OCTABELA ALBA VDA. DE RAZ, SPOUSES MANUEL AND SUSANA BRAULIO, RODOLFO, LOURDES AND BEATRIZ ALL SURNAMED ALBA, PETITIONERS, VS. COURT OF APPEALS AND JOSE LACHICA, RESPONDENTS.

G.R. No. 120066. September 09, 1999

Ponente: YNARES-SANTIAGO, J.

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YNARES-SANTIAGO, J.:

Before us is an appeal by certiorari from a decision rendered by the Court of Appeals dated August 18, 1992 affirming in toto the decision of the Regional Trial Court of Kalibo, Aklan, Branch I, in Land Registration Case No. K-101, LRC Record No. K. 15104, the dispositive portion of which reads as follows:

"WHEREFORE, judgment is hereby rendered as follows:

> 1. The parcel of land described in Plan Psu-161277 and the improvements thereon situated in the Poblacion of the Municipality of Banga, Province of Aklan, Philippines, with an area of 4,845 square meters is brought under the operation of the property registration decree (PD No. 1529) and the title thereto is registered and confirmed in the name of applicant Jose Lachica, married to Adela Raz of Kalibo, Aklan, Philippines;
>
> 2. A ten (10) meter road width along the national road mentioned in the application be segregated for future road widening program upon payment of just compensation to be annotated at the back of the title;
>
> 3. For lack of merit, the opposition filed by the spouses Manuel and Susana Braulio, Octabela Alba Vda. De Raz, Rodolfo Alba, Lourdes Alba and Beatriz Alba are hereby DISMISSED.
>
> SO ORDERED."[1]

The factual antecedents of the case as summed by the trial court and adopted by the Court of Appeals are as follows:

> "Applicant Jose Lachica filed this application for title to land on April 28, 1958 with the claim that the land applied for was purchased by him and his wife, Adela Raz from, from one Eulalio Raz. The documents attached to the application are: technical description, surveyor's certificate, certification by the chief deputy assessor of Aklan and the blue print of Psu-161277.
>
> The initial hearing was scheduled for October 31, 1958 and the certificate of publication in the Official Gazette was issued on September 23, 1958. The certification of posting of the notice of initial hearing was issued on October 13, 1958.
>
> The land applied for is residential, situated in the Poblacion of Banga, Aklan, with an area of 4,845 square meters, bounded on the northeast by the property of the Municipality of Banga (Sketch, Exh. "F").
>
> The initial hearing was held on October 31, 1958. An order of general default was issued but those who presented their opposition, namely, Octabela Alba Vda. De Raz, Manuel and Susana Braulio, Jose Rago,

representing Apolonia Rebeco, the Director of Lands and the Municipality of Banga represented by the Provincial Fiscal, were given thirty (30) days to file their written opposition.

Manuel C. Braulio and Susana P. Braulio filed their opposition on October 31, 1958. They opposed the registration of the southeastern portion of the 240 square meters of the land applied for alleging that they are the owners in fee simple and possessors of said portion and all the improvements thereon for not less than 70 years together with their predecessor-in-interest deriving their title by purchase from the original owners. They prayed for the Court to declare them the true and absolute owners of the disputed portion of the same in their names.

On October 31, 1958, Octabela Vda. de Raz filed her opposition.

Jose Rago filed his opposition on November 29, 1958 as the duly constituted attorney-in-fact of Apolonia Rebeco although no special power of attorney was attached. He opposed the registration of the northeastern portion of the land applied for, with an area of 43.83 square meters. He alleged that his principal is the owner by right of succession and is in the possession of said portion with all its improvements for more than 80 years together with his predecessor-in-interest, continuously, peacefully and openly under claim of ownership. He prayed that his principal be declared the true and absolute owner of the disputed portion of 43.83 square meters.

On March 22, 1966, the Court issued an Order allowing the applicant to hire another surveyor to segregate the non-controversial portion of the land applied for and to notify the oppositors and their counsels.

On January 12, 1970, a motion to lift the order of general default and to admit the attached opposition of Rodolfo Alba, Lourdes Alba and Beatriz Alba, as well as a motion to admit the attached amended petition of Octabela Vda. de Raz were filed. The Court in its order dated March 21, 1970 admitted said opposition and set aside the order of default.

In their opposition, Rodolfo Alba, Lourdes Alba, represented by their attorney-in-fact, Octabela Alba Vda. de Raz, alleged that they are the co-owners of a portion of the land applied for with an area of 2,262 square meters bounded on the north by Januario Masigon, Nicolas Realtor, Agustina Rebeldia and Apolonia Rebeco, on the south by Eulalio Raz and on the west by the public market of Banga. They claimed to have inherited the above-mentioned portion from their late father, Eufrosino M. Alba, who purchased the same from Dionisia Regado in 1918. Hence, they have been in possession continuously, openly and peacefully under claim of ownership of the above-mentioned portion for not less 70 years. They prayed that the disputed portion of 2,262 square meters be registered as their pro-indiviso property.

In her amended opposition, Octabela Alba Vda. de Raz opposed the registration of the southeastern portion of the land applied for with an area of 331.44 square meters. She claimed to have been in peaceful, continuous and open possession together with her deceased husband, Eulalio Raz, under claim of ownership of the above-mentioned portion for not less than 70 years, by purchase from its owners. She likewise opposed the registration of the western portion of the land applied for, with an area of 676 square meters, having purchased the same from its original owners on (sic) her predecessor-in-interest has been open, peaceful and continuous under claim of ownership for a period of not less than 70 years. She prayed that the portion of 331.44 square meters be registered in her name and that of the heirs of Eulalio Raz, pro indiviso., and the other portion of 676 square meters be registered solely in her name.

On February 25, 1970, the applicant Dr. Jose Lachica filed his consolidated opposition and reply to the motion to lift order of default stating that there is no reason to do so under the Rules of Court, and that the opposition of Rodolfo Alba, Lourdes Alba and Beatriz Alba, as well as the amended opposition of Octabela Alba Vda. de Raz are without merit in law and in fact.

On March 21, 1970, the motion to lift the order of general default was granted and the opposition of Rodolfo

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Alba, Lourdes Alba and Beatriz Alba, as well as the opposition of Octabela Alba Vda. de Raz were all admitted.

In the hearing of March 3, 1972, applicant offered for admission exhibits 'A' to 'I' and the testimonies of Pedro Ruiz (April 20, 1971), Jose Rago (Oct. 23, 1970) and Dr. Jose Lachica (July 16, 1971; Feb. 10, 1972). The Court admitted the same.

