

CARMELINO M. SANTIAGO, MONTSERRAT M. SANTIAGO, NILDA M. IBOLEON, BELINDA MANAHAN AND JOSEFINA M. CAPINPIN, PETITIONERS, VS. THE COURT OF APPEALS AND METROPOLITAN WATERWORKS AND S...

G.R. No. 109111. June 28, 2000

Ponente: PARDO, J.

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PARDO, J.:

On appeal[1] before the Court is the decision[2] of the Court of Appeals declaring respondent Metropolitan Waterworks and Sewerage System ("MWSS") the owner of eleven (11) parcels of land situated in San Mateo, Rizal, and allowing registration of title to the land in its name. The Court of Appeals reversed the "partial decision"[3] of the Regional Trial Court, San Mateo, Rizal.

The issue raised is factual, which we do not review.[4] However, since the trial court and the Court of Appeals arrived at different factual conclusions, we depart from the general rule.

On July 22, 1980, the MWSS filed with the Regional Trial Court, San Mateo, Rizal an application for registration of title under the torrens system of eleven (11) parcels of land, situated in San Mateo, Rizal.[5]

Long before World War II, MWSS buried a 42-inch diameter steel aqueduct pipeline under the subject parcels of land. The pipeline drew water from the Wawa Dam in Montalban, Rizal to the Balara Filters in Quezon City. Fifteen (15) kilometers long, it ran through the municipalities of Montalban, San Mateo and Marikina.[6]

On August 21, 1987, MWSS filed with the Regional Trial Court, San Mateo, Rizal a second amended petition alleging ownership of the subject parcels of land. It alleged that by itself and through its predecessors-in-interest, the National Waterworks and Sewerage System ("NAWASA") and the Metropolitan Water District ("MWD"), it has been in "open, continuous, exclusive and notorious possession and occupation of the said parcels of land," under a bonafide claim of ownership since June 12, 1945.

On January 27, 1988, petitioners Nilda Manahan Iboleon, Belinda Manahan and Josefina Manahan Capinpin, as heirs of Modesto Manahan, filed an opposition to the application. They alleged ownership of a portion of the land subject of the application. They presented transfer certificates of title, related papers and documents to support their claim. They stated that neither they nor their predecessors-in-interest ever ceded ownership or possession of the property to any person, and even assuming that MWSS possessed the land, it did not acquire ownership by prescription.

On October 24, 1988, petitioner Montserrat M. Santiago as heir of Vicente Manahan, likewise filed an opposition. She claimed ownership of a portion of the land included in the application and presented Original Certificate of Title No. 1153 of the Register of Deeds of the Province of Rizal.

On October 24, 1988, petitioner Carmelino M. Santiago also filed an opposition, alleging ownership of a portion

of the land. He presented Transfer Certificate of Title No. M-39258 of the Registry of Deeds of the Province of Rizal.

After due hearings, on November 26, 1990, the trial court decided the case in favor of petitioners. It reasoned: First, the tax declarations presented by MWSS did not prove ownership and merely constituted prima facie evidence of possession. Second, the transfer certificates of title presented by petitioners proved ownership and cannot be attacked collaterally. Third, the pipelines installed by respondent MWSS were buried and hidden under the ground, hence, MWSS' possession was not "open". Further, respondent admittedly discontinued use of the pipelines after 1968, hence, possession was not "continuous". Last, respondents' use and possession of the land was merely tolerated by petitioners and could not ripen into ownership. Thus, the decretal portion of the trial court's partial decision reads:

"WHEREFORE, premises considered, this Court hereby renders judgment in favor of the oppositors Montserrat Santiago, Carmelino Santiago, Nilda Manahan Iboleon, Belinda Manahan and Josefina Manahan Capinpin and against the petitioner, as follows:

"1) Ordering the dismissal of the petition insofar as the opposition of the said oppositors are concerned;

"2) Declaring the aforesaid oppositors the owners of the strips of land applied for and are located inside the oppositors' properties described in OCT 1153; TCT No. N-39258 and TCT Nos. 178148 and 178149; and

"3) Sentencing the petitioner to pay the oppositors the sum of P10,000.00 as and for attorney's fee and

"4) To pay the costs.

"SO ORDERED.

"Given at San Mateo, Rizal this 26th day of November, 1990.

