

**FRANCISCO ZARATE, PETITIONER, VS. THE DIRECTOR OF LANDS,
PRECIOSA T. DAVILA, REGALADO TORIAGA, PATRIA TORIAGA,
RENATO TORIAGA, ROSALINDA TORIAGA, RYL TORIAGA, PROBO
TORIAGA, JOS...**

G.R. No. 131501. July 14, 2004

Ponente: CALLEJO, SR., J.

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CALLEJO, SR., J.:

This is a petition for review on certiorari of the Decision[1] of the Court of Appeals in CA-G.R. CV No. 28241 affirming the Decision[2] of the Regional Trial Court of Kalibo, Aklan, Branch 3, in Land Registration Case No. 273.

The Antecedents

As gleaned from the decision of the Court of Appeals, the factual backdrop and antecedental proceedings are as follows:

This is an application for registration of title filed by appellant Francisco Zarate on 27 December 1976 to have his three parcels of land brought under the operation of the Land Registration Act. The subject parcels of land contain a land area of 68.2787 hectares and 10.5135 hectares, located at Dumatiad, Tangalan, Aklan, and of 3.8500 hectares, located at Afga, Tangalan, Aklan. The said parcels have been subdivided into six (6) lots.

Appellant claims that the first two parcels of land which formed only one parcel of land consisting of about 78.7922 hectares originally belonged to the spouses Solomon Tirol and Venancia Hontiveros. When they died in 1905 and 1913, respectively, the said parcels of land were inherited by their children Gregorio, Ignacio, Lamberto, Eleanor and Carmen, all surnamed Tirol.

On 26 May 1923, they donated said parcel to Josefino Tirol, son of Gregorio, and Angeles Arcenas in consideration of their marriage (Exhs. (sic) "Z"). Said land was later subdivided into two, one with an area of 68.2787 hectares and the other 10.5135 hectares which was later sold to herein appellant on 7 January 1976 (Exh. "HH"). The third parcel (with an area of 3.8500 hectares) was inherited by Gregorio Tirol, father of Josefino, from his ancestors. When Gregorio died, Josefino inherited the same. He later sold the said land to herein appellant on 11 March 1976.

Applicant claims that he and his predecessors-in-interest have been in peaceful possession and usufruct of the property for over eighty (80) years, religiously paying the taxes thereon. Nobody disturbed their possession and usufruct for more than fifty (50) years, until oppositors Maximo Villanueva, Jose Corpuz, Dominador Tagbalay, Marcelinito Honorio, Lolito Talaga, Felipe Villanueva and Jose Molo, entered and occupied portions of the land sometime in 1970.

Oppositors Preciosa Tirol Davila, on the other hand, contends that Lot 1, Plan Psu-06-000253 with an area of 530,310 sq. meters situated in Tangalan, Aklan, owned by her, was previously the property of Ignacio Tirol, her father. When Ignacio died, the said lot was entrusted to Josefino Tirol, who was his lawyer and first cousin.

She did not have any tax declarations because Josefino assured her that he would be responsible for them. Preciosa denied that the said property was donated by his father to Josefino and that the signature appearing on the deed of donation was forged.

Oppositor Development Bank of the Philippines gave another version. It claims that the questioned lots are owned by spouses Valeriano Molo and Lutgarda Molo. The said parcel which consists of about 190,922 square meters located at Afga, Tangalan, Aklan, was mortgaged to the bank. When the couple failed to pay their indebtedness, the mortgage was foreclosed and the land became the property of the bank in whose name the land is now declared for taxation purposes.

Oppositors Regalado, Patria, Renato, Rosalinda, Ryl and Probo, all surnamed Toriaga, likewise, contend that the land claimed by them which is about 4 hectares in area and situated in Afga, Tangalan, Aklan, originally belonged to Eulalio Tanasa, who possessed it before 1949. When he died, the land was inherited by his daughter Prima who was married to Probio (sic) Toriaga. Prima continuously resided on the land until her death in 1977. The land passed to her son, Regalado Toriaga, Sr., husband of oppositor Patria and father of the other oppositors. The said land is declared in the name of the Toriagas.

All the oppositors claim that the land applied for by appellant was unoccupied and covered with wild trees and cogon. They cleared the land, built their houses and planted mangoes, casoy, jackfruit, bananas, camote, and cassava. Neither Josefino Tirol nor Francisco Zarate possessed the land nor enjoyed the products thereof.

