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In Victorias Milling *vs.* Workmen's Compensation Commission, 28 SCRA 285, it was held that "social justice in workmen's compensation cases is not equality but protection of the laborer as against the employer who has resources to secure able legal advice."

ACCORDINGLY, the decision of the respondent Workmen's Compensation Commission, dated January 30, 1976 is SET ASIDE, and the judgment of Acting Referee Tomas G. Montisenes is hereby REINSTATED and AFFIRMED.

SO ORDERED.

Teehankee (Chairman) and *Plana, JJ.*, concur.
Melencio-Herrera and *Vasquez, JJ.*, in the result.
Gutierrez, Jr., J., took no part.

FIRST DIVISION

[G.R. No. L-49903. February 21, 1983]

MUNICIPALITY OF SANTIAGO, ISABELA, petitioner, *vs.* HONORABLE COURT OF APPEALS, MARIA CAUIÑAN, LIBRADA, VIRGINIA, FIDENCIO, ARTEMIO, PORFIRIO and REGINA, all surnamed BAYAUA, respondents.

SYLLABUS

1. CIVIL LAW; LAND REGISTRATION; CADASTRAL PROCEEDINGS; SETTLING OF LAND TITLES, ONE OF ITS MAIN PURPOSES.— There being no private climants to Lot 8000-A, it was deemed to be public land at the time it was reserved as a school site in 1931 and later as a part of the market site in 1949. And in respect of Lot 4976, the only recorded claims were those of one Antero Catabas and the Municipality. Private respondents sought to remedy the absence of a claim by filing a Petition to Admit their Answer during the continuation of the hearing of Cadastral Case No. 30 on December 10, 1962, and reiterating the same Petition again in 1968, as stated before, both of which Petitions were denied. Respondents did not

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move for reconsideration, nor did they take other remedial measures. Likewise, on September 17, 1963, the Trial Court issued an Order declaring Cadastral Lot No. 4976 public land subject to whatever rights the Municipality of Santiago may have by virtue of Presidential Proclamation No. 131 of May 24, 1949. Private respondents were parties in the proceedings but they did not question nor appeal from the aforestated Order. It had, therefore, become final and conclusive. One of the main purposes of cadastral proceedings is to settle titles to lands. Anyone claiming ownership of any land so affected should lay claim thereto. Failure to do so authorizes the Court to declare the same as public Land. (Henson *vs.* Director of Lands, 32 O.G. [1808])

2. ID.; ID.; ID.; ACTION *IN REM*; PARTIES PRECLUDED FROM RELITIGATING THE SAME ISSUES SETTLED BY FINAL JUDGMENT.— Settled is the rule that a cadastral proceeding is one *in rem* and any decision rendered therein by the Cadastral Court is binding against the whole world. Under this doctrine, parties are precluded from relitigating the same issues already determined by final judgment.

3. ID.; ID.; ID.; TAX DECLARATIONS NOT INCONTROVERTIBLE EVIDENCE OF OWNERSHIP.— Respondents' tax declarations for certain odd years and tax receipts, although constituting proof of claim of title to land, are not incontrovertible evidence of ownership unless they are supported by other effective proof.

4. ID.; ID.; INSTITUTION OF CADASTRAL PROCEEDINGS SUSPENDS RUNNING OF THE PRESCRIPTIVE PERIOD.— It was reversible error for respondent Court to have ruled that acquisitive prescription had operated to vest absolute title over the lands in question in private respondents. Contrary to that Court's finding, the open, continuous, exclusive and notorious occupation of the disputed properties for more than 30 years and even "for close to half a century" has not been conclusively established as explained heretofore. Moreover, the institution of cadastral proceedings had the effect of suspending the running of the prescriptive period. Additionally, having been declared public land, Lots 8000-A and 4976-A can not be acquired by acquisitive prescription.

