

FELIPA S. LARAGAN, INDEPENDENCIO SIBBALUCA, AURORA C. SIBBALUCA, AND ZENAIDA S. VALDEZ, PETITIONERS, VS. HONORABLE COURT OF APPEALS, TEODORO LEANO, TOMAS LEANO, FRANCISCO LEANO,...

G.R. No. L-47644. August 21, 1987

Ponente: PADILLA, J.

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PADILLA, J.:

This is a petition for review on certiorari of the judgment* of the respondent appellate court in CA-G.R. no. 48353-R which affirmed, with modifications, the decision** of the Court of First Instance of Isabela in Land Reg. Case No. N-275, Land Rec. No. N-36094, ordering the registration of the parcel of land described in Plan HS-48806 in the names of the petitioners.

The facts of the case are as follows: On 14 October 1968, the herein petitioners, Felipa Laragan, Independencio Sibbaluca, Aurora Sibbaluca, and Zenaida Valdez filed an application with the Court of First Instance of Isabela for the registration of their title over a parcel of land with an area of 221,667 sq. m., more or less, situated in the Bar-rio of Sto. Tomas, Ilagan, Isabela, and described in Plan HS-48806. The applicants alleged that they acquired said parcel of land by way of an absolute deed of sale from the spouses Anastacio and Lucrecia Sibbaluca and that they have been in possession thereof for more than 34 years[1].

The application was set for hearing on 20 May 1969. The Land Registration Commission issued a notice of initial hearing, copies of which were furnished all the parties concerned. The notice was published in the Official Gazette and also posted in the municipal building of Ilagan, Isabela as well as in conspicuous places where the land is situated.

On the date set for the initial hearing of the application that is, 20 May 1969, Teodoro Leano, Tomas Leano, Vicente Leano, Francisco Leano, and Consolacion Leano appeared and served notice that they were opposing the application for registration and they asked the court that they be granted a period of thirty (30) days within which to submit their opposition[2].

Thereafter, the court issued an order of general default[3].

On 7 July 1969, the Solicitor General filed a written opposition, on behalf of the Director of Lands, alleging, among others, that the applicants and their predecessor-in-interest do not have sufficient title to the parcel of land sought to be registered, the same not having been acquired by composition title from the Spanish Government or by a possessory information title under the Royal Decree of 13 February 1894, nor by acquisitive prescription. He prayed that the land be declared public land[4].

On 2 August 1969, Teodoro Leano, Tomas Leano, Vicente Leano, Francisco Leano, and Consolacion Leano filed their opposition to the application for registration. They claimed that they are the owners, pro indiviso, of the southern part of the land applied for, with an area of 16 hectares, which is covered by Homestead Application

No. 58202 of their deceased parents, the spouses Eleuterio Leano and Victoria Sabido, and which has been in their possession for more than 30 years[5].

Hearings were then conducted, after which, the trial court rendered judgment confirming the title of the applicants over the parcel of land applied for and ordering its registration in the names of the applicants[6].

From said judgment, only the oppositors Teodoro Leano, Tomas Leano, Vicente Leano, Francisco Leano, And Consolacion Leano appealed to the Court of Appeals. On 9 November 1977, the appellate court affirmed the judgment of the trial court, but excluded the southern portion of the land applied for, which is the portion covered by Homestead Application No. 58202 (E-34962), the appellate court declaring such excluded portion to be public land, and part of the public domain, in view of the failure of the applicants and oppositors to prove registerable title over the same[7].

The petitioners filed a motion for reconsideration of the decision[8], but their motion was denied[9].

Hence, the present petition.

The application for registration, filed with the lower court, was for the confirmation of an imperfect title. The law applicable is Section 48(b) of the Public Land Act which provides, as follows:

"Sec. 48. The following described citizens of the Philippines, occupying lands of the public domain or claiming to own any such lands or an interest therein, but whose titles have not been perfected or completed, may apply to the Court of First Instance of the province where the land is located for confirmation of their claims and the issuance of a certificate of title therefor, under the Land Registration Act, to wit:

(a) xxx xxx xxx

(b) Those who by themselves or through their predecessors-in-interest have been in open, continuous, exclusive, and notorious possession and occupation of agricultural lands of the public domain, under a bona fide claim of acquisition of ownership, for at least thirty years immediately preceding the filing of the application for confirmation of title except when prevented by war or force majeure. These shall be conclusively presumed to have performed all the conditions essential to a Government grant and shall be entitled to a certificate of title under the provisions of this chapter.

