

## REPUBLIC OF THE PHILIPPINES, REPRESENTED BY THE DIRECTOR OF LANDS, PETITIONER, VS. HON. COURT OF APPEALS AND JOSEFA GACOT, RESPONDENTS.

*G.R. No. 119288. August 18, 1997*

Ponente: VITUG, J.

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### VITUG, J.:

The Republic of the Philippines, represented by the Director of Lands, prays in the instant petition for review on certiorari for the annulment of the decision, dated 22 February 1995, of the Court of Appeals affirming the 12th August 1993 judgment of the Regional Trial Court of Palawan (Branch 50-Puerto Princesa) which has adjudicated Lot No. 5367 in Cadastral Case No. 13, GLRO Cadastral Record No. 1133, to herein private respondent, now deceased Josefa Gacot, the claimant in the cadastral case.

The antecedents are amply summarized in the appealed decision of the Court of Appeals, viz:

"The entire lot 5367 is being claimed by Josefa Gacot as per answer she filed on June 7, 1971. It appears from the record that the lot is located in Barangay Los Angeles, Magsaysay, Palawan but the area was not indicated. It also appeared that Ceferino Sabenacio is her co-owner.

"This case was set for hearing on August 9, 1990 and the petitioner was represented by Assistant Provincial Prosecutor Reynaldo Guayco and Rogelio Paglinawan, Community Environment and Natural Resources Officer (CENRO) of Puerto Princesa City while the claimant appeared without counsel. In view thereof, the hearing was reset to August 13, 1990. Before the scheduled hearing on August 13, 1990, the Court received a report from the Land Registration Authority calling the Court's attention of the decision rendered by Judge Lorenzo Garlitos on October 20, 1950 declaring this lot as property of the Republic of the Philippines. Despite this declaration however, the petitioner nor the government did not bar the claimant from filing her answer, possessing and occupying the lot and in fact accepted her tax payments and issuing her tax declaration on the same.

"The claimant presented herself as witness as well as her son, Vicente Dantic, Jr. The witnesses testified that Josefa Gacot was married to Vicente Dantic, Sr. in 1940 and were in actual possession of the property for more than 30 years, having bought the same from Cipriana Dantic-Llanera as per deed of sale dated April 22, 1955 in Cuyono dialect (Exhibit `1 and 1-A). Since she acquired the property from Cipriana Llanera, she continued her occupation and introduced improvements thereon as well as declared Lot 5367 for taxation purposes in her name (Exhibit 2) and paid the corresponding taxes thereon up to the present time (Exhibit 3). That claimant is now a widow and has 5 children namely, Hernando Dantic, Antero Dantic, Felipe Dantic, Fe Dantic and Vicente Dantic, Jr.

"Cipriano Sabenacio, the alleged co-owner of claimant Josefa Gacot appeared in Court and manifested that he is waiving his claim over Lot 5367 in favor of Josefa Gacot who is in actual possession of the property as he is only a boundary owner.

"After the presentation of claimant and her son, they offered their exhibits and rested their case. Thereafter, the

petitioner thru counsel manifested that it is not presenting controverting evidence and is submitting the case for resolution.”[1]

On 05 September 1990, the trial court rendered judgment adjudicating Lot No. 5367 to Josefa Gacot, thus -

"WHEREFORE, this Court finds the claim of Josefa Gacot Dantic to be in order. Accordingly, Lot 5367 is hereby adjudicated to Josefa Gacot-Dantic, widow and a resident of Barangay Los Angeles, Magsaysay, Palawan with all the improvements thereon, subject to the estate tax as provided by law."

"SO ORDERED."[2]

The Republic, through the Solicitor General, elevated the case to the Court of Appeals.

During the pendency of the appeal, the Office of the Solicitor General was able to verify that Lot 5367 was earlier declared to be the property of the Republic in a decision rendered by Judge Lorenzo Garlitos on 20 October 1950 following an order of general default. The Solicitor General thus filed a motion with the appellate court to have the case reopened and remanded to the court a quo to allow the Republic of the Philippines to present the decision of Judge Garlitos. In its resolution, dated 26 December 1991, the Court of Appeals granted the motion.

What transpired thereafter was narrated by the trial court in its 12th August 1993 decision; viz:

“This case was set for hearing several times for the government to present its evidence and for the parties to submit their respective memorandum in support of their respective stand on the matter. The claimant submitted her memorandum while the government represented by the Assistant Provincial Prosecutor assigned to this sala has not presented any witness to support the government’s claim, neither has he submitted any memorandum to support the government’s stand on this matter.

