

FIRST DIVISION

[G.R. No. 170375, July 07, 2010]

REPUBLIC OF THE PHILIPPINES, PETITIONER, VS. HON. MAMINDIARA P. MANGOTARA, IN HIS CAPACITY AS PRESIDING JUDGE OF THE REGIONAL TRIAL COURT, BRANCH 1, ILIGAN CITY, LANA DEL NORTE, AND MARIA CRISTINA FERTILIZER CORPORATION, AND THE PHILIPPINE NATIONAL BANK, RESPONDENTS,

[G.R. NO. 170505]

LAND TRADE REALTY CORPORATION, PETITIONER, VS. NATIONAL POWER CORPORATION AND NATIONAL TRANSMISSION CORPORATION (TRANSCO), RESPONDENTS,

[G.R. NOS. 173355-56]

NATIONAL POWER CORPORATION, PETITIONER, VS. HON. COURT OF APPEALS (SPECIAL TWENTY-THIRD DIVISION, CAGAYAN DE ORO CITY), AND LAND TRADE REALTY CORPORATION, RESPONDENTS,

[G.R. NO. 173401]

REPUBLIC OF THE PHILIPPINES, PETITIONER, VS. DEMETRIA CACHO, REPRESENTED BY ALLEGED HEIRS DEMETRIA CONFESOR VIDAL AND/OR TEOFILO CACHO, AZIMUTH INTERNATIONAL DEVELOPMENT CORPORATION AND LAND TRADE REALTY CORPORATION, RESPONDENTS.

[G.R. NOS. 173563-64]

NATIONAL TRANSMISSION CORPORATION, PETITIONER, VS. HON. COURT OF APPEALS (SPECIAL TWENTY-THIRD DIVISION, CAGAYAN DE ORO CITY), AND LAND TRADE REALTY CORPORATION AS REPRESENTED BY ATTY. MAX C. TABIMINA, RESPONDENTS,

[G.R. NO. 178779]

LAND TRADE REALTY CORPORATION, PETITIONER, VS. DEMETRIA CONFESOR VIDAL AND AZIMUTH INTERNATIONAL DEVELOPMENT CORPORATION, RESPONDENTS,

[G.R. NO. 178894]

**TEOFILO CACHO AND/OR ATTY. GODOFREDO
CABILDO, PETITIONER, VS. DEMETRIA CONFESOR VIDAL AND
AZIMUTH INTERNATIONAL DEVELOPMENT CORPORATION,
RESPONDENTS.**

D E C I S I O N

LEONARDO-DE CASTRO, J.:

Before the Court are seven consolidated Petitions for Review on *Certiorari* and a Petition for *Certiorari* under Rules 45 and 65 of the Rules of Court, respectively, arising from actions for quieting of title, expropriation, ejectment, and reversion, which all involve the same parcels of land.

In **G.R. No. 170375**, the Republic of the Philippines (Republic), by way of consolidated Petitions for Review on *Certiorari* and for *Certiorari* under Rules 45 and 65 of the Rules of Court, respectively, seeks to set aside the issuances of Judge Mamindiara P. Mangotara (Judge Mangotara) of the Regional Trial Court, Branch 1 (RTC-Branch 1) of Iligan City, Lanao del Norte, in Civil Case No. 106, particularly, the: (1) Resolution^[1] dated July 12, 2005 which, in part, dismissed the Complaint for Expropriation of the Republic for the latter's failure to implead indispensable parties and forum shopping; and (2) Resolution^[2] dated October 24, 2005, which denied the Partial Motion for Reconsideration of the Republic.

G.R. Nos. 178779 and 178894 are two Petitions for Review on *Certiorari* under Rule 45 of the Rules of Court, where Landtrade Realty Corporation (LANDTRADE), Teofilo Cacho, and/or Atty. Godofredo Cabildo assail the Decision^[3] dated January 19, 2007 and Resolution^[4] dated July 4, 2007 of the Court of Appeals in CA-G.R. CV No. 00456. The Court of Appeals affirmed the Decision^[5] dated July 17, 2004 of the Regional Trial Court, Branch 3 (RTC-Branch 3) of Iligan City, Lanao del Norte, in Civil Case No. 4452, granting the Petition for Quieting of Title, Injunction and Damages filed by Demetria Vidal and Azimuth International Development Corporation (AZIMUTH) against Teofilo Cacho and Atty. Godofredo Cabildo.

