

SEBIA ERICO, APPLICANT-APPELLANT, VS. HEIRS OF LUIS CHIGAS AND HEIRS OF GUIPOK GUIDSOLAN, OPPOSITORS-APPELLEES.

G.R. No. L-28064. July 16, 1980

Ponente: MELENCIO-HERRERA, J.

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MELENCIO-HERRERA, J.:

Direct appeal from the Orders dated October 23, 1964, January 5, 1965 and March 15, 1965 issued by the Court of First Instance of Baguio City in Land Registration Case No. N-32, L.R.C. Record No. 8255.

Stripped of non-essentials, the records disclose that on June 11, 1954, in the aforementioned case, SEBIA Erico, an Igorot, residing in Benguet, Mountain Province, applied for the registration of two contiguous parcels of land identified as Psu-101126 and Psu-101609, measuring 56,873 and 10,293 square meters, respectively. The application was opposed by the Heirs of Luis Chigas, who laid claim to approximately 2 hectares (Exh. 1-B -Chigas), and by the Heirs of Guipok Guidsolan, whose claim was approximately one hectare (Exh. 1-A -Guidsolan). After hearing, the trial Court, on August 27, 1959, rendered judgment the dispositive portion of which reads:

"Judgment is, therefore, rendered, ordering the registration of the two parcels of land located in Tuding, Itogon, Benguet, Mt. Province, and covered by survey plans Nos. Psu-101126 with an area of 56,873 sq. m. and Psu-101609 with an area of 10,293 sq. m. in the name of Sebia Erico, of legal age, Filipino, with residence and postal address at Tuding, Itogon, Benguet, Mt. Province, subject to the rights of Atok-Big Wedge Mining Company over mining claim 'Peggy' and the rights of Baguio Gold Mining Company over mining claims 'Rabong Fr.', 'Mira Fr.' and 'Martina Fr.' - although the surface rights over these claims insofar as the land held by Sebia Erico are concerned are recognized by said Baguio Gold Mining Company, and to convey to the Heirs of Guidsolan that parcel of land delineated in Exhibit '1' (Chigas-Guidsolan) as Exhibit '1-A-Guidsolan' measuring 9,023 sq. m. and to Martina Chigas, Dorothy Chigas, Ricardo Chigas, Fortunata Chigas and Christian Chigas that parcel of land delineated in Exhibit '1-Chigas-Guidsolan' as Exhibit '1-B-Chigas' and measuring an area of 10,293 sq. m. Guidsolan and Chigas are to pay the costs of survey necessary for such conveyances." [1] (emphasis ours)

It should be noted that the judgment pinpointed "Exhibit 1-A-Guidsolan" for the portion adjudged in favor of the GUIDSOLAN Heirs, and "Exhibit 1-B-Chigas" for that allocated to the CHIGAS Heirs.

On appeal by SEBIA to the Court of Appeals, the latter confirmed the judgment and held:

"We find that the decision of the trial court is in accordance with the facts and the law, and insofar as it declares that Guidsolan and his heirs are the owners of a portion of the land, delineated in Exhibit 1, Chigas-Guidsolan, as Exhibit 1-A Guidsolan, measuring 9,023 square meters, and the heirs of Luis Chigas are the owners of a portion of the land, delineated in Exhibit 1-Chigas-Guidsolan as Exhibit 1-B-Chigas, measuring an area of 10,293 square meters, the same is hereby affirmed; however, the order of the court requiring Sebia Erico to execute a deed of conveyance of the portions of the land adjudicated to Guidsolan and the heirs of Luis Chigas, is modified, and it is hereby ordered that, at the expense of the heirs of Chigas and Guidsolan, the portions of the land claimed by them be segregated, and after the subdivision plan has been

approved by the corresponding administrative authorities and the Court that torrens title covering said portions of the land be issued in their respective names. Costs in this instance are taxed against the appellant.

"So Ordered." [2] (*italics supplied*)

Reiterated in the foregoing Decision of the appellate Court is the specific reference to "Exhibit 1-A-Guidsolan" and "Exhibit 1-B-Chigas".

After the records were returned to the trial Court, SEBIA submitted a "Consolidation and Subdivision Plan" (Pcs 5531) (Exh. "G"), which showed four lots. Lot 1, with an area of 10,294 sq. ms. was allocated to the CHIGAS Heirs. Lot 3, measuring 9,023 sq. ms., was to appertain to the GUIDSOLAN Heirs. Lots 2 and 4, with areas of 27,705 sq. ms. and 20,144 sq. ms., respectively, were allocated to SEBIA herself. Noticeable is the fact that the area of 10,294 sq. ms. comprehended in Lot 1 allocated to the CHIGAS Heirs fell far short of the area comprised within "that portion of the land delineated as Exhibit 1-B-Chigas".

