

CATALINA FLORES, FELICIANO FLORES, CRISTINA FLORES, ISABEL FLORES, AND HEIRS OF SABINA FLORES, APPLICANTS-APPELLANTS, VS. ISAAC FLORES AND VICTOR FLORES, OPPOSITORS-APPELLEES.*G.R. No. L-28930. August 17, 1973*

Ponente: FERNANDO, J.

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It is a serious question, likewise impressed with a novel aspect, that this appeal from a lower court decision presents. In passing upon the respective claims of the parties in a suit for registration of two parcels of land, the judge a quo, perhaps desirous of displaying Solomonic wisdom, did adjudicate the first to the applicants, now appellants, all surnamed Flores[1] and the second to the oppositors-appellees,[2] with the same family name, both sides tracing their alleged rights to such property by way of inheritance from their respective fathers,[3] Domingo Flores, in the case of the former, and Alejandro Flores, on the part of the latter. It is now contended by applicants-appellants that the decision reached is without support in and repugnant to the explicit and detailed findings of fact by the lower court. It is their view then that the judgment now on appeal was infected with arbitrariness, thus bringing in a due process element. As they pointed out, it is solely out of the lower court's "desire to give some semblance of permanency"[4] to the possession of oppositors-appellees as evidenced by their houses being constructed thereon that did suffice for the denial of their right to registration. A study of the records and the very decision itself show the merit of such an approach. Accordingly, we sustain the appeal.

In the application for registration filed by applicants-appellants, they alleged ownership in fee simple of the two parcels of land in question assessed in the total sum of P220.00, their acquisition being based on inheritance from their father, admitting that certain individuals[5] who, it turned out, were related to them, did construct a house on a portion of the second lot.[6] There was an opposition filed by Isaac and Victor Flores wherein they did claim ownership of the aforesaid two parcels, alleging that they are in actual and physical possession thereof, having acquired the same by inheritance from their deceased father, Alejandro Flores.

Trial was had, and a decision was rendered on August 31, 1967. It decreed the registration of the first lot to the applicants-appellants and the second to the oppositors-appellees. After noting the relationship of Domingo Flores and Alejandro Flores as brothers, the predecessors-in-interest of both applicants-appellants and oppositors-appellees, the decision now on appeal went on to state: "The evidence is quite clear that at one time during his lifetime Domingo Flores was the owner of the parcels in question or at least the northern lot Domingo died in 1952. But even before his death because Domingo went to Mindanao to settle for sometime in said region, it was allowed to be declared for taxation purposes in the name of his daughter Catalina Flores and so we find a declaration, as early as 1937, showing that it was Catalina Flores who, because her father [was] in Mindanao, paid the land taxes of the land in question under tax declaration No. 57035, area then 29802 sq. meters, in the name of Domingo Flores. The records disclose that at that time the land in question was never the subject of any other tax declaration except that one in the name of Domingo Flores. Admittedly, this is the land in question. There are other tax declarations after 1937 in the names of applicants as heirs of Domingo Flores. One is tax declaration No.

