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**FIRST DIVISION**

[G.R. No. L-34602. May 31, 1979]

**THE DIRECTOR OF LANDS and DIRECTOR OF FORESTRY,** *petitioners, vs.* **LILIA A. ABAIRO, CELSO ABAIRO, and THE COURT OF FIRST INSTANCE OF ISABELA,** *respondents.*

**SYLLABUS**

1. **CIVIL LAW; LAND REGISTRATION; JUDICIAL CONFIRMATION; COURT HAS JURISDSICTION TO ENTERTAIN APPLICATION FILED AFTER EXPIRY DATE.** — The trial court has jurisdiction to entertain his application for registration of title filed after December 31, 1968, the date set by Republic Act 2061 as the time limit for judicial confirmation of imperfect and incomplete titles and before the effectivity on June 19, 1971, of Republic Act 6236, extending the time limit for such purpose.

2. **ID.; ID.; RETROACTIVE EFFECT OF LAW GRANTING EXTENSION OF TIME TO FILE REGISTRATION APPLICATION.** — Those who applied for judicial confirmation of their titles at any time prior to the cut-off date of December 31, 1976 (as provided for in Republic Act 6236) did so on time, even if such application were filed during the intervening period from January 1, 1969 (*i.e.* after December 31, 1968, the judicial confirmation of imperfect titles) to June 18, 1971 (before the effectivity on June 19, 1971 of Republic Act No. 6236 extending the time limit for such purpose). The extension until December 31, 1976 of Republic Act 6236 for the filing of such application retroacted to, and covered applications filed after January 1, 1969 and before June 19, 1971. Moreover, the application filed after the expiry date provided for in Republic Act 2061 could be considered as refiled after the effectivity of Rep. Act No. 6236.

3. **ID.; ID.; EXTENSION OF PERIOD FOR FILING APPLICATION FOR JUDICIAL CONFIRMATION; RESPECT FOR INTENTION OF LAWMAKER THEREFOR.** — Respect should be given to the obvious intention of the lawmaker in extending the period for filing application for judicial confirmation of titles

Supreme Court E-Library



time again, to give full opportunity to those who are qualified under the law to own disposable lands of the public domain and thus reduce the number of landless among the citizenry.

**APPEARANCES OF COUNSEL**

*Office of the Solicitor General* for petitioner.
*Eligio A. Labog* for private respondents.

**D E C I S I O N**

**MAKASIAR, *J.*:**

This is a petition for review on *certiorari* of the decision dated September 27, 1971 (pp. 17-18, rec.), of respondent Court of First Instance of Isabela confirming the ownership by Lilia A. Abairo and Celso Abairo, of a parcel of land.

The facts of this case are undisputed. On March 1, 1971, respondent Lilia Abairo filed an application for registration under the Land Registration Act of a parcel of land containing an area of about 573 square meters situated in Centro, Cauayan, Isabela, alleging open, public, peaceful and uninterrupted possession thereof in the concept of owner by herself and through her predecessors-in-interest since time immemorial up to the present (p. 12, rec.).

Respondent Lilia Abairo and her counsel appeared at the initial hearing but nobody appeared to oppose the petition for registration of her title, except the assistant provincial fiscal who entered his opposition in behalf of the Bureau of Lands and the Bureau of Forestry, but who subsequently withdrew his opposition on the ground that there was a new law extending the period for filing registration petitions up to 1976. The fiscal submitted a report of the Director of Lands to the effect that *he is withdrawing his opposition*. The fiscal likewise submitted a letter from the Bureau of Forestry showing that it has *no opposition to the application for registration of title*. These facts are embodied in the Order of Judge Andres Plan, to wit:

Supreme Court E-Library



"When this case was called for initial hearing, the applicant, assisted by counsel, appeared. The Fiscal manifested in open Court that due to the amended bill which extends the period of filing registration petitions up to 1976, the serious opposition filed has become moot and academic. The Fiscal also submitted a report of the Director of Lands to the effect that the Bureau of Lands is withdrawing its opposition. The Fiscal also submitted a letter from the Bureau of Forestry showing that they have no opposition to the application for registration of title.

"With these manifestations of the fiscal, the Bureau of Lands and the Bureau of Forestry, the lot has become non-contested.

"Upon motion of counsel for the applicant, let an order of general default issue against the whole world. Upon his petition, the Clerk of Court, Atty. Raymundo B. Neris, Jr., is hereby appointed Commissioner to receive the evidence in support of the petition for registration." (p. 16, rec.).

After the case was heard, respondent Court rendered a decision dated September 27, 1971, confirming the ownership of respondent Abairo over the land in question after finding that the original owner of the land in dispute was a certain Pablo Rivera, who possessed the land which formed part of his estate since 1912 or even much prior thereto; that he sold said land to Inocencia Accad sometime in 1939 and the latter had been in possession of said land up to the time when she sold it to her daughter, Lilia A. Abairo, on December 31, 1969; that respondent has a residential house on the land and that she has declared the lot for taxation purposes in her name and has been religiously paying taxes thereon; that respondent Abairo and her predecessors-in-interest have been in open, public, peaceful and uninterrupted possession of the land in the concept of owners since 1912 up to the present; that the land is free from all liens and encumbrances; and that the land is the conjugal property of spouses Lilia and Celso Abairo (pp. 17-18, rec.).

