

ATTY. FELIPE C. NAVARRO, PETITIONER, VS. HON. COURT OF APPEALS, DIRECTOR OF LANDS AND MICHAEL AMOS, RESPONDENTS.

G.R. No. 100257. June 08, 1992

Ponente: PARAS, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-100257/>

PARAS, J.:

This is a petition for review on certiorari seeking the reversal of the decision* dated March 25, 1991 as well as the resolution dated March 28, 1991 of the respondent Court of Appeals in CA-G.R. CV No. 17476 entitled "Marcelo Yadno, Filmore Laoyan v. Director of Lands and Michael Amos which affirmed the decision** dated August 26, 1987 of the Regional Trial Court of Baguio and Benguet in a joint trial of Land Registration Case No. 135 entitled "Marcelo Yadno v. Director of Lands, et al." and Land Registration Case No. 283 entitled "Filmore Laoyan v. Director of Lands, et al." dismissing, among others, the application for registration of certain parcels of land of Yadno and Laoyan.

The facts of this case are as follows:

On the two separate dates of September 10, 1964 and September 17, 1968, applicants Marcelo Yadno (now deceased) and Filmore Laoyan, respectively, sought to register certain parcels of land (Original Records, Vol. I, pp. 1-4; Vol. III, pp. 1-4). In LRC No. N-135, Marcelo Yadno seeks to register a parcel of land situated at Barrio Pico, Municipality of La Trinidad, Province of Benguet, which is embraced in survey plan PSU-204731 approved by the Director of Lands on May 19, 1964. In Land Registration Case No. N-283, Filmore Laoyan applied for the registration of a parcel of land situated at Sitio Longlong, Barrio Pico, Municipality of La Trinidad, Province of Benguet, embraced in survey plan PSU-225299 approved by the Director of Lands on July 27, 1966 (Rollo, p. 35).

The notice of initial hearing in LRC No. N-135 was published in the Official Gazette in its issues on April 5 and 12, 1965 (Orig. Records, Vol. 1, p. 55) and posted by Deputy Sheriff Emilio Dacanay in the Municipality of La Trinidad, Benguet, Mt. Province on 7th and 8th day of June, 1965 (Ibid., p. 63). In LRC Case No. 283, the notice of initial hearing was also published in the Official Gazette in its issues on November 25 and December 2, 1968 (Vol. III, p. 26) and posted by the same Deputy Sheriff on December 12, 1968 in the Municipality of La Trinidad, Baguio City (Ibid., p. 20).

To the aforesaid applications, the Director of Lands and Director of Forestry seasonably filed an opposition on the ground that neither the applicants nor their predecessor-in-interest possesses sufficient title to acquire ownership in fee simple of the parcels of land applied for: that they have not been in open, continuous, exclusive and notorious possession and occupation of the lands in question for at least 30 years immediately preceding the filing of the present application; that these parcels of land are portions of the public domain belonging to the Republic of the Philippines not subject to appropriation and that the parcels of land applied for are within the unclassified public forest land (Orig. Records, Vol. I, pp. 78-79; Vol. III, pp. 40; 46-47). Aside from the opposition filed by

the government, private persons also opposed said applications. In LRC No. N-135, the Heirs of Gaogao Tinuan, Michael Amos, Isabelo Akiapat, Luiz Lorenzo and Corona Vda. de Jimenez and children registered their opposition to Yadno's application. In LRC No. N-283, on the other hand, Corona Vda. de Jimenez and Marcelo Yadno also opposed the application of Laoyan.

At the hearing on September 13, 1965 of LRC No. N-135, the Court issued an order of general default with the exception of the Director of Lands, Reforestation Administration, Michael Amos, Julian Amos and Tiotioen (Orig. Records, Vol. I. p. 75). An order of general default was also issued by the same court on March 13, 1969 in LRC No. N-283 with the exception of the Director of Lands, Director of Forestry and the Reforestation Administration: Michael Amos, Ezra Nabus and Corona Vda. de Jimenez (Ibid., Vol. III, p. 36).

On July 10, 1969, the lower court ordered that LRC No. N-283 and LRC No. N-135 be tried together. (Ibid., p. 76) Consequently, joint trial then ensued.

In order to establish thirty (30) years of open and continuous possession over the subject property, applicant Filmore Laoyan, among other things, presented the testimonies of Arsenio Espiritu, Herminio Arenas and the applicant himself Filmore Laoyan.