5. ID.; ID.; CADASTRAL PROCEEDINGS; PRESCRIPTION; DOES NOT RUN AGAINST THE STATE.— Prescription, both acquisitive and extinctive, does not run against the State (Republic *vs.* Hernaez, 31 SCRA 219 [1970]). The exception under Section 48(b) of

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Commonwealth Act No. 141 by which public lands may be acquired by prescription can neither apply to private respondents as the latter had failed to establish conclusively that they were in continuous possession and occupancy of public land under claim of ownership since July 26, 1894. (Govt. *vs.* Abad, 56 Phil. 75 [1931]; Ongsiako *vs.* Magsilang, 50 Phil. 380 [1927]) They merely showed "sporadic feeble cultivation," mere casual cultivation of portions of the land, which does not constitute possession under claim of ownership. In that sense, possession is not exclusive and notorious so as to give rise to a presumptive grant from the State. (Director of Lands *vs.* Reyes, *supra.*)

APPEARANCES OF COUNSEL

Josefino Draculan for petitioner.
Sofronio Ganaden for private respondents.

DECISION

MELENCIO-HERRERA, *J.*:

The issue in the present controversy centers on the ownership of two contiguous lots, Lot No. 4976-A with an area of 4,719 sq. ms., and Lot No. 8000-A, with an area of 42,621 sq. ms. (Exhibit "2"), respectively, of the Santiago cadastre, Province of Isabela.

Private respondent, Maria Cauiñan, is the surviving spouse of Eulalio Bayaua, son of Liberato Bayaua, the alleged original occupant of the disputed lots. The other private respondents are the children of the spouses. Maria Cauiñan passed away during the pendency of this case and was ordered substituted by her heirs.

Litigated lots Nos. 4976-A and 8000-A were formerly portions of Cadastral Lots Nos. 4976 and 1, respectively, Cad. Case No. 30, G.L.R.O., Rec. No. 1496. Both lots were originally reserved for the Santiago farm school site by Proclamation No. 427 of then Governor General Dwight F. Davis, dated November 7, 1931.[1] On May 24, 1949, Proclamation No. 131 was issued by President Elpidio Quirino[2] releasing and excluding Lots Nos.

[1] Exhibit "3-A", pp. 32-36, Record of Exhibits, CFI Civil Case No. 506.
[2] Exhibit "2", pp. 28-30, *ibid.*

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4976-A and 8000-A (a portion of Lot No. 1) from the operation of Proclamation No. 427, and reserving the same as market site for the Municipality of Santiago. Both said Proclamations were "subject to private rights if any there be."

After the issuance of Presidential Proclamation No. 131 in 1949, the Municipality filled the area of the lots in question, which were then low and swampy, and constructed the present market buildings thereon allegedly worth ₱595,621.13 (Exhibit "4").

Those same two lots are being claimed by respondents, who allegedly possessed said property in the concept of owners since time immemorial through their predecessors-in-interest. They base their claim of ownership on (1) a Spanish document entitled, "*Estadistica de los Terrenos de propiedad particular existantes en este pueblo de Carig, Provincia de la Isabela de Luzon, Num. 6 del año 1896*" on file with the Division of Archives, Bureau of Public Libraries[3], wherein the name of "Don Liberato Bayaua" was listed as "*propietario*" over a 3-hectare, 61 centare lot; (2) on Tax Declarations for the years 1921, 1938-1939, 1945, 1957-1959 in the name of Eulalio Bayaua[4]; and (3) on tax receipts.[5]

The Cadastral Case

The records show that during the cadastral survey of the Municipality of Santiago from October 30, 1927 to March 23, 1932, and the cadastral proceedings that followed in 1939, private respondents and their predecessors-in-interest did not file any claim to Lot 8000-A (portion of Lot 1), which included the bigger portion of the market site.

Eulalio Bayaua filed a claim with respect to Lot 4976 during the cadastral survey, but did not file an Answer during the cadastral proceedings. The only ones who filed their cadastral Answers with regards to Lot 4976 were the Municipality of Santiago and one Antero Catabas.