On March 13, 1974, the Court issued an order appointing Engr. Angeles Relor to act as Commissioner and delimit the portions claimed by the three sets of oppositors and submit an amended approved plan together with the technical description for each portion.

The Commissioner's report and sketch was submitted on December 4, 1974. The applicant filed his opposition to the Commissioner's report on December 12, 1974. The Court in its order of December 13, 1974 required the Commissioner to submit an amended report and amended sketch.

The Commissioner's corrected report and sketch was submitted on February 24, 1975 which the Court approved on February 25, 1975 there being no objection from the parties.

On March 15, 1977, the Court issued an order whereby the testimony of oppositor Octabela Alba Vda. de Raz was stricken off the record for her failure to appear in the scheduled hearing on March 15, 1977.

Again, in its order dated May 27, 1977 the testimony of Octabela Alba Vda. de Raz was stricken off record because the latter was bedridden and can not possibly appear for cross-examination.

Oppositor Octabela Alba Vda. de Raz substituted by her heirs filed a formal offer of exhibits on August 24, 1988. Applicant filed his comments thereto on August 29, 1988. The Court admitted said exhibits and the testimony of their witness on March 1, 1989.

In this applicaton for title to land filed by applicant Jose Lachica, four oppositions were filed by the following:
1. Jose Rago, in representation of Apolonia Rebeco;

2. Manuel C. Braulio and Susana Braulio;

3. Rodolfo, Lourdes and Beatriz, all surnamed Alba, represented by Octabela Alba Vda. de Raz; and

4. Octabela Alba Vda. de Raz.

In the hearing of October 23, 1970, counsel for oppositor Jose Rago manifested that he would file a motion for withdrawal of opposition and Jose Rago himself declared his conformity (Tsn, Oct. 23, 1970, p. 5). Although no formal motion to withdraw was actually filed, oppositor Rago has not presented evidence on his behalf; hence, his opposition must be disregarded.

As regards oppositor Manuel C. Braulio ans Susana Braulio, a deed of sale supposedly executed by Susana Braulio and Octabela Alba Vda. de Raz in 1956 was identified by Felimon Raz, a witness for the oppositors (Tsn, Sept. 29, 1977, pp. 3 to 4). However, said deed cannot be found in the records. Even so, the Braulios have not presented evidence to show that by the time this application was filed, they and their predecessors-in-interest have been in actual, open, public, peaceful and continuous possession of the land claimed, in concept of owner, for at least 10 years sufficient to acquire title thereto (Arts. 1117, 1118, 1134, Civil Code of the Philippines). As such, the opposition of Manuel C. Braulio and Susana Braulio must be dismissed."[2]

On the basis of the testimonial and documentary evidence presented by the applicant and the oppositor Raz, the court a quo rendered judgment in favor of the applicant as stated at the outset. In dismissing the claim of the remaining oppositors Rodolfo, Lourdes and Beatriz, all surnamed Alba, represented by Octabela Alba Vda. de Raz and Octabela Alba Vda. de Raz herself, the trial court in sum noted that said oppositors have never offered

any explanation as to the non-payment of realty taxes for the disputed portions of the subject property from 1941 to 1958 while the respondent/applicant continuously paid taxes under Tax Declaration No. 14181 covering said property from 1945-1958 when the case was filed per certification issued by the Municipal Treasurer's Office of Banga.[3] In rendering judgment in favor of respondent/applicant, the trial court stressed that while it is true that tax receipts and declarations of ownership for tax purposes are not incontrovertible evidence of ownership, they become strong evidence of ownership acquired by prescription when accompanied by proof of actual possession.

Dissatisfied, petitioners interposed an appeal to the Court of Appeals which affirmed the decision of the trial court.

Unfazed, petitioners now come to this Court arguing that –

1. The Civil law provisions on prescription are inapplicable.

2. The applicable law is Section 48 [a] of the Public Land Law or Act 141, as amended.

3. Private respondent has not acquired ownership in fee simple, much less has he met the conditions for judicial confirmation of imperfect title under Section 48 [a] of Act 141, as amended, except perhaps for a 620 square meter portion of the land applied for because:
3.1. There is absolutely no proof of the alleged sales made by Raz and Alba.

3.2. There is absolutely no reliable proof of the alleged theft of the deeds of sale.

3.3. The identity of the land has not been established.

3.4. The Court of Appeals misapplied the basic rules governing the introduction of secondary evidence.

3.5. The applicant/respondent's Tax Declaration No. 14181 is a 'doctored' tax declaration.

3.6. Applicant/respondent's tax declarations have no probative value.

3.7. Applicant/respondent has not satisfied the required quantum of evidence in land registration cases.

3.8. Petitioners-oppositors have proven their right over the subject property.

In rendering judgment in favor of private respondent, the Court of Appeals reasoned, inter alia, as follows:

"On the basis of the testimonial and documentary evidence presented by the applicant, the trial court did not err in confirming that the applicant is the absolute owner in fee simple of the property subject of the application for registration entitling him to register the same in his name under the operation of PD 1529.

It is of no moment that the applicant failed to produce the originals of those other deeds/documents of conveyances, for he was able to present sufficient substantial secondary evidence, in accordance with the requirements of Section 4, Rule 130 of the Revised Rules of Court, now Section 5, same Rule of the Revised Rules on Evidence, and the doctrines in point.

Thus, Government vs. Martinez, 44 Phil. 817, explained that when the original writing is not available for one reason or another which is the best or primary evidence, to prove its contents is the testimony of some one who has read or known about it. Republic vs. Court of Appeals, 73 SCRA 148, laid out the foundation before secondary evidence is introduced, that the due execution, delivery and reason for non-production of the original writing must first be produced. Raylago vs Jarabe, 22 SCRA 1247, ruled that it is not necessary to prove the loss of the original document beyond all possibility of mistake. A reasonable probability of its loss is sufficient and this may be shown by a bonafide (sic) and diligent search, fruitlessly made, for it in places where it is likely to be found. After proving the due execution and delivery of the document, together with the fact that the same has

been lost or destroyed, its contents may be proved, among others, by the recollection of witnesses. And Beall vs. Dearing, 7 ala. 126; and Bogardas vs. Trinity Church, 4 Sandf. Ch. (Nn.y.) 639, are of the view that that where the lost documents are more than thirty (30) years old and would thus prove themselves if produced, secondary evidence of their contents is admissible without proof of their execution.