Oppositor Republic of the Philippines, for its part, claims that the subject land was timberland or unclassified forest. In 1970, at the time of oppositors' occupation, the lands were covered with wild trees and thickets and was (sic) released as alienable and disposable under Land Classification Map No. 2779, Project 10-A only on 16 April 1973.

Since there were many claimants, the trial court commissioned a geodetic engineer to determine the different portions claimed by the applicant and the oppositors. The commissioner's report shows the following claims:

Regalado Toriaga, et al. - 4.1444 hec.

Maximo Villanueva - 4.3572 "

Jose Molo - 3.7575"

Jose Corpuz - 6.3555"

Marcelino (sic) Honorio - 7.5123"

Dominador Tagbalay - 2.6496"

(pp. 1,310-1,313, Vol. IV, Record)

Oppositor DBP also claimed an area of 19.092 hectares while Preciosa Davila is also claiming an area of 53.0310 hectares of Lot 1.

After the contending parties presented their evidence, the trial court on 26 April 1990 rendered judgment dismissing the application of title filed by applicant Francisco Zarate, and the claims of private oppositors.

Not satisfied with the aforesaid decision, applicant filed this appeal assigning the following errors:

I

THE LOWER COURT ERRED IN NOT FINDING THAT THE ADVERSE CLAIMS OF OWNERSHIP OF THE LANDS IN QUESTION OF THE DEVELOPMENT BANK OF THE PHILIPPINES AND ALL THE

OTHER OPPOSITORS ARE FALSE AND FRAUDULENT WITHOUT BASIS IN FACT AND LAW.

II

THE LOWER COURT ERRED IN NOT HOLDING THAT THE APPLICANT-APPELLANT, INCLUDING THE POSSESSIONS AND USUFRUCTS OF HIS PREDECESSORS-IN-INTEREST, HAS BEEN IN POSSESSION AND USUFRUCT OF THE LANDS SUBJECT MATTER OF THIS PROCEEDING FOR OVER 80 YEARS AND FROM TIME IMMEMORIAL AND HE, THEREFORE, ACQUIRED VESTED RIGHTS THEREON.

III

THE LOWER COURT ERRED IN NOT APPROVING THE APPLICATION FOR REGISTRATION OF TITLE TO LAND WHICH THE APPLICANT BROUGHT (sic) TO HAVE HIS THREE PARCELS OF LAND BROUGHT UNDER THE OPERATION OF THE LAND REGISTRATION ACT AND TO HAVE THE TITLES THERETO IN THE EXCLUSIVE NAME OF THE APPLICANT REGISTERED AND CONFIRMED.[3]

On February 18, 1997, the Court of Appeals rendered judgment affirming the decision of the trial court.

The applicant-appellant, now the petitioner, filed a petition for review contending that:

I

THE COURT OF APPEALS ERRED IN GIVING FULL CREDENCE TO THE TESTIMONY OF GEODETIC ENGINEER RONDARIO AND RESPONDENT (OPPOSITOR) MAXIMO VILLANUEVA AND NOT TO THAT OF THE PETITIONER (APPLICANT) AND HIS WITNESSES, RELATIVE TO THE TRUE CLASSIFICATION OF THE SUBJECT PARCELS OF LAND.

II

THE CLAIMS OF THE RESPONDENTS (OPPOSITORS) ARE RIDDLED WITH INCONSISTENCIES AND IMPROBABILITIES, WHICH INCONSISTENCIES AND IMPROBABILITIES ONLY STRENGTHEN PETITIONER'S (APPLICANT'S) CLAIMS.

III

A STRICT APPLICATION OF THE RULE REGARDING THE RELEASE OF PUBLIC LANDS AS EMBODIED IN THE CASE OF VALLARTA V. INTERMEDIATE APPELLATE COURT, 151 SCRA 679 (1987), WOULD WORK SERIOUS AND IRREPARABLE INJUSTICE TO THE PETITIONER (APPLICANT).[4]

The petitioner avers that the Court of Appeals erred in giving credence and probative weight to the testimony of Geodetic Engineer Jose Rondario and his Certification that the subject property was within the alienable and disposable area of Tangalan, Aklan, certified and released as such under Land Classification Map No. 2779, Project 10-A on April 16, 1973. He asserts that the appellate court should have considered his testimonial and documentary evidence, that the property subject of his application hardly comes close to being a forest or timberland, and that there were hardly any big trees on the property. The petitioner and his predecessors-in-interest even planted bananas, cassava, coconut trees, and camotes on the property.