[3] Exhibit "G", p. 10, *ibid.*

[4] Exhibits "H-1," "J", pp. 12 & 15, *ibid.*

[5] Exhibits "I", "I-1" & "K", pp. 13, 14 & 16, *ibid.*

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The hearing of Cad. Case No. 300, G.L.R.O., Rec. No. 1496 was suspended at the outbreak of World War II and was resumed on December 10, 1962. On that date, respondent heirs of Eulalio Bayaua filed a Petition to Admit their Answers to Lot No. 4976 and Lot No. 1-D (portion), alleging that previous answers had been filed by Eulalio within the statutory period, but due to accident, mistake or excusable negligence, the same could not be found in the Court records. Petitioner opposed admission. On December 11, 1962, the Court denied admission of the Answer stating:

"Petition to admit answer dated December 10, 1962 filed by counsel for claimants Bayaua, et al., is denied because, it was filed beyond the five years period fixed by Republic Act No. 931; and because absolutely no reason whatsoever is alleged as required by the Rules of Court to show that there was excusable negligence on the part of the deceased Eulalio Bayaua, who has filed other cadastral answer for other lots, and the record shows that there are other cadastral answers of other claimants who have not been notified of the present petition, which is not verified."[6]

Private respondents did not move for the reconsideration of said Order of December 11, 1962, nor did they take other remedial steps to have the Answer admitted.

On September 17, 1963, the lower Court issued another Order declaring Lot No. 4976 public land.

"WHEREFORE, as prayed for by the First Assistant Provincial Fiscal, representing the Municipality of Santiago, the cadastral answer filed by Antero Catabas over Lot 4976 is hereby definitely dismissed, for lack of due prosecution, pursuant to Section 3, Rule 30, Rules of Court.

Cadastral Lot 4976, Santiago Cadastre included in Cad. Case No. 30 GLRO Rec. No. 1496, is *declared public land* subject, however, to whatever rights the Municipality of Santiago, Province of Isabela, may have by virtue and pursuant to Presidential Proclamation No. 131 dated May 24, 1949."[7] (Italics supplied).

Private respondents did not move for the reconsideration of the foregoing Order, nor did they appeal therefrom.

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[6] p. 30, Record on Appeal, p. 69, Rollo.

[7] pp. 29-31, *ibid.*

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Apparently, private respondents had reiterated their petition to admit answer, for, on July 19, 1968, another Order was issued in the cadastral case denying admission on the ground that Lot 4976 had been declared public land in the Order of September 17, 1963, which Order had become final (Exhibit "6").

The Civil Cases

It appears that, on December 21, 1951, private respondent Maria Cauiñan had filed a complaint for Forcible Entry, docketed as Civil Case No. 32, with the Justice of the Peace Court of Santiago, against petitioner and the then Municipal Mayor Juan dela Cruz, claiming that the Municipality, on September 2, 1951, had forcibly and unlawfully entered the northern corner of Lot 8000-A over her objection and opposition.[8]

On September 13, 1952, private respondents filed a complaint for "Ownership and Injunction" with the Court of First Instance of Isabela, Branch II, Cauayan, docketed as Civil Case No. 506, against Andres Acosta (the then Municipal Mayor) and the Municipal Government of Santiago, seeking to eject them from Lots Nos. 4976-A and 8000-A, to recover possession thereof, get their produce, and to recover damages and attorney's fees.

Private respondents claim that Liberato Bayaua was the original occupant of the lands in controversy; that upon his death in 1916, his son Eulalio, to whom said properties were bequeathed, took possession of the same, cultivated the land, declared it for taxation purposes and paid taxes thereon; that in 1939, Eulalio and his wife Maria Cauiñan, mortgaged the land to one Marcelo Alvarez and the same was cancelled in 1946; that after Eulalio's death in 1940, his wife, Maria, and their children Librada, Virginia, Fidencio, Artemio, Porfirio and Regina all surnamed Bayaua, continued in peaceful possession of the land until May 1951, when petitioner entered and occupied the northern portion of the land constructing some buildings thereon.

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[8] Exhibit "L", p. 17, Record of Exhibits, CFI Civil Case No. 506.

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The Municipality, on the other hand, alleges that neither respondents nor their predecessors-in-interest had ever been in actual possession of subject properties; that the Agricultural Farm School of Santiago had been in actual peaceful, public, open and continuous possession of said property since 1931, when the same formed part of the farm school site by virtue of Executive Proclamation No. 427 dated November 7, 1931, until possession of the same was turned over to petitioner as its market site pursuant to Presidential Proclamation No. 131 dated May 24, 1949.

Defendant Andres Acosta, the then Municipal Mayor, was declared in default for failure to file an answer within the reglementary period.

