

HEIRS OF CARLOS ALCARAZ, PETITIONERS, VS. REPUBLIC OF THE PHILIPPINES, BENJAMIN DAYOR AND ADELA ALCARAZ, RESPONDENTS.

G.R. No. 131667. July 28, 2005

Ponente: GARCIA, J.

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GARCIA, J.:

Assailed and sought to be set aside in this appeal by way of a petition for review on certiorari under Rule 45 of the Rules of Court are the following issuances of the Court of Appeals in CA-G.R. CV No. 35570, to wit:

- Decision dated 18 March 1997,[1] affirming an earlier decision of the Regional Trial Court, Branch 15, Malolos, Bulacan insofar as it declared null and void ab initio petitioners' Free Patent No. (III-6) 00075 and Original Certificate of Title No. P-1887 but setting aside paragraphs 2 to 6 of the dispositive portion of said decision; and
- Resolution dated 27 November 1997,[2]denying the separate motions for reconsideration filed by the parties.

The material facts, as found by the Court of Appeals, may be briefly stated, as follows:

Julian Alcaraz was the possessor and actual occupant of a parcel of land, identified as Lot No. 391, Cad-337, Meycauayan Cadastre, with an area of 2,888 square meters, more or less, and situated at Barangay Bancal, Meycauayan, Bulacan. Upon his death on 13 April 1924, his three (3) children namely, Carlos, Timotea and Igmedio, all surnamed Alcaraz, succeeded in the possession and occupation of said land with each of them allocating to each other a one-third (1/3) portion thereof.

Carlos Alcaraz had four (4) children, namely Silvino, Isabel, Flaviana and Feliza. Timotea Alcaraz had only one (1) child named Benito Dayor who had three (3) children, to wit: Benjamin, Leonila and Rosario, all surnamed Dayor. For his part, Igmedio Alcaraz had two (2) children, Miguel and Cirila.

Although there was no Deed of Extra-Judicial Settlement or Partition of the property that was left by their deceased father Julian Alcaraz, the heirs and their respective descendants nonetheless made a physical partition thereof among themselves by confining their respective possessions and occupations of the property in three (3) separate clusters distinguishing their respective origins from the possessions of their ascendants, Carlos, Timotea and Igmedio. The heirs of Carlos Alcaraz had grouped themselves on the southern portion of the land, while the heirs of Timotea Alcaraz had settled on the western portion. The northern portion was occupied by the heirs of Igmedio Alcaraz.

On 2 February 1974, Maria Paz Alcaraz-Gomez, representing the heirs of Carlos Alcaraz, filed with the Bureau of Lands, District Land Office No. III-6 at Tabang, Guiguinto, Bulacan, Free Patent Application No. (III-6) 933, Entry No. 000705 covering the entire subject parcel of land.

Thereafter, or on 28 February 1974, Geodetic Engineer Luis E. Balicanta, land inspector of the said District Land

Office, conducted an investigation and ocular inspection of the subject land. After the requisite investigation and verification, District Land Officer Jesus B. Toledo, for and by authority of the Director of Lands, issued on 22 April 1974 an Order of Approval of Application and Issuance of Patent - Free Patent No. (III-6) 000705. On even date, he sent a letter-request to the Register of Deeds of Bulacan to issue the corresponding certificate of title for Free Patent (III-6) 000705, in the name of the heirs of Carlos Alcaraz.

Pursuant thereto, the Register of Deeds issued on 7 May 1974 Original Certificate of Title (OCT) No. 1887 covering Free Patent No. (III-6) 000705 in the name of the heirs of Carlos Alcaraz.

After some time, a formal protest was filed in the same District Land Office by the heirs of Timotea Alcaraz and Igmedio Alcaraz, respectively represented by Benjamin Dayor and Adela Alcaraz-Evea. Not long thereafter, the protesting heirs amended their formal protest by assailing the validity of the free patent issued in the name of the heirs of Carlos Alcaraz and alleging that the same was obtained thru fraudulent acts and misrepresentation.

