

REPUBLIC OF THE PHILIPPINES, REPRESENTED BY THE DIRECTOR OF LANDS, PETITIONER, VS. GERARDO SODSOD, RESPONDENT.

G.R. No. 116426. April 12, 2000

Ponente: PARDO, J.

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PARDO, J.:

What is before the Court for review via appeal by certiorari is the decision of the Court of Appeals[1] affirming that of the trial court[2] ordering Lot No. 10367 of the Cadastral Survey of Oas, Albay to be registered and confirmed in the names of Gerardo SodSod and Felicidad Rellores.

The facts are as follows:

Sometime prior to July 1973, the Director of Lands filed with the Court of first Instance of Albay, Ligao cadastral proceedings[3] for the coverage under the torrens system of the lands in Oas Cadastre, Oas, Albay.

On July 19, 1973, spouses Gerardo Sodsod and Felicidad Rellores filed an answer to the petition, claiming ownership of Lot No. 10367, Oas Cadastre, consisting of 52,847 square meters, located at Tablon, Oas, Albay, by virtue of their more than thirty (30) years possession including that of their predecessor-in-interest.

During the cadastral hearings, the lot was uncontested.

The evidence showed that respondent Sodsod and his predecessor-in-interest occupied and possessed the lot in question in the concept of owner, openly, continuously, adversely, notoriously and exclusively since 1929, or for more than thirty (30) years.

On July 27, 1990, the Regional Trial Court rendered decision, the dispositive portion of which reads:

"WHEREFORE, Lot No. 10367 of the Cadastral Survey of Oas, Albay more particularly described in the plan and technical description thereof is hereby ordered registered and confirmed in the names of the SPOUSES GERARDO SODSOD and FELICIANO RELLORES, Filipinos, of legal ages, and residents of Tablon, Oas, Albay.

"Once this decision becomes final, let the decree and original certificate of title be issued in their favor.

"SO ORDERED.

"Ligao, Albay, Philippines, July 27, 1990."[4]

In due time, petitioner appealed to the Court of Appeals.[5]

On July 25, 1994, the Court of Appeals promulgated its decision affirming that of the trial court.[6]

Hence, this petition.[7]

We deny the petition. The issue is whether respondent and his predecessor-in-interest possessed the land in question for more than thirty years sufficient to vest in him registrable title over the same.

The issue is factual. The factual findings of the Court of Appeals are conclusive and may not be reviewed on appeal.[8]

Nonetheless, looking into the facts of this case, we agree with the Court of Appeals that respondent has fully complied with the requirements under Section 48 (b), C.A. No. 141 for confirmation of title over the lot in question. Ipso jure, respondent has acquired private ownership of the land by mere possession and occupation for more than thirty (30) years under claim of ownership.[9]

Since 1929 up to the filing of the cadastral case, respondent and his predecessor had been in actual, open, continuous, exclusive, peaceful and notorious possession and occupation of the lot involved in the concept of owners.

Hence, they have acquired private ownership of the land, and are entitled to confirmation of registrable title.

WHEREFORE, we DISMISS the appeal and AFFIRM in toto the decision of the Court of Appeals in CA “G.R. CV No. 29577.

No cost.

SO ORDERED.

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

[1] In CA-G. R. CV No. 29577, promulgated on July 25, 1994, Isnani, J., ponente, Purisima and Ibay-Somera, J.J., concurring.

[2] Regional Trial Court, Ligao, Albay, Branch 12, Judge Rafael P. Santelices.

[3] Cadastral Case No. N-11-LV, LRC Record No. N-5545, Lot No. 10367.

[4] Penned by Judge Rafael P. Santelices, Rollo, pp. 28-29.

[5] Docketed as CA- G. R. CV No. 29577.

[6] Rollo, pp. 45-47.

[7] Filed on September 5, 1994, Rollo, pp. 7-22.

[8] Polotan, Sr. vs. Court of Appeals, 296 SCRA 247 (1998); Serna vs. Fontanilla, G.R. No. 124605, June 18, 1999.

[9] Natividad vs. Court of Appeals, 202 SCRA 493 (1991); Pineda vs. Court of Appeals 183 SCRA 602 (1990); Director of Lands vs. Intermediate Appellate Court, 146 SCRA 509 (1986)

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