35490 and another is tax declaration No, 1306 in the name of Domingo Flores but for a later year, 1949. The records conclusively show that Catalina Flores paid the land taxes under several receipts for the years 1947, 1950, 1951, 1952, 1953, and 1956. This documentary evidence of applicants covers both lots 1 and 2. The evidence of applicant is also reasonably believable that before the war there was no adverse claim of any sort against the ownership of Domingo who possessed the same two lots in question as owner peacefully and continuously. It is admitted by the applicants that by permission of Domingo and the applicants themselves, Alejandro and his children Isaac and Victor constructed their houses on the southern part of the land in question. The permission was given because of relationship and a desire to help relatives in need. But it is also clear that Isaac and Victor were permitted to put their houses on lot 2 only." [7] Then came this categorical declaration therein: "Even now the Court believes that lot I is possessed by the applicants contrary to the protestation of oppositors that they are physically occupying lots 2 and I." [8] Mention was then made that the applicants-appellants did concede "that even Alejandro, the father of the oppositors, lived and died in a house erected in lot 2." [9] Nor was this all. It was likewise stated: "Cristina Ochoco, an old lady of the place, testified for the applicants, stating that she is the owner of the land adjacent to the area, subject matter of this registration, and that Cristina is the boundary owner on the east. That during their younger days as children it was Domingo, the father of the applicants, who owned the entire area. And that Alejandro, the brother of Domingo, has no ownership over any part of the two lots. But Cristina admitted that Alejandro, somewhere at sometime, occupied by himself a part of the land that is lot 2 because at that time there were no people living in the area. In the version of Christina the occupation of Isaac and Victor and their living in lot 2 came only after the war. It is admitted that Domingo, the father of the applicants, died in Mindanao. The testimony of Roberto Rivera, husband of applicant Sabina Flores, who is dead, is to the effect that Alejandro himself came to ask permission to build a house on the land in question just after the war. Domingo, while in Mindanao, came to San Fernando to visit the place and his relatives, but he returned to the southern islands and he died there." [10] Reference was likewise made to what it considered clear and uncontradicted evidence on the part of applicants-appellants "that shortly after the war when the US Army occupied the place because of military purposes, it was Sabina Flores, one of the applicants, who executed the deed of lease with the US Army for the whole land in question. That deed of lease is dated February 26, 1946. There is no deed of lease whatsoever or any contract written or verbal between the US Army and the oppositors." [11] This, too, from the very decision itself: "Another documentary indication that the applicants are the owners of the land in question is the free patent title No. 924 issued by the government on December 23, 1935, in favor of Juan Ochoco, the boundary owner of the applicants to the north, In the Original Certificate of Title of Juan Ochoco, it is mentioned that the boundary owners to the south-east is that land of Domingo Flores. No other conclusion can be taken from this indication but the land in question belongs to Domingo Flores. Part of the evidence presented by the applicants is the testimony of Igmidio Amita who has a house in lot 2. He said that it was Sabina Flores who gave permission to build his house on the land portion of lot 2, although he admitted that the permission was given jointly by Sabina and Alejandro. Alejandro intervened in the conversation to pinpoint where Amita would build his house." [12]

Nor did the lower court fail to take into consideration what was alleged on behalf of oppositors-appellees. Thus: "Coming now to the evidence of the oppositors, we hear Victor Flores [state] that his father, Alejandro, and now the two oppositors was the owner of the whole land in question, lots 1 and 2. But, obviously, the statement of Victor in the hearing of April 27, 1965, that it was his father, Alejandro, who leased lots 1 and 2 to the US Army and collected around P700.00 is not true. Victor could not produce a single document or any supporting paper or detail. The truth is that it was Sabina who leased the property to the US Army. The record is very clear that it was Sabina Flores who leased the whole property and that it was she who collected the rentals and no other in 1947. Victor even confused himself by saying that the lease was in 1960 and later in 1950. The Court believes that this statement is not true because the US Army occupied the place sometime in 1945 and 1946. The earliest tax

declaration that the oppositors have presented in this case is dated 1945. It seems to be still behind by eight years of the 1937 tax declaration of Domingo Flores. One detail is that even in the tax declaration of the oppositors, Alejandro Flores, their father and much later Isaac and Victor, the area placed is 6000 square meters and no more than that. The area coincides with the 'affidavit relating to ownership of land' executed by Esteban Flores, Alejandro Flores, witnessed by Julian Duclayan and Agaton Ducusin notarized by Jose R. Flores in 1948. The area of the land in question ascribed to Alejandro Flores is 6000 square meters and no more. Note that lot 2 which is now physically occupied by the oppositors has an area of 7284 square meters. Lot 1 where there is no house of the oppositors is 13,936 square meters. The oppositors claim to have and at sometime a tax declaration dated 1902, but no trace of such document is available today. The Court declines to believe in this tax declaration of 1902. Admittedly, the oppositors did not oppose the survey in 1952." [13]