Thereupon, a formal investigation and ocular inspection was conducted by a land investigator of the District Land Office. In his report, the land investigator recommended the recall and nullification of Free Patent No. (III-6) 000705 and the execution of appropriate steps to restore the rights of the heirs of Timotea Alcaraz and Igmedio Alcaraz over the subject parcel of land and grant them preferential rights to apply for the registration of the same in their names.

Then, on 30 July 1987, in the Regional Trial Court at Malolos, Bulacan the Republic of the Philippines, represented by the Solicitor General, filed against the heirs of Carlos Alcaraz a complaint for annulment and cancellation of Free Patent No. (III-6) 000705 and OCT No. P-1887 and the reversion of the same land to the public domain on the ground that fraud and misrepresentation attended the acquisition of said free patent and title. The complaint, docketed as Civil Case No. 382-M-87, was raffled to Branch 15 of the court.

In their answer, the heirs of Carlos Alcaraz denied the material allegations of the complaint, averring that they have complied with all the requirements for the issuance of a free patent and have not committed any fraud or misrepresentation in their application.

On 21 January 1988, the heirs of Timotea Alcaraz and Igmedio Alcaraz filed a motion for intervention. Their motion having been granted by the trial court on 3 March 1988, they thereafter filed their complaint-in-intervention, therein maintaining that they and the heirs of Carlos Alcaraz are co-owners of the land in question, hence the latter heirs own only one-third (1/3) thereof, with the remaining two-thirds (2/3) belonging to them. They thus prayed for the cancellation of the free patent and the corresponding OCT issued to the heirs of Carlos Alcaraz over the entire parcel for being null and void, and that they be declared co-owners thereof and the land itself ordered partitioned into three (3) lots with each set of heirs allotted a one-third (1/3) portion thereof.

After due proceedings, the trial court, in a decision dated 9 October 1991, ordered the cancellation of the free patent and title of the heirs of Carlos Alcaraz; recognized the intervenors' co-ownership rights over the same property; and decreed the subdivision thereof. In full, the decision dispositively reads:

WHEREFORE, in view of the foregoing, judgment is rendered by preponderance of evidence:

- 1) Declaring Free Patent No. (III-6) 000705 and the corresponding OCT No. P-1887 issued by the Register of Deeds of Bulacan in the name of the heirs of Carlos Alcaraz as null and void ab initio;
- 2) Ordering defendants heirs of Carlos Alcaraz to surrender the owner's duplicate copy of OCT No. P-1887 to defendant Register of Deeds of Bulacan and directing the Registrar to cancel the same as well as the original thereof, and all other certificate of title issued in lieu thereof;

3) Declaring the heirs of Timotea Alcaraz and heirs of Igmedio Alcaraz, represented by the intervenors Benjamin Dayor and Adela Alcaraz, respectively, as co-owners of one-third (1/3) portion each over the parcel of residential land in question;

4) Ordering the Municipal Assessor of the Municipality of Meycauayan, Province of Bulacan, to cancel the tax declaration covering the parcel of land in question and in lieu thereof a new tax declaration be issued in the names of the (1) Heirs of Carlos Alcaraz, (2) Heirs of Timotea Alcaraz and (3) Heirs of Igmedio Alcaraz as co-owners over one-third (1/3) a piece of the land under controversy;

5) Ordering the Heirs of Carlos, Timotea and Igmedio, all surnamed Alcaraz, to cause the subdivision of the land in litigation by a licensed Geodetic Engineer into three (3) lots, with a pathway in the middle from the lot of the Heirs of Timotea Alcaraz through the Barrio Road of Bancal, Meycauayan, Bulacan, the expense to be shouldered by them equally, to be used as Right of Way of occupants thereto; and

6) Ordering the defendants to pay costs of suit and attorney's fee of intervenors in the sum of P5,000.00.

SO ORDERED.

Unable to accept the judgment, petitioners went to the Court of Appeals via ordinary appeal under Rule 41 of the Rules of Court, which appeal was thereat docketed as CA-G.R. CV No. 35570.