On the other hand, the CHIGAS and GUIDSOLAN Heirs presented their own Amendment Plan (Psu 101126-Amd) (Exh. "5"), whereby following the area delineated in "Exhibit 1-A-Guidsolan", the parcel appertaining to the GUIDSOLAN Heirs showed a total of 9,157 sq. ms. instead of 9,023 sq. ms.; and following the delineated portion in "Exhibit 1-B-Chigas", the area allocable to the CHIGAS Heirs increased from 10,293 sq. ms. to 16,193 sq. ms. In other words, the original allocated area to the CHIGAS Heirs of 10,293 sq. ms. (Psu-101609) was maintained, but to it was added 5,900 sq. ms. represented by Lot 2, both of which areas are comprised within the limits of "Exhibit 1-B-Chigas".

After hearing, the Court a quo in its Order of October 23, 1964 (the first Order challenged herein) adopted the oppositors' plan as being more in conformity with the Decision of the Court of Appeals, reasoning thus:

"The boundaries of the respective claims of the heirs of Luis Chigas and the heirs of Guipok Guidsolan are clearly and definitely established and this Court (confirmed by the Court of Appeals) decreed: 'that Guidsolan and his heirs are the owners of a portion of land, delineated in Exhibit 1, Chigas-Guidsolan as Exhibit 1-A-Guidsolan, measuring 9,023 square meters, and the heirs of Luis Chigas are the owners of a portion of the land, delineated in Exhibit 1, Chigas-Guidsolan, as Exhibit 1-B-Chigas, measuring an area of 10,293 square meters.'

"However, after these portions were surveyed, that parcel adjudicated to the heirs of Luis Chigas contains an area of 16,193 square meters, instead of 10,293 square meters (Psu-101609, area 10,293 square meters plus Lot 2, Psu-101126-Amd, area 5,900 square meters), while that adjudicated to the heirs of Guidsolan of 9,023 square meters becomes 9,157 square meters (Lot 3, Psu-101126-Amd., Exhibit 5).

"In view of the authorities cited above, the Court holds and declares that the real area of the portion adjudicated to the heirs of Guidsolan (Exh. 1-A) is 9,157 square meters and that adjudicated to the heirs of Luis Chigas is 16,193 square meters.

"Before this Court for approval are two subdivision plans - Pcs-5531 approved by the Director of Lands on April 2, 1964, submitted by the applicant (Exhibit G), and Amendment plan Psu-101126-Amd., approved by the Director of Lands on September 7, 1964 submitted by the oppositors, the heirs of Luis Chigas and Guipok Guidsolan (Exhibit 5). Both subdivision plans are intended to segregate the portions adjudicated by this Court to the heirs of Luis Chigas and to the heirs of Guipok Guidsolan. Clearly, based on the authorities cited, the plan Pcs-5531 (Exhibit G) does not conform to the decision of this Court as affirmed by the Court of Appeals is therefore disapproved. The subdivision plan Psu-101126-Amd. (Exhibit 5) - taken together with plan Psu-101609 (Exhibit 8) - appearing to be in conformity with the decision is hereby approved.

"WHEREFORE, the Court finds and declares that the portion adjudicated to the heirs of Luis Chigas consists of Lot 2, Psu-101126-Amd. measuring 5,900 square meters and that parcel covered by Psu-101609 measuring 10,293 square meters; that adjudicated to the heirs of Guipok Guidsolan consists of Lot 3, Psu-101126-Amd. measuring 9,157 square meters; and Lots 1 and 4, measuring 22,182 and 19,634 square meters, respectively, belong to the applicant Sebia Erico.

"Once this order becomes final, let an order be issued for the issuance of the corresponding decree of registration.

"So Ordered."[3] (italics ours)

Without delving into the question of whether SEBIA's appeal from the aforequoted Order was timely or not (subject matter of the Order of January 5, 1965), SEBIA filed a Petition for Relief therefrom, which was denied by the Court a quo in an Order dated March 15, 1965, which Order SEBIA also assails. She has appealed directly to this instance with the following:

"ASSIGNMENT OF ERRORS

I.

"The trial Court committed an error of law in denying applicant's Petition to set aside the Order of October 23, 1964, and in ordering the issuance of the corresponding decree of registration.

II.