(c) xxx xxx xxx

This Court has ruled that an applicant for confirmation of imperfect title must first comply with all the requisites prescribed before he can acquire a vested right over the land applied for[10].

In the instant case, the appellate court found that, while it may be true that the petitioners and their predecessor-in-interest, Anastacio Sibbaluca, have been in continuous and adverse possession of the land in dispute for more than 30 years, they were not bona fide occupants thereof. Said the appellate court:

"The evidence on record indicates the facts to be as follows: Sometime in 1920, Eleuterio Leano, the father of the oppositors-appellants applied for a homestead patent for a parcel of land located in barrio Guinatan, (now Sto. Tomas) municipality of Ilagan, Isabela with boundaries: North - Domingo Ancheta; East - Felipe Jamias; South - Guinatan Creek; and West - Juan Salvador and others; with an area of sixteen (16) hectares. The application was covered by Homestead Application No. 5802 (E-34962). On August 20, 1920, the application was approved subject to the conditions set forth in law. (Annex '2' of the Opposition). The applicant, then started to cultivate the land planting corn and tobacco with the help of some tenants. On May 27, 1928, Eleuterio Leano died, survived by his wife Victoria S. de Leano and his children, the oppositors-appellants. On December 28, 1935, the widow, Victoria S. de Leano executed a deed of sale of the homestead in favor of Hilario T. Maggay and his wife, Batolomea Adduro de Maggay. Hilario Maggay gave the property as a

'reward' to his nephew Sibbaluca, who from then on, took possession of the parcel of land. However, upon investigation conducted by the Director of Lands, regarding the proposed transfer of the rights over the said parcel of land, to Anastacio Sibba-luca, it was found out that 'the intention of the parties was merely to constitute a mortgage on the homestead as a security for the widow's indebtedness to Hilario T. Maggay and not a real transfer of his rights thereto.' Thus, in the order, dated December 16, 1940, the Director of Lands said:

'x x x the proposed transfer of the homestead under consideration should be, as hereby it is, dropped; and Homestead Application No. 58202 (E-34962) of Eleuterio (deceased) now his heirs, shall be given due course.' (Exhibit 2)

"On February 10, 1941, Anastacio Sibbaluca filed a motion for reconsideration regarding the foregoing order, questioning among other things, the fact that there was no mention whatsoever regarding reimbursement of his expenses over improvements introduced by him. On June 6, 1946, the Director of Lands in an Order regarding the matter said that under the Public Land Law, the Bureau of Lands could not enforce his right to reimbursement. Nevertheless, he had ample remedy under substantive law. In short, he could enforce his right in the courts of justice. (Exhibit 3) Despite this order, Anastacio Sibbaluca did not vacate the premises, so that on June 10, 1947, the heirs of Leano filed a Motion for Eject-ment. On February 2, 1949, the Director of Lands thru a certain Clodualdo Garcia, referred the matter to the district Land Officer District No. 4, Bureau of Lands, Ilagan, Isabela for proper action. A portion of the letter says:

'x x x in order that proper action could be taken on the "Motion" you are hereby directed to immediately take steps for the reconstitution of the records relative to the above-noted application.' (Exhibit 4)

"Pursuant to this order, Alejandro Ramos, Junior Public Lands Inspector was ordered to make an investigation regarding the said parcel of land. In a letter, dated May 11, 1950, addressed to the Director of Lands thru the District Lands, District No. 4, Bureau of Lands, Ilagan, Isabela, Alejandro Ramos recommended the cancellation of the homestead application of applicant Leano stating his personal findings of the improvements introduced by Anastacio Sibbaluca on the land in question. (Exhibit V) However, despite this recommendation, The Chief Legal Division of the Bureau of Lands, in a Memorandum, dated July 8, 1968, 'In the matter of: HA No. 58202 (E-34962) Eleuterio Leano (deceased) now his heirs, represented by Victoria Sabido de Leano (widow) (Pro-posed Transferor) Anastacio Sibbaluca (Proposed Transferee), Guinatan, Ilagan, Isabela addressed to the Chief, Land Management Division of the same office, stated:

