

TERESITA T. LI, APPLICANT-APPELLEE, VS. REPUBLIC OF THE PHILIPPINES, OPPOSITOR-APPELLANT.

Ponente: BARRIOS, J.

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BARRIOS, J.:

The applicant and now appellee Teresita Li (or Li) filed an application for registration of title over a land in the poblacion of Mangaldan, Pangasinan with an area of 107 square meters and known as Lot SWO-1-002-968, identical to Lot 16043, Cads-565-D, Mangaldan Cadastral sketching, L.R.C..

In its Order dated May 22, 2003 the court a quo set the case for initial hearing on November 18, 2003. After having received said Order, the Office of the Solicitor General (or OSG) filed its Notice of Appearance (p. 31, record) for the Republic of the Philippines and deputized the Provincial Prosecutor of Dagupan City to appear in its behalf.

On the initial hearing, no oppositor appeared, and an order of general default was then issued. Despite the appearance of the Provincial Prosecutor, it did not file an opposition to the application of title. At this point Li presented her exhibits to prove compliance with the jurisdictional requirements, to wit:

- Exh. A - petition
- Exh. B - technical description
- Exh. C - approved plan by the Bureau of Land
- Exh. D - surveyor's certificate
- Exh. E - Certificate of Assessment
- Exh. F - Order of the Court setting the case for initial hearing
- Exh. F-1 - return card from the LRA
- Exh. F-2 - return card from the OSG
- Exh. G - notice of initial hearing
- Exh. H - certificate of publication
- Exh. I - Certificate of Posting
- Exh. J - Certificate of Notification by adjoining owners
- Exh. K - Affidavit of publication
- Exh. K-1 - newspaper clipping
- Exh. L - September 17, 2003 issue of the Weekly Guardian
- Exh. L-1 - page 6 of the newspaper clipping
- Exhs. H-1 and H-2 - copy of the Official Gazette (pp. 1, 4-6, 26, 37, 40-42, 45, 51-55, 57-71, record)

A Commissioner was then designated to receive evidence of Li which thereafter were presented and marked in the presence of the Provincial Prosecutor.

From the evidence both testimonial and documentary, the following were deemed established by the court a quo:

- x x x that applicant and her father Li Chiak Ha are the co-owners in fee simple of the subject land with the buildings and improvements thereon; that they acquired the land by way of purchase from Atty. Tomas Tadeo,

Jr. on January 12, 1987; that after the land was sold to them, they registered the Deed of Absolute Sale with the Register of Deeds, Lingayen, Pangasinan; that they had the land surveyed and they put up a perimeter fence around the property; that in 1990, they constructed a commercial building on the land; that they are already paying the realty taxes on the property after they bought the same from the previous owner who had been paying its realty taxes; that since the time that they bought the property no one ever disturbed them from their possession and ownership over the subject parcel of land; that there was no occasion that they have encumbered the land as a mortgage or as a collateral in any loan; that the parcel of land does not cover any public land or any part or any portion of a national road or government property; that Li Chiak Ha died in 1991; that applicant is single, Filipino citizen with residence and postal address at Poblacion, Mangaldan, Pangasinan; that the lot has been designated as SWO-1-002968, identical to lot 16053, Cads-565-D. (p. 144, record)

Satisfied with the evidence presented by Li for the grant of her petition, the court a quo on March 18, 2005 disposed that:

WHEREFORE, finding the application to be well-taken, the same is hereby granted. The court hereby confirms the ownership of the applicant Teresita T. Li over the subject parcel of land denominated as Lot SWO-1-02968, identical to lot 16053-Cads-565-D, Mangaldan Cadastral sketching, situated in Poblacion, Mangaldan, Pangasinan, with an area of One Hundred Seven (107) Square Meters, and order the registration of the same in the name of the said applicant Teresita T. Li, of legal age, Filipino citizen, single with residence and postal address at Poblacion, Mangaldan, Pangasinan.

Upon finality of this decision, let the corresponding decree and title be issued in favor of the applicant. (p. 145, record)

The OSG appealed this and assigned as errors the following:

I

THE APPLICATION FOR REGISTRATION OF LAND TITLE SHOULD HAVE BEEN DISMISSED OUTRIGHT AS APPLICANT-APPELLEE HAS NO LEGAL RIGHT TO APPLY FOR REGISTRATION OVER THE SUBJECT LOTS SINCE SHE IS A MERE CO-OWNER OF THE UNDIVIDED SHARES LESS THAN A FEE SIMPLE IN THE WHOLE LAND SOUGHT TO BE REGISTERED.