As stated at the outset hereof, the appellate court, in a decision dated 18 March 1997,[3] affirmed with modification that of the trial court, thus:

WHEREFORE, the appealed decision dated October 9, 1991, of the court a quo is hereby AFFIRMED insofar as it declared null and void ab initio Free Patent No. (III-6) 000705 and Original Certificate of Title No. P-1887 issued by the Register of Deeds for the Province of Bulacan, in the names of the Heirs of Carlos Alcaraz. Paragraphs 2 to 6 of the dispositive portion of the aforesaid decision is (sic) SET ASIDE and a new one is rendered as follows:

- Ordering that the land covered by Free Patent No. (III-6) 000705 and Original Certificate of Title No. P-1887 be reverted to the mass of the public domain; and

- Ordering appellants and intervenors to pay the cost of suit.

SO ORDERED.

In time, all the three (3) sets of heirs filed their respective motions for reconsideration, all of which were denied by the appellate court in its resolution of 27 November 1997.[4]

From there, only the herein petitioners Heirs of Carlos Alcaraz came to this Court thru the present recourse, commending for our resolution the following issues:

I.

WHETHER OR NOT FRAUD OR MISREPRESENTATION HAD BEEN COMMITTED BY THE PETITIONERS IN THEIR APPLICATION FOR FREE PATENT IN CONTEMPLATION OF SECTION 91 OF C.A. NO. 141, AS AMENDED.

II.

WHETHER OR NOT FREE PATENT NO. (III-6) 000705 AND ORIGINAL CERTIFICATE OF TITLE NO. P-1887 WERE LEGALLY AND VALIDLY ISSUED AND REGISTERED IN THE NAME OF THE PETITIONERS, HEIRS OF CARLOS ALCARAZ.

III.

WHETHER OR NOT ORIGINAL CERTIFICATE OF TITLE NO. P-1887 ISSUED BY THE REGISTER OF DEEDS FOR THE PROVINCE OF BULACAN COVERING FREE PATENT NO. (III-6) 000705 HAD BECOME INDEFEASIBLE AND CONCLUSIVE OF THE PETITIONERS' TITLE OVER THE SUBJECT LAND.

IV.

WHETHER OR NOT THE ACTION TAKEN BY PRIVATE RESPONDENTS CONSTITUTES A COLLATERAL ATTACK ON ORIGINAL CERTIFICATE OF TITLE NO. P-1887.

V.

WHETHER OR NOT COURT A QUO MAY CONVERT THE ORIGINAL ACTION FOR REVERSION FILED BY RESPONDENT REPUBLIC OF THE PHILIPPINES INTO AN ACTION FOR RECONVEYANCE, A SPECIAL PROCEEDINGS FOR SETTLEMENT OF ESTATE OF DECEASED PERSONS AND A SPECIAL CIVIL ACTION FOR PARTITION.

VI.

WHETHER OR NOT THE COURT OF APPEALS CAN MODIFY THE DECISION OF THE REGIONAL TRIAL COURT BY ORDERING THE REVERSION OF THE LAND COVERED BY FREE PATENT NO. (III-6) 000705 AND ORIGINAL CERTIFICATE OF TITLE NO. P-1887 TO THE MASS OF PUBLIC DOMAIN DESPITE THE FAILURE OF BOTH PUBLIC AND PRIVATE RESPONDENTS (PLAINTIFFS) TO APPEAL SAID DECISION.

We DENY.

As it is, the first and second issues tendered by the petitioners call for a reexamination and reevaluation of the factual findings of the two (2) courts below that fraud and misrepresentation characterized their free patent application when their representative Maria Paz Alcaraz-Gomez failed to disclose thereunder that other persons, no less the heirs of Timotea and Igmedio, were occupying portions of the land subject thereof.

