

DECISION

24746
**THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D. C. 20548**

FILE: B-207613**DATE:** April 6, 1983**MATTER OF:** Conflicting claims over use of lands by the
United States**DIGEST:**

1. GAO generally cannot determine questions of land ownership among conflicting claimants, especially where record indicates that land is now owned by another government.
2. Six-year statute of limitations in 31 U.S.C. § 3702(b) bars conflicting claims to rents, damages and destruction of property arising from property's occupation by the United States, when the claims accrued in 1960 and 1956 and were not filed with GAO until December 1981 and May 1982, respectively.

This responds both to a request for reconsideration of our Claims Group's denial of Mr. Isabelo B. Austria's \$94 million claim against the United States for rents, damages and destruction of property, filed on behalf of the heirs of Hermogenes and Antonio Rodriguez, and a similar claim of Mr. Irineo F. Mendoza for approximately \$110.5 million. Both claims relate to the same land. For the reasons given below, we affirm our Claims Group's denial of Mr. Austria's claim and also deny the claim of Mr. Mendoza.

The conflicting claims of Mr. Austria and Mr. Mendoza apparently arose from United States occupation of an area of land located in Metro-Manila, Republic of the Philippines, roughly between the years 1898 and 1960. When in United States possession, the area was named Fort William McKinley; after it was turned over to the Philippines, it was re-named Fort Bonifacio.

Mr. Austria claims \$94 million as compensation for rents, damages and destruction of the property by the United States between the years 1898 and 1960; Mr. Mendoza similarly claims approximately \$110.5 million from 1902 through 1956. Both parties maintain that claims initially were filed in 1946 with a United States Army Real Estate Office in the Philippines, though they disagree on who filed them.

Mr. Austria's claim originally was transmitted to this Office by the Department of the Army. Based on the evidence submitted, our Claims Group advised the Army, in a letter dated December 14, 1981 (Claim No. Z-2836439), that:

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" * * * such a claim would be for determination by a Philippine court and Mr. Austria would have the burden to bring such a suit and to establish any right of entitlement to the land. Absent any right of ownership to the land, no entitlement for rent or damages would exist."


Furthermore, though not mentioned in the Claims Group's letter, the Army informed Mr. Austria that the claim would be barred by the 6-year statute of limitations in 31 U.S.C. § 3702(b) (formerly 31 U.S.C. § 71a; recodified by Pub. L. No. 97-258, September 13, 1982, 96 Stat. 877, 970), regardless of the question of the ownership of the land.

The Army treated Mr. Austria's subsequent protest of the denial of his claim as an appeal of our Claims Group's determination, and forwarded it to us. Soon thereafter we received Mr. Mendoza's claim and supporting documents.

First, we must affirm the advice given by our Claims Group. The General Accounting Office generally is not in a position to determine questions of land ownership among conflicting claimants, particularly when it appears that the land belongs to another government, in this instance the Republic of the Philippines. We point out that the documents supporting each of the claims present conflicts in fact that we cannot resolve. Moreover, the documents also suggest that ownership of the land in question currently is being contested in a Philippine court.

Next, even if a Philippine court were to resolve the question of ownership of the land, as the claims appeared to have accrued not later than 1960 and 1956, and were filed with this Office in December 1981 and May 1982, respectively, they are barred by the 6-year statute of limitations in 31 U.S.C. § 3702(b). That provision requires that claims against the United States cognizable by the General Accounting Office must be received in GAO within 6 years after the claims first accrued. This would be so even if the claims originally had been filed with the Army in 1946. We have held that to satisfy the statute of limitations, a claim must be filed with GAO and not the agency whose action gave rise to the claim. E.g., 57 Comp. Gen. 281, 283 (1978); 53 Comp. Gen. 148, 155 (1973); 42 Comp. Gen. 337, 339 (1963).

For these reasons, there is no further action we can take on these claims and must accordingly disallow them.

for 
Comptroller General
of the United States