Filmore Laoyan claimed that the land applied for consisting of Lots 1 and 3, containing an area of 4 hectares, was first in the possession of his grandfather in 1918. The possession was then taken over by his father, who paid the land taxes (Exhs. J, J-1 to J-12) and used it for grazing and planted it with coffee. Then in 1949, he took over from his father and cultivated it. He registered Lots 1 and 3 in his name for tax purposes (Exhs. G and G-1) and paid the land taxes (Exhs. H and H-1). He fenced the property and also planted it with coffee and camotes. Exhibit G is Tax Declaration 7113, describing "lot 1" PSU 225299 as "uncult. agric. land", containing an area of 2.7685 hectares. Exhibit G-1 is Tax Declaration 7112, describing "lot 3" PSU 225299 as "uncult. agric. land", containing an area of 2.9719 hectares. Exhibits H and H-1 are official receipts No. 0919364-65 both dated September 30, 1968, evidencing the payment of the land tax for lots 1 and 2 for the years "1965, 1966, 1967, 1968". Also offered as documentary evidence are Exhibits I and I-1, official receipts evidencing payment of real property tax covered by Tax Declaration No. 222; Exhibits I-2 to I-8 are also official receipts evidencing payment of real property tax covered by Tax Declaration Nos. 222 and 500; Exhibits I-9 to I-12 are likewise official receipts evidencing payment of real property tax covered by Tax Declarations 222, 500 and 906; and Exhibit I-13, is an official receipt evidencing payment of property tax without specification as to which property the tax was paid; Exhibit J, is a Homestead Application, filed with the Bureau of Lands, on April 24, 1961, signed by a certain "Belen B. Espiritu" over a "five (5) hectares" tract of land "x x x covered by my Tree Farm Lease application dated April 10, 1987." There is a certification in this exhibit, tending to show that "I (Filmore Laoyan) granted permission to herein applicant x x x, to occupy and improve the land x x x, which x x x is a portion of the property I inherited from my ancestors." And, finally, there is Exhibit J-3, an official receipt evidencing payment of "HA Fee." (Rollo, pp. 16-17)

Arsenio G. Espiritu in his testimony also stated that he knows the property being applied for registration because he used to occupy a portion of the same; that on April 10, 1957, he applied for a tree farm lease with the Bureau of Forestry and a license to cut pine trees which was granted; that on May 4, 1961, applicant Laoyan informed him that he was encroaching upon his property and likewise confirmed the testimony of the applicant that there were coffee plants and camote patches in the area which were however destroyed during a big forest fire in the area in 1967; that he did not pursue his homestead application when he was informed by the applicant about his application for registration, but nevertheless, was employed by the applicant as the surveyor.

Herminio Arenas merely corroborated the fact that the applicant was in open, adverse, public and in continuous

possession of the property being applied for (Rollo, pp. 12-13).

In the case of Marcelo Yadno, he identified his signature in his application for registration (Exhs. A, A-1, A-2) and in his affidavit dated January 21, 1958 (Exh. B), which states, among other things, that he is the owner of "Pico, La Trinidad, with an area of 0.0799 square meters" (TSN, March 7, 1985, pp. 16-22). He also offered a technical description (Exh. B), surveyor's certificate (Exh. C), Treasurer's Certificate dated September 8, 1964 (Exhs. D, D-1), Survey Plan, PSU 204731(Exh. B) and Transmittal letter of October 20, 1964 (Exh. E) (Rollo, p. 16).

On the other hand, oppositor Michael Amos presented the testimonies of Evaristo Tiotioen, Atty. Crisogono Bartolo, Jr., Engineer Edilberto Quiaoit, Matias Camolo, Generoso Javier, Luis Dawayan and the oppositor himself Michael Amos, to support his application for registration.

The testimonial and documentary evidence of Michael Amos showed that Amos, since 1937, by himself and thru his predecessors-in-interest has been in open, continuous and notorious possession of the land applied for up to the present. The late Tulingan Pulot, and his widow, Singao Pul-ot, possessed the land applied for, located at Bo. Pico, La Trinidad, Benguet, Mountain Province, since 1932. They declared the land before the Second World War for tax purposes under Tax Declaration No. 209. Then, Singao Pul-ot, because of old age, relinquished her rights thereto in favor of Evaristo Tiotioen. Evaristo declared that the spouses occupied the property as early as 1932. After the Second World War, the property was occupied by Michael Amos, after acquiring the same from him (Tiotioen) who received as consideration for the transfer "cash", "some seedlings", and also "helped me in my survey."

