

PATROCINIO E. MARGOLLES, VIRGINIA E. VILLONGCO, EDUARDO C. ESPINOSA, LUCIA E. LAPERAL, NORMA C. ESPINOSA, TERESITA E. CASAL, ALICE E. SOTTO, PETITIONERS, VS. HON. COURT OF APPEA...

G.R. No. 109490. February 14, 1994

Ponente: VITUG, J.

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VITUG, J.:

This case involves several parcels of land, consisting of approximately 188,524 square meters, covered by various titles of ownership, located at Barrio Almanza, Las Piñas, Metro Manila.

On 11 July 1985, Firestone Ceramics, Inc. (Firestone), Boomtown Development Corporation (Boomtown), spouses Cynthia D. Ching and Ching Tiong Keng, spouses Carmen Soco and Lorenzo Ong Eng Chong, spouses Soledad Yu and Yu Sy Chia, and Leticia Nocon Chan filed with the Regional Trial Court, Branch 58, Makati, Metro Manila, a complaint for annulment of titles, recovery of possession, and quieting of titles against Patrocinio E. Margolles, Virginia E. Villongco, Edgardo C. Espinosa, Lucia E. Laperal, Norma E. Espinosa, Teresita E. Casal, Alice E. Sotto, Veronica Gana, and Equitable Banking Corporation. Also included among the defendants were the Land Registration Commissioner and the Register of Deeds of Pasay City.

The complaint averred that the parcels of land in question were registered in the names of Benito Gonzales and Emeterio Espiritu under Original Certificate of Title ("OCT") No. A-S-47 of the Register of Deeds of Rizal, which was issued pursuant to a decision in Land Registration Case No. N-6625, dated 22 July 1969, rendered by Judge Pedro Navarro of the Court of First Instance of Rizal (Branch II). On 04 February 1976, the property was subdivided by Gonzales and Espiritu into five (5) lots, resulting in the issuance of five (5) transfer certificates of title ("TCT"), to wit:

- (1) TCT No. S-21870 in the name of Ciriaco Guinto;
- (2) TCT No. L-21871 in the name of Benito Gonzales, married to Juana Raymundo;
- (3) TCT No. S-21872 in the name of Emeterio Espiritu, married to Dalmacia Trinidad;
- (4) TCT No. S-21873 in the name of Juan Dulas, married to Maria Dulas; and
- (5) TCT No. S-21874 in the name of Juan Dulas, married to Maria Dulas.

On 27 February 1976, Juan and Maria Dulas conveyed the land covered by TCT No. S-21873 to Firestone; a new TCT No. S-23802 was thereupon issued to Firestone.

On 02 March 1976, the same spouses sold the land covered by TCT No. S-21874 to Carmen Soco and Lorenzo Ang Eng Chong in whose favor TCT No. 23801 was then obtained by transferees.

On 02 August 1976, Gonzales conveyed the land covered by TCT No. L-21871 to Boomtown, and the latter thereby secured TCT No. S-32032.

On 03 August 1976, Emeterio Espiritu sold his land covered by TCT No. S-21872 to Cynthia Ching and Ching Tiong Keng; accordingly, TCT No. S-32031 was issued in the name of the buyers.

On 09 December 1976, Ciriaco Guinto conveyed the land covered by TCT No. 21870 to Soledad Yu and Leticia Nocon Chan and, following the transfer, the old title was substituted by TCT No. S-45414.

Months after plaintiffs took possession of the premises, the defendants demanded that the plaintiffs vacate the premises. Claiming ownership, the defendants, on their part, traced their titles from Original Certificate of Title No. 4216 issued to the spouses Lorenzo Gana and Ma. Juliana Carlos on 26 March 1929 pursuant to Decree No. 35183 in Land Registration Case (LRC) No. 672 of the Court of First Instance of Rizal, G.L.R.O. Record No. 30406.

On 04 April 1956, OCT No. 4216 was cancelled and, in its place, TCT No. 43555 was issued to Lorenzo Gana and Veronica Gana married to Ramon Rodriguez. TCT No. 43555 was itself likewise cancelled (on the same day) and TCT No. 43556 was issued, this time in the name of Veronica Gana alone. On 13 August 1956, Veronica Gana sold the land to Patrocinio Margolles, resulting in the issuance of TCT No. 46302.