The petitioner contends that the ruling of this Court in Vallarta vs. Intermediate Appellate Court,[5] should not be

applied so as to prejudice his vested rights over the subject property. The petitioner asserts that for a period of eighty years before 1973, he and his predecessors-in-interest had been in public, continuous, adverse and exclusive possession of the property. He cites the ruling of this Court in *Ankron vs. Government of the Philippine Islands* to fortify his plea.[6]

On the other hand, the trial court declared that:

To find out the real nature of the lands, the Court examined the testimony of the witnesses –

Witness Jose Rondario, for the oppositor Development Bank of the Philippines, and surveyor of the lands of the applicant, testified as follows:

ATTY. TEJADA:

Q You stated that you have gone over the property that you have surveyed for Valeriano Molo, can you tell the court what [were the] improvements, if there are (sic) any, during the survey in 1974?

A When I execute[d] my survey, I found out that there is no(t) any (sic) plant only kaingin.

x x x

Q When you conducted the survey for Valeriano Molo in 1974, were you approached by any person?

A There is (sic) nobody questioning me during my survey because actually there was a (were) people making kaingin there – I think that (sic) was the tenant of Valeriano Molo.” (Tsn, Melgar, November 5, 1987, pp. 7 and 13).

Witness Maximo Villanueva (one of the oppositors) declared:

ATTY. TAPLAC:

Q When you first occupied this land in question, what was the condition of the land?

A Filled with thickets and second group forest.

Q How big are (sic) the trees found when you first occupied this land?

A Some were big trees because we used to get (sic) our materials in building our house.

Q Were there signs of occupation when you first entered the land?

A There was no sign that there was a previous occupation (sic).”

x x x

COURT:

Q What kind of trees were existing on the land when you occupied it?

A Wild trees not planted by people.

Q There were no coconut trees existing at the time you occupied the land?

A No, Your Honor.” (TSN, Peniano, January 31, 1990, pp. 9-10 and 17).

Witness Agustin Bautista, an employee of the Forest Management Sector of the Community Environment and Natural Resources Office, Kalibo, Aklan, testifying for the oppositor Director of Lands, averred:

ATTY. TORRE:

Q In this land classification map 10-A, which is described as alienable and disposable, would you mind informing this Court as to what is the status of this Project No. 10-A previously classified as alienable and disposable?

A That is timberland. Previously, it is not being classified alienable and disposable.

x x x

Q But previous to April 16, 1973, what is (sic) the status of the land then?

A It is (sic) timberland. It is (sic) not classified as alienable and disposable.” (Tsn, Gonzales, February 1, 1990, pp. 3 and 5).

Evidently, the three parcels of land in question were forest lands. The applicant’s predecessor-in-interest, Josefino Tirol, and the private oppositors, who claimed possession over the area did not and could not have acquired ownership over the said lands considering that the area was then inalienable and non-disposable.

...

In the present case, the lands applied for title were released as alienable and disposable only on April 16, 1973 (Exhs. “5-RP” and “6-RP”) as per Project No. 10-A, Land Classification Map No. 2779. The application for registration was filed on December 27, 1976. Since the applicant, and likewise, the private oppositors, possessed the land from the time of release on April 16, 1973, for only three (3) years and eight (8) months prior to the filing of the application, the thirty (30) year possession required by law was not complied with.[7]

...

Moreover, to warrant registration, proof of possession must be “conclusive” (Municipality of Santiago vs. Court of Appeals, 120 SCRA 734), or “well-nigh incontrovertible” (Santiago vs. de los Santos, 61 SCRA 146). The applicant was not able to prove such possession. The bulk of the evidence submitted revealed numerous occupants on the lands. The survey plan submitted by Reynaldo Lopez, a geodetic engineer commissioned by the Court to determine the different portions claimed by the applicant and the oppositors (Records, p. 1,314), showed that of the three parcels of land with a total area of eighty one (81) hectares, the private oppositors claim the following:

Regalado Toriaga, et al. - 4.1554 hectares
(Lot A);

Maximo Villanueva - 4.3572 hectares
(Lot B);

Jose Molo - 3.7575 hectares
(Lot C);

Jose Corpus - 6.3556 hectares
(Lot D);

Marcelinito Honorio - 7.5123 hectares
(Lot E); and

Dominador Tagbalay - 2.6496 hectares
(Lot F).

