

PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLANT, VS. WILFREDO G. CAINGLET, DEFENDANT AND APPELLEE.

G.R. Nos. 21493-94. April 29, 1966

Ponente: BENGZON, J.P., J.

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BENGZON, J.P., J.:

On December 13, 1962 Wilfredo G. Cainglet was prosecuted before the Court of First Instance of Zamboanga del Sur for falsification of public and/or official documents in Criminal Cases Nos. 2230 and 2231 under two informations which we quote hereunder:

"That on or about April 22, 1959, in the municipality of Ipil, province of Zamboanga del Sur, Philippines, and in other places within the jurisdiction of this Honorable Court, the herein accused, Wilfredo G. Cainglet, a private individual, in order to deceive the Court of First Instance of Zamboanga del Sur in, rendering a decision in Cadastral Case No. N-19, LRC Cad. Rec. No. N-184, declaring Lot No. 8492, Pls-248 and its Improvements as the private property of the herein accused, thru false and fraudulent representations, did then and there willfully, unlawfully and feloniously, with full knowledge of the falsity of its contents, prepare and/or caused to be prepared the hereinbelow described document, to wit:

"Judicial Form No. 106, otherwise known as an Answer under Section 9 of Act No. 2259, duly subscribed and sworn to before Notary Public Andres Bersales, a person duly authorized by law to administer oath, wherein the accused deliberately made the following untruthful statement of facts: (1) That he is the owner of Lot No. 8492, Pls-248; (2) That he is the owner of the buildings and improvements existing on the land; (3) That he has been in possession of said land as owner for over 3 years; (4) That the said land was acquired by occupation and purchase from a predecessor in Interest; (5) That his predecessor in interest had been in possession thereof for almost 30 years; (6) That there is no person having interest to the said land; which allegation of facts as contained in the above-mentioned document are necessary and essential, as required under Section 9 of Act No. 2259, otherwise known as the Cadastral Act, in order that any person claiming to have an interest on the land subject of the cadastral proceedings, may present his claim and thus preventing the Court from declaring the land as public land;

once the above document was accomplished, the herein accused, with full knowledge of the falsity of any and all his allegations, and knowing fully well that he has never possessed nor occupied the land at anytime, as in fact, the land is actually possessed and occupied by Mindet Elon since before the war, did then and there file and/or caused the same to be filed in Cadastral Case No. 19, LRC Cad. Record No. N-184 for Lot No. 8492, Pls-248, which cadastral proceedings was then pending in the Court of First Instance of Pagadian, Zamboanga del Sur, with a view of misleading the Court in issuing an order declaring Lot No. 8492, Pls-248 as the private property of the herein accused, as in fact, a decision dated October 30, 1959 was rendered by the Honorable Judge Tito V. Tizon of the Court of First Instance of Pagadian, Zamboanga del Sur, declaring among others that Lot No. 8492, Pls-248 with its Improvements is the private property of the accused WILFREDO G. CAINGLET."

"That on or about April 22, 1959, in the municipality of Ipil, province of Zamboanga del Sur, Philippines, and in other places within the jurisdiction of this Honorable Court, the herein accused Wilfredo G. Cainglet, a private

individual, in order to deceive the Court of First Instance of Zamboanga del Sur in rendering a decision in Cadastral Case No. N-19, LRC Rec. No. N-184, declaring Lot No. 8479, Pls-248 and its improvements as the private property of the herein accused, thru false and fraudulent representations, did then and there willfully, unlawfully and feloniously, with full knowledge of the falsity of its contents, prepare and/or caused to be prepared the hereinbelow described document, to wit:

"Judicial Form No. 106, otherwise known as an Answer under Section 9 of Act No. 2259, duly subscribed and sworn to before Andres Bersales, a Notary Public, a person duly authorized by law to administer oath, wherein the accused deliberately made the following untruthful statement of facts: (1) That he is the owner of Lot No. 8479, Pls-248; (2) That he is the owner of the buildings and improvements existing on the land; (3) That he has been in possession of said lot as owner for over 4 years; (4) That the said land was acquired by occupation and purchase of possessory rights from a predecessor; (5) That his predecessor in interest has been in possession thereof for at least 30 years; (6) That there is no person having interest to the said land; which allegation of facts as contained in the above-mentioned document are necessary and essential as required under Section 9 of Act No. 2259, otherwise known as the Cadastral Act, in order that any person claiming to have an interest on the land subject of the cadastral proceedings may present his claim and thus preventing the Court from declaring the land as public land;

once the above document was accomplished, the herein accused, with full knowledge of the falsity of any and his allegations, and knowing fully well that he has never possessed nor occupied the land at anytime, by himself or his predecessor in interest, as in fact, the land has been actually occupied by Nicolas Calero and Pedro Trabajado by virtue of their Homestead Application, did then and there file or caused the same to be filed in Cadastral Case No. 19, LRC Cad. Record No. N-184 for Lot No. 8479, Pls-248, which cadastral proceedings was then pending in the Court of First Instance of Pagadian, Zamboanga del Sur, with a view in misleading the Court in issuing an order declaring Lot No. 8479, Pls-248 as the private property of the herein accused, as in fact, a decision dated October 30, 1959 was rendered by the Honorable Judge Tito V. Tizon of the Court of First Instance of Pagadian, Zamboanga del Sur, declaring among others that Lot No. 3479, Pls-248 with its improvements is the private property of the accused Wilfredo G. Cainglet."