Margolles subdivided the property into seven (7) lots, each lot being covered, respectively, by TCTs No. 379913, No. 379914, No. 379915, No. 379916, No. 379917, No. 379918 and No. 379919.

On 03 November 1972, Margolles sold 1/2 interest in the property to Sto. Niño Estate Management Corporation and TCTs No. 382176, No. 382177, No. 382178, No. 382179, No. 382180, No. 382181 and No. 382182 were thereupon issued in the names of both Sto. Niño Estate Management Corporation and Patrocinio Margolles.

On 17 May 1973, Sto. Niño Estate Management Corporation reconveyed its interest to the property to Patrocinio Margolles and, again, new TCTs No. 410535, No. 410536, No. 410537, No. 410538, No. 410539, No. 410540 and No. 410541 were issued in the name of the latter. Subsequently, TCTs No. 410536, No. 410538, No. 410539, No. 410540 and No. 410541 were cancelled and, in lieu thereof, TCT No. S-17992 was issued to Peltan Development Corporation.

Margolles subdivided the remaining parcels covered by TCTs No. 410535 and No. 410537 into fifteen (15) lots, each of which was titled in her name, i.e., TCTs No. S-16369 up to No. S-16383, inclusive. These titles, except TCTs No. S-16372 and No. S-16373 which were retained in her name, were later cancelled and transferred to her brother and sisters, her co--defendants and co-petitioners in the present case. The transferees Virginia Villongco and Norma Espinosa later mortgaged their own lots to Equitable Banking Corporation.

The trial court, after the reception of evidence, rendered judgment, reading, in part:

"x x x. Given the facts heretofore established indubitably by the evidence, the Court finds substantial legal basis to sustain plaintiff's ownership of the properties in dispute as clear and convincing proofs have been likewise adduced which proved their predecessors' clean and indefeasible titles and whose acquisition of the litigated areas have been duly recorded under conclusive documents and court records (Exhs. N, O, P, Q, R and Exhs. HHH, III, 0000 to 0000-6, PPPP, QQQQ, RRRR, and SSSS to SSSS-4). x x x.

"The defendants, on the other hand, failed to adduce sufficient and satisfactory evidence that would clearly and convincingly establish the validity and authenticity of the original copy of their predecessors' OCT No. 4216 (and the owner's duplicate copy) which they exhibited in Court, even as the same actually exist and on file in the Office of the Register of Deeds of Rizal. x x x. Besides, the record of Land Registration Case No. 672, G.L.R.O. Record No. 30406 (allegedly the basis for the issuance of OCT No. 4216 of Lorenzo Gana, et. al.) was never exhibited in Court, even as a copy of page 3133 of Vo. XXV, No. 144 dated July, 1927 of the Official Gazette was presented to show publication of the Notice of Initial Hearing issued in the case (Exhs. 5 to 5-C). While this piece of evidence, to the mind of the Court, may prove the fact of actual publication of said

hearing, the same cannot be accepted as indubitable proof that the initial hearing did, in fact, take place as scheduled and that the subject land registration case was given due course or that trial thereon proceeded and that judgment was thereafter accordingly rendered in favor of the applicants. x x x. In fact it intrigues the Court that while both the purported original and owner's duplicate copies of OCT No. 4216 have been shown to be still in existence and presently kept intact and on file in the Rizal Register of Deeds Office, the original copy of Decree No. 351823 (or just a certified true copy thereof) cannot be produced if it was in fact actually issued sometime in 1929 as claimed by the defendants. Given such liability to show proof of the existence of Decree No. 351823, the logical inference follows that the same was not at all issued much less signed, entered and filed in the then General Land Registration Office as required under Sections 38 to 41 of Act No. 496. Truth to tell, the Record Book of Decrees for Ordinary Land Registration Cases on file in the Land Registration Commission (Now NLTDRA) under its 'Remarks' column on its page 209 does not indicate that such Decree No. 351823 was issued, in glaring contrast to the other entries therein (Exhs. NN and NN-1), although there is inscribed thereto the note 'date OK' belies rather than connote issuance of such decree because if it was indeed actually issued, why was its number not inscribed or indicated particularly in the 'Remarks' column as it is true with the rest of the other decrees reflected therein? Besides, a duly certified copy of said decree (if it was in fact issued) was supposed to have been forwarded by the General Land Registration Office to the Rizal Register of Deeds pursuant to the requirement of Section 40 of Act 496 but the fact that no such document exists in the said Registry strongly militates against defendants' assertion that the subject decree was actually issued to Lorenzo J. Gana and Ma. Juliana Carlos. Such decree not having been indubitably shown to have been issued, OCT No. 4216 and all the derivative titles issued in virtue thereof must all be deemed to be null and void ab initio.

