

**[ G. R. No. L-15605, November 03, 2009 ]**

**URSULA FRANCISCO, PLAINTIFF AND APPELLEE, VS. JULIAN RODRIGUEZ, ET AL., DEFENDANTS AND APPELLANTS.**

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

**REGALA, J.:**

This is the second time that this case is brought before Us on appeal.

The antecedent facts are not disputed and are stated in Our decision dated May 21, 1956, in G. R. No. L-8263, as follows:

Plaintiff was born a Mora with the name of 'Silipot' who was baptized as a Christian at the age of thirty-five. She was an illiterate. She applied in Sales Application No. 15774 for the purchase of Lot No. 595, Cadastral No. 102, situated in barrio Buna wan, Davao City, and thereafter cultivated it, planting thereon abaca, coconuts, cacao, lanzones, nanca and durian, and declared it for purposes of taxation in 1932. Its assessed value at that time was P4,280.

"On August 10, 1935, her sales application was rejected because she had permitted herself to be a dummy, though she continued in the possession of the property. On September 2, 1935, she filed a motion for reconsideration by means of an affidavit signed and subscribed before her lawyer, defendant Julian A. Rodriguez. A year, afterwards, or on April 27, 1936, this lawyer sent a letter to the Bureau of Lands at Davao, enclosing an affidavit of Ursula Francisco, stating that the aliens had already left the place, and on August 12, 1939, or two years later, the same lawyer again sent a letter to the Bureau of Lands, this time at Manila, urging that 'in view of the fact that this case is now pending for nearly three years, may I ask now that action be expended?' There was no reply to this letter, but in June, 1940, Ursula Francisco, being in need of money because of the impending foreclosure of another parcel of land and of the recent death of her son-in-law, husband of Casiana, and because of the expenses needed by her grandson Jose who was in Manila, approached her lawyer Rodriguez asking him for a loan of P1,000.00 and while Julian did not consent at first, he finally agreed, though insisting on an absolute conveyance of the property, less four hectares which should be segregated for the vendor. To this end the land was surveyed for subdivision in May, 1940, and the following month a document was executed on June 10, 1940 conveying 29 hectares of the land to Rodriguez for the sum of P2,000, which was thumb-marked by Ursula who received the first payment of P500.00.

"It appears however that Ursula was of the belief that the document she signed was one of *anti-chresis*, and when she discovered that the document she thumb-marked was a deed of absolute sale, she filed an

action in the Court of First Instance of Davao against the now defendant Rodriguez and her daughter Monina seeking the annulment of said document (Civil Case No. 9-R), and although the document, marked Exhibit D-1, was declared null and void, she lost the case because the land in question was then not considered her property but of the Government. On October 30, 1947, or two months after the decision in said case was rendered, the Bureau of Lands reinstated Ursula's application, but Rodriguez asked for reconsideration on the ground that he was the owner of 29 hectares. His motion was denied by order of the Bureau of Lands on June 17, 1948. A supplemental motion filed by Rodriguez was also denied on November 18, 1948, though upon the latter's application, the Bureau of Lands stayed on December 4, 1948, the execution of the reinstatement. Finally, on February 17, 1949, the Secretary of Agriculture remanded the case to the Bureau of Lands for a formal investigation, which had not yet been completed at the time the present case was decided in the lower court. In view of this state of affairs, on August 27, 1948, Ursula Francisco instituted this action which was decided by the trial court as stated in the early part of this decision.

On the basis of the above facts, the trial court, on April 28, 1949, rendered a decision declaring both plaintiff Ursula Francisco and defendants, herein appellants, not entitled to the possession of the land in litigation and leaving the disposition of said land to the officials of the Department of Agriculture.

On Appeal, this Court affirmed the said decision, making the following pronouncements:

"\* \* \* there is no doubt that the deed of conveyance executed by plaintiff in favor of defendant on June 10, 1940 is null and void not only because the rights of plaintiff under her sales application had been cancelled by the Bureau of Lands in the belief that she permitted herself to be a dummy of the Japanese but especially because the conveyance was made without the previous approval of the Secretary of Agriculture as required by law (Section 29, Commonwealth Act No. 141). \* \* \* It is therefore clear that the conveyance is null and void and produced as a consequence the reversion of the property with all the rights thereto to the State.

\* \* \* \* \*

"There is however a redeeming feature that may throw light on the present controversy. We know that the sales application of plaintiff has been reinstated by the Bureau of Lands but the effect of which were stayed upon petition of defendant. And because of this conflict, the Secretary of Agriculture has ordered a formal investigation apparently in an effort to determine once and for all the rights and equities of the parties. Unfortunately, the investigation has not yet been completed when this case was initiated and from a recent correspondence received by this Court from the Bureau of Lands the same is still pending, awaiting the outcome of the present case. Considering that under the provisions of sections 3, 4 and 5 of Commonwealth Act No. 141 the Director of Lands, subject to the control of the Secretary of Agriculture, is given direct executive control of any disposition of lands of the public domain and his