"(t/s) CIPRIANO D. ROMA

J u d g e" [7]

On January 21, 1991, respondent MWSS appealed to the Court of Appeals.[8]

Resolving the appeal, the Court of Appeals ruled differently. Reasoning: First, the property covered by the original and transfer certificates of title presented by petitioners merely adjoins and are adjacent to the property claimed by MWSS.[9] Such is shown by the technical descriptions in the certificates of title presented. The parcels of land covered by the certificates of title do not overlap or encroach on the property claimed by MWSS. In fact, the strips of land where the pipes were laid were deliberately excluded in the survey plans of petitioners' property. The survey served as basis for issuance of petitioners' certificates of title. Second, the aqueducts were installed and buried long before World War II, under untitled land, giving rise to the presumption that such land was "public land". Third, petitioners did not present compelling proof that the land under which the pipelines were buried were owned by their predecessors-in-interest. There was no proof that use of the land by MWSS was merely tolerated by petitioners' predecessors. The testimonies presented by petitioners on the matter are hearsay. Last, MWSS acquired ownership by prescription. True, the pipes were "hidden" under the land. However, it is a matter of public knowledge and judicial notice that the pipes existed and were buried there before World War II. The existence of the pipelines was indicated above the ground by "pilapils" constructed by the adjoining landowners themselves, since they planted rice alongside the strips of land. Further, the fact that use of the pipes was discontinued was not relevant since the pipes had remained buried under the land up to the present.

On July 22, 1992, the Court of Appeals promulgated its decision, the dispositive portion of which reads:

"WHEREFORE, the partial decision appealed from herein is REVERSED and in lieu thereof, another partial decision is entered herein declaring applicant MWSS owner of the parcels of land applied for by them in this case and granting and allowing their registration in its name.

"Costs against oppositors-appellees.

"SO ORDERED." [10]

On February 17, 1993, the Court of Appeals acting on a motion for reconsideration filed by petitioners, clarified its decision as follows:

"WHEREFORE, it is hereby clarified herein that the titled property of appellee Carmelino Santiago adjoining a portion of the strips of land applied for registration by appellant MWSS in this case is excluded from the new partial decision rendered by this Court in favor of appellant in LRC Case No. 18-SM in lieu of that of the lower court appealed from in this case.

"As to the other matters raised in appellees' motion for reconsideration, we find the same without merit and said motion is denied with respect thereto.

"SO ORDERED." [11]

Hence, this appeal.[12]

Petitioners raise three issues[13] essentially revolving around the question of whether the factual findings of the Court of Appeals are correct.

The appeal is not meritorious. The findings of the Court of Appeals are supported by substantial evidence and are binding on this Court.[14]

Documents proving ownership such as transfer and original certificates of title are the legs on which petitioners' case stands. Premised on the relevance of these documents, the trial court ruled in favor of petitioners. However, the proverbial legs of evidence are broken. While the titles presented by petitioners show ownership, such ownership is not of the land claimed, but over the adjoining parcels of land. The technical descriptions in the titles presented by petitioners betray them as adjacent and adjoining owners of the land claimed by MWSS for registration. The titles presented are:

(1) OCT No. ON-1153 - the property is bounded on "the NW., from point 10-1, by the property of Metropolitan Water District, Lot 21, Psu-73270."

(2) TCT No. 39258 - a portion of Lot C, Psd 68750 is adjacent or adjoining the MWSS property on the southeast side from corner 28 to 29.

(3) TCT No. 178148 - "x x x Lot 4, Psu-133565, LRC # N-4438 x x x is bounded on the SE by property of the Metropolitan Water District; x x x Lot 5, Psu-133565, LRC # N-4438 x x x is bounded on the NE by property of the Metropolitan Water District."

(4) TCT No. 178149 - "Lot 6, Plan Psu-133565, LRC Case No. 4438 x x x is bounded on the E by the properties of Maria Valero and Metropolitan Water District; x x x Lot 7, Plan Psu-133565, LRC Case No. N-4438 x x x is bounded on the NW by property of the Metropolitan Water District, Lot 23, Psu-73270."

A torrens certificate of title covers only the land described therein together with improvements existing thereon, if any, nothing more.[15] The titles presented by petitioners covering as they do land adjacent to that claimed in MWSS' application for registration, do not support their claim, but even defeat it.

Further, we agree with the Court of Appeals that if petitioners' predecessors-in-interest being members of the bar

and learned in the law merely allowed and tolerated MWD or NAWASA's use of the land, they would have reduced the agreement into writing for use in the registration of their property which at that time was still unregistered.[16]

We hold that if petitioners' predecessors were truly the owners of the subject parcels of land, they would have taken steps to have the land properly titled long ago. The land was possessed by MWSS long before World War II. That was over sixty (60) years ago! Petitioners "slept on the rights" they claim to possess. Relief is denied to a claimant whose right has become "stale" by reason of negligence or inattention for a long period of time.[17]

MWSS presented tax declarations to buttress its ownership of the land. True, tax declarations do not prove ownership. However, tax declarations can be strong evidence of ownership when accompanied by possession for a period sufficient for prescription.[18] Since MWSS possessed the land in the concept of owner for more than thirty (30) years preceding the application, MWSS acquired ownership by prescription. By placing the pipelines under the land, there was material occupation of the land by MWSS, subjecting the land to its will and control.[19] Petitioners cannot argue that MWSS' possession was not "open". The existence of the pipes was indicated above the ground by "pilapils".