"But even assuming, in gratia argumenti, that OCT No. 4216 is authentic and that the same (together with Decree No. 351823) was regularly issued in due course of the proceedings in Land Registration Case No. 672, G.L.R.O. Record No. 30406 consequent to a final and executory judgment rendered thereunder, still the said title remains to be a nullity as the tract of land covered and embraced thereby was still an unclassified land of the public domain when the title was issued in 1929 and that the cadastral court was without jurisdiction to register the land under the Torrens system. x x x.

"xxx xxx xxx.

"WHEREFORE, premises considered, judgment is hereby rendered in favor of the plaintiffs and against the defendants, as follows:

"1) Declaring as null and void ab initio OCT No. 4216 and all the derivative titles issued thereunder, more specifically TCT Nos. 43555, 43556, and the defendants' TCT Nos. S-16372, S-16373, S-17189, S-17190, S-17191, S-17192, S-17193, S-17194, S-17195, S-17196, S-17197, S-17198, S-17199 and S-17200; and ordering their cancellation by the defendants Land Registration Commission and Register of Deeds;

"2) Declaring as null and void ab initio the mortgages executed in favor of defendant Equitable Banking Corporation by defendants Virginia E. Villongco and Norma C. Espinosa covering TCT No. S-17196 and TCT No. 17190, respectively;

"3) Quieting plaintiffs' title and ownership over the lands in question covered and embraced by their TCT Nos. S-238102, S--32032, S-32031, S-23801, and S-45414 and ordering defendants and all those claiming any right under them to vacate the same and deliver possession thereof to the plaintiffs and/or otherwise refrain and desist perpetually from exercising any act of dispossession and encroachment over the subject premises; and,

"4) Ordering the defendants (except defendant Land Registration Commission, Register of Deeds and Equitable Banking Corporation) to pay the plaintiffs jointly and severally, the sum of P50,000.00 as and for attorney's fees, plus the costs of suit.

"IT IS SO ORDERED."

Defendants appealed the decision to the Court of Appeals which, on 24 March 1993, affirmed the trial court's decision, ratiocinating thus –

"Plaintiffs-appellees' evidence shows that when their predecessors-in-interest, Benito Gonzales and Emeterio Espiritu, applied for registration and confirmation of title over their 188,524 square meter lot in Las Piñas on February 19, 1969 under LRC No. N-6625, they based their claim of ownership on a possessory information title and/or acquisitive prescription, attaching with their application the plan and technical description of the land, surveyor's certificate approved by the Bureau of Lands, and the tax declaration of the land for the year 1967 in the name of Benito Gonzales. The jurisdictional requirements of publication and sheriff's posting of the notice of initial hearing in the said Land Registration Case were complied with, after which the Court of First Instance of Rizal, acting as land registration court, through Judge Pedro Navarro, issued on May 4, 1969 an order of general default. When Benito Gonzales and Emeterio Espiritu applied for registration, the land was originally a forest land but declared alienable and disposable on January 3, 1968 by the then Secretary of Agriculture and Natural Resources Arturo Tanco, Jr. in Forestry Administrative Order No. 4-1141. In the decision of the land registration court dated July 22, 1969, the court held that the applicants satisfied all the conditions essential to a government grant and are thus entitled to the issuance of a certificate of title pursuant to Section 48(b) of Commonwealth Act No. 141, as amended by Republic Act No. 1942. On September 25, 1969, the court rendered an order directing the Commissioner of Land Registration Commission to issue the corresponding decree of registration. Consequently, on November 22, 1975, OCT-A-S-47 was issued in the names of Benito Gonzales and Emeterio Espiritu.

