

DANILO V. FAUSTO, PETITIONER, VS. JOSELITO GOTANGCO AND EDWARD TUCKER, RESPONDENTS.

Ponente: ELBINIAS, J.

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ELBINIAS, J.:

For disposition is a Petition for Review[1] under Rule 43 of the Rules of Court. The Petition assails the Decision[2] dated January 9, 2008 of the Office of the President (“OP” for brevity) in O.P Case No. 07-B-055 entitled “Danilo Fausto v. Joselito Gotangco and Edward Tucker.” The Petition also questions the OP’s Resolution[3] dated May 29, 2008 denying petitioner Danilo Fausto’s (“petitioner Fausto” or “petitioner” for brevity) eventual Motion for Reconsideration.[4]

The antecedent facts are those as found in the OP’s assailed Decision[5] dated January 9, 2008, as follows:

“On February 14, 1958, John M. Tucker (John) filed his Government Sales Application covering Lot No. 129, Pls-378, containing an area of 3 hectares, more or less, situated in the same place.

A Notice of Assessment was issued by City Assessor Raniro M. Mindanao to Eva (Eva May Tucker here) over Lot No. 128, with the assessed value of Php5,600.00. On April 15, 1993, the Office of the City Treasurer of Palayan City issued a Certification that Eva, the declared owner of the property covered by Tax Declaration No. 106-003-02-00352 is not delinquent in the payment of taxes thereon.

On November 6, 1995, a certain Albert Tucker (Albert) executed a Declaration of Heirship with Sale of Lot No. 128-D in favor of Spouses Mauro and Cecil Capinpin. The Declaration of Heirship was predicated on the allegation of Albert that he is the forced heir of Eva who died intestate on December 8, 1994. Eventually, on December 20, 1995, Albert executed another Deed of Absolute Sale of Unregistered Land with Transfer of Rights, this time involving Lot No. 128-B in favor of Spouses Danilo and Betty Capinpin, once again anchoring his right to sell the same by virtue of the subject Declaration of Heirship with Sale. The same is true as regards his execution of another Deed of Absolute Sale of Unregistered Land with Transfer of Rights, involving Lot No. 129-A in favor of [Erlinda] Abad and [Nenita] Manuel.

The wife of Albert, a certain Marilou Tucker (Marilou), who represented herself as the Attorney-in-Fact of Elizabeth Tucker Gotangco (Gotangco), on the basis of a Special Power of Attorney (SPA) dated December 7, 1995, executed a Deed of Absolute Sale over Lot No. 129, NG-130 (subject property here) in favor of Fausto (petitioner here).

On March 10, 1998, Fausto filed his Government Sales Application No. 034919-1265 over Lot No. 129-A, NG-130 located in Caballero, Palayan City, containing an area of 17,127 square meters, more or less.

Deputy Public Land Inspector Danilo S. Bumanlag submitted on March 10, 1998 his Ocular Inspection Report to the Community Environment and Natural Resources Office (CENRO), Cabanatuan City on the said Sales Application of Fausto, with recommendation to cancel that of John, to give due course to the application of Fausto, in view of the Deed of Sale executed by Marilou in his (Fausto) favor.

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Protestants-appellees Joselito Gotangco (Joselito) and Edward Tucker (Edward) (respondents here) filed their formal protest dated May 5, 2003 against the Government Sales Applications of the respondents-appellants.

Said protestants-appellees alleged, among others, that they have been, through their predecessor-in-interest, in continuous, open and adverse possession of a parcel of land identified as Lot Nos. 128 and 129, NG-130, consisting of 5.4 hectares, more or less, situated in Caballero, Palayan City; that they had acquired the land in question from their mother by way of succession; that while they were working in the United States, the respondents took advantage of applying for a free patent or titling over the subject lots, without their knowledge and consent; that unknown to them, the said respondents had applied on July 5, 1999 for a free patent at the CENRO, DENR, Cabanatuan City, involving the subject lots being occupied and possessed by them (Joselito and Edward), which facilitated the filing by the respondents of their respective application thereon; that the allegations in paragraphs 4 and 5 of the respondents' applications, stating that the land respectively being applied for is not claimed or occupied by any other person, are material lies, misrepresentations, deliberate and intentional omission of facts, constituting fraud; that contrary to respondents' allegation in their applications, they have never been in occupation and possession of the subject lots at any point in time; and that the subject title was undoubtedly obtained through their misrepresentation and fraud, which justify its cancellation.”[6] (Emphasis supplied)

