

EDUBIGIS GORDULA, CELSO V. FERNANDEZ, JR., CELSO A. FERNANDEZ, NORA ELLEN ESTRELLADO, DEVELOPMENT BANK OF THE PHILIPPINES, J.F. FESTEJO AND CO., INC. AND REGISTER OF DEEDS OF LA...

G.R. No. 127296. January 22, 1998

Ponente: PUNO, J.

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PUNO, J.:

Before us is a petition to affirm the Decision of the Regional Trial Court, Branch 27, Sta. Cruz, Laguna, which was reversed by the respondent Court of Appeals in its Decision[1] dated June 20, 1996 in C.A.-G.R. CV No. 45466. Petitioners' Motion for Reconsideration was denied by respondent court on November 15, 1996.[2]

The facts show that on June 26, 1969, former President Ferdinand E. Marcos issued Proclamation No. 573[3] withdrawing from sale and settlement and setting aside as permanent forest reserves, subject to private rights, certain parcels of the public domain denominated as follows:

Parcel No. 1 -

Magat River Forest Reserve

Parcel No. 2 -

Chico River Forest Reserve

Parcel No. 3 -

Abulug River Forest Reserve

Parcel No. 4 -

Penaranda River Forest Reserve

Parcel No. 5 -

Angat River-Bustos Dam Forest Reserve

Parcel No. 6 -

Ambayawan River Forest Reserve

Parcel No. 7 -

Umiray River Forest Reserve

Parcel No. 8 -

Kaliwa River Forest Reserve

Parcel No. 9 -

Caliraya-Lumot River Forest Reserve

Parcel No. 10 -

Barit River-Lake Buhi Forest Reserve

Parcel No. 11 -

Jalaur River Forest Reserve

They were primarily for use as watershed area. Their development was to be undertaken by the Bureau of Forestry, with the cooperation of, among other government agencies, the National Power Corporation (Napocor).

Located in Talaongan, Cavinti, Laguna with an area of Twenty Nine Thousand Seven Hundred Seven (29,707) square meters, and bearing the following boundaries:

North

-

National Power Corporation

South

-

Road and Baldomero Halili

West

-

National Power Corporation

East

-

National Power Corporation

the parcel of land subject of the case at bar is, by petitioners' explicit admission,[4] within Parcel No. 9, the Caliraya-Lumot River Forest Reserve.

More than three years after the land was segregated as part of the Caliraya-Lumot River Forest Reserve, or on January 9, 1973, petitioner Edubigis Gordula, a native of Cavinti, Laguna, filed with the Bureau of Lands, an Application[5] for a Free Patent over the land. Manuel Fernandez and several others also filed free patent applications covering other parcels of land in the area.

On February 5, 1973, petitioner Gordula declared the land for taxation purposes in his name as shown in Tax Declaration No. 0429.

The Regional Director of the Bureau of Lands referred the free patent applications of petitioner Gordula, Fernandez, and several others to Mr. Ravanal Ravanzo, then the General Manager of the Napocor. Mr. Ravanzo responded through the following letter:

"October 24, 1973

The Director
Regional Lands Office No. IV
757 Gen. Solano St.
San Miguel, Manila

S i r:

This refers to the Free Patent Application[s] of Manuel Fernandez, et al., of Barrio Talaongan, Cavinti, Laguna, which were referred to this Office for clearance it having been found that they are within the Caliraya-Lumot Watershed Reservation under Proclamation No. 573 dated June 26, 1969.

Investigation conducted by this Office reveals that applicants have sufficient ground to establish 'priority rights' over the areas claimed and that agricultural improvements introduced thereon are not detrimental to the watershed.

In view thereof, this Office interpose[s] no objection to the application by the applicants contained in your letter dated October 2, 1973.

Very truly yours,

(Sgd.) R.R. RAVANZO
General Manager"

On December 10, 1973, petitioner Gordula had the land surveyed; Survey Plan No. F(IV-5) 949-D under his name was approved by the Regional Director of the Bureau of Lands. Thereafter, Mr. Amundo Munda, a Land Inspector of the Bureau of Lands, conducted the requisite investigations.