“With the foregoing development, the Court is of the opinion that the subsequent application or claim of Josefa Gacot-Dantic on Lot 5367 which became part of the public domain where her occupation thereto having been open to the whole world, public and notorious in the concept of an owner since 38 years ago was well taken and therefore entitled to the lawful adjudication of Lot 5367 in her name. Besides, the government represented by the Assistant Provincial Prosecutor and the Community Environment and Natural Resources Officer (CENRO) for Puerto Princesa City and Cuyo, Palawan have not made any protest nor interposed any objection on the claim of Josefa Gacot during the hearings. Neither was there a manifestation of protest or claim of government use coming from the municipal officials of Magsaysay, Palawan despite notice sent to them of the cadastral hearing. And the sad part was that the government had accepted without any protest all the taxes due the property paid by the claimant religiously. This is not to say that this order has been considered in the previous decision of this Court which is hereunder quoted as follows:

“x x x x x x x x

“With this finding of the Court, it is its considered opinion and so holds, that there is no reason to disturb its previous decision aforequoted.”[3]

An appeal was taken by the Republic from the decision of the trial court. In its now assailed decision of 22 February 1995, the Court of Appeals affirmed in toto the judgment of the trial court. The appellate court ratiocinated:

“In its brief, the Office of the Solicitor General claims that ‘records of the re-hearing show that on October 20, 1950, an order was, indeed, issued by Judge Lorenzo C. Garlitos of the Court of First Instance of Palawan, 7th Judicial District, declaring that Lot No. 5367 was among lots declared as property of the Republic of the Philippines.’ (p. 3, Appellant’s Brief; p. 19, Rec.) It now invokes Republic Act No. 931, approved on June 30, 1953 and Republic Act No. 2061, which took effect on June 30, 1958, both laws setting the time limits for the filing of applications, among other things, for the reopening of judicial proceedings on certain lands which

were declared public land. Under R.A. 2061, the time for filing an application shall not extend beyond December 31, 1968. Thus, petitioner-appellant argues that since claimant-appellee Josefa Gacot filed her answer only on 07 June 1971, the court a quo did not acquire jurisdiction over the instant claim since she did not file her answer within the period fixed by R.A. No. 2061.

“This would be true, if the Order dated 20 October 1950 of Judge Lorenzo Garlitos declaring Lot No. 5367 as property of the Republic of the Philippines, was presented as evidence in the rehearing of this case. Unfortunately, the Republic of the Philippines failed to offer as its exhibit the said order. There is no basis for the appellant, therefore, to invoke R.A. 2061, to support its claim that claimant-appellee Josefa Gacot filed her answer beyond the period fixed by said law and therefore the court a quo did not acquire jurisdiction over the case.

“Precisely, the purpose of the rehearing was to enable the Republic of the Philippines, thru the Office of the Solicitor General, to present in evidence the said order. The Solicitor General, in its Motion dated 21 May 1991, prayed that with regards to Lot No. 5367 ‘the proceedings therein be ordered reopened and the same be remanded to the court a quo to enable the Republic of the Philippines to present the judgment dated October 20, 1950 of Judge Lorenzo Garlitos declaring Lot No. 5367 as government property.’ (pp. 30-31, Rollo) [Underlines Ours]

“This Court granted the motion and ordered the records of the case remanded to the court a quo for further proceedings ‘to enable the government to present in evidence the judgment dated October 20, 1950, declaring Lot No. 5367 as government property x x x.’ (p. 42, Rollo) [Underlines Ours]

“During the rehearing, however, the Government failed to present the said order of Judge Garlitos in evidence. Thus, the court a quo said in its appealed decision:

“‘This case was set for hearing several times for the government to present its evidence and for the parties to submit their respective memoranda in support of their respective stand on the matter. The claimant submitted her memorandum while the government represented by the Assistant Provincial Prosecutor has not presented any witness to present the government’s claim neither has he submitted any memorandum to support the government’s stand on this matter.’ (see p. 92, Rollo) [Underlines Ours]

“It is the rule that ‘The court shall consider no evidence which has not been formally offered.’ (Rule 132, Sec. 34) It is true that the Order of 20 October 1950 has been appended to the records of this case (see p. 19, Rec.). But it is misleading on the part of the Solicitor General to state that ‘Records of the rehearing show that on October 20, 1950, an order was, indeed, issued by Judge Lorenzo C. Garlitos x x x.’ For, during the rehearing, as reflected in the appealed decision, the government did not present any evidence nor any memorandum despite having been ordered by the court a quo.

“Neither can We take judicial notice of the Order of Judge Garlitos. As a general rule, courts are not authorized to take judicial knowledge of the contents of the record of other cases, in the adjudication of cases pending before them, even though the trial judge in fact knows or remembers the contents thereof, or even when said other cases have been heard or are pending in the same court and notwithstanding the fact that both cases may have been heard or are really pending before the same judge. (Municipal Council vs. Colegio de San Jose, et al., G.R. No. L-45460; 31 C.J.S. 623-624; cited in p. 25, Evidence, Second Ed.; R.J. Francisco) Indeed, the Government missed its opportunity to have the claim of Josefa Gacot, the herein appellee, declared as a nullity, considering that no evidence was presented by it in opposition thereto.”[4]

In the instant petition, the Republic, assigning a sole error, contends that -

“THE HONORABLE COURT OF APPEALS (HAS) ERRED IN RULING THAT THERE IS NO BASIS FOR PETITIONER TO INVOKE R.A. No. 2061 TO SUPPORT ITS CLAIM THAT JOSEFA GACOT FILED HER ANSWER BEYOND THE PERIOD FIXED BY THE SAID LAW AND THEREFORE THE