In the case at bar, petitioner acquired the property in 1940-1941. He presented the Deed (Exh. G) executed by the vendor Faustino Martirez. While he failed to present the other deeds of sale covering the other portions of the property, he has sufficiently established that they were notarized documents and were taken by his mother-in-law sometime in 1956. He reported the loss to the authorities and even filed a case of theft. He further exerted efforts and made a diligent search of those documents from the notary public but in vain. He presented the clerk of the Municipal Treasurer's Office of Banga, who testified having seen those deeds as they were presented to him by the applicant and which were used as basis for the preparation and issuance of Tax Declaration No. 14181 in the name of the tax declarant. Tax Declaration No. 14181 (Exh. H) was presented in Court, proving that the land was declared for tax purposes in the name of the applicant and his wife. The applicant has been paying the realty tax covering the property since 1945 and beyond 1958, when the application for registration was filed in court, per certification of the Municipal Treasurer of Banga (Exh. 1).

In resume, We find and so hold as did the trial court that Dr. Jose Lachica is the abolute owner in fee simple of the land described in his application for its original registration in his name. The land contains an area of 4,845 square meters, more or less, situated in Banga, Aklan, and

> "Bounded on the NE., along line1-2, by property of Apolonia Rimate; on the SE., along line 2-3, by National road; on the SW., along line 3-4, by property of the Mpl. Government of Banga (Public Market); and on the NW., along line 4-1, by property of the Municipal Government of Banga (Public Market). Beginning at a point marked 1 on plan, being N. 45 deg. 02' E., 423.38 m. from B.L.L.M. 1, Mp. of Banga, Aklan;
> thence, S. 33 deg. 46' E., 87.66 m. to point "2"
> thence, S. 56 deg. 42' W., 63.81 m. to point "3"
> thence, N. 37 deg. 22' W., 59.26 m. to point "4"
> thence, N. 33 deg. 42' E., 73.08 m. to the point of

beginning, xxx All points referred to are indicated on the plan and are marked on the ground by P.L.S. Cyl. Conc. Mons. Bearings true date of the survey, January 25, 1957, and that of the approval, October 3, 1957."

The applicant has been in public, open, continuous and adverse possession of the property since 1940-41 up to the present to the exclusion of all, and thereby also acquired the property by acquisitive prescription, in accordance with Sections 40 and 43 of Act 190, otherwise known as the "Code of Civil Procedure", having been in actual and adverse possession under claim of ownership for over ten (10) years, and thus in whatever way his occupancy might have commenced or continued under a claim of title exclusive of any other right and adverse to all other claimants, resulted in the acquisition of title to the land by acquisitive prescription (Vda. de Delima vs. Tio, 32 SCRA 516).

Indeed, to borrow the apt words of the ponente in the Delima case, such proof of ownership of, and the adverse, continuous possession of the applicant since 1940, strongly "xxx militate against any judicial cognizance of a matter that could have been withheld in its ken," hence, whatever right oppositors may have had over the property or any portion thereof was thereby also lost through extinctive prescription in favor of the applicant who had been in actual, open, adverse and continuous possession of the land applied for in the concept of owner for over 10 years when the application for registration was filed in court."[4]

It is a fundamental and settled rule that findings of fact by the trial court and the Court of Appeals are final, binding or conclusive on the parties and upon this Court,[5] which will not be reviewed[6] or disturbed on appeal

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unless these findings are not supported by evidence[7] or unless strong and cogent reasons dictate otherwise.[8]

More explicitly, the findings of fact of the Court of Appeals, which are as a general rule deemed conclusive, may be reviewed by this Court in the following instances:

1.] When the factual findings of the Court of Appeals and the trial court are contradictory;[9]

2.] When the conclusion is a finding grounded entirely on speculation, surmises and conjectures;[10]

3.] When the inference made by the Court of Appeals from its findings of fact is manifestly mistaken, absurd[11] or impossible;

4.] Where there is a grave abuse of discretion in the appreciation of facts;[12]

5.] When the appellate court in making its findings went beyond the issues of the case, and such findings are contrary to the submission of both appellant and appellee;

6.] When the judgment of the Court of Appeals is premised on a misapprehension of facts;[13]

7.] When the Court of Appeals manifestly overlooked certain relevant facts not disputed by the parties which, if properly considered, would justify a different conclusion;[14]

8.] When the findings of fact are themselves conflicting;

9.] When the findings of fact are conclusions without citation of specific evidence on which they are based; and

10.] When the findings of fact of the Court of Appeals are premised on the absence of evidence but such findings are contradicted by the evidence on record.[15]

The primordial issue to be resolved is whether or not the private respondent/applicant is entitled to the confirmation of his ownership in fee simple for the 4, 845 square meter parcel of land he applied for.

In sum, both the trial court and the Court of Appeals adjudicated and confirmed private respondent/applicant's title to the land on the basis of the findings that: 1.] the private respondent/applicant purchased the land from Faustino Martirez; 2.] the subject land is covered by Tax Declaration No. 14181; 3.] the private respondent/applicant has paid the realty taxes on the land from 1945 up to the filing of his application in 1958; 4.] the private respondent/applicant has been in actual, open and continuous possession of the subject land in the concept of owner since 1945, and 5.] the private respondent/applicant has acquired the land by prescription.

As stated earlier, a review of the findings of fact of the Court of Appeals is not a function that this Court normally undertakes[16] unless the appellate court's findings are palpably unsupported by the evidence on record or unless the judgment itself is based on a misapprehension of facts.[17] A thorough review of the record convinces this Court that the general rule with regard to the conclusiveness of the trial court's and appellate tribunal's factual findings should not be applied because there are material circumstances which, when properly considered, would have altered the result of the case.

First, a circumspect scrutiny of the evidence extant on record reveals that with the exception of 620 square meters, there has been no satisfactory showing of how private respondent/applicant acquired the remainder of the subject land.

As can be gathered from the discussion of the appellate court, as well as the arguments proffered by private respondent, he acquired the land in question from three (3) sources, namely: a.] A Deed of Sale dated August 13, 1941 allegedly executed by Faustino Martirez covering 840 square meters; b.] 300 square meters allegedly

purchased from private respondent's father-in-law Eulalio Raz, and c.] 3,725 square meters private respondent allegedly bought in 1940 from Eufrocino Alba.