A motion for reconsideration dated November 18, 1971 (p. 19, rec.) was filed by the Solicitor General on the ground that respondent Court did not have jurisdiction to entertain the application for registration of title as it was filed on March 1, 1971, after December 31,1968, the date set by R.A. No. 2061

Supreme Court E-Library



as the time limit for the judicial confirmation of imperfect and incomplete titles like that of applicant, and before the effectivity on June 19, 1971, of R.A. No. 6236 extending the time limit for such purpose.

Respondent Court denied the aforesaid motion for reconsideration in an order dated December 15, 1971 (p. 28, rec.). Hence, this petition.

It is the contention of petitioners that respondent Court should have dismissed the application of respondent Lilia Abairo because it has no jurisdiction over it inasmuch as it was filed on March 1, 1971, that is, after December 31, 1968, the expiry date for filing such kind of applications based on imperfect or incomplete titles under R.A. No. 2061.

Petitioner's contention is without merit.

R.A. No. 6236, enacted on June 19, 1971, further amended Section 47 of C.A. No. 141 (which was previously amended by R.A. No. 2061) by extending to December 31, 1976 the time limit for the filing of applications for the judicial confirmation of imperfect or incomplete titles.

As amended by R.A. No. 2061, Section 47 of C.A. No. 141 reads:

"Sec. 47. The persons specified in the next following section are hereby granted time, *not to extend beyond December thirty-one, nineteen hundred and sixty-eight* within which to take advantage of the benefit of this chapter: Provided, That the several periods of time designated by the President in accordance with section forty-five of this Act shall apply also to the lands comprised in the provisions of this chapter, *but this section shall not be construed as prohibiting any of said persons from acting under this chapter at any time prior to the period fixed by the President*" (italics ours).

As amended by R.A. No, 6236, the aforesaid Section 47 states:

"Sec. 47. The persons specified in the next following section are hereby granted time, *not to extend beyond December thirty-one, nineteen hundred and seventy-six*, within which to take advantage

Supreme Court E-Library



of the benefit of this chapter: Provided, That this extension shall apply only where the area applied for does not exceed 144 hectares: Provided further, That the several periods of time designated by the President in accordance with section forty-five of this Act shall apply also to the lands comprised in the provisions of this chapter, *but this section shall not be construed as prohibiting any of said persons from acting under this chapter at any time prior to the period fixed by the President*" (italics Ours).

As amended by Presidential Decree No. 1073, promulgated on January 25, 1977, the filing of such application has been extended to December 31, 1987.

It is clear from the law itself that those who applied for judicial confirmation of their titles *at any time prior to the cut-off date of December 31, 1976* (as provided for in R.A. No. 6236) did so on time, even if such application were filed during the intervening period from January 1, 1969 to June 18, 1971, like the application of respondent Abairo, who instituted the same on March 1, 1971.

All the amendments to Section 47 of C.A. 141 expressly includes the proviso that "this section shall not be construed as prohibiting any of said persons from acting under this chapter at any time prior to the period fixed by the President." No period has been fixed by the President despite the authority granted him by the aforesaid proviso.

But even in the absence of the aforesaid proviso of Section 47, as amended, the basis of the petition is too technical to merit serious consideration. The extension until December 31, 1976 by R.A. No. 6236 for the filing of such application, retroacted to, and covered the applications filed after January 1, 1969 and before June 19, 1971. Moreover, the application which private respondent filed on March 1, 1971, could be considered as re-filed after the effectivity of R.A. No. 6236 on June 19, 1971, less than four months thereafter.

Respect should be given to the obvious intention of the lawmaker in extending the period for filing such applications time and time again, to give full opportunity to those who are

Supreme Court E-Library



qualified under the law to own disposable lands of the public domain and thus reduce the number of landless among the citizenry.

Considering the area of the lot applied for — only about 573 square meters — it was quite unfair, if not oppressive, to put the private respondent to such expense and anxiety, after the Director of Lands withdrew his opposition, while the Director of Forestry interposed no opposition to private respondent's application.

**WHEREFORE,** THE DECISION OF THE LOWER COURT IS HEREBY AFFIRMED AND THE PETITION IS HEREBY DISMISSED. NO COSTS.

*Teehankee (Chairman), Fernandez, Guerrero, De Castro,* and *Melencio-Herrera, JJ.,* concur.

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**FIRST DIVISION**

[G.R. No. L-35707. May 31, 1979]

**CRISPINO FLORES,** *petitioner, vs.* **HON. G. JESUS B. RUIZ, Presiding Judge, Court of First Instance of Cagayan, PROVINCIAL WARDEN of Cagayan, and LEONARDO MANDAC, represented by his Heirs, thru the Widow DOLORES *VDA. DE* MANDAC,** *respondents.*

**SYLLABUS**

**1. REMEDIAL LAW; CRIMINAL PROCEDURE; RIGHT OF THE ACCUSED; RIGHT TO COUNSEL NOT SUBJECT TO WAIVER.** — The right of the accused to counsel in criminal proceedings has never been subject to waiver. The practice has always been for the trial court to provide the accused with a counsel *de oficio,* if he has no counsel of his own choice, or