On February 15, 2005, the Regional Executive Director (RED), Region III of San Fernando, Pampanga, issued its Order[7] sustaining respondents Joselito Gotangco and Edward Tucker's (“respondents” for brevity) Protest[8] against petitioner's Government Sales Application No. 034919-1265. The dispositive portion of the Order stated:

“WHEREFORE, foregoing premises well-considered, the instant protest is hereby SUSTAINED. Government Sales Application No. 034919-1265 of Danilo V. Fausto involving Lot No. 129-A, NG-130 (PLS-378) is hereby REJECTED and DROPPED from the records and the Government Sales Application No. 034919-1491 of Nenita M. Manuel, Government Sales Application No. 034919-1492 of Erlinda Mesina Abad, Government Sales Application No. 034919-1493 of Mauro Capinpin and Government Sales Application No. 034919-1494 of Danilo Capinpin are likewise REJECTED and DROPPED, including PSN-03-000001-D in the name of Albert Tucker, et al., from the records forfeiting in favor of the government whatever amount paid on account thereof. The heirs of the late John Tucker and Eva May Tucker are hereby directed to push through their Sales Applications over the subject lots upon finality of this Order.

SO ORDERED.”[9] (Emphasis supplied)

On March 7, 2005, petitioner Fausto filed an Appeal[10] from the RED's Order[11] to the Department of Environment and Natural Resources (“DENR” for brevity) Secretary. On August 8, 2005, the other applicants, Erlinda Abad, Nenita Manuel, Mauro Capinpin, and Danilo Capinpin (“other applicants” for brevity) also filed an Appeal[12] from the RED's Order[13] to the DENR Secretary.

The Appeal of petitioner Fausto and the other applicants were jointly considered, and were eventually dismissed by the DENR Secretary in its Decision[14] dated July 17, 2006.

On August 11, 2006, petitioner Fausto and the other applicants filed a Motion for Reconsideration[15] of the DENR Secretary's Decision[16] dated July 17, 2006. Their Motion however, was denied by the DENR Secretary in its Order[17] dated January 12, 2007.

On February 2, 2007, petitioner Fausto filed before the OP, an Appeal[18] from the DENR Secretary's Decision[19] dated July 17, 2006 and Order[20] dated January 12, 2007. The OP rendered its assailed Decision[21] dated January 9, 2008 affirming the DENR Secretary's Decision.[22]

After petitioner Fausto's Motion for Reconsideration[23] was denied by the OP in its assailed Resolution[24] of

May 29, 2008, petitioner Fausto filed the Petition[25]at bench, praying that:

“WHEREFORE, premises considered, it is respectfully prayed that the Decision of the Office of the President dated 09 January 2008, and the Resolution of the same Office dated 29 May 2008 be annulled and set aside and in lieu thereof, an order be issued:

1. Sustaining Government Sales Application No. 034919-1265 filed by Danilo Fausto over Lot 129-A, NG-130, PLS-378 covering an area of Seventeen Thousand One Hundred Twenty Seven square meters and seventy decimeters (17,127.70).
2. Declaring the award of Lot 129-A in favor of Danilo Fausto legal and valid.
3. Directing the execution of the corresponding Deed of Absolute Sale over Lot 129-A in favor of Danilo Fausto.
4. Dismissing the protest filed by appellees Joselito Gotangco and Edward Tucker over Lot 129-A.

It is likewise prayed that other reliefs that are just and equitable in the premises be granted.”[26] (Emphasis supplied in the original)

The Petition raised the following assignment of errors:

“ASSIGNMENTS (sic) OF ERROR[S]

I.

JOHN TUCKER (THE RESPONDENTS-APPELLEES' SUPPOSED PREDECESSOR-IN-INTEREST) HAD NO RIGHTS TO THE SUBJECT PROPERTY THAT HE COULD HAVE TRANSMITTED TO HIS HEIRS.

II.

ASSUMING PURELY IN GRATIA ARGUMENTIS THAT JOHN TUCKER HAD SOME REAL RIGHT OVER THE SUBJECT PROPERTY THAT HE COULD TRANSMIT TO HIS HEIRS, THE RESPONDENTS-APPELLEES' PROTEST DATED 05 MAY 2003 SHOULD NEVERTHELESS BE DISMISSED BECAUSE:

A. SINCE THE RESPONDENTS-APPELLEES ASSERT THAT THEY ACQUIRED RIGHTS TO THE SUBJECT PROPERTY FROM THEIR MOTHER, THEY NECESSARILY ADMIT THAT NEITHER OF THEM DERIVE ANY RIGHTS FROM JOHN TUCKER WHO IS MALE.

