

REPUBLIC OF THE PHILIPPINES REPRESENTED BY THE REGIONAL DIRECTOR OF DENR VI, PLAINTIFF-APPELLEE, VS. ERLINDA BENUSA BARRIOS, LEONARDO BENUSA LARRIOS, ROGELIO BENUSA LARRIOS AND ...

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HERNANDO, J:

Before this Court is an appeal filed by Erlinda Benusa Barrios, Leonardo Benusa Larrios and Rogelio Benusa Larrios,[1] seeking the review and reversal of the February 2, 2010 Decision[2] of the Regional Trial Court (RTC), Branch 16, of Roxas City in Civil Case No. V-109-04, an action for Annulment of Patent, Cancellation of Title and Reversion.

The Antecedents:

On August 8, 1995, the late Adoracion Benusa filed a free patent application over the land in controversy, Lot No. 954. She was then issued Free Patent No. 061913-95-10. Pursuant to the free patent, the Register of Deeds of Capiz issued Original Certificate of Title (OCT) No. P-14044 in her favor on December 5, 1995.

On November 17, 1997, Manuel Buensalido filed a protest questioning the legality of the issuance of the free patent to Adoracion Benusa. Accordingly, the Regional Office VI of the Department of Environment and Natural Resources (DENR) conducted an investigation. In its Decision[3] dated March 24, 2000, the DENR Regional Office VI ruled that Benusa deliberately misinformed the Office that the land applied for was not claimed or occupied by any other person. Moreover, it found that the subject land was classified as residential, thus, cannot be subject of a free patent application. Aggrieved, Benusa filed a Motion for Reconsideration but was later denied in the August 24, 2000 Resolution[4] of the DENR Regional Office VI. The Office reiterated its finding that Benusa committed fraud and/or misrepresentation in the acquisition of the questioned free patent. Hence, the indefeasibility of Benusa's certificate of title after the 1-year prescriptive period cannot bar the Office from conducting an investigation on the fraudulent procurement of her free patent as sanctioned by Section 91 of the Public Land Act.

In their defense, appellants contend that the subject land had been declared predominantly agricultural and not residential. They stress that Adoracion Benusa and her predecessors-in-interest continuously cultivated and occupied the land for more than 80 years. They likewise assert that Benusa could not have employed deceit, fraud or misrepresentation in obtaining the free patent in view of her poor educational attainment and old age. Moreover, appellants aver that there was no valid objection or adverse claim during Benusa's free patent application. They maintain also that the Provincial Environment and Natural Resources Office (PENRO) underwent the regular procedure in processing and granting Benusa's application. Thus, appellants invoked the presumption of regularity of official performance and duty by the PENRO in the issuance of Benusa's free patent.

On February 2, 2010, the trial court rendered its Decision in favor of the Republic of the Philippines, represented by the Regional Director of DENR VI, the dispositive portion of which reads:[5]

WHEREFORE, judgment is rendered in favor of the plaintiff.

Orihinal na Titulo Blg. P-144044 is declared null and void ab initio. Private defendants are ordered to surrender to the Register of Deeds of Capiz their owners' copy of the said title for cancellation. Lot No. 954, Cad-248 is ordered reverted in favor of the Government of the Republic of the Philippines.

Private defendants' counterclaim is dismissed for lack of basis.

Costs to private defendants.

SO ORDERED.

The trial court mainly ruled that Adoracion Benusa's claim of ownership and possession over the subject property commenced only on February 17, 1971, the day she first paid the realty taxes thereon. Thus, when Benusa filed her application for a free patent on August 8, 1995, she only possessed the property for 24 years. This falls short of the 30-year period required for a valid claim of ownership.

Not satisfied, appellants interposed the current appeal before Us.

The Issue:

The main issue here is whether the lower court erred in declaring OCT No. P-14044, covering Lot No. 954, as null and void.

The Court's Ruling

The appeal is bereft of merit.

Appellants' main contention to sustain the validity of the free patent issued to Adoracion Benusa is that she is incapable of fraud due to her poor educational attainment and advanced age. While this may be true, it does not logically follow that she is incapable of fraud, deceit or misrepresentation. A person's educational background or age is not a definitive deterrent to the commission of fraud, deceit or misrepresentation. Verily, every person, regardless of educational background or age, is capable of the same. It bears stressing that Benusa's simple act of intentionally withholding the information that persons other than herself are occupying and claiming ownership over the subject land already constitutes fraud, deceit and/or misrepresentation. In the March 24, 2000 Decision of the DENR Regional Office VI, recommending the cancellation of Benusa's free patent and institution of reversion proceedings, it aptly found that Benusa was not completely honest in her free patent application, to wit:[6]

Secondly, the respondent knows fully well that the subject lot is also occupied by other claimants who in one way or another have also the rights and interests over portions thereof, however, Respondents deliberately misinformed the Office that the land applied for is not claimed/occupied by anybody purposely to secure the free patent over the whole area in her favor.

Indubitably, before Adoracion Benusa filed her free patent application on August 8, 1995, there were already existing occupants on the subject land. Concomitantly, some are also claiming ownership thereto. Here, the heirs of Juan Alcantara are claiming ownership over the subject land and have a separate tax declaration registered in their names.[7] Surprisingly, Benusa deliberately failed to mention this crucial fact when she filed her patent application. Therefore, there is clear, positive and convincing evidence to prove that she in fact committed fraud, deceit and/or misrepresentation in filing her free patent application.

