

**PRESCIOSO EREVE, CONSOLACION EREVE, CONRADA EREVE,
MARIA EREVE, GREGORIO EREVE, PRIMITIVA DOMINGUEZ DE
EREVE, AND FILOMENA DETERA DE EREVE, PETITIONERS, VS.
LAZARO ESCAROS AND T...**

G.R. No. L-26993. December 19, 1980

Ponente: FERNANDO, C.J.

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FERNANDO, C.J.:

The lack of any substantial basis for the reversal sought by plaintiffs-appellants, now petitioners, of a Court of Appeals decision in their action for recovery of real property is quite apparent from a cursory perusal of the finding of facts by such tribunal. As pointed out by the ponente, now retired Presiding Justice Magno S. Gatmaitan, defendant Escaros, according to evidence of plaintiffs, had possession, under claim of ownership, "that must carry with it the presumption of a just title,"[1] of the property as far back as 1952. Plaintiffs, on the other hand, had only a tax declaration in the name of their father, with the boundaries therein designated not even coinciding with the property described in their own complaint. Defendant likewise presented a deed of sale in a private document, thumbmarked by the father of plaintiffs Prudencio Ereve, dated July 10, 1928, with its due execution and authenticity shown not only by defendant as vendee but also by one other attesting witness. The only justifiable conclusion according to the Court of Appeals is that not plaintiffs but defendant had proved the title to the disputed land. Nor could it be assumed that there was usurpation for the father of plaintiffs during his lifetime made no effort to recover the same. It is a reasonable assumption that "he knew and acknowledged that it was indeed defendant who had the right to possess the property now in question." [2] Even more conclusive of the right of defendant is the admission by plaintiffs that the property was covered by the free patent that defendant had secured on June 10, 1932 [with] Original Certificate of Title No. 265, [issued, thus making clear] "that defendant by that had obtained an indefeasible title of ownership, Sec. 122, Act 496, which must prevail unless annulled in proper judicial proceedings, [which had not been done until thirty (30) years] when plaintiffs had made that claim of invalidity and prayed for annulment [sometime in 1961]." [3]

It is equally apparent, perhaps even more so, that the odds against securing a reversal of a decision buttressed by such facts, well-nigh conclusive in their effect, would be, to say the least, quite formidable, not to say, insurmountable. Nor did it help matters when plaintiffs as petitioners filed a twelve-page brief with eight assigned errors. Necessarily, the discussion of the alleged failings of respondent Court of Appeals suffers from grave inadequacy. Moreover, six of the imputed errors are factual. It is not for this Tribunal to inquire into questions of that character. The two remaining alleged errors would dispute the force and effect of a free patent issued as far back as 1932, almost half a century ago. One of the latest decisions, *Roque v. Director of Lands*, [4] is quite emphatic in its stress on the fullest and complete protection accorded a free patent. Subsequent cases affirm such a basic doctrine. [5] It is traceable to the concept of *jura regalia*, which, as pointed out in *Lee Hong Hok v. David*, [6] citing an American decision of Philippine origin penned by Justice Holmes in *Cariño v. Insular Government*, [7] to the effect that such a concept "embodied the universal feudal theory that all lands were held from the Crown * *

*."[8]

WHEREFORE, the decision of respondent Court of Appeals is affirmed. No costs.

Aquino, Concepcion, Jr., Abad Santos, and De Castro, JJ., concur.

Barredo, J., took no part.

[1] Art. 541 in connection with Art. 433, New Civil Code.

[2] Decision of Court of Appeals, Annex A to Petition, 6.

[3] Ibid.

[4] L-25373, July 1, 1976, 72 SCRA 1.

[5] Cf. Republic v. Court of Appeals, L-40912, September 30, 1976, 73 SCRA 146; Manila Pencil Co. v. Trazo, L-24975, May 31, 1977, 77 SCRA 181; Gayotin v. Tolentino, L-36557, October 25, 1977, 79 SCRA 578 and Cojuangco v. Marcos, L-31812, March 17, 1978, 82 SCRA 156.

[6] L-30389, December 27, 1972, 48 SCRA 372.

[7] 212 US 449 (1909).

[8] Ibid., 458.

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