'We are referring to you herewith the folder of Homestead Application No. 58202 (E-34962) of Eleuterio Leano (deceased) now his heirs, represented by Victoria Sabido de Leano, for further action thereon, informing that the Order of this Office in the above-noted case, dated June 9, 1941, had long been final and executory.' (Exh. 7)

"Because of the Memorandum, Clemente Dizon, Land inspector of the Bureau of Lands, was ordered by the District Land Officer (the original order coming from the Director of Lands) to conduct an ocular inspection on the land. Thus, on October 25, 1968, after proper notice was given to both parties, Clemente Dizon conducted an ocular inspection of said land. In the course of his investigation, he found out that the said land was fully cultivated, planted with manggo trees, coconut trees, oranges, etc. Furthermore, a house was built inside the lot. By virtue of these findings, Dizon, in his report recommended that HA application No. 58202 (Entry No. 34962) of Eleuterio Leano be cancelled for having been alienated and conveyed to a second party without previous knowledge and consent of the Director of Lands. However, the record does not show, whether this recommendation was acted upon or not. What appears on record is that on August 27, 1968, a Homestead Application for Reconstitution Purposes, was filed by the heirs of Eleuterio Leano, represented by Tomas Leano, oppositor-appellant, herein, covering the parcel of land in issue. Also, on October 3, 1968, a Deed of Absolute Sale was executed by spouses Anastacio Sibbaluca and Lucrecia Sibbaluca in favor of the applicants-appellees, of the parcel of land, now in controversy. (Exhibit F)

"From the evidence adduced, we find the applicants-appellees lacking the prerequisite pursuant to Section 48(b) CA 141, of bona fide acquisition of the said parcel of land. xxx"

The petitioners now seek the reversal of the respondent appellate court's decision. They claim that the respondent appellate court acted without or in excess of jurisdiction in declaring the parcel of land in question as public land, because the decision of the Court of First Instance of Isabela ordering the registration of said parcel of land in their favor, had already become final and executory for failure of the Director of Lands to appeal therefrom.

The argument is untenable. While it may be true that the Director of Lands did not appeal from the decision of the trial court, his failure to so appeal did not make the decision of the trial court final and executory, in view of the appeal interposed by the other oppositors, Teodoro Leano, Tomas Leano, Francisco Leano, and Consolacion Leano, who also seek the confirmation of their imperfect title over the land in question.

Neither did such failure of the Director of Lands to appeal foreclose the appellate court from declaring the land in question to be public land, since the oppositors and the herein petitioners are both seeking the registration of their title pursuant to the provisions of Section 48(b) of the Public Land Law where the presumption always is that the land pertains to the state, and the occupants and possessors claim an interest in the same, by virtue of their imperfect title or continuous, open, exclusive and notorious possession and occupation under a bona fide claim of ownership for the required number of years. Thus, in their application for registration, the petitioners alleged that they "hereby apply to have the land herein-after described brought under the operation of the Land Registration Act, and to have the title thereto registered and confirmed"[11]. The petitioners are deemed to thereby admit that, until such confirmation, the land remains public.

Besides, it is an established rule that an applicant for registration is not necessarily entitled to have the land registered in his name simply because no one appears to oppose his title and to oppose the registration of the land. He must show, even in the absence of opposition, to the satisfaction of the court, that he is the absolute owner, in fee simple. Courts are not justified in registering property under the Torrens system, simply because there is no opposition offered. Courts may, even in the absence of any opposition, deny registration of the land under the Torrens system, if the facts presented do not show that the petitioner is the owner, in fee simple, of the land which he seeks to register.[12]

The petitioners also contend that the bad faith of their predecessor-in-interest is of no legal consequence to their application for registration as such, alleged bad faith is not imputable to them, and what matters is that they occupied and possessed the disputed parcel of land in 1934 by virtue of a deed of absolute sale, executed in their favor by the spouses Anastacio and Lucrecia Sibbaluca, in utmost good faith and in concept of owners under a bona fide claim of acquisition of ownership, and that they have been in open, peaceful, continuous possession and occupation in the concept of owner for more than 34 years.