The sale involving the first parcel of land covering 840 square meters, was not questioned by petitioners as its technical description delineated in the Escritura De Venta Absoluta dated August 13, 1941,[18] to wit:

> "Un terreno solar residencia antes palayero regado, actuado en el casco central del municipio de Banga, Capiz. Sin ninguna mejora, de una extension superficial de ochocientos cuarenta metros cuadrados (840 mts. cds.) 6 sean cuarenta metros de frente por otros veinte y unmetrode fondo, cuyos linderos por el Norte con propiedad de Eufrosino Alba y con Eulalio Raz; por Este con Eulalio Raz y con la carretera provincial de Kalibo a Banga; por Sur con la misma carretera provincial y con terreno del municipio para mercado; y por al Oeste con al terreno del mercado municipal de Banga y con propiedad de Eufrosino Alba y al terreno tienes sus mojones de cemento en todos sus cuatro cantos de linderia y sin otro limite visible de linderia mas que dichos mojones y esta amillarado a mi nombre en una sola hoja declaratoria de propiedad Tax No. 12374 en la Oficina del Tasador Provincial de Capiz, cuyo valor amilarado actual es veinte pesos (P20.00) xxx"

leaves no room for doubt as to its identity, total area of 840 square meters as well as its dimensions of 40 meters in front and 21 meters at the base. How this parcel was further reduced to 620 square meters is explained by the fact that the Municipal Government of Banga appropriated 220 square meters thereof for the Banga Public Market Road.

What, however, is seriously contested are the alleged purchases of the other two parcels from Eulalio Raz measuring 300 square meters and from Eufrocino Alba measuring 3,725 square meters owing to the questionable circumstances surrounding their acquisition.

The records disclose that the subject land was originally owned by Dionisia Regado under Tax Declaration No. 802.[19] The records further reveal that Dionisia Regado sold: [1.] 1,850 square meters of the land to the Municipality of Banga evidenced by a Spanish document denominated as a deed of sale dated April 29, 1914;[20] [2.] 1,320 square meters to Eulalio Raz evidenced by a document entitled Escritura de Venta Absoluta dated September 6, 1918,[21] and [3.] 2,938 square meters to Eufrocino Alba evidenced by a deed of conveyance dated September 6, 1918 written in Spanish.[22]

Faustino Martirez acquired a portion of 840 square meters from Eulalio Raz on January 15, 1933.[23] Raz retained 480 square meters, however, he and his wife Octabela Alba conveyed a 240 square meter portion thereof to Susana Braulio on November 5, 1956.[24] Subsequently on May 29, 1969, the heirs of Eufrocino Alba sold a 676 square meter portion of the parcel purchased by Eufrocino to Octabela Alba Vda. de Raz.[25] The deed of conveyance was duly registered with the Registry of Deeds of Aklan pursuant to Act No. 334 on June 17, 1969[26] and is covered by Tax Declaration No. 332 in the name of Eulalio Raz, her husband.[27]

Other than the foregoing transactions involving the subject land which are borne out by the documentary evidence on record, private respondent/applicant did not produce the alleged deeds of conveyances evidencing the purported transfers made by Eulalio Raz and Eufrocino Alba in his favor. Instead he relied chiefly on secondary evidence to prove the existence thereof which was sustained by both the trial and the appellate courts. Such reliance on secondary evidence vis-à-vis the peculiar facts prevailing in this case rests on infirm legal bases much more so in the face of the overwhelming documentary evidence of petitioners arrayed against it because –

> ". . . [a] contract of sale of realty cannot be proven by means of witnesses, but must necessarily be evidenced by a written instrument, duly subscribed by the party charged, or by his agent, or by secondary evidence of their contents. No other evidence, therefore, can be received except the documentary evidence referred to, in so far as regards such contracts, and these are valueless as evidence unless they are drawn up in writing in the manner aforesaid."[28]

> "An applicant for registration of land, if he relies on a document evidencing his title thereto, must prove not only the genuineness of his title but the identity of the land therein referred to. The document in such a case is either a basis of his claim for registration or not at all. If , as in this case, he only claims a portion of what is included in his title, he must clearly prove that the property sought to be registered is included in that title."[29]

Second, there are glaring variances in the identities and technical descriptions of the land applied for by private respondent/applicant and the land he purportedly purchased from Eufrocino Alba.

Private respondent/applicant alleged that he purchased the remainder of the subject land measuring 3,725 square meters from Eufrocino Alba sometime in 1940 averring that this parcel is listed as Item No. 5 of his Exhibit "I" which is denominated as an "Inventory And Appraisal Of The Properties Of The Spouses Adela Raz De Lachica (Deceased) and Dr. Jose Lachica." Item No. 5[30] of the said inventory described the parcel of land mentioned therein as follows:

> "5. Una parcela de terreno cocal secano, amillarado en nombre de Eufrocino Alba bajo el Tax No. 12792 por valor de P390.00, situado en el municipio de Banga, Capiz, que linda el Norte con Lorenzo Retiro, y Silverio Relis; al Este con la carretera provincial Banga-Libacao; al sur con Bienvenido M. Alba y al Oeste con Cirilo rala y Adela Raz; con una extension aproximada de una (1) hectarea (20) areas y (35) centiareas poco mas o menos. (Note: Said property was purchased by the spouses Jose Lachica and Adela Raz Lachica from Eufrocino M. Alba in the amount of P500.00 as evidenced by a Escritura de Compraventa executed on November 25, 1940, at Himamaylan, Negros Occidental and notarized by Atty. Conrado Gensiano, as Reg. Not. 122, Pag. 67, Libro VIII, Serie 1940).