The task required of us by the petitioners cannot be done, consistent with our repeated holdings that this Court is not a trier of facts and that only questions of law may be raised in a petition for review on certiorari under Rule 45. We have made this clear in a long line of decisions.[5] In fact, in *Aclon vs. Court of Appeals*,[6] we even said:

It is settled that as a rule, the findings of fact of the Court of Appeals especially those affirming the trial court are final and conclusive and cannot be reviewed on appeal to the Supreme Court.

Sure, the rule which precludes review by this Court of the factual findings of lower courts admits of exceptions. In *Insular Life Assurance Company, Ltd. vs. Court of Appeals*,[7] we enumerated those exceptions:

[i]t is a settled rule that in the exercise of the Supreme Court's power of review, the Court is not a trier of facts and does not normally undertake the re-examination of the evidence presented by the contending parties during the trial of the case considering that the findings of facts of the CA are conclusive and binding on the Court. However, the Court had recognized several exceptions to this rule, to wit: (1) when the findings are grounded entirely on speculation, surmises or conjectures; (2) when the inference made is manifestly mistaken, absurd or impossible; (3) when there is grave abuse of discretion; (4) when the judgment is based on a misapprehension of facts; (5) when the findings of facts are conflicting; (6) when in making its findings the Court of Appeals went beyond the issues of the case, or its findings are contrary to the admissions of both the appellant and the appellee; (7) when the findings are contrary to the trial court; (8) when the findings are conclusions without citation of specific evidence on which they are based; (9) when the facts set forth in the petition as well as in the petitioner's main and reply briefs are not disputed by the respondent; (10) when the findings of fact are premised on the supposed absence of evidence and contradicted by the evidence on record; and (11) when the

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

Unfortunately for the petitioners, however, our own careful study of the case yields none of the above circumstances which may warrant our reevaluation of the factual findings of both the trial and the appellate courts.

Significantly, the presence of the heirs of Timotea and Igmedio on the land in question at the time petitioners filed their free patent application was in fact acknowledged by them in this petition (at p. 15 thereof), albeit saying that their occupation of portions thereof "was merely tolerated."

In this connection, Section 91 of Commonwealth Act No. 141, as amended, provides:

The statements made in the application shall be considered as essential conditions and parts of any concession, title, or permit issued on the basis of such application, and any false statement therein or omission of facts altering, changing, or modifying the considerations of the facts set forth in such statements, and any subsequent modification, alteration, or change of material facts set forth in the application shall ipso facto produce the cancellation of the concession, title, or permit granted. (*Italics supplied.*)

Doubtless, petitioner's failure to state in their free patent application that private respondents, as representatives of the heirs of Timotea and Igmedio, are also in possession of the land subject thereof clearly constitutes a concealment of a material fact amounting to fraud and misrepresentation within the context of the aforequoted provision, sufficient enough to cause ipso facto the cancellation of their patent and title. For sure, had only petitioners made such a disclosure, the Director of Lands would have had second thoughts in directing the issuance of petitioners' patent and title.

With the recognition of the fact that petitioners' free patent application was attended with fraud and misrepresentation, the trial court and the Court of Appeals correctly applied the law when they declared the nullity of petitioners' Free Patent No. (III-6) 000705 and the title issued pursuant thereto, and directed the cancellation of the same.

Prescinding from the premise that no defect vitiates their application, petitioners next contend that their patent and title had thereby become indefeasible and conclusive, and that the land therein covered no longer subject to reversion.

Because the premise is wrong, so must the conclusion be.

Jurisprudence is unambiguous on this point. In the words of *Bagiuo vs. Republic, et al.*:^[8]

It is true that, once a patent is registered and the corresponding certificate of title is issued, the land covered by them ceases to be part of the public domain and becomes private property, and the Torrens Title issued pursuant to the patent becomes indefeasible upon the expiration of one year from the date of issuance of such patent. However, as held in *Director of Lands v. De Luna*, even after the lapse of one year, the State may still bring an action under §101 of Commonwealth Act No. 141 for the reversion to the public domain of land which has been fraudulently granted to private individuals. Such action is not barred by prescription, and this is settled law.