TRIAL COURT DID NOT ACQUIRE JURISDICTION OVER THE CASE, SINCE IT (HAS) FAILED TO OFFER AS ITS EXHIBIT THE ORDER, DATED OCTOBER 20, 1950 OF JUDGE LORENZO

### **GARLITOS.”[5]**

The Solicitor General explains that the records of the reopened case would show that a certified copy of the decision, dated 20 October 1950, of Judge Garlitos has been appended to page 19 thereof. It is not evident, however, why the Assistant Provincial Prosecutor and the Community Environment and Natural Resources Officer ("CENRO") for Puerto Princesa, representing the government during the rehearing, did not present it. The Solicitor General, nevertheless, invokes the rule that the Republic is not estopped by the mistake or error on the part of its officials or agents.

In the meantime, Josefa Gacot passed away. The Solicitor General thereupon moved that the heirs of Josefa Gacot be impleaded party respondents in substitution for the deceased. The motion was granted, and the heirs were directed to comment on the government's petition.

To this day, private respondents have not submitted their comment. The Court, however, cannot allow the case to remain pending and unresolved indefinitely. It must now dispense, as it hereby dispenses, with such comment in order not to unduly delay the remand of the case to the trial court for further proceedings.

Let it initially be said that, indeed, the Court realizes the points observed by the appellate court over which there should be no quarrel. Firstly, that the rules of procedure[6] and jurisprudence,[7] do not sanction the grant of evidentiary value,[8] in ordinary trials,[9] of evidence which is not formally offered, and secondly, that adjective law is not to be taken lightly for, without it, the enforcement of substantive law may not remain assured. The Court must add, nevertheless, that technical rules of procedure are not ends in themselves but primarily devised and designed to help in the proper and expedient dispensation of justice. In appropriate cases, therefore, the rules may have to be so construed[10] liberally as to meet and advance the cause of substantial justice.

Furthermore, Section 1, Rule 129, of the Rules of Court provides:

“SECTION 1. Judicial notice, when mandatory. - A court shall take judicial notice, without the introduction of evidence, of the existence and territorial extent of states, their political history, forms of government and symbols of nationality, the law of nations, the admiralty and maritime courts of the world and their seals, the political constitution and history of the Philippines, the official acts of the legislative, executive and judicial departments of the Philippines, the laws of nature, the measure of time, and the geographical divisions.”

Mr. Justice Edgardo L. Paras[11] opined:

“A court will take judicial notice of its own acts and records in the same case, of facts established in prior proceedings in the same case, of the authenticity of its own records of another case between the same parties, of the files of related cases in the same court, and of public records on file in the same court. In addition judicial notice will be taken of the record, pleadings or judgment of a case in another court between the same parties or involving one of the same parties, as well as of the record of another case between different parties in the same court. Judicial notice will also be taken of court personnel.”[12]

The remand of the case would likewise seem to be unavoidable. The area of Lot No. 5367 claimed and awarded to the late Josefa Gacot had not been specified in the records. Indeed, on the basis of the Certification of the Forest Management Services of the Department of Environment and Natural Resources, Lot No. 5367, per Land Classification (LC) No. 1246 of 15 January 1936, would appear to contain an area of 394,043 square meters, 300,000 square meters of which were classified as Alienable and Disposable land and 94,043 square meters as

Timberland, which under Proclamation No. 2152, dated 29 December 1981, had been included to form part of the Mangrove Swamp Forest Reserve, closed for entry, exploitation and settlement.[13]

It behooves all concerned that the above matters be carefully looked into, albeit with reasonable dispatch, for the final resolution of this case.

WHEREFORE, the case is REMANDED to the trial court for further proceedings for it to ascertain and resolve the conflicting claims of the parties conformably with the foregoing opinion of the Court. No costs.

SO ORDERED.

Padilla, Bellosillo, Vitug, Kapunan, and Hermosisima, Jr., JJ., concur.

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[1] Rollo, pp. 4-6.

[2] Rollo, p. 34.

[3] Rollo, pp. 36-38.

[4] Rollo, pp. 30-32.

[5] Rollo, p. 19.

[6] Rule 132, Section 34.

[7] Veran vs. Court of Appeals, 157 SCRA 438; De los Reyes vs. IAC, 176 SCRA 394; People vs. Carino, et al., 165 SCRA 664.

[8] Vda. De Flores vs. WCC, 78 SCRA 17; Republic vs. Court of Appeals and People vs. Court of Appeals, 116 SCRA 505;

[9] Delos Reyes vs. IAC, 176 SCRA 394.

[10] Sec. 2. Construction. - These rules shall be liberally construed in order to promote their object and to assist the parties in obtaining just, speedy, and inexpensive determination of every action and proceeding. (Rules of Court)

[11] Rules of Court Annotated, Vol. 4, 1991 Ed., p. 52.

[12] Citing Graham on Evidence, 1986 ed.

[13] See Director of Forestry vs. Munoz, 23 SCRA 1183.

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