"Significantly, no one filed any opposition to the application for registration of Gonzales and Espiritu notwithstanding the fact that as early as 1956, Patrocinio Margolles, one of the defendants-appellants, had already acquired the same property by purchase from Veronica Gana.

"xxx xxx xxx.

"Upon the other hand, the evidence presented by defendants-appellants to prove the genuineness of their titles consists principally of the original of OCT No. 4216 and the corresponding owner's duplicate certificate thereof issued way back in 1929 in the names of Lorenzo Gana and Maria Juliana Carlos by the Register of Deeds of Rizal. However, how this title came about is not clear. Defendants-appellants failed to submit the records or copies of the decision in LRC No. 672 and decree No. 351823 which, they insist, led to the issuance of OCT No. 4216. What they presented were issues of the Official Gazette in English and Spanish versions showing the publication of the notice of initial hearing in Land Registration Case No. 672.

"xxx xxx xxx.

"Nevertheless, this Court cannot ignore the fact that when the land registration court ordered the issuance of decree of registration in favor of Lorenzo Gana and Maria Juliana Carlos, which resulted in the registration of their property under OCT 4216, granting that such decree was really issued, the land under controversy was still an unclassified public land. Appellants argue that half of the municipality of Las Piñas was declared as alienable and disposable as early as 1928 under LC Map 766, Project 13 but which map was destroyed during World War II. This contention is belied by the Certification of the Bureau of Forest Development dated July 31, 1979 stating that the disputed property located in Barrio Tindig na Mangga, Las Piñas was classified as alienable and disposable land under LC Project No. 13-A of Las Piñas, Rizal only on January 3, 1968 per BFD Map LC-2623.

"xxx xxx xxx.

"Time and again the Supreme Court held that no public land can be acquired by private persons without any grant, express or implied from the government. This is because the classification of public lands is an exclusive prerogative of the Executive Department and not of the courts. The absence of classification of the land renders the land as unclassified in consonance with the Regalian doctrine. If the land in question indeed forms part of

the public forest, then possession thereof, however long, cannot convert it into private property as it is within the exclusive jurisdiction of the Bureau of Forestry and beyond the power and jurisdiction of the court to register under the Torrens System. Section 48 of the Public Land Act on confirmation of imperfect title does not apply unless land classified as forest is released as alienable. A positive act, such as, an official proclamation is needed to declassify land which had been classified as forestal and to convert it into alienable or disposable lands for agricultural or other purposes. In *Director of Lands vs. Funtillar*, the Supreme Court considered the reports of the District Forester and the District Land Officer as adequate proof that the land was no longer classified as forestal.

"xxx xxx xxx.

"WHEREFORE, the appealed decision of the trial court is hereby AFFIRMED in toto. No pronouncement as to costs.

"SO ORDERED."

Hence, the present petition for review on certiorari.

We see merit in the petition.

Three basic issues confronted the courts below, now before us for review; viz:

- (1) Whether or not the genuineness and authenticity of Original Certificate of Title No. A-S--47, against an overlapping Original Certificate of Title No. 4216, was sufficiently established;
- (2) Whether or not Original Certificate of Title No. 4216 was issued while the property was still unclassified public land; and
- (3) Whether or not the claim of the petitioners was correctly barred by laches.

The first issue is basically factual. Ordinarily, only questions of law may be raised in a petition for review on certiorari.[1] This rule, however, is subject to exceptions, such as when there are compelling reasons to justify otherwise,[2] or when the appealed decision is clearly contradicted by the evidence on record.[3] This case is so illustrative of such exceptional instances.