Indeed, the indefeasibility of a certificate of title cannot be invoked by one who procured the title by means of fraud. Public policy demands that one who obtains title to public land through fraud should not be allowed to benefit therefrom. (*Underscoring supplied*)

Running in parallel vein is our holding in *Director of Lands vs. Abanilla and The Register of Deeds of Isabela*,^[9] to wit:

The doctrine in *Heirs of Carle, Sumail*, and other cases cited by the appellant regarding the indefeasibility of title issued pursuant to a free patent one year after its issuance does not apply to a grant tainted with fraud and secured through misrepresentation, such as the free patent invoked in this case, since said grant is null and void and of no effect whatsoever. (Underscoring supplied)

In fine, it is settled that a title emanating from a free patent which was secured through fraud and misrepresentation does not become indefeasible, precisely because the patent from whence the title sprung is itself void and of no effect whatsoever.

Petitioners next argue that the complaint filed by the Office of the Solicitor General in this case is a collateral attack on their OCT No. P-1887, which is impermissible.

True it is that in *Henderson vs. Garrido and The Register of Deeds*,^[10] this Court has made it clear that a Torrens title cannot be collaterally attacked and may only be challenged in a direct proceeding brought for that purpose:

It is well known principle that a Torrens Title is irrevocable and indefeasible. It cannot be collaterally attacked. It can only be challenged in a direct proceeding.

The rule on indefeasibility of title, however, finds no application herein for the simple reason that the title involved in this case cannot attain indefeasibility on account of petitioners' concealment of a material fact in their free patent application.

Anent the fifth issue, it is petitioners' submission that it was error on the part of the trial court to have converted the original action for reversion filed by respondent Republic into an action for reconveyance. For sure, in their Memorandum,^[11] petitioners agreed with that portion of the Court of Appeals' decision holding that the trial court cannot convert the action for reversion into an action for reconveyance. In the same breath, however, they took issue and opposed the appellate court's suggestion that herein private respondents may later on file their respective public land application after Free Patent No. (III-6) 000705 and Original Certificate of Title No. P-1887 had been annulled or cancelled.

We find nothing wrong with said suggestion by the Court of Appeals, which merely expressed the only logical and legal consequence (which constitutes therein intervenors' remedy under the law), resulting from the factual conclusion (that the land in question remained to be part of the public domain because of the defect in appellants' free patent application), which was arrived at by said appellate court. To put this issue in the right context, we quote the exact words of said court in the decision under review:

Not being the owners of the land in dispute, intervenors can not ask for the reconveyance of the property to them. Intervenor's remedy is to file their respective public land applications with the Bureau of Lands, after the Original Certificate of Title No. P-1887 in the name of appellants had been cancelled by the Register of Deeds for the province of Bulacan, and the land had been reverted to the public domain.^[12]

By expressing the foregoing suggestion, the Court of Appeals did not make any declaration or adjudicate on the contending rights of the parties. Verily, it has not granted ownership rights in favor of the intervenors but merely confirmed the fact that, since the land in question is still public land, the procedure laid down by law for acquisition of title over such public land must be followed.

Coming now to the sixth and final issue, it is petitioners' posture that the appellate court cannot modify the decision of the trial court by ordering the reversion of the subject land to the mass of public domain because neither the Republic nor the private respondents took an appeal from the decision of the trial court.

We are not persuaded.

This is no novel issue for this Court. In *Sangalang vs. Intermediate Appellate Court*,^[13] this Court addressed this matter squarely:

The first question represents an attack on the appellate court's reliance on Ordinances Nos. 81 and 81-01, a matter not supposedly taken up at the trial or assigned as an error on appeal. As a rule, the Court of Appeals (then the Intermediate Appellate Court) may determine only such questions as have been properly raised to it, yet, this is not an inflexible rule of procedure. In *Hernandez v. Andal*, it was stated that "an unassigned error closely related to an error properly assigned, or upon which the determination of the question raised by the error properly assigned is dependent, will be considered by the appellate court notwithstanding the failure to assign it as error." In *Baquiran v. Court of Appeals*, we referred to the "modern trend of procedure . . . accord[ing] the courts broad discretionary power," and in which we allowed consideration of matters "having some bearing on the issue submitted which the parties failed to raise or the lower court ignore[d]." And in *Vda. de Javellana v. Court of Appeals*, we permitted the consideration of a "patent error" of the trial court by the Court of Appeals under Section 7 (now Section 8), of Rule 51, of the Rules of Court,^[14] although such an error had not been raised in the brief. (Emphasis supplied.)