Nonetheless, contrary to the above facts as ascertained, the lower court did adjudicate, as noted at the outset, the first lot to the applicants-appellants, and the second to the oppositors-appellees. This is how it sought to rationalize such a holding that it is in opposition to the very findings made by it: "The evidence is overwhelming and conclusive that lot 1 must be given to the applicants. A second look that impels this Court to give lot 2 to the oppositors is a desire to give some semblance of permanency to the oppositors' houses. The value of the land in question is quite high and if the applicants get all the lots the oppositors would be in danger because the land could be sold at a big and tempting price." [14]

From the above recital of facts as found by the lower court, it is easily understandable why applicants appealed the decision. They could very well rely on the facts as found. It does follow that with the case being directly taken to this Court, only questions of law could be raised. So it was made clear in *Perez vs. Araneta*. [15] The later decisions speak to the same effect. [16] Applicants could correctly point to an infirmity that vitiates the decision. The mode in which the judicial function was exercised in this particular case is clearly open to objection. It would be a reproach to the law if a decision of this character were allowed to stand. It does seem far-fetched that with such a detailed analysis of the respective contentions and the acceptance of the version as testified to by one party, it was the other party that would be favored by the verdict. Certainly, it would be a censure to the legal system if no corrective measures were applied. [17] Hence, as stated at the outset, this appeal must prosper.

1. It bears repeating that after such a careful and painstaking scrutiny of the evidence offered, sifting what was believable from that which could not be accorded acceptance, the conclusion ought to have been predictable. Surprisingly, the lower court had an altogether unexpected reaction. What was quite obvious did not come to pass. It was rather the exact opposite. A more glaring example of a non sequitur is difficult to imagine. There is thus an affront to reason which is offensive to the due process clause. [18] That is a cardinal principle in our polity. Time and time again, this Court has proclaimed in no uncertain language that the standard therein constitutionally imposed stands as a warning against any governmental act that can be fitly characterized as unjust. [19] In the categorical language of the then Justice, later Chief Justice, Concepcion: "Indeed, acts of Congress, as well as those of the Executive, can deny due process only under pain of nullity, and judicial proceedings suffering from the same flaw are subject to the same sanction, any statutory provision to the contrary notwithstanding." [20] Certainly, it is undoubted that for the lower court to make such detailed findings of fact and thereafter disregard with impunity what as a consequence is required by law was to act with manifest unfairness. That, certainly, is judicial conduct that cannot meet the test prescribed by due process. The function legitimately vested in courts is to be exercised in any manner but that. This is not to deny the discretion that a court is possessed in determining what evidence is entitled to belief. It is merely to assert that once it had done so, the legal norms to be applied should not betray any inconsistency with what had thus been accepted as the true state of affairs. This, the lower court failed to do.

2. It is to be admitted that the solicitude shown by the lower court for the welfare of oppositors-appellees who had constructed houses on the second lot is not to be deplored. It must not be forgotten though that the justice to which litigants are entitled is justice according to law. What it prescribes then must be complied with. The warning of Cardozo must be heeded. A judge "is not to yield to spasmodic sentiment, to vague and unregulated benevolence." [21] If what did transpire in this case is not to be corrected, then there might be an impairment of the generality that should characterize a legal system. Such an eventuality is to be avoided. At any rate, the reversal of the decision goes no further than to recognize the right of the applicants-appellants to the registration of the two parcels of land in question. Whatever rights oppositors-appellees may have by virtue of their being allowed to construct their houses on the lot in question is not, in any way, affected by the decision reached by us. It might likewise be stated that their counsel, considering such a finding of facts, should have taken steps to have the same reviewed by the Court of Appeals. His failure to do so on the assumption that it did reflect how the oppositors-appellees felt on the matter yields the implication that what was held by the lower court as to the controlling facts had truth on its side.