Evaristo Tiotioen, a former clerk of the Municipal Treasurer's Office of La Trinidad, Benguet, testified that during the time the tax receipts were issued to the Laoyan family, they were paying taxes but on another land and not the one applied for by them (Exhibits "I" to "I-13"), (t.s.n., Hearing of March 17, 1983, pp. 17 to 21).

Atty. Crisogono S. Bartolo, Jr. of the Bureau of Lands also stated in his testimony that he had made an inspection of the land in question, that the applications of Marcelo Yadno and Filmore Laoyan overlapped the area surveyed by Michael Amos. He also found out that Michael Amos has made permanent improvements on the land while applicants Yadno and Laoyan did not introduce any (Exhibits "11" and "12"); (t.s.n., Hearing of February 2, 1984, pp. 6-9).

Engineer Edilberto Quiaoit, a surveyor of the Bureau of Lands testified about the possibility that Yadno and Laoyan only copied the survey plan of Michael Amos (t.s.n., Hearing of August 18, 1983, pp. 4-7, 9--11). Another witness in the person of Matias Camolo also stated that he was with the surveyor of Marcelo Yadno when he conducted the survey and they just relied on the existing corners contained in the survey plan of Michael Amos and Isabelo Akiapat.

It was also noted by the Court during the ocular inspection conducted on the land in question that the applicants Yadno and Laoyan were not able to show any improvements made by them, whereas, Amos was able to show houses, dirt roads, fences, plants and canals. The existence of these improvements was also corroborated by Generoso Javier, a forester of the Bureau of Forestry (Exhibits "1", "2" to "2-C"). Another witness who confirmed the introduction of the improvements on the land by Amos was Luis Dawayan (Rollo, pp. 13-14).

On August 26, 1987, the trial court rendered judgment, the dispositive portion of which reads:

"WHEREFORE, IN VIEW OF THE FOREGOING, the Court renders judgment dismissing the applications of Marcelo Yadno and Filmore Laoyan, and awarding the parcel of land under PSU-198528 to oppositor Michael Amos as the true and lawful owner and ordering the registration of the same in his name, without prejudice to

the deed of quitclaim executed by Michael Amos in favor of Damian L. Jimenez, and ordering the former to segregate the portion subject matter of said quitclaim.

SO ORDERED." (Orig. Records, Vol. III. pp. 501-504).

Appeal was interposed by Marcelo Yadno with the Court of Appeals but during the pendency of the appeal Marcelo Yadno died (Rollo, p. 22). The Office of the Solicitor General, on the other hand, was excused from filing the brief for the public oppositors (Ibid., p. 15).

On March 25, 1991, the respondent Court of Appeals affirmed the disputed decision of the trial court (Ibid., pp. 10-19).

Subsequently, Atty. Jose Edward Navarro filed a pleading denominated as a notice of substitution and motion for reconsideration. It prayed, among others, that Atty. Felipe Navarro, the counsel of the late Marcelo Yadno, take the place of Marcelo Yadno as a substitute (Ibid., pp. 20-21).

On May 28, 1991, the Court of Appeals denied said motion for reconsideration.

Hence, this petition.

Petitioner assigns the following errors, to wit:

1. Respondent Court of Appeals erred in holding that: "Applicant Marcelo Yadno did not present any competent evidence either through his witnesses or documentary to support his application for registration."
2. Respondent Court of Appeals erred in admitting the opposition of respondent Michael Amos filed on July 11, 1966.
3. Respondent Court of Appeals erred in holding that: "Applicant Marcelo Yadno failed to establish that he was in actual and physical possession of the land applied for by him for more than 30 years, and have introduced permanent improvements thereon to be able to comply with the provisions of Act 496 and R.A. 1942 amending Sec. 48(h) and (c) of C.A. 141."
4. Respondent Court of Appeals erred in denying the application of Marcelo Yadno and awarding title to the land to oppositor Michael Amos who was never an applicant to any of the lands in Baguio and Benguet and consequently erred in not confirming title to applicant Marcelo Yadno, his kinsmen. And the tribe pursuant to law as embodied in the contract of legal services in lieu for attorney's fees of Atty. Felipe C. Navarro as admitted by the respondent Court of Appeals in its November 2, 1989 resolution.

The immediate issue in this case is whether or not Atty. Felipe C. Navarro, the petitioner, is the proper party to represent Marcelo Yadno, the deceased.

Petitioner, Atty. Felipe Navarro, is invoking the contract of legal services he entered with his former client Marcelo Yadno and others as his authority to take the place of Yadno in case of the latter's death. Hence, when the supervening event of death came during the pendency of Yadno's appeal to the Court of Appeals, petitioner Navarro simply filed a notice of substitution and a motion for reconsideration rolled into one and upon receipt of an adverse decision, he is now before this Court pursuing the case in lieu of the late Marcelo Yadno.

