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SECOND DIVISION

[G.R. No. L-21543. April 30, 1979]

MARCOS ESTANISLAO, CASIMIRO ESTANISLAO, PIO ESTANISLAO, FELINO ESTANISLAO, and MARCELINO TIBURCIO, *plaintiffs-appellants, vs.* **THE DEPARTMENT OF AGRICULTURE AND NATURAL RESOURCES and THE PEOPLE'S HOMESITE AND HOUSING CORPORATION,** *defendants-appellees.*

SYLLABUS

REMEDIAL LAW; RULES AND PROCEDURE; RESTRICTIVE APPLICATION OF THE RULES WHERE THE STATE OR ITS AGENCY IS A PARTY. — The inclusion of the then existing Department of Agriculture and Natural Resources as a party defendant is open to the objection that no governmental agency may be sued without its consent. Even on the assumption that it could have been validly made a party defendant, appellants ought to be aware of the restrictive application of procedural rules when the State or any of its agency is a party.

D E C I S I O N

FERNANDO, ***Actg. C.J:***

The fatal infirmity from which this appeal from an order of dismissal suffers is quite obvious from the categorical admission by appellants in their brief that they "are attacking the nullity of the issuance of Original Certificate of Title No. 735 and all subsequent Transfer Certificates of Titles Nos. 2680, 3792, 32002, 35979, all of the Office of the Register of Deeds of Rizal, and Transfer Certificates of Title Nos. 1356 and 34802 of the Office of the Register of Deeds of Quezon City, as all of said Titles were issued, *not in accordance with the Decision of December 29, 1913, in G.L.R.O. Record No. 7681.* Said Titles should confine only to the area of 5,750,000 square meters, or 230 *quiñones*, the actual area of Finca No. 2088 (Order

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Nos. 2 and 5)."[1] Two major decisions where the validity of Title No. 735 were upheld, *People's Homesite and Housing Corporation v. Mencias*[2] and *Benin v. Tuason*,[3] render quite clear the futility of this appeal. The Mencias decision referred to two earlier cases, *Tiburcio v. People's Homesite and Housing Corporation*[4] and Galvez and *Tiburcio v. Tuason*.[5] The very exhaustive opinion by Justice Zaldivar in Benin cited an even longer list of cases by this Tribunal,[6] wherein the validity of Original Certificate of Title No. 735 had been sustained. It is, therefore, a quest that from the start was fated to be unsuccessful on which appellants had embarked. Appellants ought to have realized then the insurmountable obstacle they had to face. It would be to overturn so many decisions, some of recent date, if this court were to pay heed to such a contention. It is not disposed to do so. That would be unsound in theory and pernicious in practice. The consequences of wholesale disturbance of property rights argue most strongly against such as approach.

What renders the appeal even more hopeless is that in *Estanislao v. Government Service Insurance System*,[7] where

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[1] Brief for the Appellants, 27.

[2] L-24114, August 16, 1967, 20 SCRA 1031.

[3] L-26127, June 28, 1974, 57 SCRA 531.

[4] 106 Phil. 477 (1959).

[5] 119 Phil. 612 (1964).

[6] The cases referred to in Benin where Original Certificate of Title No. 735 was upheld follow: *Bank of the Philippine Islands v. Acuña*, 59 Phil. 183 (1933); *J. M. Tuason & Co. v. Bolaños*, 95 Phil. 106 (1954); *J. M. Tuason & Co. v. De Guzman*, 99 Phil. 281 (1956); *J. M. Tuason & Co. v. Geronimo Santiago*, 99 Phil. 615 (1956); *Tiburcio v. PHHC*, 106 Phil. 477 (1959); *J. M. Tuason & Co. v. Register of Deeds*, 112 Phil. 922 (1961); *J. M. Tuason & Co. v. Magdangal*, 114 Phil. 42 (1962); *J. M. Tuason & Co. v. Aguirre*, 117 Phil. 110 (1963); *J. M. Tuason & Co. v. Vibat*, 118 Phil. 60 (1963); *Galvez, v. J. M. Tuason & Co.*, 119 Phil. 612 (1964) and *Varsity Hills v. Navarro*, L-30889, February 29, 1972, 43 SCRA 503. The Mencias decision was likewise referred to.

[7] L-18717 and L-19379, September 30, 1974, 60 SCRA 33.