There is no question that petitioners raised the issue on the validity of OCT No. P-1887 before the Court of Appeals. Necessarily connected with said issue is the issue of reversion, because the ultimate legal consequence of any declaration of nullity of a decree of registration and its corresponding OCT, is none other than reversion of subject parcel of land to the mass of public domain. There is no doubt whatsoever that such reversion is inevitably related to the issue of the validity of OCT No. P-1887, duly raised before the Court of Appeals.

In any event, when petitioners interposed an appeal to the Court of Appeals, the appealed case was thereby thrown wide open for review by that court, which is thus necessarily empowered to come out with a judgment as it thinks would be a just determination of the controversy. Given this power, the appellate court has the authority to either affirm, reverse or modify the appealed decision of the trial court. To withhold from the appellate court its power to render an entirely new decision would violate its power of review and would, in effect, render it incapable of correcting patent errors committed by the lower courts.

WHEREFORE, the instant petition is DENIED and the herein assailed decision and resolution of the Court of Appeals AFFIRMED in toto.

Costs against petitioners.

SO ORDERED.

Panganiban, (Chairman), Sandoval-Gutierrez, Corona, and Carpio-Morales, JJ., concur.

[1] Penned by then Associate Justice Demetrio G. Demetria, with Associate Justice, later Presiding Justice Salome A. Montoya (now ret.) and Associate Justice Godardo A. Jacinto, concurring.

[2] Rollo, pp. 47-49.

[3] Rollo, pp. 35-45.

[4] *Supra*, See Note No. 2.

[5] e.g.: *Tirol, Jr. vs. Commission on Audit*, 337 SCRA 198, 206 [2000]; *Cañete, et al. vs. Court of Appeals, et al.*, 171 SCRA 13, 19 [1989]; *Siguan vs. Lim, et al.*, 376 Phils. 840, 849 [1999]; *Viking Industrial Corporation vs. Court of Appeals, et al.*, 434 SCRA 223, 230 [2004]; *Valmonte, et al. vs. Court of Appeals, et al.*, 362 Phils., 616, 625 [1999]; *Government Service Insurance System vs. Santiago*, 414 SCRA 563, 569 [2003]; *Go, et al. vs. Court*

of Appeals, et al., 224 SCRA 145, 147 [1993]; Union Insurance Society of Canton vs. Court of Appeals, et al., 329 Phils 213, 225 [1996]; Custodio vs. Corrado, 435 SCRA 500, 510 [2004]; Gener vs. De Leon, et al., 419 Phils. 920, 933 [2001]; Heirs of Leandro Oliver, et al. vs. Court of Appeals, et al., 234 SCRA 367, 374 [1994]; and Lagandaon, et al. vs. Court of Appeals, et al., 352 Phils. 928, 941 [1998].

[6] 436 Phils. 219, 230 [2002].

[7] G.R. No. 126850, 28 April 2004.

[8] 361 Phil. 374, 379 [1999].

[9] 209 Phil. 294, 304 [1983].

[10] 90 Phil. 624, 629 [1951].

[11] Memorandum of Petitioners, Rollo, pp. 165, et seq.

[12] Rollo, p. 44.

[13] 168 SCRA 634, 656-657 [1988].

[14] The rule states: Questions that may be decided.—No error which does not affect the jurisdiction over the subject matter or the validity of the judgment appealed from or the proceedings therein will be considered unless stated in the assignment of errors, or closely related to or dependent on an assigned error and properly argued in the brief, save as the court may pass upon plain errors and clerical errors.

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