On January 16, 1963, before arraignment, the accused moved to quash the afore-quoted informations on the ground that they contain averments, which if true, would constitute an excuse or justification, invoking Section 2(g) of Rule 133 of the Rules of Court.[1] The averments referred to consist in the statements in the informations that in Cadastral Case No. 19, LRC Cadastral Record No. N-184 the Court of First Instance of Zamboanga del Sur declared Lots Nos. 8479 and 3492 with improvements thereon to be the private properties of Wilfredo G. Cainglet. Such judicial pronouncement which has become final, as can be inferred from the informations, allegedly runs counter to the charge that accused falsely claimed said real estate to be his own private properties.

The lower court granted the motion and dismissed the aforequoted informations. Hence the provincial fiscal appealed to this Court.

The issue is whether or not the final judgment in Cadastral Case No. 19, LRC Cadastral Record No. N-184 declaring Wilfredo G. Cainglet owner of Lots Nos. 8479 and 8492 bars his subsequent prosecution for falsely stating in his answers in said Cadastral Case that he possessed and owned Lots Nos. 8479 and 8492.

The lower court holds the opinion and appellee maintains that for the falsification cases to prosper, the trial court must necessarily find that the latter's allegations of possession and ownership in his answers filed in Cadastral Case No. 19, LRC Cadastral Record No. N-184 are false. Allegedly, this matter has already been directly adjudged in said cadastral case, and the judgment therein is conclusive In subsequent proceedings, pursuant to Sections 44 and 45 of Rule 39 in relation to Section 48 of Rule 123 of the Rules of Court. Appellee then submits

to the proposition that a judgment of guilt of the accused in the falsification cases would nullify the validity and conclusiveness of the previous cadastral proceedings, subject the cadastral titles to collateral attack and destroy the indefeasibility of the Torrens titles Issued.

It is fundamental and well-settled that a final judgment in a cadastral proceeding—a proceeding in rem—is binding and conclusive upon the whole world. Reason is that public policy and public order demand not only that litigations must terminate at some definite point but also that titles over lands under the Torrens system should be given stability for on it greatly depends the stability of the country's economy. Interest reipublicae ut sit finis litium. However, this conclusiveness of judgment in the registration of lands is not absolute. It admits of exceptions. Public policy also dictates that those unjustly deprived of their rights over real property by reason of the operation of our registration laws be afforded remedies. Thus, the aggrieved party may file a suit for reconveyance of property[2] or a personal action for recovery of damages against the party who registered his property through fraud[3], or in case of insolvency of the party who procured the registration through fraud, an action against the Treasurer of the Philippines for recovery of damages from the Assurance Fund.[4] Through these remedial proceedings, the law, while holding registered titles indefeasible, allows redress calculated to prevent one from enriching himself at the expense of others. Necessarily, without setting aside the decree of title, the issues raised in the previous registration case are relitigated, for purposes of reconveyance of said title or recovery of damages.

In the same way, therefore, the State may criminally prosecute for perjury the party who obtains registration through fraud, such as by stating false assertions in the sworn answer required of applicants in cadastral proceedings. For Section 116 of the Land Registration Act states:

"SEC. 116, Whoever knowingly swears falsely to any statement required to be made under oath by this Act shall be guilty of perjury and liable to the penalties provided by laws for perjury."

And in this case, Section 116 of the Land Registration Act is applicable to cadastral proceedings under Act 2259, by virtue of Section 11 thereof.

From its wording, Section 116 applies to all and does not distinguish between those who make false statements and successfully procure registration by such statements,, and those whose statements were not given credence by the land registration court. The law therefore applies with equal brunt on both types of offenders. This is rightly so, for to give immunity from prosecution to those successful in deceiving the registration court would, in effect, be putting a premium on perjury and making the punishment therefor dependent upon the non-realization of the object of its commission.

For the Court, therefore, to sustain appellee's view would be to unduly discriminate in the prosecution of persons charged with falsification or perjury. While public policy, on one hand, demands an end to litigation, and hence puts forward the doctrine of res judicata, yet, on the other hand, every interest of public policy demands that perjury be not shielded by artificial refinements and narrow technicalities. For perjury strikes at the very administration of the laws.[5] It is the policy of the law that judicial proceedings and judgments shall be fair and free from fraud, and that litigants and parties be encouraged to tell the truth, and that they be punished if they do not.[6]

As afore-stated, a judgment on the guilt of the appellee would not undermine the indefeasibility of the titles over Lots Nos. 8479 and 8492. Neither would the criminal proceeding for falsification or perjury be a collateral attack on the titles in question. The prosecution for falsification or perjury is a proceeding in personam which inquires into the criminal liability of the accused. Not being an attack on the validity of the titles in question, any judgment rendered therein would leave said titles undisturbed.

Wherefore, the order appealed from is set aside and this case is hereby remanded to the court of origin for further proceedings. No costs. So ordered.

Bengzon, C.J., Bautista Angelo, Concepcion, Reyes, J.B.L., Barrera, Dizon, Regala, Makalintal, Zaldivar, and Sanchez, JJ., concur.

[1] Now Section 2(g), Rule 117.

[2] Cabanos vs. Register of Deeds, 40 Phil. 620; Severino vs. Severino, 44 Phil. 343; Dizon vs. Lacap, 50 Phil. 193; Garcia vs. Reyes, 51 Phil. 409; Angeles vs. Samia, 66 Phil. 444.

[3] Manotoc vs. Choco, 30 Phil 628.

[4] Estrellado vs. Martinez, 48 Phil. 256.

[5] Jay vs. State, (1916, 15 Ala. App. 255, 43 So. 137.

[6] People vs. Niles, 300 III, 458, 133 N.E. 252, 37 A.L.R. 1284. 1289.

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