Parenthetically, appellants cannot rely on the regularity in the performance by the PENRO in the issuance of Benusa's free patent. It must be noted that several irregularities attended the progression of Benusa's application. Firstly, the proper procedure for posting was not duly complied with as it was Benusa who allegedly posted the notices of her free patent application.[8] Moreover, it was not even verified whether the notices were actually posted.[9] Secondly, the final report recommending the application for titling was already prepared even before

the period for posting expired[10] and ocular inspection on the land was conducted.[11] Lastly, the processing of Benusa's free patent application was admittedly done in haste.[12] Hence, mistakes were concededly committed, some requirements in the approval of the application were relaxed and procedural shortcuts were taken.

All told, it was only proper for the trial court to render Benusa's certificate of title null and void. In *Republic of the Philippines v. Heirs of Felipe Alejaga Sr.*,[13] the Supreme Court ruled that a free patent obtained through fraud or misrepresentation is void. Furthermore, the one-year prescriptive period provided in the Public Land Act does not bar the State from asking for the reversion of property acquired through such means. Thus, it is clear that the subject land should not have been awarded to Adoracion Benusa at the onset.

Along the same vein, We agree with the trial court that Benusa's possession of the subject land failed to meet the required number of years for it to ripen into ownership, viz:[14]

It is apparent from the evidence that when Adoracion Benusa first declared the property for taxation on February 17, 1971 under new Tax Declaration No. 1562, only a portion of Lot No. 954 was covered by said declaration consisting of 6,000 square meters divided and classified into 5000 square meters of residential land. In fact the declared area of 6,000 square meters was carried on in subsequent tax declarations until after 1985. Real estate taxes paid by her during the adverted period likewise covered only 6,000 square meters of a portion of Lot No. 954. Her claim therefore of being the primitive owner of Lot No. 954 in its entirety is inaccurate. The claim is belied by her own acts to the contrary. In fact, her first Tax Declaration No. 1562 made on February 17, 1971 is pre-dated by Tax Declaration No. 1016 beginning the year 1953 by the heirs of Juan Alcantara covering Lot. No. 954 with an area of 1.1168 hectares. Furthermore, said Tax Declaration No. 1016 cancelled Tax Declaration No. 198 indicating that even before 1953, the said property had already been declared for taxation by the heirs of Juan Alcantara long before Adoracion Benusa declared a portion thereof in 1971.

But, "tax declaration, by itself, is not considered conclusive of ownership. It is merely an indication of a claim of ownership. Because it does not by itself give title, it is of little value in proving one's ownership." Declaration of property for the purpose of taxation to ripen into ownership, must be coupled by acts of ownership, i.e., possession for not less than 30 years in open, notorious and adverse manner in the concept of owner, and payment of real estate taxes.

In the instant case, the heirs of Adoracion Benusa did not give any credible explanation why she caused the declaration of Lot 954-part only on February 17, 1971 and the realty taxes were only paid starting February 18, 1971 considering their claim that their predecessors-in-interest were allegedly in possession of the land long before 1971. In a case, it was held that the payment of realty taxes beginning on a certain year gives rise to the presumption that the claim of ownership and possession of the land begins only on that year. Thus, Adoracion Benusa's claim of ownership and possession of Lot 954-part that begun only on February 17, 1971 falls short of thirty years, the required number of years for a valid claim of ownership. When the application for free patent was filed on August 2, 1995 and *Katibayan ng Orihinal na Titulo Blg. P-14044* was issued on December 11, 1995, she was in possession of the property for only twenty-four years.

Evidently, the only satisfactory evidence found on the records to establish Benusa's possession over the subject land is when she first declared the property for taxation purposes on February 17, 1971 under Tax Declaration No. 1562. Prior possession to said date was never sufficiently established. Her allegation that she and her predecessors-in-interest occupied and cultivated the land for over 86 years was never substantiated. Thus, the trial court was correct in ruling that her possession over the subject land commenced only on February 17, 1971, the day realty taxes were first paid thereon. Consequently, at the time of the filing of her free patent application, Benusa's possession over the subject land fell short of the thirty-year requirement mandated by law and jurisprudence. Hence, the trial court did not err in nullifying *Orihinal na Titulo Blg. P-144044* and ordering the reversion of Lot No. 954, Cad-248 in favor of the Government.

WHEREFORE, in view of all the foregoing considerations, the assailed February 2, 2010 Decision of the Regional Trial Court, Branch 16, of Roxas City in Civil Case No. V-109-04 is AFFIRMED in toto. Costs on private defendants-appellants.

SO ORDERED.

Maxino,[*] and Quijano-Padilla, JJ., concur.

[*] Acting Senior Member per Office Order No. 08-14-ELDS, dated March 17, 2014.

[1] Hereinafter appellants.

[2] Penned by Hon. Delano F. Villarruz, Rollo, pp. 73-80.

[3] Original Records, pp. 167-172.

[4] Original Records, pp. 173-176.

[5] Rollo, p. 80.

[6] Original Records, p. 169.

[7] Original Records, pp. 157-166.

[8] TSN, August 17, 2006, p. 20

[9] Ibid, pp. 37.

[10] Ibid, pp. 23-24

[11] Ibid, pp. 34.

[12] Ibid, pp. 54-55

[13] G.R. No. 146030, December 3, 2002.

[14] Rollo, pp. 78-79.

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