Even assuming arguendo that the pipes were "hidden" from sight, petitioner cannot claim ignorance of the existence of the pipes. The possession must be public in order to be the basis for prescription.[20] If the owner proves that the possession is clandestine, it will not affect his possession.[21]

Petitioners also cannot claim that MWSS abandoned its possession. There is no showing that by discontinuing the use of the pipes, MWSS voluntarily renounced its claim over the land. Petitioners did not prove that the spes recuperendi was gone and the animus revertendi was given up.

WHEREFORE, finding no reversible error in the decision of the Court of Appeals,[22] we AFFIRM the same in toto. No costs.

SO ORDERED.

Davide, Jr., C.J., (Chairman), Puno, Kapunan, and Ynares-Santiago, JJ., concur.

[1] Under Rule 45 of the 1964 Revised Rules of Court.

[2] In CA-G. R. CV No. 32902, promulgated on July 22, 1992, Justice Alicia V. Sempio Diy, ponente, concurred in by Justices Jainal D. Rasul and Ricardo P. Galvez.

[3] In LRC No. 18-SM, promulgated on November 26, 1990, Regional Trial Court, San Mateo, Rizal, Judge Cipriano D. Roma, presiding.

[4] Heirs of Eulalio Ragua v. Court of Appeals, G. R. Nos. 88521-22, G. R. Nos. 89366-67, January 31, 2000.

[5] The eleven parcels of land are situated, bounded and more particularly described in Relocation Plans 04-000414, consisting of five sheets - Lot 19, 21, 22, 23, 24, 25, 26, 27 & 29, Psu 73270; Lot 2-A & 2-B, Psd 5425 and Technical Descriptions.

[6] Now a city.

[7] CA Rollo, pp. 13-v to 13-y.

[8] Petition, Annex "E", Rollo, p. 65, docketed as CA-G. R. CV No. 32902.

[9] Decision of the Court of Appeals in CA-G. R. CV No. 32902, CA Rollo, pp. 22-33:

"It appears though, that pursuant to an order of the lower court that applicant MWSS examine the technical descriptions of the OCT and TCT relied upon by oppositors Monserrat Santiago and Carmelino M. Santiago to determine if the lands applied for by the MWSS are included in their respective titles, applicant MWSS filed a "Manifestation and Compliance" attaching a memorandum of its Survey and Investigation Section stating among other things that the property described in oppositor Montserrat Santiago's OCT No. ON-1153 on "the northwest side along corner 10-1 is adjacent/adjoining the MWSS property described as Lot 21, Psu-73270 and there is no overlapping or encroachment", and that the property described in Carmelino M. Santiago's TCT No. N-39258, "only a portion of Lot C x x x is adjacent/adjoining the MWSS property on the southwest side from corners 28-29 and there is no encroachment."

[10] Petition, Annex "A", Rollo, pp. 29-32.

[11] Ibid., Annex "D", Rollo, pp. 62-64.

[12] Petition filed on March 12, 1993, Rollo, pp 2-28.

[13] Petition, Rollo, at pp. 10, 17, 23. The grounds relied upon are:

(1) Respondent Court of Appeals seriously erred and gravely abused its discretion in its findings of facts and may therefore be passed upon and reviewed based on decisions of the Supreme Court;

(2) Respondent Court of Appeals has decided the case at bar contrary to law and the applicable decisions of the Supreme Court; and

(3) Respondent Court of Appeals has contradicted itself and arrived at a conclusion/contrary to the records in the case and therefore committed grave abuse of discretion.

[14] Heirs of Eulalio Ragua v. Court of Appeals, *supra*, Note 4.

[15] Garcia v. Auditor General, 63 SCRA 138 (1975).

[16] Resolution in CA-G. R. CV No. 32902, promulgated on February 17, 1993, Rollo, p. 63.

[17] Jesus P. Liao v. Court of Appeals, G. R. Nos. 102961-62, G. R. No. 107624 and G. R. No. 108759, January 27, 2000.

[18] Enriquito Serna v. Court of Appeals, G. R. No. 124605, June 18, 1999.

[19] Under Article 531 of the Civil Code, "Possession is acquired by the material occupation of a thing or the exercise of a right, or by the fact that it is subject to the action of our will, or by proper acts and legal formalities established for acquiring such right."

[20] Article 1118, Civil Code.

[21] Arturo M. Tolentino, Commentaries and Jurisprudence on the Civil Code of the Philippines, Volume II, 1998 reprinting, pp. 269-270, citing 4 Manresa 199-200; 3 Sanchez Roman 456.

[22] In CA-G. R. CV No. 32902, promulgated on July 22, 1992.

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