B. THE APPELLEES MISERABLY FAILED TO ADDUCE ANY PROOF THAT THEY ARE THE FORCED OR LEGAL HEIRS OF JOHN TUCKER.

C. THE APPELLEES, BEING CITIZENS AND RESIDENTS OF THE UNITED STATES OF AMERICA, ARE PROHIBITED FROM ACQUIRING PUBLIC LAND, AND COULD NOT HAVE BEEN IN ACTUAL PHYSICAL POSSESSION AND OCCUPATION OF THE SUBJECT PROPERTY.

III.

PETITIONER-APPELLANT FAUSTO ACQUIRED THE SUBJECT PROPERTY IN A LAWFULLY CONDUCTED PUBLIC BIDDING, AND IS THEREFORE ENTITLED TO THE ISSUANCE OF A DEED OF SALE IN HIS FAVOR.

IV.

APPELLEES' RIGHT TO PROTEST THE APPLICATION OF APPELLANT FAUSTO OVER THE DISPUTED PROPERTY HAD ALREADY LAPSED WHEN THEY FILED THE SAME.”[27] (Emphasis supplied in the original)

At the outset, the Petition for Review[28] is dismissible, because of petitioner Fausto's failure to state the issues involved and the grounds relied upon for the review of the OP's Decision[29] dated January 9, 2008. Such statement of issues and statement of grounds are required under Section 6, Rule 43 of the Rules of Court, to wit:

“SEC. 6. Contents of the petition.—The petition for review shall (a) state the full names of the parties to the case, without impleading the court or agencies either as petitioners or respondents; (b) contain a concise statement of the facts and issues involved and the grounds relied upon for the review; (c) be accompanied by a clearly legible duplicate original or a certified true copy of the award, judgment, final order or resolution appealed from, together with certified true copies of such material portions of the record referred to therein and other supporting papers; and (d) contain a sworn certification against forum shopping as provided in the last paragraph of section 2, Rule 42. The petition shall state the specific material dates showing that it was filed within the period fixed herein.” (Italics was made in the original; Emphasis supplied)

The absence of such statement of issues and statement of grounds is fatal to the instant Petition,[30] warranting the dismissal of the Petition. This is pursuant to Section 7, Rule 43 of the Rules of Court, which provides:

“SEC. 7. Effect of failure to comply with requirements.—The failure of the petitioner to comply with any of the foregoing requirements regarding the payment of the docket and other lawful fees, the deposit for costs, proof of service of the petition, and the contents of and the documents which should accompany the petition shall be sufficient ground for the dismissal thereof.” (Italics was made in the original; Emphasis supplied)

Even assuming that petitioner Fausto's “Assignment of Errors” could be considered as the required “Statement of Issues and Grounds,” still, petitioner Fausto's positions, after a careful study of the Petition, were revealed to be unmeritorious.

Contrary to petitioner Fausto's arguments in his assignment of error III, petitioner Fausto did not lawfully acquire the subject property.

Petitioner Fausto had argued that:

“The foregoing evidence, coupled with the fact that there were no lawful private claims relating to the subject property, indubitably shows that petitioner-appellant Fausto has established his right over Lot 129-A as he has fully complied with the sales provision of the Public Land Act. Petitioner-appellant Fausto was the sole applicant who offered the bid in the auction sale conducted by the DENR itself. He was also able to show and prove to the government and concerned officials, his qualifications and compliance with the requirements of the law. More importantly, he was in actual physical possession of the land in question even before the sales application was filed and during the time that the auction sale was conducted. He introduced improvements thereon and the land was declared in his name for taxation purposes.

There is no evidence of irregularity in the application of appellant Fausto and in the procedure undertaken by the DENR officials in its subsequent award of subject lot to him. Thus, there is no dispute that the petitioner-appellant has all the qualifications imposed by law and hence was a qualified applicant and bidder for the subject property.”[31] (Emphasis supplied)

Negating the allegations of petitioner Fausto however, is that the circumstances surrounding the sale of the property to petitioner Fausto by Marilou Tucker (“Marilou” for brevity) showed that petitioner Fausto was not an innocent purchaser for value.