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the parties were three of the plaintiffs-appellants in this case, Marcos Estanislao, who subsequently died, Casimiro Estanislao and Pio Estanislao, and represented by the same counsel, Gualberto Cruz, orders of dismissal likewise being appealed, the opinion of this Court left no doubt as to why appellants could not possibly hope to succeed. Thus: "In these two appeals from two orders of dismissal of the Court of First Instance, the first sustaining a motion to that effect filed by defendants Government Service Insurance System and the People's Homesite and Housing Corporation, and the second, by defendant Director of Lands in an identical case filed with the Quezon City Court of First Instance then presided by the then Judge, later Justice, Nicasio Yatco, the sole issue is the validity of the original Certificate of Title No. 735 in favor of the Tuasons. To state the question is to answer it. It suffices to refer to the exhaustive decision of Justice Zaldivar in *Benin v. Tuason* which disposed of the matter in a quite conclusive manner against the pretension of the plaintiffs in this case. Even without the aforesaid decision, the order of dismissal of respondent Judge cannot be faulted. For to assail the right of the defendants involved is to ignore what is reiterated time and time again in decisions of this Court as to the respect to be accorded the rights of an innocent purchaser for value. The appeals are devoid of merit."[8]

There was a procedural question raised in the appeal, namely, the alleged default of defendant end appellee, Department of Agriculture and Natural Resources. To repeat, the undeniable fact that the validity of Original Certificate of Title No. 735 had been upheld so repeatedly dispenses with the need for even discussing this point. For the satisfaction of appellants, however, it suffices to state that it did not help their cause at all. For one thing, the inclusion of the then existing Department of Agriculture and Natural Resources as a party defendant is open to the objection that no governmental agency may be sued without its consent.[9] Even on the assumption that it could have

[8] *Ibid*, 34-35.

[9] Cf. *Araneta v. Gatmaitan*, 101 Phil. 328 (1957); *Angat River Irrigation System v. Angat River Workers Union*, 102 Phil. 789 (1957); *Lim v. Brownell*

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been validly made a party defendant, appellants ought to be aware of the restrictive application of procedural rules when the State or any of its agency is a party. The recent opinion of Justice Santos in *Republic v. Court of Appeals,*[10] notable for its thoroughness, clarity, and scholarship, ought to dispel any doubt on the matter. Even if the Department of Agriculture and Natural Resources could have been declared in default under the circumstances of the case, there is no denying the fact that it purchased the lot in question from an innocent purchaser for value. There is an impressive number of decisions by this Court protecting and safeguarding the rights of such vendees.[11] No further effort need be wasted then on such an alleged error imputed to the lower court by appellants. The impression cannot be voided of their having been less than painstaking in their appreciation of applicable legal doctrines. It could be that their firm conviction that they could validly lay claim to the lands in question had sufficed for them to invoke judicial aid. Unfortunately, the title sought to be impugned had been repeatedly found by this Court to be free from any taint of imperfection.

With the Benin decision on June 28, 1974, this appeal could have been disposed of readily. So it was in the cases of *J. M. Tuason & Co. v. Makasiar*[12] and *J. M. Tuason & Co. v. Masakayan.*[13] The records of the case were, however, misplaced. That accounts for the delay in the decision.

Jr., 107 Phil. 344 (1960); *Bureau of Printing v. Bureau of Printing Employees Association*, 110 Phil. 1120 (1961); *Mobil Philippines Exploration, Inc. v. Customs Arrastre Service*, L-23129, December 17, 1966, 18 SCRA 1120.

[10] L-31303-04, May 31, 1978, 83 SCRA 453.

[11] Cf. *Quiniano v. Court of Appeals*, L-23024, May 31, 1971, 39 SCRA 221; *Tiongco v. De la Merced*, L-24426, July 25, 1974, 58 SCRA 89; *Frias v. Esquivel*, L-24679, Oct. 30, 1975, 67 SCRA 487; *Crisologo v. Court of Appeals*, L-33093, Dec. 29, 1975, 68 SCRA 435; *Pascua v. Copuyoc*, L-23197, May 26, 1977, 77 SCRA 78; *Demontaño v. Court of Appeals*, L-30764, Jan. 31, 1978, 81 SCRA 286.

[12] L-26374, July 31, 1974, 58 SCRA 180.

[13] L-26693, August 21, 1974, 58 SCRA 481.

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WHEREFORE, the order of dismissal appealed in this case is hereby affirmed. No costs.

Antonio (Actg. Chairman), Aquino, Concepcion Jr., and *Santos, JJ.*, concur.

Barredo and *Abad Santos, JJ.*, on leave.

SECOND DIVISION

[G.R. No. L-22036. April 30, 1979]

TESTATE ESTATE OF THE LATE REVEREND FATHER PASCUAL RIGOR. THE PARISH PRIEST OF THE ROMAN CATHOLIC CHURCH OF VICTORIA, TARLAC, *petitioner-appellant, vs.* **BELINA RIGOR, NESTORA RIGOR, FRANCISCA ESCOBAR DE RIGOR and JOVITA ESCOBAR DE FAUSTO,** *respondents-appellees.*

SYLLABUS

1. **CIVIL LAW; SUCCESSION; TESTAMENTARY SUCCESSION; TESTATOR'S INTENT IS THE LAW OF THE CASE.** — In testamentary succession cases, as in cases involving the law of contracts and statutory construction, where the intention of the contracting parties or of the lawmaking body is to be ascertained, the primary issue is the determination of the testator's intention which is the law of the case (*dicat estor et eirt lex*). The will of the testator is the first and principal law in the matter of testaments. When his intention is clearly and precisely expressed, any interpretation must be in accord with the plain and literal meaning of his words, except when it may certainly appear that his intention was different from that literally expressed.