

VICTORIA ONG DE OCSIO, PETITIONER, VS. COURT OF APPEALS AND THE RELIGIOUS OF THE VIRGIN MARY, REPRESENTED BY M.O. LEONCIA PACQUING, R.V.M., RESPONDENTS.*G.R. No. L-44237. February 28, 1989*

Ponente: NARVASA, J.

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From the adverse judgment of the Court of Appeals,[1] affirming in toto that of the Trial Court,[2] the petitioner has come to this Court on an appeal by certiorari to plead for reversal of (1) the factual determination that she had sold the lot in controversy to private respondent, and (2) the legal conclusion that neither the 1973 nor the 1987 Constitution disqualifies the corporation known as the Religious of the Virgin Mary, from acquiring the land in question and registering it in its name. In light of the time-honored rule that findings of fact of the Court of Appeals are generally final, and the doctrine lately laid down by this Court on the precise legal issue now raised by petitioner, her appeal must fail.

The controversy at bar arose in connection with cadastral proceedings initiated by the Director of Lands, in behalf of the Republic, for the settlement and adjudication of title to a large tract of land measuring 261.5791 hectares, divided into 1,419 lots, situated in the City of Iligan.[3]

Victoria Ong de Ocsio (herein petitioner) seasonably presented an answer to the petition. She alleged that she was the owner, by purchase, of two (2) parcels of land with specific boundaries comprehended in the cadastral proceeding. Lot No. 1272, measuring 256 square meters, and Lot 1273, a road lot, measuring 21 square meters; and that as owner, she had been in possession of both lots for fifteen (15) years, and her predecessors-in-interest, for sixty (60) years. [4] Title to the same parcels of land was however claimed by the Religious of the Virgin Mary.[5] In its answer, it averred that it had bought the lots from Victoria Ong de Ocsio and had been in possession as owner thereof for over four years, and its possession and that of its predecessors was immemorial.

Evidence was received on these conflicting assertions after which the Cadastral Court rendered judgment declaring that the evidence satisfactorily established that Victoria Ong de Ocsio had in truth sold Lot No. 1272 to the Religious of the Virgin Mary in virtue of a deed of sale dated April 12, 1956 (Exhibit 1), and Lot No. 1273 was a road right of way granted to the City of Iligan. The judgment contained the following dispositive portion, viz:[6]

WHEREFORE, the court renders judgment adjudicating Cadastral Lot 1272, Iligan Cadastre, to the Religious of the Virgin Mary, a duly registered domestic religious corporation, the members of which are all Filipino citizens, with main office in the City of Manila, but the building existing thereon is hereby declared to be the property of claimant Victoria Ong de Ocsio who is hereby ordered to remove said building out of the premises within 90 days from date hereof. The claim of Victoria Ong de Ocsio with respect to said cadastral lot is dismissed. No pronouncement is made as to costs.

Let the corresponding decree issue 30 days after this decision shall have become final.

As aforestated, the Court of Appeals affirmed the cadastral court's decision in toto. So, too, will this Court:

Both the cadastral Court and the Court of Appeals came to the conclusion, after analysing and weighing the testimonial and documentary evidence adduced by the parties, that Virginia Ong de Ocsio's version of the facts was not true -- that it was another property, not Lot No. 1272, that she had conveyed to the religious corporation -- but that it was indeed Lot No. 1272 that was subject of the sale and had indeed been transferred to the latter. Now, findings of fact of this sort, contained in a decision of the Court of Appeals, are by long and uniformly observed rule conclusive on the parties and on the Supreme Court, as well;^[7] subject only to a few specified exceptions,^[8] none of which obtains here, said findings may not be reviewed on appeal.

As regards the issue of law raised by her, petitioner fares no better. Citing *Manila Electric Co. v. Castro-Bartolome*, 114 SCRA 799 (1982) and *Republic v. Villanueva*, 114 SCRA 875 (1982) in relation to Section 11, Article XIV of the 1973 Constitution, she asserts that as the private respondent is a religious corporation, it is disqualified to obtain judicial confirmation of an imperfect title under Section 48 (b) of the Public Land Act which grants that right only to natural persons. The cited rulings no longer control. Current doctrine, first announced by the Court en banc in *Director of Lands v. I.A.C.* 146 SCRA 509 (1986), is that open, continuous and exclusive possession of alienable public land for at least thirty (30) years in accordance with the Public Land Act ipso jure converts the land to private property, and a juridical person who thereafter acquires the same may have title thereto confirmed in its name. Virtually the same state of facts obtained in said case that now obtain here. A private corporation had purchased the land originally of the public domain from parties who had, by themselves and through their predecessors-in-interest, possessed and occupied it since time immemorial. It had thereafter instituted proceedings for confirmation of title under Section 48 (b) of the Public Land Act. In upholding its right to do so, the court held that the fact that the proceedings had been instituted by said purchaser in its own name and not in the name of the transferors was “ * * simply * * (an) accidental circumstance, productive of a defect hardly more than procedural and in nowise affecting the substance and merits of the right of ownership sought to be confirmed.” The ruling was reaffirmed in two later cases, *Director of Lands v. Manila Electric Co.*, 153 SCRA 686 (September 11, 1987), and *Republic v. C.A.*, 156 SCRA 344 (October 30, 1987) where the same question of law was raised. In the latter it was expressly held that the prohibitions in the 1973 and 1987 Constitutions against acquisition or registration of lands by or in behalf of private corporations do not apply to public lands already converted to private ownership by natural persons under the provisions of the Public Land Act. In the present case, Virginia Ong de Ocsio and her predecessors-in-interest having possessed Lot No. 1272 for the period and under the conditions prescribed by law for acquisition of ownership of disposable public land prior to the sale of the property to the Religious of the Virgin Mary, confirmation of title thereto in the latter's name is, under the precedents referred to, entirely in order.

WHEREFORE, the judgment of the Court of Appeals subject of the petition for review on certiorari is **AFFIRMED** in toto. Costs against the petitioner. Cruz,

Gancayco, Griño-Aquino, and Medialdea, JJ., concur.

[1] Rendered on May 17, 1976 in CA-G.R. No. 43661-R; L. B. Reyes, J., ponente, with whom concurred de Castro and Ericta, JJ.

[2] Rendered on August 31, 1968 in Cadastral Case No. N-11-1, LRC Rec. No. 146 of the CFI of Lanao del Norte, Hon. F. Pineda, presiding

[3] The petition was filed on July 20, 1956 and was docketed, as aforestated, as CAD Case No. N-11-1, LRC Rec. No. N-146, and assigned to the sala of Judge Pineda. The petition was filed pursuant to Sec. 1855 of the Revised

Administrative Code in relation to Sec. 53 of the Public Land Act. Rollo, p. 30, Rec. on App., pp. 1-5

[4] Rec. on App., pp. 9-18

[5] The Court allowed it to file its answers albeit tardily upon its motion to reopen the proceedings and upon a showing of excused negligence in failing to file the same on time. Rec. on App., pp. 20-22, 36

[6] Rec. on App., pp. 48-49

[7] SEE e.g., *Baliwag Transit, Inc. v. C.A.*, G.R. No. 57493, Jan. 7, 1987

[8] SEE e.g., *Manlapaz v. C.A.*, G.R. No. 56989, Jan. 12, 1987; *Vallarta v. I.A.C.*, G.R. No. 74957, June 30, 1987

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