To begin with, Marilou was not the registered owner or the real possessor of the property. Petitioner Fausto should have further investigated as to Marilou's source of right to sell the property. This, especially so, since Marilou was never a legal heir of John and Eva.

Moreover, the property was recorded before the CENRO-Cabanatuan City under the names of John Tucker ("John" for brevity) and Eva Tucker ("Eva" for brevity), respondents' predecessors-in-interest, as a result of the Government Sales Applications of John and Eva prior to the sale of the property from Marilou to petitioner Fausto.[32]

From the time John and Eva applied for a public grant over the property, John and Eva and their heirs, who were respondents here, continued to occupy the property.[33] All of these circumstances,[34] which were made known to the public, should have caused petitioner Fausto to inquire as to the nature of respondents' possession of the property, as would a buyer in good faith, to determine whether respondents had occupied and possessed the property in the concept of owners. This, also considering that petitioner Fausto hailed from Brgy. Caballero, Palayan City,[35] where the property was located.

All of these matters were as likewise found by the RED in its Order[36] dated February 15, 2005, which Order was affirmed by the DENR Secretary and by the OP, to wit:

"On the part of the Protestee, Danilo V. Fausto over Lot No. 129-A, NG-130, PLS-378, a review of his Government Sales Application would readily show that he hailed from Brgy. Caballero, Palayan City. In all indications, he should know who the real and lawful claimants/owners of the subject lots are. Unfortunately, as the records would bear, Protestee still come [sic] to terms with Marilou Tucker who unlawfully had [been] able to misrepresent herself to be the person authorized by Spouses Joselito Gotangco (Protestant) and Elizabeth T. Gotangco (the real owners) to dispose the subject lot in his (Protestee) favor."[37]

Due to petitioner Fausto's failure to investigate Marilou's source of right to sell the property, petitioner Fausto was therefore not an innocent purchaser for value. This result was as also found by the OP in its assailed Decision[38] dated January 9, 2008, as follows:

"The burden of evidence was thus shifted upon the respondents-appellants to prove that they have the preferential right over the said lots. However, their claim over the same stemmed from the Declaration of Heirship executed by Albert and the Deed of Sale executed by Marilou by virtue of the alleged SPA vested in her favor by Elizabeth. No evidence was introduced establishing Albert's right to inherit and subsequently dispose the subject lots.

The concept of innocent purchaser for value is inapplicable. They should have conducted the necessary investigation to determine prior right over the involved lots. Had they done so, they would have discovered the pendency of applications over the same. Even if the same remain unacted, the possession of the applicants or their successors-in-interest continues. As correctly ruled by the DENR, 'the open, continuous, and exclusive possession of at least 30 years of alienable public land ipso jure converts the same into a private property' xxx."[39](Emphasis supplied)

That petitioner Fausto was required to inquire into the nature of the property and to investigate the nature of possession of the occupants and possessors of the property so as for him to be considered a buyer in good faith is pursuant to the following pronouncement of the Supreme Court in *Rufloe, et al. v. Burgos, et al.*, G.R. No. 143573, January 30, 2009:

"xxx [I]t is also a firmly established rule that where circumstances exist which would put a purchaser on guard and prompt him to investigate further, such as the presence of occupants/tenants on the property offered for sale, it is expected that the purchaser would inquire first into the nature of possession of the occupants, i.e., whether or not the occupants possess the land in the concept of an owner. Settled is the rule that a buyer of real

property that is in the possession of a person other than the seller must be wary and should investigate the rights of those in possession. Otherwise, without such inquiry, the buyer can hardly be regarded as a buyer in good faith. xxx” (Emphasis supplied)

Given therefore that petitioner Fausto was not an innocent purchaser for value of the property, then, petitioner Fausto did not lawfully acquire the property. Accordingly, his Government Sales Application was properly denied by the RED.

Contrary to petitioner Fausto's assignment of errors I and II, respondents, on the other hand, had properly established their right to possess the property, such that they therefore had the preferential right to acquire the land through a public grant.

Petitioner Fausto had argued that:

“xxx There can be no question that the late John Tucker, assuming him to be a predecessor-in-interest of the respondents-appellees, could not, by the simple expedient of filing a government sales application over the property in question, be declared the lawful possessor thereof, much less could he be considered as holding the same under a bona fide claim of acquisition of ownership. The mere fact that John Tucker filed a government sales application (docketed as IGSPSA V-1014) was a clear and categorical admission on his part that he did not own the subject property, and that the same was, and is, public land. xxx

More importantly, because no government action was taken on John Tucker's sales application from the time that it was filed on 14 February 1958 up to the time of his death on 25 June 1968, he did not acquire any vested rights over the subject property. Consequently, his heirs or successors-in-interest did not inherit any right over the subject property from him.