To support their claim that OCT No. 4216 is genuine, the petitioners have submitted, among other things, the following pieces of documentary evidence:

- (1) The original of OCT No. 4216, as well as the owners' duplicate certificates, on file with the Office of the Register of Deeds of Rizal;
- (2) The publications (in the English and Spanish versions) of the Official Gazette (1927 editions), containing notices of the initial hearing in Land Registration Case No. 672 (GLRO Record No. 30406), instituted by the spouses Lorenzo Gana and Maria Juliana Carlos, covering a parcel of land in Tindig na Mangga, Las Piñas;
- (3) The order of then CFI Judge Cecilia Muñoz-Palma, dated 23 March 1961, in LRC Case No. N-2126 (GLRO Record No. N-6564), denying the registration of a parcel of land by reason of the certification, dated 26 June 1959, of the Land Registration Commissioner, Antonio N. Noblejas, that a portion of the property covered in this post-war land case had been decreed under Decree No. 351823, issued on 05 March 1929, in the name of the spouses Lorenzo Gana and Maria Juliana A. Carlos in LRC Case No. 672 (GLRO Record No. 30406), and while said case covered only a part of the property in dispute, it did show, however, that the decree was, in fact, issued to the spouses Gana and Carlos;
- (4) The Report, dated 07 June 1983, of the Land Registration Commission's Verification Committee, sustaining

the validity of Decree No. 351823 in favor of Lorenzo J. Gana and Maria Juliana A. Carlos;

(5) Page 209 of the Book of Decrees (Old Book) of the Land Registration Commission, showing that a decree was "okayed" in GLRO Record No. 30406 (LRC Case No. 672), under the entry "Date O.K. for Decree" on "1-22--29" (22 January 1929) and that a decree was issued under the entry "Date Decree Issued" on "3-5-29" (05 March 1929);

(6) The certified true microfilm reproduction of plan Psu-49273 covering a parcel of land in Barrio Tindig na Mangga, Las Piñas, surveyed for Lorenzo Gana and Maria Juliana Carlos, approved by the Bureau of Lands in 1926;

(7) The decision of this Court in *Guico vs. San Pedro*, 72 Phil. 415, pointing to the decision rendered by the Court of First Instance of Rizal in LRC Case No. 672 in favor of the spouses Lorenzo Gana and Maria Juliana Carlos; and

(8) The letters of Solicitor General Estelito Mendoza and Solicitor General Francisco Chavez, stating that the information and documents submitted to the Office of the Solicitor General by the Bureau of Lands and the Land Registration Commission were not sufficient to support an action for cancellation of OCT No. 4216 and the derivative titles thereof.

The above documentary evidence is much too overwhelming to be simply brushed aside. It is our considered view that the appellate court has committed serious error in refusing to give any probative value to such evidence. All that the private respondents could basically proffer against OCT 4216 are that –

(1) The title is invalid, fake and spurious,[4] which must have been the work of "some unscrupulous elements" who could have access to "the Registry Book of the Office of the Register of Deeds of the Province of Rizal,"[5] that explains petitioners' failure to present a copy of the decision in Land Registration Case No. 672 or Decree No. 351823; and

(2) Assuming OCT No. 4216 to have been issued, the same is invalid having been issued on still unclassified land of the public domain.

Section 3, Rule 130, of the Revised Rules of Court, taken from Section 321 of Act No. 190, states:

"Sec. 3. Original document must be produced; exceptions. - When the subject of inquiry is the contents of a document, no evidence shall be admissible other than the original document itself, except in the following cases:

“(a) When the original has been lost or destroyed, or cannot be produced in court, without bad faith on the part of the offeror;

“(b) When the original is in the custody or under the control of the party against whom the evidence is offered, and the latter fails to produce it after reasonable notice;

“(c) When the original consists of numerous accounts or other documents which cannot be examined in court without great loss of time and the fact sought to be established from them is only the general result of the whole; and

“(d) When the original is a public record in the custody of a public officer or is recorded in a public office.”

It has been plainly shown that the failure of the petitioners to produce the Decree is due to the burning of the Archives of the Court of First Instance of Rizal during the liberation of Pasig,[6] in consequence of which all pre-war land registration cases in Rizal have been destroyed.[7] The respondents' own witness, Eduardo Santos,

Jr., has testified that the records of pre-war registration cases are thus incomplete as can be expected.[8] The Certification, dated 02 May 1980, of Reynaldo S. Vergara, Acting Chief of the Docket Division of the Land Registration Authority, states that the pre-war record of LRC Case No. 672, GLRO Record No. 030406 for the province of Rizal, is not among the records on file with the Vault Section of the Docket Division since the same must have been lost or destroyed as a consequence of the last world war.[9] Certainly, the petitioners cannot be held to account for those lost or destroyed records.

