

ROGELIO PARMA, PETITIONER, VS. THE HONORABLE COURT OF APPEALS, FIFTEENTH DIVISION AND LITO BAUTISTA, RESPONDENTS.

G.R. No. 109370. July 11, 1995

Ponente: QUIASON, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-109370/>

QUIASON, J.:

This is a petition for review on certiorari under Rule 45 of the Revised Rules of Court to reverse and set aside the decision of the Court of Appeals in CA-G.R. SP No. 14476.

I

On April 1, 1987, private respondent was issued Original Certificate of Title No. P-4123 by the Land Registration Commission by virtue of the approval of his free patent application over a parcel of land situated in Apitong, Maujan, Oriental Mindoro, consisting of 86,281 square meters. Subsequently, he filed an action for forcible entry to evict petitioner from the said parcel of land with the Municipal Trial Court of Maujan, Oriental Mindoro (Civil Case No. 65).

The Municipal Trial Court found petitioner to have possessed the land long before the issuance of private respondent's title and dismissed the case for lack of jurisdiction. The court was of the view that the issue was not of possession but of ownership, hence, cognizable only by the Regional Trial Court.

The Regional Trial Court sustained the judgment not on lack of jurisdiction of the inferior court but on the ground that private respondent failed to prove his case.

On appeal, the Court of Appeals reversed the decision of the Regional Trial Court.

Hence, this petition.

II

The main issue before us is whether petitioner was in prior possession of the lot in litigation.

The Municipal Trial Court conducted the trial under the rule on summary procedure. Private respondent presented as proof of ownership his original certificate of title and the affidavits of some of his tenants and the barangay captain attesting to the claim of forcible entry.

Petitioner claimed prior possession of the litigated portion and presented the following exhibits: a) the letter-complaint dated September 22, 1986 sent to the Bureau of Lands prior to the issuance of private respondent's title; b) the Notice/Letter dated November 7, 1986 sent by the District Land Officer of Calapan, Oriental Mindoro, directing both petitioner and private respondent to appear before him regarding the land in dispute; c) the complaint/protest addressed to the Bureau of Lands dated July 8, 1987; and d) the affidavits of two

neighbors of petitioners who attested to his possession for about ten years of some three hectares of land, including the litigated portion.

The Court of Appeals held that the letter-complaint is self-serving, "xxx a machine copy, unclear as to its proper receipt in the Bureau of Lands and unconfirmed by the said office or any representative thereof, and apparently, disregarded when the Office subsequently approved petitioner's (Private respondent's) free patent application. xxx The said evidence cannot be considered as indicative of prior possession of the portion litigated" (Rollo, p. 23).

The alleged letter-complaint dated September 22, 1986, has no probative value. It was never certified by the Bureau of Lands. Under Section 25, Rule 132 of the Revised Rules on Evidence:

"Whenever a copy of a document or record is attested for purpose of evidence, the attestation must state, in substance, that the copy is a correct copy of the original, or a specific part thereof, as the case may be. The attestation must be under the official seal of the attesting officer, if there be any, or if he be the clerk of a court having a seal, under the seal of such court."

In spite of the fact that a subpoena duces tecum had been issued ordering the Bureau of Lands to produce the original of the letter-complaint, no representative from said office appeared to testify as to the existence thereof.

According to petitioner, it was private respondent's counsel who volunteered to make the verification as to the authenticity of the letter complaint. This assertion is bereft of merit. It was petitioner's duty to authenticate the said handwritten letter-complaint because it was his main evidence to prove prior physical possession.

As to the Notice/Letter dated November 7, 1986 allegedly sent by the District Land Officer, said document is nowhere to be found in the records. We cannot consider evidence that is not in the record.

Pertinently, we agree with the following observation made by the respondent:

"There is not a bit of evidence on record (Civil Case No. 3866, MTC Case No. 65) which will show that the Bureau of Lands sent notices to parties (Petitioner and respondent) pursuant to the said letter complaint. The only basis perhaps that the honorable respondent judge based his findings regarding the matter was the statement made by the respondent in his sworn statement filed with the Municipal Trial Court in Civil Case No. 65 when respondent's counsel filed a position paper. But to use that as a basis to make such findings is unwarranted because in all respects the same is self-serving" (Records, p. 6).

As to the alleged complaint-protest dated July 8, 1987, the same cannot prove petitioner's prior possession of the litigated lot for the reason that, it was filed with the Bureau of Lands after the issuance of private respondent's title and after the filing of the ejectment case.

WHEREFORE, the petition is DENIED.

SO ORDERED.

Padilla, (Chairman), Davide, Jr., Bellosillo, and Kapunan, JJ., concur.

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.