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Evidently, the respondents-appellees cannot claim that John Tucker is their predecessor-in-interest for the simple reason that it was physically and biologically impossible for Mr. Tucker, being male, to be anyone's mother! Consequently, the quoted assertion made by the respondents-appellees should have been basis enough to throw out their Protest by reason of the categorical admission made [by] them that the purported rights of said respondents-appellees over the subject property are not derived from John Tucker at all.

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It should be noted that in arriving at the conclusion above quoted, the Office of the President curiously fails to cite any competent evidence that establishes that: (a) John and Eva May Tucker were ever lawfully wedded spouses; and that (b) the respondents-appellees were the offspring of John and Eva May Tucker. Thus, the Protest dated 05 May 2003 should have been dismissed outright, for the further reason that the respondents-appellees have not been shown, nor proven to be, forced or legal heirs of John Tucker.”[40] (Emphasis supplied)

Vanquishing petitioner Fausto's allegations however, is that respondents had established their right to possess the property because respondents and their predecessors-in-interest, John and Eva, had possessed and had occupied the property for more than 30 years. Such possession and occupation of the property by respondents and their predecessors-interest were revealed by John and Eva's Government Sales Applications and the Tax Declaration and Tax Receipts.[41] The possession and occupation of respondents and their predecessors-in-interest were as also found by the DENR Secretary in its Decision[42] dated July 17, 2006, to wit:

“Further, the open, continuous and exclusive possession of at least 30 years of alienable public land ipso jure converts the same into a private property (Director of Lands vs. Intermediate Appellate Court, 214 SCRA 604). Alienable public land held openly, continuously and exclusively for the prescribed period is converted to

private property by mere lapse or completion of said ipso jure (Pineda versus Court of Appeals, 183 SCRA 602).

The lots in dispute were acquired by the parents of appellees more than 30 years ago. As evidence of the acquisition, the Sales Applications of John Tucker over Lot No. 129 and Eva May Tucker over Lot No. 128 were filed on February 14, 1958 and June 20, 1958, respectively. To this day, the appellees who are lawful Heirs of John Tucker and Eva May Tucker continue to possess and occupy the land in the concept of owners, paying the realty taxes thereon, among others.

Although tax declaration and tax receipts are not proof of ownership but when the same is coupled with actual possession and occupation, it becomes good indicia of claim of ownership. xxx”[43] (Emphasis supplied; Italics made in the original)

Contrary to petitioner Fausto's allegation in his assignment of error II-B that respondents could not possess the property because they were not legal heirs of John, is that respondents were able to establish that they were the legal heirs of John and Eva. In fact, the RED in its Order[44] dated February 15, 2005 recognized that respondents were legal heirs of John and Eva, as follows:

“When John M. Tucker and Eva May Tucker were both called in the great beyond by their Creator, their children namely: Evelyn, Elizabeth, Edward, Arnold, and Henry, all surnamed Tucker, succeeded naturally their parents xxx.”[45]

Because respondents were the legal heirs of John and Eva, then, contrary to petitioner Fausto's allegations in his assignment of errors II-A, and II-C, respondents had acquired John and Eva's right to possess the property.

Furthermore, petitioner Fausto's argument in his assignment of error II-C that respondents could not acquire and occupy the property because they were American Citizens and were residents of the USA is unmeritorious.

On this matter, petitioner Fausto had argued that:

“The Office of the President gave credence to the claim of respondents-appellees that they possessed Lot 129-A notwithstanding evidence showing that they [were] residents and citizens of the United States of America, and hence cannot have actual physical possession and occupation of the subject property. It [is] evident, therefore, that the assailed Decision xxx is blatantly violative of, and recklessly disregards the provisions of Commonwealth Act 141 and P.D. No. 152.