On the other hand, the land applied for is described technically per Psu 161277 as –

> "A parcel of land (as shown on Plan Psu-161277), situated in Poblacion, Municipality of Banga, Province of Aklan. Bounded on the NE., along line 1-2, by property of Apolonia Rimate; on the SE., along line 2-3, by National Road; on the SW., along line 3-4, by property of the Mpl. Government of Banga (Public Market); and on the NW., along line 4-1, by property of the Municipal Government of Banga (Public Market). Beginning at a point marked "1" on plan, being N. 45 deg. 02' E., 423.38 m. from B.L.L.M. 1, Mp. of Banga, Aklan;
> thence S. 33 deg. 46' E. 87.66 m. to point "2"
> thence S. 56 deg. 42" W., 63.81 m. to point "3"
> thence N. 37 deg. 22' W., 59.26 m. to point "4"
> thence N. 33 deg. 42' E., 73.08 m. to the point of

beginning, containing an area of FOUR THOUSAND EIGHT HUNDRED AND FORTY FIVE (4,845) SQUARE METERS. All points referred to are indicated on the plan and are marked on the ground by P.L.S. Cyl. Conc. Mons. Bearings true date of survey, January 25, 1957, and that of the approval, October 3, 1957."[31]

It will be readily noted vis-à-vis the foregoing that: a.] the land applied for is covered by Tax Declaration No. 14181 while the parcel allegedly purchased from Eufrocino Alba is covered by Tax Declaration No. 15792; b.] the land applied for is palayero whereas the land allegedly acquired from Eufrocino Alba is cocal secano. Palay is unhusked rice,[32] thus, the term palayero refers to land devoted to the planting of rice; cocal, on the other hand, means coconut tree plantation[33] while secano denotes unwatered land or a dry sand bank;[34] c.] the land applied for has an area of 4,845 square meters whereas the land supposedly sold by Eufrocino Alba measures 12,035 square meters; d.] the land applied for is bounded on the NE by the Banga Public Market, on the SE by Apolonia Rimate, on the SW by the Banga-Kalibo National Road; and on the NW by the Banga Public Market whereas the land allegedly obtained from Eufrocino Alba is bounded on the N by Ernesto Retino and Silverio Relis, on the E by the Banga-Libacao Carretera Provincial, on the S by Bienvenido Alba and on the W by Cirilo Rala and Adela Raz. It needs be stressed in this regard that a person who claims that he has better right to real

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property must prove not only his ownership of the same but also must satisfactorily prove the identity thereof.[35]

Third, both trial and appellate courts placed undue reliance on Tax Declaration No. 14181 considering that there is no satisfactory explanation of how the area of land covered by Tax Declaration No. 14181 geometrically ballooned from a modest 620 square meter lot to a huge parcel measuring 4, 845 square meters.

As pointed out by petitioners, Tax Declaration No. 14181 was preceded by 1954 Tax Declaration No. 13578 in the name of private respondent/applicant and his spouse which shows that the land declared therein for taxation purposes covers an area of 620 square meters. Tax Declaration No. 13578 was preceded by 1953 Tax Declaration No. 13040 in the name of Adela Raz, private respondent's wife. The land declared for taxation purposes therein also has an area of 620 square meters. Tax Declaration No. 134040 was preceded by 1947 Tax Declaration No. 6528 in the name of private respondent's wife, Adela Raz. The land declared therein for taxation purposes likewise measures 620 square meters.

It appears that the quantum leap from 620 square meters in 1947 to 4,845 square meters in 1956 came about on account of an affidavit dated November 17, 1956 wherein private respondent/applicant requested[36] the Municipal Assessor of Banga to issue a revised tax declaration covering 4,845 square meters on the bare claim that "the area has been decreased" to only 620 square meters. The timing of the revision and its proximity to the date of filing of the application can not but engender serious doubts on the application more so considering that prior thereto realty tax payments covering the period 1945 to 1956 covered an area measuring 620 square meters and private respondent/applicant is banking on said payments to claim possession and ownership over the same period for an infinitely larger area of 4,845 square meters.

A tax declaration, by itself, is not conclusive evidence of ownership.[37] Tax declarations for a certain number of years, although constituting proof of claim of title to land,[38] is not incontrovertible evidence of ownership unless they are supported by other effective proof.[39] It was, thus, held in one case[40] that where realty taxes covering thirty-one (31) years were paid only a few months prior to the filing of an application, such payment does not constitute sufficient proof that the applicant had a bona fide claim of ownership prior to the filing of the application. Still in another case,[41] the claim that the applicant had been in continuous and uninterrupted possession of the disputed land was not given credence because it was negated by the fact that he declared the land for taxation purposes in October 1959 when he filed his application for registration although he could have done so in 1937 when he allegedly purchased the land. A belated declaration is, furthermore, indicative that the applicant had no real claim of ownership over the subject land prior to the declaration[42] and where there are serious discrepancies in the tax declarations as in this case, registration must be denied.[43] If at all, the foregoing facts only serves to underscore private respondent/applicant's crafty attempt to cloak with judicial color his underhanded scheme to seize the adjoining parcels of land and to enrich himself at the expense of its rightful owners.

Fourth, the lower court's reliance on prescription is not well-taken given the peculiar facts prevailing in this case.

The law in force at the time an action accrues is what governs the proceeding consistent with the fundamental dictum that laws shall have no retroactive effect, unless the contrary is proved.[44] Basic is the rule that no statute, decree, ordinance, rule, regulation or policy shall be given retrospective effect unless explicitly stated so.[45] Along the same vein, a court's jurisdiction depends on the law existing at the time an action is filed[46]and a law continues to be in force with regard to all rights which accrued prior to the amendment thereof.[47]

In this case, the controlling statute when the private respondent/applicant filed his application for registration on April 28, 1958 is Section 48 of Commonwealth Act 141, as amended by RA Nos. 1942 and 6236,[48] which

states that:

> "SEC. 48. The following-described citizens of the Philippines, occupying lands of the public domain or claiming to own any such lands or an interest therein, but whose titles have not been perfected or completed, may apply to the Court of First Instance of the province where the land is located for confirmation of their claims and the issuance of a certificate of title therefor, under the Land Registration Act, to wit:
>
> (a) Those who prior to the transfer of sovereignty from Spain to the United States have applied for the purchase, composition or other form of grant of lands of the public domain under the laws and royal decrees then in force and have instituted and prosecuted the proceedings in connection therewith, but have with or without default upon their part, or for any other cause, not received title therefor, if such applicants or grantees and their heirs have occupied and cultivated said lands continuously since the filing of their applications.[49]
>
> (b) Those who by themselves or through their predecessors in interest have been in open, continuous, exclusive and notorious possession and occupation of agricultural lands of the public domain under a bona fide claim of ownership, for at least thirty years immediately preceding the filing of the application for confirmation of title except when prevented by war or force majeure. These shall be conclusively presumed to have performed all the conditions essential to a Government grant and shall be entitled to a certificate of title under the provisions of this chapter.[50]
>
> (c) Members of the national cultural minorities who by themselves or through their predecessors-in-interest have been in open, continuous, exclusive and notorious possession and occupation of lands of the public domain suitable to agriculture, whether disposable or not, under a bona fide claim of ownership for at least 30 years shall be entitled to the rights granted in subsection (b) hereof.[51]

A circumspect scrutiny of the assailed Decision readily shows that in affirming the ruling of the trial court, the Court of Appeals relied on the provisions of Section 19 of Act 496[52] in relation to the Civil Code's provisions on prescription on the assumption that the subject land is private land. Therein lies the flaw in the appellate court's postulate. The application for registration of private respondent is for the judicial confirmation of an imperfect title considering that the land is presumed under the Regalian Doctrine to be part of the public domain.