Private respondent counters that the "contract of legal services" could not have transmitted any right to Atty. Navarro to succeed the late Marcelo Yadno considering that the alleged document is neither a substitution of heirs nor transmittal of rights on the land in litigation in the case at bar. He avers that the title of the contract itself states that it is a contract for legal services and its contents which states "x x x our rights shall only be transmitted to our heirs x x x" meaning the legal heirs could not have possibly made Atty. Navarro as heir of Marcelo Yadno.

The contention of the private respondent is well taken.

Section 17, Rule 3 of the Rules of Court sets the rule on substitution of parties in case of death of any of the parties. Under the Rule, it is the court that is called upon after notice of a party's death and the claim is not thereby extinguished to order upon proper notice the legal representative of the deceased to appear within a period of thirty (30) days or such time as it may grant.

Section 16 of Rule 3 provides:

"Whenever a party to a pending case dies x x x it shall be the duty of his attorney to inform the court promptly of such death x x x and to give the name and residence of the executor, administrator, guardian or other legal representative of the deceased."

In the case at bar, petitioner Navarro did not give any explanation why he failed to give the name and residence of the executor, administrator or guardian of the deceased, if there was any, and in their absence at least the name and residence of the heirs of Yadno who shall take the place of the deceased (*Evangalista v. Soriano*, No. L-4625, 92 Phil. 190 [1952]).

Clearly, priority is given to the legal representative of the deceased, that is, the executor or administrator of his estate. It is only in cases of unreasonable delay in the appointment of an executor or administrator, or in cases where the heirs resort to an extrajudicial settlement of the estate, that the court may adopt the alternative of allowing the heirs of the deceased to be substituted for the deceased (*Liwas v. Court of Appeals*, G.R. No. L 45809, December 12, 1986, 146 SCRA 173).

Petitioner Navarro took the short cut route of making himself the legal representative of Yadno on the basis of the contract of legal services. This mode resorted to by Navarro is clearly without any legal basis. Even at this point in time, the record is bereft of any evidence that would grant herein petitioner Navarro any authority to represent the late Marcelo Yadno. In the same vein, there is also no showing of any evidence granted to herein counsel Jose Edward Navarro to file and prosecute the case and any other incidental cases for and in behalf of Yadno's heirs.

On the basis of the foregoing alone the petition should be dismissed.

And even assuming that Atty. Navarro may represent Yadno, the petition itself is bereft of merit.

It must be emphasized that it is the burden of the applicant to prove its positive averments, not for the Government or the private oppositors to establish a negative proposition insofar as the applicant's specific lots are concerned (*Gutierrez Hermanos v. C.A.*, G.R. Nos. 54472-77, September 28, 1989, 178 SCRA 37). Applying this rule to the instant case, the conclusions reached by the court a quo and respondents Court of Appeals that the petitioner through his predecessors-in-interest has not been in open, continuous, exclusive and notorious possession of the subject land under a bona fide claim of ownership are binding on this Court. Indeed, the jurisdiction of this Court in cases brought to it from the Court of Appeals is limited to reviewing and revising errors of law imputed to the latter, its findings of facts being conclusive generally. (*Andres v. Manufacturer Hanover and Trust Corp.*, G.R. No. 82670, September 15, 1989, 117 SCRA 618; *Lauron v. CA*, G.R. No. 62021, April 6, 1990, 184 SCRA 215).

Prescinding therefrom, this Court finds no reason to disturb the conclusion of the Court of Appeals when it ruled that:

"The exhibits presented by the late Marcelo Yadno, to wit: application for registration (Exh. A), technical description (Exh. B), surveyor's certificate (Exh. C), Treasurer's Certificate (Exh. D), Survey Plan, PSU 204731 (Exh. E) and Transmittal Letter dated October 20, 1964 (Exh. F) and their submarkings are part of the case records and of themselves do not prove that he had been in open, continuous and notorious possession of the

property for thirty (30) years. He did not even offer a tracing cloth plan, the primary purpose of which is to fix the exact location and definitive identity of the land, as shown in the survey plan and technical description. He has not offered evidence that he has declared the land for tax purposes in his name, and/or that he had paid the land taxes thereon."