On January 17, 1974, petitioner Gordula's Application for Free Patent was approved. Free Patent No. 693 was issued in his name.

On January 30, 1974, the Register of Deeds of Laguna issued, on the basis of Free Patent No. 693, Original Certificate of Title No. P-1405 in the name of petitioner Gordula.

He declared the land anew for taxation purposes under Tax Declaration NO. 6498. He paid its real estate taxes

from 1975 to 1979.

In the meantime, respondent Republic, through the Napocor, contracted the Certeza Surveying Company to survey the area constituting the Caliraya-Lumot River Forest Reserve. The survey plans were approved by the Regional Director of the Bureau of Lands on October 27, 1975.

The said survey plans, as well as the Cadastral Map of Talaongan and the Geological Plan of the Caliraya-Lumot River Forest Reserve, show that petitioner Gordula's land is located in the saddle area of the watershed recreation for the hydro-electric reservoir.

On January 22, 1979, petitioner Gordula sold the land to petitioner Celso V. Fernandez, Jr. for six thousand pesos (P6,000.00). The Register of Deeds of Laguna cancelled Original Certificate of Title No. P-1405 and issued, in lieu thereof, Transfer Certificate of Title No. T-85445 in the name of petitioner Fernandez, Jr. The latter declared the land for taxation purposes in his name.

On March 12, 1979, Fernandez, Jr. executed a Deed of Absolute Sale over the land in favor of petitioner Celso A. Fernandez for six thousand five hundred pesos (P6,500.00). Transfer Certificate of Title No. T-85445 was cancelled and Transfer Certificate of Title No. 85594 was issued on March 21, 1979 in the name of petitioner Fernandez.

As approved by the Bureau of Lands in Psd-Plan 04-014230, petitioner Fernandez subdivided the land into nine (9) lots. On August 16, 1985, the Register of Deeds of Laguna issued Transfer Certificates of Title Nos. 102492 to 102500 in his name covering the nine (9) subdivision lots.

On August 29, 1985, he sold the lots to petitioner Nora Ellen Estrellado for twenty one thousand pesos (P21,000.00). Transfer Certificates of Title Nos. 102492 to 102500 were cancelled, and in lieu thereof, Transfer Certificates of Title Nos. T-103404 to T-103412 were issued to petitioner Estrellado.

On October 17, 1986, petitioner Estrellado mortgaged to petitioner Development Bank of the Philippines (DBP) four[6] (4) of the (9) lots. Another lot, covered by Transfer Certificate of Title No. 103408, was sold to petitioner J.F. Festejo Company, Inc. to whom was issued, in lieu of the former, Transfer Certificate of Title No. 106495.

On July 16, 1987, former President Corazon Aquino issued Executive Order (E.O.) No. 224[7] vesting in the Napocor "complete jurisdiction, control and regulation" over the "Caliraya-Lumot Watershed Reservation as covered by Proclamation No. 573".

On July 26, 1987, Mr. Antonio Aquino, Jr., the Civil Security Officer of the Cavinti reservoir complex, sent a Memorandum to the President of the Napocor informing him of the fences and roads being constructed in the saddle area, more particularly, in the lots sold by petitioner Fernandez to petitioner Estrellado.

On July 28, 1987, Mr. A. Coronado, the Manager of the Cavinti reservoir complex, asked petitioner Fernandez to remove all the improvements made in the Estrellado lots. In reply, petitioner Fernandez claimed that the roads being constructed would not adversely affect the reservoir area in case of heavy floods because the Estrellado lots were elevated at a height of around fifty (50) feet.

In view of petitioner Fernandez's refusal, the Napocor assigned two (2) security guards over the lot. The guards ordered the construction workers to leave their posts and barred their return without permission from the Napocor.

On October 18, 1987, petitioner Fernandez, as attorney-in-fact and counsel of petitioner Estrellado, wrote to the President of the Napocor threatening to file a multi-million damage suit if the guards were not removed within fifteen (15) days.