Public lands are broadly classified into 1.] Alienable or disposable lands; and, 2.] Inalienable or non-disposable public lands. Non-disposable public lands or those not susceptible of private appropriation include a.] Timber lands; and, b.] Mineral lands.[53] For purposes of administration and disposition, the lands of the public domain classified as 'disposable' or 'alienable' are further sub-classified into a.] Agricultural; b.] Residential, commercial, industrial or for similar productive purposes; c.] Educational, charitable or other similar purposes, and d.] Reservations for town sites and for public and quasi-public purposes.[54]

From the foregoing classifications, public agricultural land may be defined as those alienable portions of the public domain which are neither timber nor mineral lands. Thus the term includes residential, commercial and industrial lands for the reason that these lands are neither timber nor mineral lands.[55]

On the other hand, Section 19 of Act No. 496, as amended, permits the registration of private lands claimed to be owned by the applicant in fee simple which refer to:

> 1.] Lands acquired by various types of titles from the government during the Spanish Regime by way of grants by the Spanish crown namely the: a.] Titulo real or royal grant; b.] Concession especial or special grant; c.] Composicion con el estado title or adjustment title; d.] Titulo de compra or title by purchase and; e.] Informacion posesoria or possessory information title, which could become a Titulo gratuito or a gratuitous title;[56]
>
> 2.] Lands that are claimed to be owned by accession, i.e. accretion, avulsion, formation of islands, abandoned

river beds, as provided for in Articles 457, 461 and 464 of the Civil Code; and

3.] Lands which have been acquired in any other manner provided by law.

Suffice it to state that the land sought to be registered by private respondent hardly falls under any of the latter classifications of land referred to by Act No. 496, as amended. Given the foregoing facts, prescription in the manner invoked by both courts can not be pleaded to bolster private respondent/applicant's claim because –

> ". . . [N]o public land can be acquired by private persons without any grant, express or implied from the government; it is indispensable that there be a showing of title from the state . . . .[57]
>
> x x x x x x x x x
> Indeed, the possession of public agricultural land, however, long the period may have extended, never confers title thereto upon the possessor.[58] The reason, to reiterate our ruling, is because the statute of limitations with regard to public agricultural land does not operate against the State, unless the occupant can prove possession and occupation of the same under claim of ownership for the required number of years to constitute a grant from the State."[59]

Fifth, even assuming ex gratia argumenti that prescription can be applied in the manner invoked by the trial court and the appellate court, it must be pointed out that –

". . . [W]hile Art. 1134 of the Civil Code provides that '(o)wnership and other real rights over immovable property are acquired by ordinary prescription through possession of ten years,' this provision of law must be read in conjunction with Art. 1117 of the same Code. This article states that 'xxx (o)rdinary acquisitive prescription of things requires possession in good faith and with just title for the time fixed by law.' Hence, a prescriptive title to real estate is not acquired by mere possession thereof under claim of ownership for a period of ten years unless such possession was acquired con justo titulo y buena fe (with color of title and good faith).[60] The good faith of the possessor consists in the reasonable belief that the person from whom he received the thing was the owner thereof, and could transmit his ownership.[61] For purposes of prescription, there is just title when the adverse claimant came into possession of the property through one of the recognized modes of acquisition of ownership or other real rights but the grantor was not the owner or could not transmit any right."[62]

It can not be said that private respondent's possession was con justo titulo y buena fe. On the contrary, private respondent/applicant's act of appropriating for himself the entire area of 4,845 square meters to the exclusion of petitioners who have been occupying portions of the disputed land constituted acts of deprivation of the latter's rights which is tantamount to bad faith. Indeed this Court has ruled that the –

> ". . . [c]oncealment and misrepresentation in the application that no other persons had any claim or interest in the said land, constitute specific allegations of extrinsic fraud supported by competent proof. Failure and intentional omission of the applicants to disclose the fact of actual physical possession by another person constitutes an allegation of actual fraud.[63] Likewise, it is fraud to knowingly omit or conceal a fact, upon which benefit is obtained to the prejudice of a third person."[64]

Suffice it to state in this regard that to allow private respondent/applicant to benefit from his own wrong would run counter to the maxim ex dolo malo non oritur actio - no man can be allowed to found a claim upon his own wrongdoing.[65]

It need not be overemphasized that extraordinary acquisitive prescription can not similarly vest ownership over the property upon private respondent/applicant because Article 1137 of the Civil Code states in no uncertain terms that –

> "ART. 1137. Ownership and other real rights over immovables also prescribe through uninterrupted adverse

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possession thereof for thirty years, without need of good faith."

Needless to state, private respondent/applicant's possession of thirteen (13) years falls way below the thirty-year requirement mandated by Article 1137.

Sixth, petitioners/oppositors have, in stark contrast to the secondary proof of private respondent, adduced overwhelming evidence to prove their ownership of the portions they claim in the subject land. The evidence on record clearly points to the fact that private respondent/applicant's right, if at all, is confined to only 620 square meters or what has been left of the 840 square meters he purchased from Faustino Martirez after 220 square meters thereof were appropriated by the Municipality of Banga for the Public Market Road.[66]

The records further bear out that the original owner of the whole area was one Dionisia Regado who executed three (3) deeds of sale covering certain portions of the disputed lands, namely: 1.] the Deed of Sale dated April 29, 1914 covering 1,850 square meters executed in favor of the Municipality of Banga;[67] 2.] the Deed of Sale dated July 10, 1915 covering 1,320 square meters executed in favor of Eulalio Raz;[68] and, 3.] the Deed of Sale dated September 6, 1918 covering the balance with an area of 2,938 square meters in favor of Eufrocino Alba.[69]

Faustino Martirez acquired only an 840 square meter portion of the land by purchase from Eulalio Raz on January 15, 1933 as confirmed in paragraph 2 of the Escritura De Venta Absoluta executed by him on August 13, 1941.[70] After selling 840 square meters to Faustino Martirez, Eulalio Raz retained 480 square meters but on November 5, 1956 Eulalio Raz and his wife Octabela Alba conveyed 240 square meters to Susana Braulio[71] leaving a balance of 240 square meters which remained undisposed.