The private respondents argue that the petitioners should have asked for the reconstitution of the LRC case and the decree in accordance with Act No. 3110[10] and Republic Act No. 26,[11] or that they could have opposed, or intervened in, the proceedings in LRC Case No. N-6625 (LRC Record No. N-36579) where OCT No. A-S--47 has been decreed. For failing to do so, the petitioners, it is now contended, should be held bound by the order of default issued by the land registration court. The argument is unacceptable. The petitioners are not covered by the general order of default in LRC Case No. N-6625. Republic Act No. 26 only covers lost or destroyed certificates of title. The original of OCT No. 4216 is not extant; it has, in fact, been presented in evidence. Act No. 3110, on the other hand, applies only to pending judicial proceedings. This Court has heretofore held, thus -

"The whole theory of reconstitution is to reproduce or replace records lost or destroyed so that said records may be complete and court proceedings may continue from the point or stage where said proceedings stopped due to the loss of the records. x x x.

"xxx xxx xxx.

"If the records up to a certain point or stage are lost and they are not reconstituted, the parties and the court should go back to the next preceding stage where records are available, but not beyond that; otherwise to ignore and go beyond the stage next preceding would be voiding and unnecessarily ignoring proceedings which are duly recorded and documented, to the great prejudice not only of the parties and their witnesses, but also of the court which must gain perforce admit pleadings, rule upon them and then try the case and decide it anew,--all of these, when the records up to said point or stage are intact and complete, and uncontroverted.

"x x x. Act No. 3110, was not promulgated to penalize people for failure to observe or invoke its provisions. It contains no penal sanction. It was enacted rather to aid and benefit litigants, so that when court records are destroyed at any stage of judicial proceedings, instead of instituting a new case and starting all over again, they may reconstitute the records lost and continue the case. If they fail to ask for reconstitution, the worst that can happen to them is that they lose the advantages provided by the reconstitution law. x x x.

"x x x. (T)o require the parties to file their action anew and incur the expenses and suf(f)er the annoyance and vexation incident to the filing of pleadings and the conduct of hearings, aside from the possibility that some of the witnesses may have died or left the jurisdiction, and also to require the court to again rule on the pleadings and hear the witnesses and then decide the case, when all along and all the time the record of the former pleadings of the trial and evidence and decision are there and are not disputed, all this would appear to be not exactly logical or reasonable, or fair and just to the parties, including the trial court which has not committed any negligence or fault at all."[12]

Furthermore, Section 45 of Act No. 3110, provides that "(n)othing contained in (the) Act shall be construed to repeal or modify the provisions of Section Three Hundred and Twenty One of Act Numbered One Hundred and Ninety." Section 321 of Act No. 190 is now Section 3 (aforequoted), Rule 130, of the Revised Rules of Court, otherwise known as the "best evidence rule." Hence, even if the petitioners have failed to have the records of the LRC case reconstituted, they are not precluded from establishing by other evidence the requisite proof of validity of OCT No. 4216.

Quite recently, in *Widows and Orphans Association, Inc. (WIDORA) vs. Court of Appeals*,[13] this Court,

speaking through Mr. Justice Florentino Feliciano, said:

"x x x. The copy of OCT No. 351 offered by Ortigas was a certified true copy of the original thereof found in the Registration Book of the Register of Deeds of Rizal. The admissibility of such a copy in court proceedings is an exception to the ordinary rule on secondary evidence; such admissibility is in fact mandated by Section 47 of Act No. 496 (The Land Registration Act). Under the Land Registration Act which was in force at the time OCT No. 351 issued, the original thereof found in the Registration Book of the Register of Deeds of Rizal was an official transcript of Decree No. 1425, with respect to the land covered by such decree situated in the Province of Rizal.