On November 18, 1987, respondent Republic, through the Napocor, filed against petitioners a Complaint for Annulment of Free Patent and Cancellation of Titles and Reversion with Writ of Preliminary Injunction in the RTC of Sta. Cruz, Laguna.[8] On January 29, 1988, the trial court issued a writ of preliminary injunction upon a bond of one hundred thousand pesos (P100,000.00).

On December 28, 1993, the trial court rendered judgment in favor of petitioners. The dispositive portion of its decision states:

"WHEREFORE, judgment is hereby rendered in favor of the defendants and against plaintiff:

(1) Dismissing plaintiff's complaint and dissolving the writ of preliminary injunction issued in this case;

(2) Ordering National Power Corporation to pay defendant Celso A. Fernandez P300,000.00 as actual damages and P30,000.00 as attorney's fees; and

With costs against the plaintiff.

SO ORDERED."[9]

Respondent Republic, through the Napocor, elevated the case to the respondent Court of Appeals.

On June 20, 1996, the respondent Court of Appeals ruled against petitioners. It held, *inter alia*, viz:

"The kernel and primal issue to be resolved by the Court is whether or not Free Patent No. IV-5(693) and Original Certificate of Title No. P-1405 and all derivative titles thereafter issued to the Appellees x x x are null and void. The Appellant avers that the parcel of land covered by the aforesaid Free Patent issued to Gordula is a portion of the vast track of land reserved by former President Marcos as permanent forest under Proclamation No. 573 dated June 26, 196[9] x x x and hence, non-disposable and inalienable, pursuant to Section 88 in relation to Section 83 of Commonwealth Act [No.] 141, as amended. In contrast, the Court a quo dismissed Appellant's complaint, in the light of the exclusionary clause in Proclamation No. 573 x x x that the setting up of the permanent forest reserves over the Caliraya-Lumot Watershed area was 'subject to private rights' if there be any and the letter-clearance of the then General Manager of [Napocor] x x x dated October 24, 1973, interposing no objection to the Application for a free patent of Manuel Fernandez, et al.

x x x

We are convinced, beyond cavil, that the parcel of land subject of the Free Patent issued to Gordula on January 17, 1974 and covered by Original Certificate of Title No. P-1405 issued on January 30, 1974 x x x as the two (2) parcels of land purportedly purchased by the [Republic] from Perez and Glorioso in 1941, were public disposable and alienable lands before the issuance, by the former President, of Proclamation No. 573, on June 26, 196[9]. x x x The property was, however, later reserved, under Proclamation No. 573, as a permanent forest, on June 26, 196[9]. Since then, the property became non-disposable and inalienable public land. x x x

x x x

At the time Gordula filed his application for a Free Patent, on January 9, 1973, the parcel of land x x x was already reserved as a permanent forest under Proclamation No. 573. Since the property was already a forest reservation as of June 26, 196[9], the same could no longer be disposed of or alienated in favor of private individuals x x x.

x x x

We do not agree with Appellees' and the Court a quo's pose that Gordula's property was exempt from the application of Proclamation No. 573 because, by express provision thereof, the reservation was 'subject to private rights, if there be any' x x x.

Appellees failed to adduce proof that, as of June 26, 196[9], Gordula had acquired ownership or title to the aforesaid property either by deed or by any other mode of acquisition from the State by operation of law for that matter such as for instance, alienable public land held by a possessor personally, or through his predecessors-in-interest, openly, continuously and exclusively for the prescribed period of thirty (30) years, is converted into private property by mere lapse of period ipso jure x x x. In the present recourse, Gordula, as of 196[9], had been in possession of the property for only [twenty-five (25) years] years since 1944 when he commenced, as can be gleaned from his application x x x for a free patent, possession of the property. The period of Gordula's occupancy after 196[9] should not be tacked to the period from 1944 because by then the property was not susceptible of occupancy, disposition, conveyance or alienation. x x x

x x x

The Appellees cannot find refuge in the letter of the then General Manager of [Napocor], Ravanal Ravanzo, on October 24, 1973 x x x.

