RULES OF COURT*, Rule 131, Sec. 3(e). See *People v. Balansag*, 60 Phil. 266 (1934); and *Cuyugan v. Dizon*, 79 Phil. 80 (1947).

[29]Rollo (G.R. No. 129377), p. 62; CA rollo, 497; Records, p. 118.

[30] These public records were certificates issued by (1) the District Land Officer of Laguna dated 24 November 1983; (2) Engr. Eleuterio Paz, Chief of the Surveys Division of Region IV dated 17 November 1983; and (3) the Director of Lands himself, dated 2 June 1971.

[31]See Hon. Carale v. Hon. Abarintos, 336 Phil. 126, 135-136 (1997).

[32] The instances when the rule may be disregarded are as follows: (1) when there is a violation of due process; (2) when the issue involved is purely a legal question; (3) when the administrative action is patently illegal amounting to lack or excess of jurisdiction; (4) when there is estoppel on the part of the administrative agency concerned; (5) when there is irreparable injury; (6) when the respondent is a department secretary whose acts as an alter ego of the President bears the implied and assumed approval of the latter; (7) when to require exhaustion of administrative remedies would be unreasonable; (8) when it would amount to a nullification of a claim; (9) when the subject matter is a private land in land case proceedings; (10) when the rule does not provide a plain, speedy and adequate remedy; and (11) when there are circumstances indicating the urgency of judicial intervention. See Paat v. Court of Appeals, 334 Phil. 146, 153 (1997).

[33] See Brillantes v. Castro, 99 Phil. 497, 503 (1956).

[34] See PEÑA, NARCISO, ET AL., REGISTRATION OF LAND TITLES AND DEEDS, 1988 Revised Ed., p. 466.

[35] See Brillantes v. Castro, 99 Phil. 497 (1956) and Ipekdjian Merchandizing Co., Inc. v. Court of Tax Appeals, et al. 118 Phil. 915 (1963).

[36] See Caro v. Sucaldito, G.R. No. 157536, 16 May 2005, 458 SCRA 595; and De Guzman v. Court of Appeals, 442 Phil. 534, 543 (2002) citing Spouses de Ocampo v. Arlos, 397 Phil. 799 (2000); Spouses Tankiko v. Cesar, 362 Phil. 184 (1999).

[37] Sherwill Development Corporation v. Sitio Sto. Niño Residents Association, Inc., G.R. No. 158455, 28 June 2005, 461 SCRA 517.

[38]See PEÑA, NARCISO, ET AL., REGISTRATION OF LAND TITLES AND DEEDS, 1988 Revised Ed., p. 486, and Act No. 2259, Sec. 5.

[39] See PEÑA, NARCISO, ET AL., REGISTRATION OF LAND TITLES AND DEEDS, 1988 Revised Ed., p. 460.

[40]CIVIL CODE, Art. 1456 states: "If property is acquired through mistake or fraud, the person obtaining it is, by force of law, considered a trustee of an implied trust for the benefit of the person from whom the property comes."

[41]Vda. De Delgado v. Court of Appeals, 416 Phil. 263, 274 (2001), citing Bueno v. Reyes, No. L-22587, 27 SCRA 1179, 1183 (1969).

[42] De Guzman v. Court of Appeals, 442 Phil. 534, 543 (2002), citing De Ocampo v. Arlos, 397 Phil. 799 (2000); David v. Malay, 376 Phil. 825 (1999); Manangan v. Delos Reyes, 367 Phil. 409 (1999); Dela Cruz v. Court of Appeals, 349 Phil. 898 (1998); Esquivias v. Court of Appeals, 339 Phil. 184 (1997); Amerol v. Bagumbaran, No. L-33261, 30 September 1987, 154 SCRA 396.

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