"Thus, OCT No. 351 constitutes direct proof of the existence of Decree No. 1425 upon which the Ortigas TCTs (Nos. 77652 and 77653) are based. x x x." (Footnotes omitted; underscoring supplied.)

The private respondents maintain, nonetheless, that OCT No. 4216, issued in favor of the spouses Gana and Carlos, is invalid, so covering, as it supposedly did, unclassified public lands. Here, the private respondents base their claim on Forestry Administration Order (FAO) No. 4-1141 (1968), implementing LC Map No. 2623, Project No. 13-A. According to them, Las Piñas comprises 2,556 hectares, out of which 1,200 hectares have been declared alienable and disposable public lands in 1928, under LC Map No. 766, Project 13, and that "Tindig na Mangga" has not been covered thereby until the reclassification in 1968. As such, they submit, the Court of First Instance of Rizal, sitting as Land Registration Court in 1929, did not acquire jurisdiction to adjudicate the property in question to the petitioners' predecessors-in-interest.[14]

No cogent proof, however, has been given to support the above contention. To the contrary, in fact, is the letter, dated 27 April 1988, of then Solicitor General Francisco Chavez, which in part, reads:

"Thirdly, it is also alleged that the title is null and void because it allegedly covers land within the forest zone. There is no clear-cut proof to that effect. The certification of Mr. Rogelio dela Rosa of the Timber Management Division, Bureau of Forest Development, dated July 31, 1979, simply states 'that the tract of land situated in Barrio Tindig na Mangga, Las Piñas, Metro Manila containing an area of 197,525 square meters as shown and described on this plan Psu-04-006417 x x x was found to be within the Alienable or Disposable Block of LC Project No. 13-A of Las Piñas, Rizal certified as such on January 3, 1968 per BFD Map LC-2623.' The certification refers to land with an area of only 19.7525 hectares. It does not state the relationship of said land with the land covered by OCT No. 4216 which has an area of 99.6157 hectares.

"xxx xxx xxx.

"Fifthly, the recommendation of the Director of Lands for the cancellation of OCT No. 4216 is premised mainly on the allegation that the land is within the forest zone, having been allegedly released as A & D land only in 1968. But the recommendation is based on the same certification of Mr. de la Rosa of the Bureau of Forest Development which, as earlier observed, does not make any clear reference to the land covered by OCT No. 4216 and is, therefore, vague and inconclusive."

Unfortunately, for all concerned, no authentic copy of LC Map No. 766, Project 13, could be presented, albeit understandably, considering that even the records of the National Mapping and Resource Authority (NAMREA) have apparently been lost or destroyed during the second World War.

In *Sta. Monica Industrial and Development Corporation vs. Court of Appeals*[15] (a case to annul a 1912 decision of the land registration court), the Republic sought to prove that, at the time an original certificate of title was issued, the land covered thereby was still within the forest zone. It offered as evidence a land classification map prepared by the Director of Forestry in 1961. The Court ruled:

"x x x. When the proceedings were originally filed by the Republic before the Court of Appeals, the petitioner

contended that when the decree in favor of De Perio was issued by Judge Ostrand in 1912 the parcels of land were still part of the inalienable public forests. However, petitioner's case rested solely on land classification maps drawn several years after the issuance of the decree in 1912. These maps failed to conclusively establish the actual classification of the land in 1912 and the years prior to that. Before this Court, petitioner reiterates said contention and refers, for the first time, to a 1908 proclamation reserving the land in Zambales as a naval reservation and alleging that the subject parcels of land are parts thereof. These x x x are insufficient to overcome the legal presumption in favor of the decree's regularity x x x."

Furthermore, FAO No. 4-1141, signed by then Secretary of Agriculture and Natural Resources Arturo R. Tanco, Jr., on 03 January 1968, provides:

"1. Pursuant to the provisions of Section 1827 of the Revised Administrative Code, I hereby declare as alienable or disposable and place the same under the control of the Bureau of Lands for administration and disposition in accordance with the Public Land Act, subject to private rights, if any there be and to the conditions herein specified, the portions of the public domain situated in the Municipalities of x x x Las Piñas, x x x Province of Rizal x x x which are designated and described as alienable or disposable on Bureau of Forestry Map LC-2623, approved on January 3, 1968." (Underscoring supplied.)

