

REPUBLIC OF THE PHILIPPINES, PETITIONER, VS. THE HONORABLE COURT OF APPEALS, HEIRS OF MARCELA FRANCISCO, NAMELY: ROSARIO BERNARDO AND PACIFICO BERNARDO; HEIRS OF JUANA FRANCISCO...

G.R. No. 106763. May 09, 2001

Ponente: GONZAGA-REYES, J.

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GONZAGA-REYES, J.:

This is a petition for review of the decision[1] of the Court of Appeals dismissing the petition to annul the decision of the Court of First Instance (CFI) of Cavite, Branch III,[2] in Reg. Case No. N-440, LRC Rec. No. 26961. This case stems from proceedings to annul a 1965 decision of the said land registration court which adjudicated to private respondents certain parcels of land.

The antecedents are as follows: On April 22, 1964, the Municipality of Bacoor, Cavite, represented by its Mayor, Pablo G. Sarino, sold Lot Nos. 317, 318, 330 and 356, Psu-164199, with an approximate combined area of 3.1437 hectares, located at Barrio Salinas,[3] in the said municipality, to private respondents' predecessors-in-interest for P188.20 pursuant to Act No. 3312[4] and Municipal Resolution No. 89 as amended by Resolution No. 289. Prior to the sale, private respondents' predecessor-in-interest, Brigida Francisco, had been in possession of the subject lot and paid the real estate taxes thereon as early as 1907. On October 27, 1964, private respondents filed an application for land registration before the above-mentioned CFI of Cavite, covering the aforesaid lots, docketed as LRC Case No. N-440, LRC Record No. N-26961. On August 4, 1965, a decision was rendered adjudicating to the applicants, herein private respondents, the subject parcels of land, as follows:

“WHEREFORE, this Court, confirming its previous order of general default, hereby adjudges and decrees lots 356, 318, 319 and 330 of plain AP-1377, AP-1378, AP-1379 and AP-1380, respectively, situated in the barrio of Salinas, municipality of Bacoor, province of Cavite, free from any liens and encumbrances to applicants, jointly and equally in undivided shares, in the following manners:

1. to MARCELA FRANCISCO, widow – 1/3 undivided share.
2. to the HEIRS OF JUANA FRANCISCO, namely:
 - BUENAVENTURA CRISOSTOMO, married to Librada Crisostomo;
 - ANDRES CRISOSTOMO, married to Esperanza Legaspi;
 - FELICITAS CRISOSTOMO, married to Gregorio Javier;
 - PEDRO CRISOSTOMO, single (these four own 1/3 undivided share.)
3. to the HEIRS OF BRIGIDA FRANCISCO, namely:
 - LIWANAG JAVIER, married to Anastacio Dominguez;

EUDOSIA JAVIER, married to Ernesto de la Cruz;

AMAPURA JAVIER, married to Angel Sebastian;

AURORA JAVIER, single;

DOMINADOR JAVIER, married to Luz Manalili;

FRANKLIN JAVIER, married to Elina Jose (These six own 1/3 undivided share.)

All applicants are Filipinos, of legal ages, and residents of Mabolo, Bacoar, Cavite.

Once this decision becomes final, let the corresponding decree of registration be issued.

SO ORDERED.”[5]

Pursuant to said judgment, Decree No. N-105464 and the corresponding Original Certificate of Title No. O-468 were issued on October 7, 1965.

Twenty-five years later, or on October 15, 1990, the Office of Solicitor General (OSG) filed with the Court of Appeals a petition to annul the decision of the CFI of Cavite, Decree No. N-105464 and OCT No. O-468 issued pursuant thereto; and to order the restoration or reversion of the subject parcels of land to the mass of the public domain. The OSG alleged that the registration proceedings were null and void for lack of jurisdiction because the parcels of land subject thereof were still classified as forest land, having been released therefrom only on February 21, 1972; that the OSG was not furnished with a copy of the application for registration and other records as mandated by Section 51, of the Public Land Act; and that the applicants have not shown possession and occupation of the lands in the manner and for the length of time required by section 48(b) of the Public Land Act, as amended. On August 13, 1992, the Court of Appeals rendered its decision, dismissing for lack of merit as aforesaid, the petition to annul the Decision dated August 4, 1965 of the CFI of Cavite, Br. III in Reg. Case No. N-440, LRC Rec. No. 26961.[6] The Court of Appeals ruled that “by virtue of Act 3312 enacted by the Philippine Legislature on December 2, 1926, the subject lots were previously classified as communal in character; that the predecessors-in-interest of private respondents were able to purchase subject lots a

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