In the first place, Ravanzo made no explicit and unequivocal statement, in said letter, that Gordula had priority rights to the property. What he merely declared was that 'applicants have sufficient ground to establish priority rights over the areas claimed x x x'. Even if it may be conceded, for the nonce, that indeed, Ravanzo declared that Gordula had priority rights over the property claimed by him, such a declaration is irrefragably erroneous. Munda and the Director of Lands erred in recommending the approval of Gordula's application in the same manner that the then Secretary of Agriculture and Natural Resources erred in issuing the patent to Gordula. But then, well-settled is the doctrine, enunciated by the Supreme Court, in a catena of cases, that the State cannot be bound and estopped by the errors or mistakes of its agents or officials x x x.

The General Manager of the Appellant is not vested with authority to allow the occupancy or acquisition, by private individuals, of such properties, whether still needed by the Appellant or not, reserved by the President of the Philippines for permanent forests. Only the President or [the] Congress, by statutory fiat, can revert the property to the disposable or alienable portion of the public domain.

Anent Appellees' plea that they are buyers of the property in good faith, they must harken to the Decision of the Supreme Court in Republic of the Philippines vs. Court of Appeals, et al., 148 SCRA 480 that:

'x x x even assuming that the transferees are innocent purchasers for value, their titles to said lands derived from the titles of private respondents which were not validly issued as they cover lands still a part of the public domain, may be cancelled.' x x x

We do not agree with Appellees' claim that Appellant's suit was barred by prescription and by the purported indefeasibility of their title. Prescription, basically, does not run against the State. The right of the State for the reversion of unlawfully acquired property is not barred by prescription nor by the perceived indefeasibility of Appellees' title for that matter. x x x"[10]

Thus states the dispositive portion of the decision of respondent appellate court:

"IN THE LIGHT OF ALL THE FOREGOING, the assailed Decision is hereby REVERSED and SET ASIDE. Another Decision is hereby rendered as follows:

- Free Patent No. IV-5-693 and Original Certificate of Title No. P1405 issued under the name of Edubigis Gordula and all derivative titles issued to the Appellees are hereby declared null and void;
- The parcel of land covered by said titles is hereby declared reverted to the Government under the jurisdiction, control and supervision of the [Napocor] under Executive Order No. 224 of former President Corazon C. Aquino;
- The Appellees and all those acting for and in their behalf are hereby prohibited from intruding into and disturbing the Appellant of its possession and dominion of the subject property; [and]

- Appellees' counterclaims are DISMISSED. No pronouncement as to costs.

SO ORDERED."[11]

Hence, this petition anchored on the following grounds:

"FIRST

RESPONDENT COURT OF APPEALS ERRED TANTAMOUNT TO LACK OF JURISDICTION WHEN IT CONCLUDED THAT THE SUBJECT LAND IS WITHIN THE LANDS BOUGHT BY THE NPC EITHER FROM GERONIMO PEREZ ON MARCH 10, 1941 AND/OR FROM CELERINO GLORIOSO ON SEPTEMBER 26, 1941;

SECOND

ON [sic] THE LAST PARAGRAPH OF PAGE 19 UP TO PAGE 23, LAST PAGE OF THE DECISION, THE RESPONDENT COURT WENT BEYOND THE ISSUES OF THE CASE WHICH RESULTED [IN THE] REVERSAL OF THE DECISION OF THE LOWER COURT X X X;

THIRD

THE FACTUAL FINDINGS AND CONCLUSION OF THE TRIAL COURT ARE IN CONFLICT WITH THE FINDINGS OF THE RESPONDENT COURT CONCERNING THE ISSUE OF WHETHER OR NOT PETITIONER EDUBIGIS GORDULA HAD ACQUIRED 'PRIVATE RIGHTS' ON THE SUBJECT LAND, WHICH IS AN EXCEPTION UNDER PROCLAMATION NO. 573. HENCE, THIS CASE IS A QUESTION OF FACTS AND OF LAW. X X X;