The Forcible Entry Case, Civil Case No. 23, was dismissed on February 20, 1954 upon motion of private respondents' counsel in view of the pendency of Civil Case No. 506 before the Court of First Instance of Isabela.[9]

Beginning January 25, 1963, the Trial Court heard jointly Cad. Case No. 30 for Lot 4976 with regards to the claim of the Municipality and Antero Catabas, and Civil Case No. 506.

On March 2, 1970, or about 6-7 years after Lot 4976 was declared public land, the Court rendered a Joint Decision in Cad. Case No. 30 and Civil Case No. 506, decreeing:

"WHEREFORE, judgment is rendered:

(a) Dismissing the complaint and supplemental complaint;

(b) Declaring cadastral Lot No. 4976-A, Cad. Case No. 30 in Subdivision Plan Psd-18663 together with the technical description in said plan, the property of the Municipality of Santiago, Isabela, as part of the market site in question;

(c) Declaring the Municipality of Santiago, Isabela the owner of Lot No. 800-A (8000-A) shown in the plan Psd-18663 with the technical description in said plan which consists of the bigger portion of the market site of the Municipality of Santiago in question; and

[9] Exhibit "L-2", p. 20, *ibid.*

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(d) That the plaintiffs pay the costs."[10]

Private respondents appealed to the Court of Appeals (CA-G.R. No. 47575-R). On December 20, 1978, respondent Appellate Court* reversed the judgment of the Trial Court and declared private respondents the lawful owners and possessors of the disputed land through acquisitive prescription, rationalizing thus:

"The adverse and uninterrupted possession of the disputed land by the plaintiffs-appellants (referring to private respondents) for more than 30 years, from the time they acquired it by inheritance from Liberato (should read Eulalio) Bayaua in 1916, let alone the prior continuous and public possession thereof by their predecessor-in-interest Liberato Bayaua, the original owner, is pretty well established. In view of this fact, acquisitive precription has operated to vest absolute title over the land in question on the plaintiffs-appellants, pursuant to Section 41 of Act 190, the law then in force and effect (Parcotilo *vs.* Parcotilo, 12 SCRA 435, 440). Under that law, 10 years of actual and adverse possession by any person claiming to be the owner for that period of time of any land *in whatever way his occupancy may have commenced or continued* and under a claim of title exclusive of any other right adverse to all other claimants is enough to vest title thereto by prescription (Delima *vs.* Tio, 32 SCRA 516, 522; Parcotilo *vs.* Parcotilo, *supra*; Sanchez *vs.* Rosales, CA-G.R. No. 3663-R, August 30, 1974; Lim *vs.* Provincial Sheriff of Misamis Oriental, CA-G.R. No. 35006-R, August 15, 1974). . . ."[11]

Hence, the present appeal by certiorari by the Municipality, raising the following issues:

"1) Whether or not the respondent Court of Appeals committed a reversible error in disregarding the findings of fact of the trial court;

2) Whether or not the respondent Court of Appeals erred in holding that the private respondents had already acquired the property in question by acquisitive prescription before the issuance of Executive Proclamation No. 427 and Presidential Proclamation No. 131 on November 7, 1931 and May 24, 1949 respectively, reserving the same for public use; and

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[10] pp. 45-78, Record on Appeal, p. 69, Rollo.

*Former Special Sixth Division composed of J. Crisolito Pascual (*ponente*) and JJ. Corazon Juliano Agrava and Rodolfo A. Nocon, concurring.

[11] p. 17, Rollo.

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3) Whether or not public interest, as well as justice and equity justify the granting of this petition."

In our Resolution of April 4, 1969, we had denied the Petition. However, upon the Municipality's instance, we reconsidered, after attention was called to the fact that private respondents had failed to file their Answer in the cadastral proceedings.

We are constrained to reverse.