The evidence likewise showed that Valeriano Molo, now substituted by the Development Bank of the Philippines, claims 19.092 hectares, and oppositor Preciosa Tirol Davila, 53.0310 hectares. The aforementioned oppositors claim that they are in actual, physical possession of their respective portions. It is admitted by the applicant in his

amended application and in his evidence presented during the trial that oppositors Maximo Villanueva, Jose Corpus, Marcelinito Honorio, Joselito Honorio, Dominador Tagbalay, Jose Molo, Valeriano Molo (now substituted by the Development Bank of the Philippines), and the heirs of Regalado Toriaga, Sr., occupy portions of the land through “illegal entry, unauthorized squatting or usurpation.” More than one-half (1/2) of the total area applied for registration not being in the possession of the applicant, he cannot, thus, claim exclusive and notorious possession under claim of ownership, nor can he support his claim of title through acquisitive prescription.

The Court, therefore, holds that the applicant, as well as the private oppositors, failed to prove by sufficient evidence that they have complied with the requisites provided by law to warrant registration of title to the three (3) parcels of land.[8]

The Court of Appeals concurred in toto with the findings of the trial court and cited the ruling of this Court in *Vallarta vs. Intermediate Appellate Court*[9] in ruling against the appellants.

We find the petition to be barren of merit.

The decisive issue for resolution is whether or not the Court of Appeals erred in affirming the appealed decision dismissing the petitioner’s application, on the ground that he failed to prove ownership of the three parcels of land subject of his application under Section 48(b) of Commonwealth Act No. 141, as amended.

The question raised by the petitioner, whether the parcels of land subject of his application are forest lands, and whether the petitioner, by himself, and his predecessors-in-interest were in open, continuous, exclusive and notorious possession under a bona fide claim of ownership for at least thirty (30) years immediately preceding his application in 1976, are questions of fact which the trial court and the Court of Appeals resolved in the negative. Such factual findings are generally conclusive in this Court and will not be reviewed on appeal.[10] This Court is not a trier of facts in a case appealed to it under Rule 45 of the Rules of Court, as amended. There are, to be sure, exceptions to this rule. However, we have carefully reviewed the records and find no justification to deviate from the findings of the trial and appellate courts that the subject property was, before April 16, 1973, forest land, and that the petitioner failed to prove his claim of title over the parcels of land subject of his application under Section 48(b) of Commonwealth Act No. 141, as amended, and the legal conclusions based on their findings.

Under the Regalian doctrine, all lands of the public domain belong to the State, and that the State is the source of any asserted right to ownership of land and charged with the conservation of such patrimony. The same doctrine also states that all lands not otherwise appearing to be clearly within private ownership are presumed to belong to the State.[11] Consequently, the burden of proof to overcome the presumption of ownership of lands of the public domain is on the person applying for registration.[12] Unless public land is shown to have been reclassified and alienated by the State to a private person, it remains part of the inalienable public domain.[13]

Section 48 of the Public Land Act, as amended by P.D. No. 1073, provides:

SEC. 48. The following described citizens of the Philippines, occupying lands of the public domain or claiming to own 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:

xxx xxx xxx

(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 acquisition or 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.

The petitioner was burdened to prove, by positive and incontrovertible evidence, two legal requirements: (1) the land applied for was alienable and disposable; and, (2) the applicant and his predecessors-in-interest had occupied and possessed the land openly, continuously, exclusively, and adversely for thirty (30) years immediately preceding the filing of his application on December 26, 1976. One claiming private rights must prove that he has complied with the legal requirements of Commonwealth Act No. 141, as amended, which prescribes the substantive as well as procedural requirements for acquisition of public lands.[14] When the conditions set forth by law are complied with, the possessor of the land, by operation of the law, acquires a right to grant, a government grant, without the necessity of a certificate of title being issued.[15]

Under Section 6 of Commonwealth Act No. 141, as amended, the classification and reclassification of public lands into alienable or disposable, mineral or forest land is the prerogative of the Executive Department.[16] In *Bracewell vs. Court of Appeals*,[17] we held that the rule on the confirmation of imperfect title does not apply unless and until the land classified as forest land is released in an official proclamation to that effect so that it may form part of the disposable agricultural lands of the public domain. The applicant must secure a certification from the Government that the lands applied for by the applicants are alienable and disposable.[18]

The petitioner failed to discharge his burden.