"The trial Court committed an error of law in passing upon issues of facts and of law pre-viously determined by the Court of Appeals.

III.

"The trial Court committed an error of law in amending, modifying or altering the judgment of the Court of Appeals, and in giving other and further re-lief in favor of the oppositors by disregarding the effects of res judicata.

IV.

"The trial Court committed an error of law in not holding that its Order dated October 23, 1964, is null and void, and in not approving plan Pcs-5531."

We find no merit in the foregoing contentions.

The appellate Court Decision did not apportion the land into three parts with technical descriptions for each parcel but stated that the land covered by "Exhibit 1-A-Guidsolan" measuring 9,023 sq. ms., was to be allotted to the GUIDSOLAN Heirs; while that portion shown in "Exhibit 1-B-Chigas", with an area of 10,293 sq. ms., was to appertain to the CHIGAS Heirs. The text of the Decision also contained the significant declarations that "x x x the land claimed by Guidsolan is surrounded by visible boundaries consisting of trees and canals and has an approximate area of 9,023 square meters", while "the land claimed by the Heirs of Luis Chigas is fenced on many parts by barbed wire fence and has an approximate area of 10,293 square meters". The areas were clearly approximate. The controlling factors were "Exhibit 1-A-Guidsolan" and "Exhibit 1-B-Chigas" and the areas eventually shown to be within the limits of those exhibits, for, as the Court of Appeals specifically further required,

"x x x at the expense of the heirs of Chigas and Guidsolan, the portions of the land claimed by them be segregated, and after the subdivision plan has been approved by the corresponding administrative authorities and the Court that torrens title covering said portions of the land be issued in their respect-ive names. x x x "

(italics supplied)

In other words, the appellate Court clearly intended that there should be further proceedings before the trial Court so that the portions of the land claimed by the contending parties could be segregated and technically subdivided among them.

The trial Court, in its Order of October 23, 1964, but complied with that directive of the Court of Appeals. It found that since the natural boundaries of the respective claims of the oppositors were "clearly and definitely established" and encompassed areas larger than just 10,923 sq. ms., and 9,023 sq. ms. respectively, and there being a conflict between areas and boundaries, it is the latter which should prevail. Correctly cited by the trial Court in support of its conclusion were the cases of *Garchitorena vs. the Director of Lands*, 82 Phil. 85, *Loyola vs. Bartolome*, 39 Phil. 544, *Government of the Philippine Islands vs. Abaja*, 52 Phil. 261, and others. Indeed, "that which really defines a piece of ground is not the area, calculated with more or less certainty, mentioned in its description, but the boundaries therein laid down, as enclosing the land and indicating its limits"[4]

SEBIA's contention that the lands were bereft of natural metes and bounds is eloquently contradicted by statements in the appellate Court judgment itself (as in that of the trial Court) that "the land claimed by Guidsolan is surrounded by visible boundaries of trees and canals x x x " while "the land claimed by the Heirs of Luis Chigas is fenced on many parts by barbed wire fence x x x ".

In fine, the lower Court, in issuing the chal-lenged Order of October 23, 1964 did not really alter or modify the terms of the appellate Court judgment, but adhering thereto, indicated the correct areas encompassed within the boundaries delineated in that Decision. In the interest of giving the parties what justly appertain to them, as shown by the evidence, the validity of that Order should be upheld.

With the dismissal of this appeal on the merits, there is no point to resolving the contention of the oppositors that SEBIA's appeal (not the Petition for Relief) was filed out of time.

Perhaps, mention should also be made of the fact that the determination of which portions of the subdivision plans correspond to "Exhibit 1-A-Guidsolan" and "Exhibit 1-B-Chigas" is actually a factual determination and not a question of law reviewable by this Tribunal. The issue of whether the trial Court Order of October 23, 1964 varied the terms of the judgment of the Court of Appeals also necessarily had to delve into that same factual question revolving around areas, boundaries and technical descriptions. If we have opted to write finish to this case it is because it has been pending decision since 1968.

WHEREFORE, the ascribed errors to the appealed Orders of the trial Court being without basis, we hereby affirm them.

SO ORDERED.

Teehankee, (Chairman), Makasiar, Fernandez, and De Castro, JJ., concur.
Guerrero, J., on leave.

[1] pp. 326-327, Original Record.

[2] p. 346, Original Record.

[3] pp. 455-457, Original Record.

[4] *Loyola vs. Bartolome*, 39 Phil. 544, cited in *Paterno vs. Salud*, 9 SCRA 81, 1963.

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