Additionally, the respondents-appellees' own admission that they were not in the country when appellant Fausto filed his sales application over subject property militates against their claim of actual and continuous possession thereof as required by C.A. 141.”[46] (Emphasis supplied)

However, respondents' Identification Certificates issued by the Bureau of Immigration showed that respondents had retained their Filipino citizenship, as was also found by the DENR Secretary in its Order[47] dated January 12, 2007, to wit:

“As to the claim that appellees are American Citizens, the same has no leg to stand on. Appellees and their other co-heirs submitted Identification Certificates issued by the Bureau of Immigration certifying that they retained their Filipino Citizenship pursuant to Republic Act No. 9225 in relation to Administrative Order No. 91, series of 2004 and Memorandum Circular No. AFF-2004-01.”[48]

And although respondents were in the USA during the time petitioner Fausto filed his sales application over the property, respondents, per the Investigation Report dated January 26, 2005 made by Hearing Officer Raul Mamac, had occupied and had possessed the property in the concept of owners for a long period of time during John and Eva's application. This, they did by introducing valuable improvements on the property, payment of taxes, and by

filing of cases against petitioner Fausto and other claimants over the subject property. All of these were as also found by the DENR Secretary in its Decision[49] dated July 17, 2006, to wit:

“Per the Investigation Report dated January 26, 2005, submitted by Hearing Officer Raul H. Mamac, the herein appellees together with their predecessors-in-interest had indeed occupied and possessed the land subject of the dispute and they have already introduced valuable improvements thereon. xxx

The filing of the protest and the criminal complaint clearly indicate that the herein appellees are protecting their rights as lawful possessors and occupants of the land in dispute. While it may be true that they [were] working abroad, still it cannot be inferred that they have surrendered their rights and interest over the land. As a matter of fact, they have continued to claim the same in the concept of owners, their parents being the occupants and possessors of the land for a long period of time.”[50] (Emphasis supplied)

Respondents can be considered to have actually possessed and occupied the property by their introduction of improvements and by their payment of taxes because such acts are considered acts of dominion. That they are so, is pursuant to the following pronouncement of the Supreme Court in *Heirs of Arzadon-Crisologo v. Ranon*, G.R. No. 171068, September 5, 2007:

“The open, continuous, exclusive and notorious possession by respondents of the subject property for a period of more than 30 years in repudiation of petitioners’ ownership had been established. During such length of time, respondents had exercised acts of dominion over the subject property, and paid taxes in their name. Jurisprudence is clear that although tax declarations or realty tax payments of property are not conclusive evidence of ownership, nevertheless, they are good indicia of possession in the concept of owner for no one in his right mind would be paying taxes for a property that is not in his actual or at least constructive possession. They constitute at least proof that the holder has a claim of title over the property. As is well known, the payment of taxes coupled with actual possession of the land covered by the tax declaration strongly supports a claim of ownership.” (Emphasis supplied)

Considering all of these, respondents were therefore entitled to exercise their right of subrogation from John and Eva, who were respondents’ predecessors-in-interest, on the Government Sales Application over the property. Their being able to exercise such right is pursuant to Section 105 of Act 141, otherwise known as Public Land Act. All of these were as also found by the RED in its Order[51] dated February 15, 2005, to wit:

“xxx [T]he Supreme Court in one case, *Pitangue vs. Sorella* (48 O.G. No. 913849) has recognized the possessory rights of the Sales Applicant over a public land before the approval of his application xxx. [T]he above is in accordance with the clear mandate of Act 141, Public Land Act, Section 105, which provides:

‘[SECTION 105.] If at anytime the applicant or grantee shall die before the issuance of the patent or the final grant of the land, [or during the life of the lease,] or while the applicant or grantee still has obligations pending towards the [G]overnment in accordance with this Act[,] he shall be succeeded in his rights and obligation[s] with respect to the land applied for or granted or leased under this [A]ct by his heirs in law, who shall be entitled to have issued to them the patent or final concession if they show that they [have] complied with [the] requirements therefor and who shall be subrogated in all his rights and obligations for the purposes of [this] Act.’”[52] (Emphasis supplied)

Petitioner Fausto could not also claim in his assignment of error IV that respondents’ Protest[53] to petitioner’s Government Sales Application No. 034919-1265 was filed out of time. This is because respondents were not aware of petitioner Fausto’s filing before the Bureau of Lands of his sales application over the property, such that respondents could not be considered to have knowingly permitted such sales application. Thus, respondents simply could not have been able to file within one (1) year the protest that is required by Section 104 of the Commonwealth Act 141, which law petitioner Fausto himself cited in his Petition.[54] The Section provides:

“SECTION 104. Any owner of uncultivated agricultural land who knowingly permits application for the same to be made to the Government and the land to be tilled and improved by a bona fide grantee without protesting to the Bureau of Lands within one year after cultivation has begun, shall lose all to the part of the land so cultivated and improved, unless he shall bring action in the proper court before such action for recovery prescribes and obtains favorable judgment therein, in which case the court shall, upon its decision becoming final, order the payment to the grantee, within a reasonable period, of the indemnity fixed by said court for the cultivation and improvement.” (Emphasis supplied)

Given all these, no cogent reason was therefore shown to justify any deviation from the following findings of the OP in its assailed Decision[55] dated January 9, 2008, which were in accordance with the facts and the law:

“Worth stressing is that respondents-appellants' sales applications on the subject lots had been assailed by the herein protestants-appellees on the ground that they are the ones in open, actual and continuous possession and occupation of the subject lots. They even presented in their favor evidence of continued payments of the realty taxes thereon.

This Office agrees with the office a quo that 'nobody in his right hand would pay taxes year (sic) after years (sic) for property not in his actual possession' and that 'continuous payment of such taxes is evidence of great weight in favor of ownership' xxx.

xxx

The findings and justifications made by the DENR are entitled to great weight and respect and we are not inclined to reverse the same since the error or misappreciation of facts, as alleged by the respondents-appellants, are not present in the instant case.”[56] (Emphasis supplied)

The factual findings of administrative agencies and quasi-judicial bodies,[57] like the DENR and OP here, which had acquired expertise in all matters relating to public land are accorded great weight.

Thus, after careful consideration of all the facts, arguments, and issues appearing on the records, as well as of the pertinent laws and jurisprudence, and, in accordance with what is best determined to be proper under the circumstances, the following disposition is made on these matters.

IN VIEW OF ALL THESE, the Petition is DENIED.

SO ORDERED.

Didican (Chairman) and Paredes, JJ., concur.

[1] Rollo, pp. 19-61.

[2] Rollo, pp. 65-70.

[3] Rollo, pp. 72-73.

[4] Rollo, pp. 75-86.

[5] Rollo, pp. 65-70.

[6] Rollo, pp. 66-68.

[7] Rollo, pp. 147-156.

[8] Rollo, pp. 127-129.

[9] Rollo, pp. 155-156.

[10] Rollo, pp. 32-33.

[11] Rollo, pp. 147-156.

[12] Rollo, p. 169.

[13] Rollo, pp. 147-156.

[14] Rollo, pp. 169-178.

[15] Rollo, pp. 181-191.

[16] Rollo, pp. 169-178.

[17] Rollo, pp. 193-194.

[18] Rollo, pp. 201-232.

[19] Rollo, pp. 169-178.

[20] Rollo, pp. 193-194.

[21] Rollo, pp. 65-70.

[22] Rollo, pp. 169-178.

[23] Rollo, pp. 75-85.

[24] Rollo, pp. 72-73.

[25] Rollo, pp. 19-61.

[26] Rollo, pp. 57-58.

[27] Rollo, pp. 34-35.

[28] Rollo, pp. 19-61

[29] Rollo, pp. 65-70.

[30] Rollo, pp. 19-61

[31] Rollo, p. 49.

[32] Rollo, p. 158.

[33] Rollo, p. 152.

[34] Rollo, p. 152.

[35] Rollo, p. 153.

[36] Rollo, pp. 147-156.

[37] Rollo, p. 153.

[38] Rollo, pp. 65-70.

[39] Rollo, p. 69.

[40] Rollo, pp. 38-42.

[41] Rollo, pp. 177.

[42] Rollo, pp. 169-178.

[43] Rollo, p. 177.

[44] Rollo, pp. 147-156.

[45] Rollo, p. 152.

[46] Rollo, p. 47.

[47] Rollo, pp. 193-194.

[48] Rollo, p. 194.

[49] Rollo, pp. 169-178.

[50] Rollo, pp. 173-174.

[51] Rollo, pp. 147-156.

[52] Rollo, p. 152.

[53] Rollo, pp. 127-129.

[54] Rollo, pp. 19-61.

[55] Rollo, pp. 65-70.

[56] Rollo, p. 69.

[57] SPOUSES TEOFILO CARPIO and TEODORA CARPIO vs. ANA SEBASTIAN, VICENTA PALAO, SANTOS ESTRELLA, and VICENTA ESTRELLA, represented by her guardian ad litem VICENTE PALAO, G.R. No. 166108, June 16, 2010.

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