First. The petitioner failed to adduce in evidence any certification from the Bureau of Lands or the Bureau of Forestry to the effect that the property is alienable or disposable. On the other hand, the respondents adduced evidence that the property applied for by the petitioner was classified by the Director of Forestry as disposable and alienable only under Forestry Administrative Order No. 4-1295 issued on April 16, 1973, and Land Classification No. 2779 and Project No. 10-A. This is gleaned from the Certification of the Director of Forestry, viz:

I hereby certify that this is the correct map of the areas demarcated as timberlands pursuant to Section 1816 of the Revised Administrative Code and those set aside as Alienable or Disposable under Forestry Administrative Order No. 4-1295 dated April 16, 1973. These areas were surveyed and the field notes plotted in accordance with the standard procedure and mapping instruction of the Bureau of Forestry. Therefore, this map is hereby approved. The original reports, field notes and computations in connection herewith are on file in this Office.

Manila, Philippines. April 16, 1973.

NOTE:

FAO No. 4-1295

Approved on (Sgd.) JOSE VIADO

June 19, 1973. Actg. Director of Forestry[19]

Geodetic Engr. Jose R. Rondario, who was commissioned by the petitioner to prepare the survey plan for the subject parcels of land certified, thus:

I hereby certify that this area surveyed is within the alienable and disposable area of Tangalan, Aklan, certified and released as such on April 16, 1973 per L.C. No. 2779 and Project No. 10-A.

I further certify that this Lot surveyed is outside civil and military reservation.

(Sgd.) JOSE R. RONDARIO

Geodetic Engineer[20]

The petitioner cannot denigrate the verisimilitude of the contents of the Certification of Engr. Rondario because the same was offered as his evidence and is based on the records of the Bureau of Forestry.

Since the property was reclassified as alienable and disposable only on April 16, 1973 and the petitioner filed his application only on December 27, 1976, or only less than four years after the said reclassification. He irrefragably failed to prove his possession of the property for the requisite thirty (30)-year period. The possession of the land by the applicant and his predecessors-in-interest, even assuming that his predecessors had been in possession of the property prior to the reclassification thereof as alienable or disposable, cannot be credited as part of the thirty (30)-year period required under Section 48(b) of Commonwealth Act No. 141, as amended.[21] Indeed, in *Bracewell vs. Court of Appeals*,[22] we held that:

Clear from the above is the requirement that the applicant must prove that the land is alienable public land. On this score, we agree with the respondents that the petitioner failed to show that the parcels of land subject of his application are alienable or disposable. On the contrary, it was conclusively shown by the government that the same were only classified as alienable or disposable on March 27, 1972. Thus, even granting that [the] petitioner and his predecessors-in-interest had occupied the same since 1908, he still cannot claim title thereto by virtue of such possession since the subject parcels of land were not yet alienable land at that time nor capable of private appropriation. The adverse possession which may be the basis of a grant of title or confirmation of an imperfect title refers only to alienable or disposable portions of the public domain...

...

Prior to March 27, 1972, when the subject parcels of land were classified as inalienable or indisposable, therefore, the same could not be the subject of confirmation of imperfect title. There can be no imperfect title to be confirmed over lands not yet classified as disposable or alienable. In the absence of such classification, the land remains unclassified public land until released therefrom and open to disposition. Indeed, it has been held that the rules on [the] confirmation of imperfect title do not apply unless and until the land classified as forest land is released in an official proclamation to that effect so that it may form part of the disposable agricultural lands of the public domain.[23]

