

[**PRESIDENTIAL DECREE NO. 1271, December 22, 1977**]

AN ACT NULLIFYING DECREES OF REGISTRATION AND CERTIFICATES OF TITLE COVERING LANDS WITHIN THE BAGUIO TOWNSITE RESERVATION ISSUED IN CIVIL RESERVATION CASE NO. 1, GLRO RECORD NO. 211 PURSUANT TO REPUBLIC ACT NO. 931, AS AMENDED, BUT CONSIDERING AS VALID CERTAIN TITLES OF SUCH LANDS THAT ARE ALIENABLE AND DISPOSABLE UNDER CERTAIN CONDITIONS AND FOR OTHER PURPOSES.

WHEREAS, on April 12, 1912 the Director of Lands instituted in the Court of First Instance of Benguet Civil Reservation Case No. 1, GLRO Record No. 211, for the compulsory settlement and adjudication of claims to private lands within the Baguio Townsite Reservation, pursuant to Section 62 of Act 926, in relation to Sections 3, 4, 5 and 6 of Act 267;

WHEREAS, on November 13, 1922, the Court of First Instance of Benguet rendered a decision in the aforesaid case, decreeing, except areas inside established reservations and the lands claimed by and adjudicated to private claimants named therein, all lands, buildings and real rights within the Baguio Townsite Reservation, as public properties and declaring all private claims not pursued in said proceedings as barred forever;

WHEREAS, Republic Act No. 931, as amended by Republic Act No. 2061, authorized the reopening of cadastral cases up to December 31, 1968 with respect to lands which have been previously declared public lands by the court;

WHEREAS, on petition of interested parties, the Court of First Instance of Baguio and Benguet, purporting to act pursuant to Republic Act No. 931, reopened Civil Reservation Case No. 1, GLRO Record No. 211, set aside its decision of November 13, 1922, and adjudicated in favor of the petitioners certain parcels of land situated within the Baguio Townsite Reservation;

WHEREAS, the parcels of land so adjudicated in favor of the petitioners were subsequently registered under Act No. 496 and thereafter subdivided and conveyed to third parties who have since secured transfer certificates of titles to the lands in question;

WHEREAS, on petition of the Government the Supreme Court in G. R. No. L-32941, entitled "Republic of the Philippines vs. Honorable Pio R. Marcos, et al.", on July 31, 1973 held that the Court of First Instance of Baguio and Benguet had no jurisdiction to reopen Civil Reservation Case No. 1, GLRO Record No. 211, on the ground that said case did not partake of the nature of cadastral proceedings as contemplated in Republic Act 931, as amended, and that lands within Government reservations can not be registered in favor of private individuals;

WHEREAS, by virtue of the decision of the Supreme Court all titles issued as a result of the reopening of the proceedings in Civil Reservation Case No. 1, GLRO Record No. 211, are deemed null and void;

WHEREAS, at the time the decision of the Supreme Court was promulgated large portions of the public domain, aggregating 11,478,098 square meters, more or less,

had illegally been decreed in favor of private individuals;

WHEREAS, there are holders of titles who, before the promulgation of the decision of the Supreme Court on July 31, 1973, had acted in good faith and relied, although mistakenly, on the indefeasibility of torrens certificates of titles and who had introduced substantial improvements on the lands covered by the certificates;

WHEREAS, taking into consideration the above circumstances and the unanimous recommendation of the Special Committee created by the President of the Philippines by Executive Order No. 470 "to look into certain certificates of titles of lands in Baguio City which have been voided by the (Supreme) Court";

NOW, THEREFORE, I, FERDINAND E. MARCOS, President of the Philippines, by virtue of the powers vested in me by the Constitution, do hereby decree and order as follows:

SECTION 1. All orders and decisions issued by the Court of First Instance of Baguio and Benguet in connection with the proceedings for the reopening of Civil Reservation Case No. 1, GLRO Record No. 211, covering lands within the Baguio Townsite Reservation, and decreeing such lands in favor of private individuals or entities, are hereby declared null and void and without force and effect; *PROVIDED, HOWEVER*, that all certificates of titles issued on or before July 31, 1973 shall be considered valid and the lands covered by them shall be deemed to have been conveyed in fee simple to the registered owners upon a showing of, and compliance with, the following conditions:

- a. The lands covered by the titles are not within any government, public or quasi-public reservation, forest, military or otherwise, as certified by appropriate government agencies;
- b. Payment by the present title holder to the Republic of the Philippines of an amount equivalent to fifteen per centum (15%) of the assessed value of the land whose title is voided as of revision period 1973 (P.D. 76), the amount payable as follows: Within ninety (90) days of the effectivity of this decree, the holders of the titles affected shall manifest their desire to avail of the benefits of this provision and shall pay ten per centum (10%) of the above amount and the balance in two equal installments, the first installment to be paid within the first year of the effectivity of this Decree and the second installment within a year thereafter.

SEC. 2. The provisions of the preceding section for the validation of titles shall not apply to cases in which the registration was obtained through fraud or misrepresentation in the proceedings for the reopening of Civil Registration Case No. 1, GLRO Record No. 211, nor shall the confirmation or issuance of new title under this Decree have the effect of validating titles otherwise invalid because obtained through fraud or misrepresentation in the aforesaid reopening proceedings.

SEC. 3. The holders of the titles falling under Section 1 of this Decree that are not considered valid pursuant to the proviso thereof shall, within ninety (90) days from the effectivity of this Decree, surrender their respective titles for cancellation and the owners and/or possessors of the areas covered by such titles shall vacate the premises and remove whatever improvements or structures they may have introduced thereon within six (6) months from notice. If, by removal of the improvements, damage to the lands would result, such improvements shall be forfeited in favor of the government or shall be demolished or removed at the title