This Court has ruled that although tax receipts are not incontrovertible evidence of ownership, they constitute at least proof that the holder had a claim of title over the property (Director of Lands v. Reyes, G.R. No. L-27594, November 28, 1975, 68 SCRA 177; Director of Lands v. Santiago, G.R. No. L-41278, April 15, 1988, 160 SCRA 186).

In the case of Filmore Laoyan, the findings of the respondent appellate court is also noteworthy:

"The testimony of Laoyan that he inherited Lots 1 and 3 from his father, who, in turn, also inherited it from his father is not borne out in Exhibits I to I?12. The land described are covered by Tax Declaration Nos. 222, 500 and 906, while Lots 1 and 3 are covered by Exhs. G and G-1. "New" Tax Declaration Nos. 7112 and 7113, which begun only in 1965, or after these cases were filed in court. Tiotioen, a clerk of the Municipal Treasurer's Office of La Trinidad, Benguet, testified that Exhibits I to I-13 were in payment of another land which is different from and not Lots 1 and 3. Like Yadno, Laoyan did not also present a tracing cloth plan of the property sought to be registered, which would pinpoint the exact location and definitive identity of the land as shown in the survey plan and technical description. Indeed, Felicitacion Roxas, of the Commission on the Settlement of Land Problems, Department of Justice, stationed in Baguio City, and formerly Legal Officer IV of the Bureau of Lands, Baguio City, testified that she, together with the applicants and the District Land Officer, Bureau of Lands, conducted several ocular inspections of the lands applied for, and found that both appellants have not introduced permanent improvements on the lands in question."

That applicant Laoyan has paid the corresponding taxes starting in the year 1965 is of no moment because the important thing to consider is the compliance of his predecessors-in-interest with the 30-year period which he failed to substantiate.

Inevitably, the applicants (Yadno and Laoyan) have failed to submit convincing proof of their predecessors-in-interest actual, peaceful and adverse possession in the concept of owner of the lots in question during the period required by law. This is especially true in view of the basic presumption that lands of whatever classification belong to the State and evidence of a land grant must be "well-nigh incontrovertible" (Santiago v. Delos Santos, G.R. No. L-20241, November 22, 1974, 61 SCRA 146; Director of Lands v. Reyes, G.R. No. L-27594; supra).

On the other hand, this convincing proof of compliance with the 30-year period has been met by herein private respondent Michael Amos. The decision of the Court of Appeals on this point is hereby quoted to wit:

"The evidence presented by oppositor?appellee Michael Amos, consisting of his testimony and that of Evaristo Tiotioen, Atty. Crisogono Bartolo, Jr. and Engr. Edilberto Quiaoit, as well as Exhibits 1 to 16 established that Michael Amos, since 1937, by himself and thru his predecessors-in-interest have been in open, continuous and notorious possession of the land applied for up to the present.

The late Tulinga Pul-ot, and his widow, Signao Pul-ot, possessed the land applied for, located at Bo. Pico, La Trinidad, Benguet, Mountain Province, since 1932. They declared the land before the Second World War for tax purposes under Tax Declaration No. 209. Then, Signao Pul-ot, because of old age, relinquished her rights thereto in favor of Evaristo Tiotioen. Evaristo declared that the spouses occupied the property as early as 1932. After the Second World War, the property was occupied by Michael Amos, after acquiring the same from him (Tiotioen) who received as consideration for the transfer "cash", "some seedlings", and also "helped me in my survey." That Amos has made permanent improvements on the land, is borne out by the testimony of Atty. Crisogono S. Bartolo, Jr., of the Bureau of Lands, corroborated by Generoso Javier, a forester of the Bureau of

Forestry (Exhs. 1, 2, 2-A, 2-B and 2-C), and by Luis Dawayan." (Rollo, p. 18).

The foregoing being conclusions of fact of the Court of Appeals, this Court finds them to be final and binding (Lauron v. CA, supra). It is not the function of this Court to re-examine all over again the oral and documentary evidence submitted by the parties unless the findings of facts of the Court of Appeals is not supported by the evidence on record or the judgment is based on misapprehension of facts (Remalante v. Tibe, et al., G.R. No. L-59514, February 25, 1988, 158, SCRA 138) which is not so in the case at bar.

PREMISES CONSIDERED, the decision appealed from is AFFIRMED.

SO ORDERED.

Narvasa, C.J., (Chairman), Padilla, and Regalado, JJ., concur.

Nocon, J., on leave.

* Penned by Associate Justice Artemon D. Luna and concurred in by Associate Justices Serafin E. Camilon and Celso L. Magsino.

** Penned by Judge Leonardo M. Rivera.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.