The issuance of OCT No. 4216 in 1929, conferring a private right, is then amply protected by FAO No. 4-1141; otherwise, certificates of title issued prior to 1968 could possibly be all nullified.

Finally, the private respondents raise estoppel by laches on the part of the petitioners. Laches is "the failure or neglect for an unreasonable and unexplained length of time, to do that which by exercising due diligence could or should have been done earlier, or the negligence or omission to assert a right within a reasonable time, warranting a presumption that the party entitled to assert it either has abandoned it or has declined to assert it." [16]

Contrary to private respondents' claim that no action was taken by the petitioners until a petition for quieting of title was filed in 1985 by the private respondents themselves, the records would indicate that upon the subdivision of the lots in question by Espiritu and Gonzales, and the subsequent transfers of the same to the private respondents in 1976, a demand was seasonably made by the petitioners for the private respondents to vacate the premises. From the time OCT No. A-S-47 was issued to the private respondents in 1969 until the demand was made in 1976, only seven (7) years had elapsed.

Lastly, it is a settled rule that "when two certificates of title are issued to different persons covering the same land in whole or in part, the earlier in date must prevail, and, in case of successive registrations where more than one certificate is issued over the land, the person holding a prior certificate is entitled to the land as against a person who relies on a subsequent certificate. [17] The titles of the petitioners, having emanated from an older title, should thus be upheld.

WHEREFORE, the decision of the Court of Appeals and that of the court a quo are REVERSED and SET ASIDE, and another is entered UPHOLDING instead the validity of the various titles, aforementioned, in favor of the petitioners. No costs.

SO ORDERED.

Bidin, Romero, and Melo, JJ., concur.
Feliciano, (Chairman), J., no part.

[1] Universal Motors Corporation vs. Court of Appeals, 205 SCRA 448; Saludo, Jr. vs. Court of Appeals, 207 SCRA 498; Misa vs. Court of Appeals, 212 SCRA 217; Consolidated Dairy Products Co. vs. Court of Appeals,

212 SCRA 810; Caiña vs. People, 213 SCRA 309; Reyes vs. Court of Appeals, 216 SCRA 25.

[2] Pit-og vs. People, 190 SCRA 386; Collector of Customs vs. Court of Appeals, 158 SCRA 293; Bunag vs. Court of Appeals, 158 SCRA 299.

[3] Manlapaz vs. Court of Appeals, 147 SCRA 236; Ducusin vs. Court of Appeals, 122 SCRA 280.

[4] Rollo, p. 485.

[5] Rollo, p. 486.

[6] TSN, 16 March 1989, p. 36.

[7] Rollo, p. 420.

[8] TSN, 11 July 1988, pp. 4-7.

[9] Exhibit 9, Petitioners.

[10] An Act to Provide an Adequate Procedure for the Reconstitution of the Records of Pending Judicial Proceedings and Books, Documents, and Files of the Office of the Register of Deeds, Destroyed by Fire or Other Public Calamities, and for Other Purposes.

[11] An Act Providing a Special Procedure for the Reconstitution of Torrens Certificates of Title Lost or Destroyed.

[12] Nacua vs. de Beltran, 93 Phil. 595; Realty Sales Enterprise, Inc. vs. Intermediate Appellate Court, 154 SCRA 328.

[13] 212 SCRA 360.

[14] Rollo, p. 532.

[15] 189 SCRA 792.

[16] Marcelino vs. Court of Appeals, 210 SCRA 444; Ching vs. Court of Appeals, 181 SCRA 9; Salomon vs. Intermediate Appellate Court, 185 SCRA 352.

[17] Director of Lands vs. Court of Appeals, 102 SCRA 370, citing Pajomayo vs. Manipon, 39 SCRA 676, Legarda vs. Saleeby, 31 Phil 590; De Villa vs. Trinidad, 22 SCRA 1167, 1174, also Hodges vs. Dy Buncio, 6 SCRA 287, Register of Deeds vs. PNB, 13 SCRA 46; Alzate vs. PNB, 20 SCRA 422.

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