

**TEOFILO CACHO, PETITIONER-APPELLANT, VS. COURT OF APPEALS,
REPUBLIC OF THE PHILIPPINES, NATIONAL STEEL CORPORATION
AND THE CITY OF ILIGAN, RESPONDENTS-APPELLEES.**

G.R. No. 123361. July 28, 1997

Ponente: MELO, J.

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MELO, J.:

For resolution are the joint motion for reconsideration of respondents Republic of the Philippines and National Steel Corporation assailing the Court's decision dated March 3, 1997 in the above-entitled case upon the following grounds:

I. Reliance on the certification issued by the Land Registration Commission as conclusive proof of issuance of decrees of registration in GLRO Nos. 6908 and 6909 is misplaced. Furthermore, requiring the submission of the corresponding deed of sale and the new plan as a condition for the re-issuance of the decree would neither render the *Cacho vs. U.S.* case nugatory nor violate the doctrine of *res judicata*.

II. The Torrens System of land registration should not be used as a means to perpetuate fraud. Nonpayment of property tax shows the falsity and spuriousness of petitioner's claim that he was granted a decree after presenting the deed of sale and new plan required in the *Cacho vs. U.S.* case.

III. Respondents presented sufficient proof assailing the existence, identity and legal interest of petitioner.

and the motion for reconsideration of respondent City of Iligan, seeking the reversal of the aforesaid decision upon the argument that Decrees No. 10364 and 18969 cannot include the Camp Overton Military; that the issuance of Decree Nos. 10364 and 18969 was attended by fraud and irregularity making these Decrees void; and that there is no proof that Teofilo Cacho actually exists and much less, as a heir of Demetria Cacho, and, therefore, cannot claim to be a real party in interest. Also, respondent City of Iligan raises an issue not raised before the Court of Appeals that part of the property claimed by Demetria Cacho is owned by the City of Iligan pursuant to Presidential Decree No. 469 issued by President Diosdado Macapagal granting several parcels of land in Iligan City to the City Government of Iligan.

Likewise submitted are the Notice of Attorney's lien filed by Attorney Virgilio Manguera, counsel of record of petitioner, and the motion for leave to intervene filed by Fausto C. Echavez and more than 500 families who claim to have openly, continuously, notoriously, and physically occupied their respective portions of the subject property in the concept of owners for decades.

The issues raised by respondents Republic of the Philippines and National Steel Corporation relative to their first two arguments are basically factual in nature and were duly addressed and resolved in the decision of the Court. Suffice it to stress, that, with the established fact of the issuance of the corresponding decrees of registration in the case at bar, as duly certified by the National Land Titles and Deeds Registration Administration (NALTDR), the finality of judgment in the 1912 case of *Cacho vs. U.S.* is certain. Whatever matters were resolved and ought to have been resolved in the said case, are all *res judicata* and can no longer be taken up in the instant case at hand,

as the metes and bounds of the subject property. Even the alleged lack of the approved technical description of the subject property insisted upon by respondents will not suffice to reverse the order for the re-issuance of Decrees No. 10364 and 18969. Besides, as found by the trial court, the NALTDRA confirmed that the plan and technical description of the lots involved were found to be correct (p. 6, Decision, p. 63, Rollo). No controverting evidence was submitted by any of respondents to refute this finding. The contention that this technical description could not have been the technical description duly approved as a result of our ruling in *Cacho vs. U.S.* because it refers to the 37.87-hectare area applied for registration does not merit this Court's approval there being no evidence submitted by respondents showing the contrary, specially so when the NALTDRA confirmed the correctness thereof. Of significance also is the fact that the custody of the supposed approved plan being a public record is with the public respondent. Mere insinuations of doubt being cast by respondents against the correctness of such technical description will not warrant the scale of preponderant evidence to tilt in their favor.

With respect to the issue on the identity, existence, and legal interest of petitioner, no new arguments not already considered and passed upon have been raised. Hence, we find no cogent reason to disturb our ruling therein.

The issue on the supposed fraud which attended the issuance of the decrees is a factual issue addressed to the trial court, and duly raised before the Court of Appeals on review. Both courts refused to give credence to respondents' claim. Instead, more weight was given to the certification issued by the NALTDRA through then Acting Commissioner (now Associate Justice of this Court) Santiago Kapunan. We still find no cogent reason, as we failed to previously find any, to rule otherwise.

As regards respondent City of Iligan's claim that a portion of the subject property had been granted to it by virtue of a presidential proclamation, we note that despite an adverse ruling upon said issue by the trial court, this issue was never raised before the Court of Appeals on review, and much less in the main petition before us now. Hence, the ruling of the trial court on said issue is already final and we find no reason to take up said issue at this late stage.

Concerning Atty. Virgilio Manguera's prayer for the annotation of the attorney's charging lien on the judgment, the Court notes Godofredo Cabildo's (petitioner's attorney-in-fact) manifestation (pp. 349-350, Rollo) expressing the full reinstatement of Atty. Manguera as principal counsel in the instant case. Noting, likewise, that misunderstandings and misapprehensions have been cleared up, and no opposition having been filed by Atty. Manguera to dispute the same, we find that it is not necessary for this Court to act on the notice of attorney's lien, which if Atty. Manguera still wishes to pursue, may be taken up with the court of origin.

Finally, the Motion for Leave to Intervene, having been filed only on April 21, 1997 or after the decision in this case was promulgated on March 3, 1997, the same is hereby denied.

WHEREFORE, premises considered, the motions for reconsideration are hereby DENIED with finality for lack of merit; the Notice of Attorney's Lien simply NOTED WITHOUT ACTION; and the motion to intervene DENIED.

SO ORDERED.

Davide, Jr., Francisco, and Panganiban, JJ., concur.

Narvasa, C.J., (Chairman), on leave.

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