FOURTH

THERE IS NO QUESTION THAT THE SUBJECT LAND IS WITHIN THE AREA OF PROCLAMATION NO. 573. HOWEVER THE RESPONDENT [COURT] GRAVELY ERRED TANTAMOUNT TO LACK OF JURISDICTION WHEN IT WENT TO THE EXTENT OF DISCUSSING ON [sic] THE CIRCUMSTANCES AND INVESTIGATION RELATIVE TO THE ISSUANCE OF THE TITLE TO PETITIONER EDUBIGIS GORDULA AND AFTERWARD DECLARED THAT GORDULA WHO HAS A TITLE ON THE SUBJECT LAND HAS NOT ACQUIRED 'PRIVATE RIGHTS' ON THE LAND DESPITE OF [sic] THE FACT THAT SAID RESPONDENT COURT IS ALREADY PRECLUDED FROM DISCUSSING THE FACTS RELATIVE ON [sic] THE ISSUANCE OF THE TITLE BY AUTHORITY OF THE PRESIDENT OF THE PHILIPPINES, MORE SO ITS FINDINGS AND CONCLUSION IS [sic] AGAINST THE LAW, JUSTICE AND EQUITY. THIS IS AGAINST THE RULING IN ESPINOSA VS. MAKALINTAL, 79 PHIL. 134 and ORTUA VS. SINGSON ENCARNACION, 5[9] PHIL. 440; and

FIFTH

THE RESPONDENT COURT GRAVELY ERRED IN CONCLUDING THAT THEN GENERAL MANAGER RAVANZO OF NPC AND UNDERSECRETARY OF AGRICULTURE BY AUTHORITY OF THE PRESIDENT OF THE PHILIPPINES ERRED IN ISSUING THE PATENT TO PETITIONER GORDULA. THIS IS AGAINST THE RULING IN ESPINOSA VS. MAKALINTAL, 79 PHIL. 134 and ORTUA VS. SINGSON ENCARNACION, 5[9] PHIL. 440."[12]

We affirm the Court of Appeals.

We start with the proposition that the sovereign people, represented by their lawfully constituted government, have untrammelled dominion over the forests on their native soil. Forest lands, being the self-replenishing,

versatile and all-important natural resource that they are, need to be reserved and saved to promote the people's welfare. By their very nature^[13] or by executive or statutory fiat, they are outside the commerce of man, unsusceptible of private appropriation in any form,^[14] and inconvertible into any character less than of inalienable public domain, regardless of their actual state, for as long as the reservation subsists and is not revoked by a subsequent valid declassification.^[15]

"Once again, we reiterate the rule enunciated by this Court in *Director of Forestry vs. Muñoz* and consistently adhered to in a long line of cases the more recent of which is *Republic vs. Court Appeals*, that forest lands or forest reserves are incapable of private appropriation, and possession thereof, however long, cannot convert them into private properties. This ruling is premised on the Regalian doctrine enshrined not only in the 1935 and 1973 Constitution but also in the 1987 Constitution."^[16]

Petitioners do not contest the nature of the land in the case at bar. It is admitted that it lies in the heart of the Caliraya-Lumot River Forest Reserve, which Proclamation No. 573 classified as inalienable and indisposable. Its control was vested in the NAPOCOR under E.O. No. 224.

Petitioners, however, contend that Proclamation No. 573 itself recognizes private rights of landowners prior to the reservation. They claim to have established their private rights to the subject land.

We do not agree. No 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 a title from the state.^[17] The facts show that petitioner Gordula, did not acquire title to the subject land prior to its reservation under Proclamation No. 573. He filed his application for free patent only in January, 1973, more than three (3) years after the issuance of Proclamation No. 573 in June, 1969. At that time, the land, as part of the Caliraya-Lumot River Forest Reserve, was no longer open to private ownership as it has been classified as public forest reserve for the public good.

Nonetheless, petitioners insist that the term, "private rights", in Proclamation No. 573, should not be interpreted as requiring a title. They opine that it suffices if the claimant "had occupied and cultivated the property for so many number of years, declared the land for taxation purposes, [paid] the corresponding real estate taxes [which are] accepted by the government, and [his] occupancy and possession [is] continuous, open and unmolested and recognized by the government".^[18] Prescinding from this premise, petitioners urge that the 25-year possession by petitioner Gordula from 1944 to 1969, albeit five (5) years short of the 30-year possession required under Commonwealth Act (C.A.) No. 141, as amended, is enough to vest upon petitioner Gordula the "private rights" recognized and respected in Proclamation No. 573.