WHEREFORE, the decision of the lower court of August 31, 1967 is modified in the sense that Lot No. 2 should be registered likewise in favor of the applicants, now appellants. With costs against oppositors-appellees.

Makalintal, Acting. C.J., Ruiz Castro, Teehankee, Barredo, Makasiar, Antonio, and Esguerra, JJ., concur.

Zaldivar, J., is on official leave.

[1] The applicants-appellants are Catalina Flores, Feliciano Flores, Cristina Flores, Isabel Flores and heirs of Sabina Flores.

[2] The oppositors-appellees are Isaac Flores and Victor Flores.

[3] Grandfather, in the case of applicants-appellants heirs of Sabina Flores.

[4] Decision, Record on Appeal, 25.

[5] Alejandro Flores, Isaac Flores and Victor Flores, the latter two now oppositors-appellees.

[6] Application for Registration, Record on Appeal, 1-5.

[7] Decision, Ibid., 13-14.

[8] Ibid., 14-15.

[9] Ibid., 20.

[10] Ibid., 20-21.

[11] Ibid., 21-22.

[12] Ibid., 22.

[13] Ibid., 22-24.

[14] Ibid., 25.

[15] L-18414, July 15, 1968, 24 SCRA 43. The opinion cited 30 cases.

[16] Cf. Lucero Vs. Loot, L-16995, Oct. 28, 1968, 25 SCRA 687; Miguel vs. Catalino, L-23072, Nov. 29, 1968, 26 SCRA 234; Luna vs. Plaza, L-27511, Nov. 29, 1968, 26 SCRA 310; Favis vs. Municipality of Sabangan,

L-26522, Feb. 27, 1969, 27 SCRA 92; Verastigue vs. Court of Appeals, L-23973, April 29, 1969, 27 SCRA 1196; Salazar vs. De Castrodes, L-25949, May 22, 1969, 28 SCRA 299; Lanzar vs. Guerrero, L-21581, Aug. 28, 1969, 29 SCRA 107; Saludaes vs. Martinez, L-27335, Oct. 28, 1969, 29 SCRA 745; Victorino vs. Lao, L-25273, May 28, 1970, 33 SCRA 54; Gonzales-Precilla vs. Rosario, L-29306, May 29, 1970, 33 SCRA 228; Hoey vs. Aurelio and Co., Inc., L-311U, June 30, 1971, 39 SCRA 658; De la Paz vs. De Guzman, L-28147, Feb. 29, 1972, 43 SCRA 384.

[17] Cf. Vera vs. Area, L-25721, May 26, 1969, 28 SCRA 351.

[18] According to the 1935 Constitution in force at the time the decision was rendered: "No person shall be deprived of life, liberty, or property without due process of law * * *." Art. III, Sec. 1, par. 1. Such a provision is now found in Sec. 1, Art. IV of the Revised Constitution.

[19] Cf. Calalang vs. Williams, 70 Phil. 726 (1940); Guido vs. Rural Progress Adm., 84 Phil. 847 (1949); Ermita-Malate Hotel and Motel Operators Association vs. City Mayor, L-24693, July 31, 1967, 20 SCRA 849; Morfe vs. Mutuc, L-20387, Jan. 31, 1968, 22 SCRA 424; Santiago vs. Alikpala, L-25133, Sept. 28, 1968, 25 SCRA 356; J.M. Tuason & Co., Inc. vs. Land Tenure Administration, L-21064, Feb. 18, 1970, 31 SCR 413; Edu vs. Ericta, L-32096, Oct. 24, 1970, 35 SCRA 481.

[20] Vda. de Cuaycong vs. Vda. de Sengbengco, 110 Phil. 113, 118 (1960).

[21] Nature of Judicial Process, 141 (1921).

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