G.R. No. 170505 is a Petition for Review on *Certiorari* under Rule 45 of the Rules of Court in which LANDTRADE urges the Court to reverse and set aside the Decision^[6] dated November 23, 2005 of the Court of Appeals in CA-G.R. SP Nos. 85714 and 85841. The appellate court annulled several issuances of the Regional Trial Court, Branch 5 (RTC-Branch 5) of Iligan City, Lanao del Norte, and its sheriff, in Civil Case No. 6613, specifically, the: (1) Order^[7] dated August 9, 2004 granting the Motion for Execution Pending Appeal of LANDTRADE; (2) Writ of Execution^[8] dated August 10, 2004; (3) two Notices of Garnishment^[9] both dated August 11, 2004, and (4) Notification^[10] dated August 11, 2004. These issuances of the RTC-Branch 5 allowed and/or enabled execution pending appeal of the Decision^[11] dated February 17, 2004 of the Municipal Trial Court in Cities (MTCC), Branch 2 of Iligan City, Lanao del Norte, favoring LANDTRADE in Civil Case No. 11475-AF, the ejectment case said corporation instituted against the National Power Corporation (NAPOCOR) and the National Transmission Corporation (TRANSCO).

G.R. Nos. 173355-56 and 173563-64 are two Petitions for *Certiorari* and

Prohibition under Rule 65 of the Rules of Court with prayer for the immediate issuance of a Temporary Restraining Order (TRO) and/or Writ of Preliminary Injunction filed separately by NAPOCOR and TRANSCO. Both Petitions seek to annul the Resolution^[12] dated June 30, 2006 of the Court of Appeals in the consolidated cases of CA-G.R. SP Nos. 00854 and 00889, which (1) granted the Omnibus Motion of LANDTRADE for the issuance of a writ of execution and the designation of a special sheriff for the enforcement of the Decision^[13] dated December 12, 2005 of the RTC-Branch 1 in Civil Case No. 6613, and (2) denied the applications of NAPOCOR and TRANSCO for a writ of preliminary injunction to enjoin the execution of the same RTC Decision. The Decision dated December 12, 2005 of RTC-Branch 1 in Civil Case No. 6613 affirmed the Decision dated February 17, 2004 of the MTCC in Civil Case No. 11475-AF, favoring LANDTRADE.

G.R. No. 173401 involves a Petition for Review on *Certiorari* under Rule 45 of the Rules of Court filed by the Republic, which raises pure questions of law and seeks the reversal of the following issuances of the Regional Trial Court, Branch 4 (RTC-Branch 4) of Iligan City, Lanao del Norte, in Civil Case No. 6686, an action for cancellation of titles and reversion: (1) Order^[14] dated December 13, 2005 dismissing the Complaint in Civil Case No. 6686; and (2) Order^[15] dated May 16, 2006, denying the Motion for Reconsideration of the Republic.

I THE PRECEDING CASES

The consolidated seven cases have for their common genesis the 1914 case of ***Cacho v. Government of the United States***^[16] (1914 *Cacho case*).

The 1914 Cacho Case

Sometime in the early 1900s, the late Doña Demetria Cacho (Doña Demetria) applied for the registration of **two parcels of land**: (1) Lot 1 of Plan II-3732, the smaller parcel with an area of **3,635 square meters or 0.36 hectares** (Lot 1); and (2) Lot 2 of Plan II-3732, the larger parcel with an area of **378,707 square meters or 37.87 hectares** (Lot 2). Both parcels are situated in what was then the Municipality of Iligan, Moro Province, which later became Sitio Nunucan, then Brgy. Suarez, in Iligan City, Lanao del Norte. Doña Demetria's applications for registration were docketed as GLRO Record Nos. 6908 and 6909.

The application in **GLRO Record No. 6908** covered **Lot 1**, the smaller parcel of land. Doña Demetria allegedly acquired Lot 1 by purchase from Gabriel Salzos (Salzos). Salzos, in turn, bought Lot 1 from Datto Darondon and his wife Alanga, evidenced by a deed of sale in favor of Salzos signed solely by Alanga, on behalf of Datto Darondon.

The application in **GLRO Record No. 6909** involved **Lot 2**, the bigger parcel of land. Doña Demetria purportedly purchased Lot 2 from Datto Bunglay. Datto Bunglay claimed to have inherited Lot 2 from his uncle, Datto Anandog, who died without issue.

Only the Government opposed Doña Demetria's applications for registration on the ground that the two parcels of land were the property of the United States and

formed part of a military reservation, generally known as Camp Overton.

On December 10, 1912, the land registration court (LRC) rendered its Decision in GLRO Record Nos. 6908 and 6909.