The ruling of the Court in *Ankron vs. Government of the Philippine Island*[24] has no application in this case because in that case, the Court ruled that the property was “indisputably” agricultural land. The petitioner’s bare claims, even if true, that no big trees could be found in the property and that he and his predecessors planted bananas, camotes and other fruit trees on portions of the property, do not divest the property of its classification as forest land. A similar issue was raised in *Heirs of Jose Amunategui vs. Director of Forestry*,[25] where we held that:

A forested area classified as forest land of the public domain does not lose such classification simply because loggers or settlers may have stripped it of its forest cover. Parcels of land classified as forest land may actually be covered with grass or planted to crops by kaingin cultivators or other farmers. “Forest lands” do not have to be on mountains or in out of the way places. Swampy areas covered by mangrove trees, nipa palms and other trees growing in brackish or sea water may also be classified as forest land. The classification is descriptive of its legal nature or status and does not have to be descriptive of what the land actually looks like. Unless and until the land classified as “forest” is released in an official proclamation to that effect so that it may form part of the disposable agricultural lands of the public domain, the rules on confirmation of imperfect title do not apply.

This Court ruled in the leading case of *Director of Forestry v. Muñoz* (23 SCRA 1184 [sic]) that possession of forest lands, no matter how long, cannot ripen into private ownership. And in *Republic v. Animas* (56 SCRA 499), we granted the petition on the ground that the area covered by the patent and title was not disposable public land, it being a part of the forest zone and any patent and title to said area is void ab initio. It bears

emphasizing that a positive act of Government is needed to declassify land which is classified as forest and to convert it into alienable or disposable land for agricultural or other purposes.

The findings of the Court of Appeals are particularly well-grounded in the instant petition.

The fact that no trees enumerated in Section 1821 of the Revised Administrative Code are found in Lot No. 885 does not divest such land of its being classified as forest land, much less as land of the public domain. ...[26]

We reject the claim of the petitioner that he had acquired vested rights over the property, on his assertion that he and his predecessors-in-interest had been in possession of the property for decades before he filed his application in the trial court. It is a rule of law that possession of forest lands, however long, cannot ripen into private ownership.[27] Such lands are not capable of private appropriation, and possession thereof, no matter how long, cannot ripen into ownership.[28]

IN LIGHT OF ALL THE FOREGOING, the petition is DENIED DUE COURSE for lack of merit. The Decision of the Court of Appeals in CA-G.R. CV No. 28241 is AFFIRMED. Costs against the petitioner.

SO ORDERED.

Puno, (Chairman), Quisumbing, Austria-Martinez, and Tinga, JJ., concur.

[1] Penned by Associate Justice Antonio M. Martinez (promoted Associate Justice of the Supreme Court) (retired), with Associate Justices Eduardo G. Montenegro (retired) and Celia Lipana-Reyes (deceased), concurring.

[2] Penned by Judge Sheila Martelino-Cortes.

[3] Rollo, pp. 38-41.

[4] Id. at 20.

[5] 151 SCRA 679 (1987).

[6] 40 Phil. 10 (1919).

[7] Rollo, pp. 55-57.

[8] Id. at 58-59.

[9] Supra.

[10] Abapo vs. Court of Appeals, 327 SCRA 180 (2000).

[11] Bracewell vs. Court of Appeals, 323 SCRA 193 (2000), citing Director of Lands vs. Intermediate Appellate Court, 219 SCRA 339 (1993).

[12] Ibid.

[13] Menguito vs. Republic, 348 SCRA 128 (2000).

[14] Public Estates Authority vs. Court of Appeals, 345 SCRA 96 (2000).

[15] Republic vs. Daldole, 295 SCRA 359 (1998).

[16] Bureau of Forestry vs. Court of Appeals, 153 SCRA 351 (1987).

[17] Supra.

[18] Director of Lands vs. Buyco, 216 SCRA 78 (1992).

[19] Exhibit “5.” (Folder of Exhibits)

[20] Exhibit “3.”

[21] Republic of the Philippines vs. Court of Appeals, 154 SCRA 476 (1987).

[22] Supra.

[23] Id. at 198-199.

[24] Supra.

[25] 126 SCRA 69 (1983).

[26] Id. at 75.

[27] Director of Lands vs. Muñoz, 23 SCRA 1183 (1968); Bureau of Forestry vs. Court of Appeals, 153 SCRA 351 (1987).

[28] Director of Forest Administration, 192 SCRA 121 (1990).

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