On May 29, 1969, Virginia Alba, Inocentes Alba and Estrella Alba, children of the deceased Eufrocino Alba, sold a 676 square meter portion of the 2,938 square meter lot purchased by their father from Dionisia Regado to petitioner/oppositor Octabela alba Vda. De Raz.[72] This Deed was duly registered with the Registry of Deeds of Aklan in accordance with Act No. 3344 on June 17, 1969.[73] The land is covered by Tax Declaration No. 332 in the name of Octabela Alba Vda. De Raz's husband.[74]

Petitioner/oppositor Octabela Alba Vda. De Raz's ownership of the remaining 240 square meter portion which she and her husband Eulalio Raz bought from Dionisia Regado[75] and the 676 square meter portion which they bought from the heirs of Eufrocino Alba[76] is fully substantiated by documentary proof.[77] Rodolfo Alba, Lourdes Alba and Beatriz Alba's ownership of a portion measuring 1,335 square meters[78] and another portion measuring 2,262 square meters[79] is likewise backed by documentary evidence. Susana Braulio's ownership of a 240 square meter portion[80] which she acquired from Octabela Alba Vda. De Raz on November 11, 1956[81] is also documented, her predecessor-in-interest having acquired the same from Dionisia Regado on September 6, 1918.[82]

The foregoing only serves to underscore the paucity of the proof of private respondent/applicant to support his claim of ownership over the entire 4, 845 square meter area. He has not adduced evidence to show how and when he was able to acquire, with the exception of 840 square meters further reduced to 620 square meters on account of 220 square meters appropriated for the market road, the bigger area of 3,755 square meters from anybody let alone the ancestral owner, Dionisia Regado.

His claim is anchored mainly on Revised Tax Declaration No. 14181 which he was able to procure from the Municipal Assessor of Banga in 1956 on the basis of a self-serving affidavit which proffered the lame excuse that there was error in the statement of the area of the land which he claimed to be 4,845 square meters instead of 620 square meters – which was the area reflected in earlier tax declarations namely, 1954 Tax Declaration No. 13578; 1953 Tax Declaration No. 13043; and 1947 Tax Declaration No. 6528.

Be that as it may, the Court has reservations on the propriety of adjudicating to petitioners the contested portions of the subject land, in view of their failure to present the technical descriptions of these areas. Furthermore, there is no sufficient evidence showing that petitioners have been in open, adverse, exclusive, peaceful and continuous possession thereof in the concept of owner, considering that the testimony of Octabela Alba vda. De Raz was stricken off the record.

WHEREFORE, based on foregoing premises, the Decision of the Regional Trial Court of Kalibo, Aklan, Branch 1 dated August 18, 1992 in Land Registration Case No. K-101, LRC Record No. K-15104 is hereby MODIFIED as follows:

1.] The 620 square meter portion on which private respondent Jose N. Lachica's house is situated, clearly delineating its metes and bounds, is hereby ORDERED segregated from the parcel of land described in Psu-161277 situated in the Poblacion of the Municipality of Banga, Province of Aklan, Philippines with an area of 4,484 square meters, to be registered and confirmed in the name of private respondent;

2.] A ten (10) meter road width along the National road mentioned in the application be segregated for future road widening programs upon the payment of just compensation to be annotated at the back of the title.

3.] Insofar as the ownership of the remainder of the subject land is concerned, the case is hereby REMANDED to the court of origin for the reception of further evidence for the petitioners to establish the other requisites for the confirmation of title and registration in their names of the areas they respectively claim.

SO ORDERED.

Puno, Kapunan, and Pardo, JJ., concur. Davide, Jr., C.J., on official leave.

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[1] Record, pp. 632-633.

[2] CA Decision, pp. 2-6; Rollo, pp. 39-43.

[3] Exhibit 1.

[4] Court of Appeals Decision, pp. 11-14; Rollo, pp. 48-51.

[5] First Philippine International Bank v. Court of Appeals, 252 SCRA 259 [1996].

[6] Antillo v. Court of Appeals, 266 SCRA 596; Yobido v. Court of Appeals, 281 SCRA 1 [1997].

[7] Guerrero v. Court of Appeals, 285 SCRA 670 [1997].

[8] Ditching v. Court of Appeals, 263 SCRA 343 [1996].

[9] Arambulo v. Court of Appeals, G.R. No. 120166, 3 August 1998, 293 SCRA 567; Jison v. Court of Appeals, 286 SCRA 495 [1998]; Lustan v. Court of Appeals, 266 SCRA 663 [1997].

[10] Philippine Deposit Insurance Corporation v. Court of Appeals, 283 SCRA 462 [1997].

[11] Ramirez v. Court of Appeals, G.R. No. 96412, 24 August 1998, 294 SCRA 512.

[12] Ramirez v. Court of Appeals, supra.

[13] Congregation of the Religious of the Virgin Mary v. Court of Appeals, G.R. No. 126363, 26 June 1998, 291 SCRA 385, citing New Testament Church of God v. Court of Appeals, 246 SCRA 266 [1995].

[14] Villanueva v. Court of Appeals, G.R. No. 127997, 7 August 1998, 294 SCRA 90.

[15] Commissioner of Internal Revenue v. Embroidery and Garments Industries (Phils.), Inc., G.R. No. 96262, 22 March 1999; National Steel Corporation v. Court of Appeals, 283 SCRA 45 [1997], citing Fuentes v. Court of Appeals, 268 SCRA 701 [1997], citing Reyes v. Court of Appeals, 258 SCRA 651 [1996], in turn citing Remalante v. Tibe, 158 SCRA 138 [1988]; Vda. de Alcantara v. Court of Appeals, 252 SCRA 457 [1996]; Quebral v. Court of Appeals, 252 SCRA 353 [1996], citing Calde v. Court of Appeals, 233 SCRA 376 [1994]; Golangco v. Court of Appeals, 283 SCRA 493 [1997]; See also Cayabyab v. IAC, 232 SCRA 1 [1994]; Engineering and Machinery Corp. v. Court of Appeals, 252 SCRA 156 [1996]; Chua Tiong Tay v. Court of Appeals, 243 SCRA 183 [1995]; Dee v. Court of Appeals, 238 SCRA 25 [1994]; Asia Brewery, Inc. v. Court of Appeals, 224 SCRA 437 [1993].

[16] Inland Trailways, Inc. v. Court of Appeals, 255 SCRA 178 [1995].