Based on the evidence, the LRC made the following findings in **GLRO Record No. 6908**:

6th. The court is convinced from the proofs that the **small parcel of land** sold by the Moro woman Alanga was the home of herself and her husband, Darondon, and was their conjugal property; and the court so finds.

x x x x

As we have seen, the deed on which applicant's title to the small parcel rests, is executed only by the Moro woman Alanga, wife of Datto Darondon, which is not permitted either by the Moro laws or the Civil Code of the Philippine Islands. It appears that the husband of Alanga, Datto Darondon, is alive yet, and **before admitting this parcel to registration it is ordered that a deed from Datto Darondon, husband of Alanga, be presented, renouncing all his rights in the small parcel of land object of Case No. 6908, in favor of the applicant.**^[17] (Emphases supplied.)

In **GLRO Record No. 6909**, the LRC observed and concluded that:

A tract of land 37 hectares in area, which is the extent of the land under discussion, is larger than is cultivated ordinarily by the Christian Filipinos. In the Zamboanga cadastral case of thousands of parcels now on trial before this court, the average size of the parcels is not above 3 or 4 hectares, and the court doubts very much if a Moro with all his family could cultivate as extensive a parcel of land as the one in question. x x x

x x x x

The court is also convinced from the proofs that the **small portion in the southern part of the larger parcel**, where, according to the proofs, Datto Anandog had his house and where there still exist some cocos and fruit trees, **was the home of the said Moro Datto Anandog**; and the court so finds. **As to the rest of the large parcel the court does not find the title of Datto Bunglay established.** According to his own declaration his residence on this land commenced only a few days before the sale. He admitted that the coco trees he is supposed to have planted had not yet begun to bear fruit at the time of the sale, and were very small. Datto Duroc positively denies that Bunglay lived on the land, and it clearly appears that he was not on the land when it was first occupied by the military. Nor does Datto Bunglay claim to have planted the three mango trees by the roadside near point 25 of the

plan. The court believes that all the rest of this parcel, not occupied nor cultivated by Datto Anandog, was land claimed by Datto Duroc and also by Datto Anandog and possibly by other dattos as a part of their general jurisdiction, and that it is the class of land that Act No. 718 prohibits the sale of, by the dattos, without the express approval of the Government.

It is also found that Datto Bunglay is the nephew of Dato Anandog, and that the Moro woman Alanga, grantor of the small parcel, is the sister of Datto Anandog, and that he died without issue.

x x x x

It appears also that according to the provisions of the Civil Code as also the provisions of the 'Luwaran Code' of the Moros, the Moro woman Alanga has an interest in the portion of land left by her deceased brother, Datto Anandog. By article LXXXV, section 3, of the 'Luwaran Code,' it will be seen that the brothers and sisters of a deceased Moro inherit his property to the exclusion of the more distant relatives. Therefore Datto Bunglay had no legal interest whatever in the land to sell to the applicant, Doña Demetria Cacho. But the Moro woman, Alanga, having appeared as a witness for the applicant without having made any claim to the land, the court finds from this fact that she has ratified the sale made by her nephew.

The court therefore finds that the applicant Doña Demetria Cacho is owner of the portion of land occupied and planted by the deceased Datto Anandog in the southern part of the large parcel object of *expediente* No. 6909 only; and her application as to all the rest of the land solicited in said case is denied. And it is ordered that a new survey of the land be made and a corrected plan be presented, excluding all the land not occupied and cultivated by Datto Anandog; that said survey be made and the corrected plan presented on or before the 30th day of March, 1913, with previous notice to the commanding general of the Division of the Philippines.

On the 8th day of December, the court was at Camp Overton and had another ocular inspection of the land for the purpose of fixing the limits of the part cultivated by Datto Anandog, so often mentioned herein, with previous notice to the applicant and her husband and representative, Señor Dionisio Vidal. Having arrived late, Señor Vidal did not assist in the ocular inspection, which was fixed for 3 o'clock, p.m. of the day mentioned. But the court, nevertheless, set stakes marking the N.E., S.E., and S.W. corners of the land found to have been cultivated by the deceased Anandog. The N.E. limit of said land is a brook, and the N.W. corner is the point where the brook intersects the shore line of the sea, the other corners mentioned being marked with pine stakes. **And it is ordered that the new survey be made in accordance with the points mentioned, by tracing four straight lines connecting these four points.** Between the portion cultivated by Datto Anandog and the mouth of the River Agus there is a high steep hill and the court does not