1) Respondent Court had overlooked and misapprehended the material fact that prior to the issuance of Proclamations Nos. 427 and 131 (*supra*) the disputed lots had been included in the cadastral proceedings of Santiago, Isabela, from 1927 to 1932. Private respondents did not register their claim to Lot 8000-A during the cadastral survey of the Municipality of Santiago, Isabela in 1927. Nor did they file Answers in respect of both lots in the cadastral proceedings in 1939, which they should have done if they had been in actual possession, and as their predecessor-in-interest, Eulalio, did in respect of other lots not covering the subject market site. There being no private claimants to Lot 8000-A, it was deemed to be public land at the time it was reserved as a school site in 1931 and later as a part of the market site in 1949. And in respect of Lot 4976, the only recorded claims were those of one Antero Catabas and the Municipality. Private respondents sought to remedy the absence of a claim by filing a Petition to Admit their Answer during the continuation of the hearing of Cadastral Case No. 30 on December 10, 1962, and reiterating the same Petition again in 1968, as stated before, both of which Petitions were denied. Respondents did not move for reconsideration, nor did they take other remedial measures.

Likewise, on September 17, 1963, the Trial Court issued an Order declaring Cadastral Lot No. 4976 public land subject to whatever rights the Municipality of Santiago may have by virtue of Presidential Proclamation No. 131 of May 24, 1949. Private respondents were parties in the proceedings but they did not question nor appeal from the aforestated Order. It had, therefore, become final and conclusive.

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One of the main purposes of cadastral proceedings is to settle titles to lands. Anyone claiming ownership of any land so affected should lay claim thereto. Failure to do so authorizes the Court to declare the same as public land.[12]

Settled is the rule that a cadastral proceeding is one *in rem* and any decision rendered therein by the Cadastral Court is binding against the whole world.[13] Under this doctrine, parties are precluded from re-litigating the same issues already determined by final judgment.[14]

2) Contrary to the statement of the Court of Appeals, the Spanish document "*Estadistica*" presented by respondents is not a "title." It is not one of the grants made during the Spanish regime. In fact, the lots "*con titulo*" were so indicated in the "*Estadistica*." Respondents themselves admit that the "*Estadistica*" does not grant a valid title of the same efficacy and validity as a "*composicion con el estado*" or an "*informacion posesoria*."

Respondents' tax declarations for certain odd years (Exhibits "H", "J"), and tax receipts (Exhibit "I", "I-1", "K"), although constituting proof of claim of title to land[15], are not incontrovertible evidence of ownership unless they are supported by other effective proof.[16]

And although Proclamations Nos. 427 and 131 declared that they were "subject to private rights if any there be," private respondents have failed to prove their rights.

". . . For it is well-settled that, unless the applicant has shown by clear and convincing evidence that the property in question was ever acquired by the applicant or his ancestors either by composition title from the Spanish

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12 Henson *vs.* Director of Lands, 32 O.G. 1808.

13 Nieto *vs.* Quines, 6 SCRA 74 (1962); Cano *vs.* De Camacho, 43 SCRA 390 (1972).

14 Yusingco *vs.* Ong Hung Lion, 42 SCRA 589, 602.

15 Director of Lands *vs.* Reyes, 68 SCRA 177 (1975).

16 Elumbaring *vs.* Elumbaring, 12 Phil. 384 (1909); Evangelista *vs.* Tabayuyung, 7 Phil. 607 (1907).

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Government or by possessory information title, or any other means for the acquisition of public lands, the property must be held to be part of the public domain."[17]

3) The Trial Court was not convinced that the parcels of land being claimed by respondents are identical to the properties in litigation. For, while it is not disputed that the land in question was originally swampy and devoted to rice planting, the parcel of land referred to in the "*Estadistica*" was classified as "*tabaco*" land while others were "*palay*." As the Trial Court noted, tobacco land connotes an elevated land.

And even assuming that they are the same property, private respondents failed to submit convincing evidence of actual, peaceful and adverse possession in the concept of owner of the entire area in question until the time they were allegedly dispossessed by the Municipality sometime in 1951. As pointed out by the Trial Court, private respondents merely showed a "sporadic feeble cultivation of portions thereof which does not amount to possession as owner."[18] A mere casual cultivation of portions of the land by the claimant does not constitute possession under claim of ownership.[19]

It has been sufficiently established, on the other hand, that the lots in controversy have been under the continuous possession of the Agricultural Farm School of Santiago, cultivated by its students as part of their curriculum from 1931 to May 24, 1949 when the Municipality took over a portion thereof for its market site and built improvements thereon. It was the students who had built "*pilapils*" and a barbed wire fence around the property. As found by the Trial Court, "the witnesses for the Municipality are unbiased; the preponderance of evidence tilts heavily in its favor." Those witnesses were the cadastral surveyors themselves, the former principal of the Santiago Farm School, and the ex-Mayors who had been old residents of the town. Whereas private

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[17] Director of Lands *vs.* Reyes, 68 SCRA 177, 195 (1975).