II

EVEN ASSUMING ARGUENDO THAT APPLICANT-APPELLEE IS AN OWNER IN FEE SIMPLE OF THE LAND SOUGHT TO BE REGISTERED, THE APPLICATION FOR LAND REGISTRATION SHOULD STILL BE DENIED BECAUSE SHE FAILED TO SATISFACTORILY PROVE THAT SHE OR HER PREDECESSORS-IN-INTEREST HAVE BEEN IN OPEN, CONTINUOUS, EXCLUSIVE AND NOTORIOUS POSSESSION AND OCCUPATION OF THE SUBJECT PARCELS OF LAND UNDER A BONA FIDE CLAIM OF OWNERSHIP SINCE JUNE 12, 1945, OR EARLIER. (pp. 32-33, rollo)

We find no reversible error. There is no merit to the contention of the OSG that the application of title should have been dismissed outright because Li is a mere co-owner of the property. While it is true that in the Deed of Absolute Sale (Exh. "M", p. 74, record) the name of her father Li Chiak Ha appears as the other vendee, evidence proves however that his name was merely included but he has not contributed at all in the purchase of the property. The undisputed testimony of Li was that:

Q During the lifetime of your father because you said he died in 1991, did he ever stay on this land, in the building that you erected?

A No, ma'am.

Q So, there was never a time that your father lived in this building that you erected on this land?

A He saw the building when we started building it, ma'am.

Q And as a matter of fact, he also spent for it?

A No, ma'am.

Q About the cost of the land, did he contribute also to the cost of the land?

A No, I paid, ma'am.

Q How much is the value of the land?

A At that time, around P30,000.00, ma'am. (tsn, Nov. 18, 2003, pp. 22-23)

There is no doubt that the real and only vendee was Li. In fact even the OSG categorically stated that:

In this case there is no dispute that applicant-appellee alone paid the cost of the purchased land without any contribution from her father. (Brief for Oppositor-appellant, p. 43, rollo, emphasis supplied)

This is the apparent reason why not one of Li's siblings opposed her application for the land's registration. If it were not true that it was only through Li's resources that the land was purchased, then one, some, or all of her five (5) of siblings (tsn, *ibid*) would have stood up to oppose and claim their right in the undivided share of their father.

On the OSG's argument that appellee failed to satisfactorily prove that she and her predecessors-in-interest have been in open, continuous, exclusive and notorious possession of the property, this too must fail. The testimony of Romualdo Tadeo Visperas, 46 years old and one of the sons of the adjoining owners of the property is that:

Q Why do you know that this land was previously owned by your uncle?

A I knew because the former owner is my grandfather, and my uncle is one of the heirs of the land.

x x x

Q And from time you came of age, it was already Tomas Tadeo, Jr. who has been in possession of that land?

A I think so because it was formerly occupied by my grandfather, ma'am. (tsn, Nov. 18, 2003, pp. 6-7)

This witness at the time he took the stand was already 46 years old. If possession were tacked back to that of his grandfather, then mathematical computation would show that the possession could be traced to earlier than June 12, 1945. Certainly, the provision of Section 14 (1) of Presidential Decree No. 1529 has been complied with. For reference, the said provision contains that:

Sec. 14. Who may apply. The following persons may file in the proper Court of First Instance x x x

(1) Those who by themselves or through their predecessors-in-interest have been in open, continuous, exclusive and notorious possession and occupation of alienable and disposable lands of the public domain under a bona fide claim of ownership since June 12, 1945 or earlier.

This Court notes too the Investigation Report conducted by the Department of Environment and Natural Resources (pp. 155-157, record). This confirms that the property is susceptible of ownership when it declared in part that:

- x x x That the land sought to be registered is not within any civil or military reservation, neither the same nor any portion thereof is inside the forest zone.

- x x x That the land subject herein is not covered by a previously issued patent.

In fine unless it is shown that the trial court overlooked, misunderstood or misapplied some facts or circumstances of weight or substance that would otherwise affect the result of the case, its findings will not be disturbed on appeal (*People vs. Cantila, Jr.*, 394 SCRA, 393).

WHEREFORE, the appeal is DENIED and the Decision appealed from is AFFIRMED.

SO ORDERED.

Guariña III and Romilla-Lontok, JJ., concur.

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