The case law does not support this submission. In *Director of Lands v. Reyes*,^[19] we held that a settler claiming the protection of "private rights" to exclude his land from a military or forest reservation must show "x x x by clear and convincing evidence that the property in question was acquired by [any] x x x means for the acquisition of public lands".

In fine, one claiming "private rights" must prove that he has complied with C. A. No. 141, as amended, otherwise known as the Public Land Act, which prescribes the substantive as well as the procedural requirements for acquisition of public lands. This law requires at least thirty (30) years of open, continuous, exclusive and notorious possession and occupation of agricultural lands of the public domain, under a bona fide claim of acquisition, immediately preceding the filing of the application for free patent. The rationale for the 30-year period lies in the presumption that the land applied for pertains to the State, and that the occupants and/or possessors claim an interest therein only by virtue of their imperfect title or continuous, open and notorious possession.^[20]

Indeed, the possession of public agricultural land, however long the period may have extended, never confers title

thereto upon the possessor.[21] 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.[22]

In the case at bar, petitioners have failed to comply with the mandatory 30-year period of possession. Their 25-year possession of the land prior to its reservation as part of the Caliraya-Lumot River Forest Reserve cannot be considered compliance with C. A. No. 141, as amended. The Court has no authority to lower this requirement for it cannot amend the law.

Next, petitioners contend that their "private rights" have been recognized by the government itself. They point to (1) the letter dated October 24, 1973 of then NAPOCOR General Manager, Ravanal Ravanzo, (2) the action of the Bureau of Lands which after investigation, declared him qualified to acquire the land; and (3) the Free Patent issued on January 17, 1974 by the Undersecretary of Agriculture and Natural Resources, by authority of the President of the Philippines. Petitioners urge that the findings and conclusions of the aforementioned government agencies and/or officers are conclusive and binding upon the courts, as held in the cases of *Ortua v. Singson Encarnacion*[23] and *Espinosa v. Makalintal*.[24]

The submissions are unconvincing.

In the first place, there is nothing in *Espinosa v. Makalintal* that is relevant to petitioners' claims. On the other hand, our ruling in *Ortua v. Singson Encarnacion* that "a decision rendered by the Director of Lands and approved by the Secretary of Agriculture and Commerce, upon a question of fact is conclusive and not subject to be reviewed by the courts,"[25] was made subject to the categorical caveat "in the absence of a showing that such decision was rendered in consequence of fraud, imposition, or mistake".[26]

Undoubtedly, then General Manager Ravanzo erred in holding that petitioner Gordula "ha[d] sufficient ground to establish 'priority rights' over the areas claimed". This error mothered the subsequent error of the Bureau of Lands which culminated in the erroneous grant of a free patent on January 17, 1974. The perpetration of these errors does not have the effect of converting a forest reserve into public alienable land. It is well-settled that forest land is incapable of registration, and its inclusion in a title nullifies that title.[27] To be sure, the defense of indefeasibility of a certificate of title issued pursuant to a free patent does not lie against the state in an action for reversion of the land covered thereby when such land is a part of a public forest or of a forest reservation, the patent covering forest land being void ab initio.[28] Nor can the mistake or error of its officials or agents in this regard be invoked against the government.[29] Finally, the conversion of a forest reserve into public alienable land, requires no less than a categorical act of declassification by the President, upon the recommendation of the proper department head who has the authority to classify the lands of the public domain into alienable or disposable, timber and mineral lands.[30] There is none such in this case.

IN VIEW WHEREOF, the petition is HEREBY DENIED. No costs.

SO ORDERED.

Regalado, (Chairman), Mendoza, and Martinez, JJ., concur.

[1] Penned by Associate Justice Romeo J. Callejo , Sr. and concurred in by Associate Justices Pedro A. Ramirez and Pacita Canizares-Nye; Rollo, pp. 44-67.