[18] CFI Decision, p. 74, Record on Appeal.

[19] Director of Lands *vs.* Reyes, *supra*.

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respondents' witnesses were "all close relatives of the plaintiffs either by consanguinity and/or affinity."

4) It was reversible error for respondent Court to have ruled that acquisitive prescription had operated to vest absolute title over the lands in question in private respondents. Contrary to that Court's finding, the open, continuous, exclusive and notorious occupation of the disputed properties for more than 30 years and even "for close to half a century" has not been conclusively established as explained heretofore. Moreover, the institution of cadastral proceedings had the effect of suspending the running of the prescriptive period.[20] Additionally, having been declared public land, Lots 8000-A and 4976-A cannot be acquired by acquisitive prescription.[21] Prescription, both acquisitive and extinctive, does not run against the State.[22]

"The possession of public land, however long the period may have extended, never confers title thereto upon the possessor because the statute of limitations with regard to public land does not operate against the State, unless the occupant can prove possession and occupation of the same under claim of ownership for the required number of years to constitute a grant from the State."[23]

The exception under Section 48(b) of Commonwealth Act No. 141 by which public lands may be acquired by prescription can neither apply to private respondents as the latter had failed to establish conclusively that they were in continuous possession and occupancy of public land under claim of ownership since July 26, 1894.[24] They merely showed "sporadic feeble cultivation," mere casual cultivation of portions of the land, which does not constitute possession under claim of ownership. In that sense, possession is not exclusive and notorious so as to give rise to a presumptive grant from the State.[25]

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20 Cano *vs.* De Camacho, 43 SCRA 390 (1972).

21 *Id.*

22 Republic *vs.* Hernaez, 31 SCRA 219 (1970).

23 Director of Lands *vs.* Reyes, 68 SCRA 177 (1975).

24 Govt. *vs.* Abad, 56 Phil. 75 (1931); Ongsiako *vs.* Magsilang, 50 Phil. 380 (1927).

25 Director of Lands *vs.* Reyes, *supra.*

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WHEREFORE, the Decision of respondent Court of Appeals of December 20, 1978 is hereby reversed and set aside, and the judgment of the Court of First Instance of Isabela, Branch II, in Civil Case No. 506, is hereby reinstated and affirmed.

SO ORDERED.

Teehankee (Chairman), Plana, Vasquez, Relova and *Gutierrez, Jr., JJ.*, concur.

FIRST DIVISION

[G.R. Nos. 55834-35. February 21, 1983]

ALEJANDRO MONTAÑER, petitioner, *vs.* THE NATIONAL LABOR RELATIONS COMMISSION, LABOR ARBITER PORFERIO REYES, BENJAMIN M. MUÑASQUE and MINANDANG GUIWAN, respondents.

SYLLABUS

REMEDIAL LAW; ACTION; DISMISSAL; CASE AT BAR.— Where the Petition for Certiorari was filed primarily to stop the execution sale which remedy could have been availed of in the course of the appeal taken to the NLRC, as expressly provided for in Policy Instruction No. 38-A of the Ministry of Labor and Employment dated December 4, 1978, the Petition will be dismissed without prejudice to the petitioner pursuing the appeal he had taken to the NLRC and, in connection therewith, to apply therein for the stay of the execution ordered by the labor arbiter.

APPEARANCES OF COUNSEL

Macapandi M. Padate and Associate for petitioner.
Parker, Lagunzad and *Fajardo* for private respondent.

RESOLUTION

VASQUEZ, *J.*:

Private respondent Minandang Guiwan who claimed to be employed as a security guard in the petitioner's logging business filed a complaint for illegal dismissal without prior clearance from the Ministry of Labor, and for recovery of overtime and 13th