Petitioners' claim is devoid of merit. The evidence shows that the petitioners acquired the land from Anastacio and Lucrecia Sibbaluca only on 3 October 1968, or 11 days prior to the filing of their application for registration[13], and it was Anastacio and Lucrecia Sibbaluca who had allegedly possessed the land for about 34 years. Thus, in their application for registration, the petitioners alleged the following:

"4. That the applicants have acquired said land in the following manner: The parcel of land and its improvements thereon have been acquired by the herein applicants by way of ABSOLUTE DEED OF SALE from their vendors, namely, the Spouses Anastacio B. Sibbaluca and Lucrecia Sibbaluca, the latter having been in possession, occupation, and cultivation of said parcel of land for more than 34 solid years, open, peaceful, continuous, public, notorious, and against third persons and in concept of owner for that length of time."[14]

It would appear, however, that the possession and occupation of the land by the spouses Anastacio and Lucrecia

Sibbaluca are tainted with bad faith so that the petitioners are not entitled to the benefits of the provisions of Section 48(b) of the Public Land Law.

Finally, the petitioners claim that the respondent appellate court grossly erred in not dismissing the appeal of the private respondents therein on the grounds that: (1) the record on appeal does not state that an appeal bond was timely filed; (2) the record on appeal does not contain sufficient data to show that the appeal was perfected within the reglementary period in that it does not state when the appellants received a copy of the trial court's decision; (3) the appellants failed to file their brief since the brief filed for them by Atty. Teofilo Leonin was unauthorized as their counsel of record was Atty. Dominador P. Nuesa of Ilagan, Isabela and not Atty. Leonin and there has been no substitution of counsel; (4) the appellants' brief is deficient in that (a) it does not contain a subject index of the arguments and page references, and a table of cases alphabetically arranged; (b) the "Statement of Facts" does not contain a clear and concise statement in a narrative form of the facts admitted by both parties and those in controversy, together with the substance of the proof relating to the facts in controversy in sufficient detail to make it clearly intelligible; and (c) there is no clear and concise statement of the issues of fact and/or law to be submitted to the court for its judgment.

The contention is likewise without merit. We find that there has been substantial compliance with the Rules as to the filing of the appellants' brief. The appellants cannot be rigidly tasked to adhere to the provisions of Section 16, Rule 46 of the Rules of Court as to what an appellant's brief should contain, for the reason that the rules contained in the Rules of Court are applicable to land registration cases only in a suppletory character and whenever practicable and convenient¹⁴; and that said rules of procedure are to be liberally construed in order to promote their object and to assist the parties in obtaining just, speedy, and inexpensive determination of every action and proceeding¹⁵.

As to the appeal bond and record on appeal, suffice it to state that an appeal bond and a record on appeal are no longer required for an appeal. The filing of a record on appeal is required only in appeals under Rule 109 of the Rules of Court and in other cases where multiple appeals are allowed. The present proceeding is not one of such cases¹⁶.

WHEREFORE, the petition is denied for lack of merit. Without costs.

SO ORDERED.

Yap, (Chairman), Paras, and Sarmiento, JJ., concur.
Melencio-Herrera, J., on leave.

* Penned by Justice Hugo E. Gutierrez, Jr., with the concurrence of Justices Luis B. Reyes and Venicio Escolin.

** Rendered by Judge Manuel A. Argel.

[1] Record on Appeal, p. 2

[2] Id., p. 9

[3] Id., p. 10

[4] Id., p. 11

[5] Id., p. 13

[6] Id., p. 25

[7] Rollo, P. 32

[8] Id., p. 45

[9] Id., p. 52

[10] National Power Corporation vs. CA, G.R. No. L-46268, Sept. 24, 1986, 144 SCRA 318

[11] Record on Appeal, p. 2

[12] Director of Lands vs. Agustin, 42 Phil. 227, and other cases cited therein.

[13] Rollo, pp. 39-40

[14] Record on Appeal, pp. 3-4

14 Rule 143, Rules of Court

[15] Sec. 2, Rule 1, Rules of Court

[16] No. 18, Interim Rules and Guidelines; See also Sec. 39, Batas Pambansa Blg. 129

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