[2] Rollo, p. 69.

- [3] 65 O.G. 28, July 14, 1969, pp. 7088-A to 7088-J.
- [4] Petition, p. 26, Rollo, p. 28.
- [5] Docketed as Application No. IV-5-949.
- [6] Lots covered by Transfer Certificates of Title Nos. 103404 to 103407.
- [7] 83 O. G. 30, July 27, 1987, pp. 3422-L to 3422-M.
- [8] The case was raffled to Branch 27.
- [9] Reproduced in the Decision of the Court of Appeals (CA), p. 7, Rollo, p. 50.
- [10] CA Decision, pp. 8, 11-14, 18-21, Rollo, pp. 51, 54-57, 61-64.
- [11] Id., p. 23, Rollo, p. 66.
- [12] Petition, pp. 7-8, Rollo, pp. 9-10.
- [13] Director of Land Management v. Court of Appeals, 172 SCRA 455, 461-464 [1989], citing Republic v. Court of Appeals, 154 SCRA 476 [1987].
- [14] Republic v. Intermediate Appellate Court, 186 SCRA 88, 92-93 [1990], citing Vano v. Government of the Philippines, 41 Phil. 161 [1920]; Adorable v. Director of Forestry, 107 Phil. 401 [1960]; Director of Forestry v. Munoz, 132 Phil. 637 [1968]; Republic v. De La Cruz, 67 SCRA 221 [1975]; Director of Lands v. Reyes and Alinsunurin v. Director of Lands, 68 SCRA 177 [1975]; Republic v. Court of Appeals, 89 SCRA 648 [1979]; Republic v. Animas, 56 SCRA 499 [1974]; Director of Lands v. Court of Appeals, 133 SCRA 701 [1984]; and Director of Lands v. Rivas, 141 SCRA 329 [1986][.]
- [15] Republic v. Court of Appeals, 154 SCRA 476, 481 [1987]; Republic v. Bacus, 176 SCRA 376, 381-384 [1989].
- [16] Director of Lands v. Aquino, 192 SCRA 296, 302 (1990).
- [17] Lee Hong Hok v. David, 48 SCRA 372, 379 [1972].
- [18] Petition, p. 29, Rollo, p. 31.

[19] 68 SCRA 177, 194-195 [1975].

- [20] Republic v. Aquino, 120 SCRA 186, 190-191 [1983].
- [21] Director of Lands v. Heirs of Isabel Tesalona, 236 SCRA 336, 344 [1994].
- [22] Director of Lands v. Reyes, 68 SCRA 177, 193 [1975], citing Province of Camarines Sur v. Director of Lands, 64 Phil. 600 [1937].
- [23] 59 Phil. 440 [1934].
- [24] 79 Phil. 134 [1947].
- [25] Ortua v. Singson, 59 Phil. 440, 443-444 [1934].
- [26] Id., at 444.
- [27] Director of lands v. Heirs of Isabel Tesalona, supra; Director of Lands v. Reyes, supra, citing Director of

Forestry v. Munoz, 23 SCRA 1183 [1968]; Dizon v. Rodriguez and Republic v. Court of Appeals, 13 SCRA 704 [1965]; and Republic v. Ayala y Cia, 14 SCRA 259 [1965].

[28] Republic v. Animas, 56 SCRA 499, 502-503 [1974], citing Gatchalian v. Pavilen, 6 SCRA 508 [1962] and Ledesma v. Municipality of Iloilo, 49 Phil. 769 [1926].

[29] Republic v. Court of Appeals, 135 SCRA 156, 161-162 [1985]; Republic v. Aquino, 120 SCRA 186, 191-192 [1983], citing Luciano v. Estrella, 34 SCRA 769 [1970] and Republic v. Philippine Rabbit Bus Lines, Inc., 32 SCRA 211 [1970]; Republic v. Court of Appeals, 89 SCRA 648, 656 [1979][.]

[30] Director of Lands v. Aquino; supra; Republic v. Bacus, supra.

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