[17] Valenzuela v. Court of Appeals, 253 SCRA 303 [1995].

[18] Exhibits G, 8, 8-A and 8-B.1

[19] Exhibits 4, 4-a, 12, 12-a.

[20] Exhibits 12 and 12-a.

[21] Exhibits 13, 13-a.

[22] Exhibits 4, 4-a.

[23] See Exhibit G, denominated as an Escritura de Venta Absoluta dated 13 August 1941, paragraph 2 where he averred, inter alia, as follows:

"... el terreno lo adquiri a titulo de compra de Eulalio Raz desde Enero 15, 1933 segun documento publico otorgado ante la fe de Notario Greonimo Dalida..."

[24] Exhibit 11, 11-a.

[25] Exhibit 9.

[26] Exhibits 9-A, 9-B.

[27] Exhibit 10.

[28] Gorospe v. Ilayat, 29 Phil. 21 [1914].

[29] Lasam v. Director of Lands, 65 Phil. 367 [1938]; italics supplied.

[30] Exhibit I-a.

[31] Original Record, p. 3.

[32] Appleton's Revised Cuyas Spanish Dictionary, p. 396.

[33] Ibid., p. 120.

[34] Id., p. 484.

[35] Heirs of Leopoldo Vencilao, Sr. v. Court of Appeals, 288 SCRA 574 [1998], citing Sese v. IAC, 152 SCRA 585 [1987].

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[36] Exhibit H, Tax Declaration issued to private respondent/applicant which contains the annotation that Tax Declaration No. 14181 was –

"Revised as per request of Dr. Jose R. Lachica per his letter dated Nov. 17, 1956 and the affidavit hereunto attached with favorable indorsement of the the Ex-Oficio Deputy Assessor of Banga."

[37] Rivera v. Court of Appeals, 244 SCRA 218 [1995] citing Republic v. IAC, 224 SCRA 285 [1993]; Director of Lands v. IAC, 219 SCRA 339 [1993]; De Jesus v. Court of Appeals, 217 SCRA 307 [1993]; Director of Lands v. Buyco, 216 SCRA 78 [1993].

[38] Director of Lands v. Reyes, 68 SCRA 177 [1975].

[39] Municipality of Santiago, Isabela v. Court of Appeals, 120 SCRA 734 [1983], citing Elumbaring v. Elumbaring, 12 Phil. 384 [1909] and Evangelista v. Tabayoyong, 7 Phil. 607 [1907].

[40] Republic v. Court of Appeals, 131 SCRA 140 [1984].

[41] NPC v. Court of Appeals, 144 SCRA 318 [1986].

[42] Director of Lands v. Santiago, 160 SCRA 186 [1988].

[43] Republic v. IAC, 140 SCRA 98 [1985].

[44] Article 4, Civil Code.

[45] Republic v. Sandiganbayan, G.R. No. 119292, 31 July 1998, 293 SCRA 440; DBP v. Court of Appeals, 262 SCRA 245 [1996]; Commissioner of Internal Revenue v. Lingayen Gulf Electric Power Co., 164 SCRA 27 [1988]; Castro v. Collector of Internal Revenue, 62 O.G. 1935; Commissioner of Internal Revenue v. Filipinas Compania de Seguros; 53 O.G. 460.

[46] Largardo v. Masaganda, 115 Phil. 519 [1962].

[47] Buyco v. PNB, 112 Phil. 588 [1961]; Cosio v. Pili, 10 Phil. 72 [1908]; Sy Joc Lieng v. Syquia, 16 Phil. 137 [1910].

[48] Which has since then been subsequently amended by PD No. 1529, Sec. 14 [1] which provides that:

"SEC. 14. Who may apply. – The following persons may file in the proper Court of First Instance an application for registration of title to land, whether personally or through their duly authorized representatives:

[1.] Those who by themselves or through their predecessors-in-interest have been in open, continuous, exclusive and notorious possession and occupation of alienable and disposable lands of the public domain under a bona fide claim of ownership since June 12, 1945, or earlier."

[49] Repealed by PD No. 1073.

[50] Amended by PD No. 1073.

[51] Subsection (c) is an amendment introduced by RA 3872, Section 1, approved June 18,1964.

[52] As amended by Section 14, PD No. 1529.

[53] Section 6, Commonwealth Act 141, otherwise known as the Public Land Act.

[54] Section 9, CA 141 otherwise known as the Public Land Act.

[55] Noblejas A. and Noblejas E. Registration of Land Titles and Deeds, 1986 ed., p. 350, citing Krivenko v.

Register of Deeds, 79 Phil. 461; Gonzaga v. Uy Hoo, G.R. No. L-2207, 23 January 1951, Lawyer's Journal December 1951 and Director v. Abalos, [CA] 48 O.G. 3956.

[56] Director of Forestry v. Munoz, 23 SCRA 1183 [1968].

[57] Lee Hong Hok v. David, 48 SCRA 379 [1972].

[58] Director of Lands v. Heirs of Isabel Tesalona, 236 SCRA 336 [1994].

[59] Gordula v. Court of Appeals, 284 SCRA 617 [1998], citing Director of Lands v. Reyes, supra, citing Province of Camarines Sur v. Director of Lands, 64 Phil. 600 [1937].

[60] Santiago v. Cruz, 19 Phil. 145 [1911].

[61] Art. 1127. Civil Code.

[62] Titong v. Court of Appeals, 287 SCRA 102 [1998].

[63] Nicolas v. Director of Lands, 9 SCRA 934 [1963].

[64] Heirs of Manuel A. Roxas v. Court of Appeals, 270 SCRA 309 [1997], citing Estiva v. Alvero 37 Phil. 498 [1918].

[65] Titong v. Court of Appeals, supra.

[66] Exhibit G.

[67] Exhibit 12.

[68] Exhibit 13 and 13-a.

[69] Exhibit 4 and 4-a.

[70] Exhibit G.

[71] Exhibit 11.

[72] Exhibit 9.

[73] Exhibits 9-A, 9-B.

[74] Exhibit 10.

[75] Exhibit 7, Lot No.2

[76] Exhibit 7, Lot No. 5.

[77] Exhibit 7/Petitioners-Oppositors; Exhibit 9/Private Respondent-Applicant.

[78] Exhibit 7, Lot No. 3.

[79] Exhibit 7, Lot No. 4.

[80] Exhibit 7, Lot No. 1.

[81] Exhibit 11.

[82] Exhibit 13.

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