LETICIA M. MAGSINO, PETITIONER, VS. REPUBLIC OF THE PHILIPPINES, CECILIA ELDUCAL, PEDRO ELDUCAL AND LEOCADIA BINOYA, RESPONDENTS.

G.R. No. 136291. October 17, 2001

Ponente: PARDO, J.

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PARDO, J.:

The Case

The case is an appeal via certiorari from the decision of the Court of Appeals[1] ordering the reversion of the entire area of the subject lands to the mass of public domain, and deleting the award of damages against Cecilia Elducal in favor of petitioner.

The Facts

On March 14, 1972, the Director of Lands granted to Pedro Elducal Free Patent No. 516388 over a parcel of land consisting of 11.3586 hectares, situated in barrio Panabingan, municipality of San Antonio, Nueva Ecija, in virtue of which the Register of Deeds of Nueva Ecija issued Original Certificate of Title No. P-5971 in his name.[2]

On March 22, 1972, the Director of Lands issued Free Patent Nos. 516563 and 516564 to Leocadia Binoya and Cecilia Elducal, respectively, over parcels of land consisting of 13,3864 and 20,2539 hectares, located at barrio Panabingan, San Antonio, Nueva Ecija, in virtue of which the Register of Deeds of Nueva Ecija issued Original Certificate of Title Nos. P-5976 and P-5977 in their names, respectively.[3]

On May 5 and 9, 1972, petitioner Leticia Magno Magsino filed with the Bureau of Lands protests against the issuance of the said free patents praying for cancellation of the patents and certificates of title issued in favor of Cecilia Elducal, Pedro Elducal and Leocadia Binoya.[4]

By decision dated July 3, 1973, the Director of Lands[5] found that the patents of Cecilia Elducal, Pedro Elducal and Leocadia Binoya were issued through fraud, misrepresentation and false narration of facts.

On October 18, 1978, the Solicitor General filed with the Court of First Instance of Nueva Ecija a complaint[6] for annulment of title and reversion of land to the State, reiterating therein the finding of facts of the Director of Lands[7] and praying among other things, to wit:

> "(1) Declaring null and void ab initio Free Patent No. 516 386 and Original Certificate of Title No. P-5971 of the Registry of Deeds of Nueva Ecija both in the name of Pedro Elducal;
>
> "(2) Declaring Free Patent No. 516563 and Original Certificate of Title No. 5976 of the Registry of Deeds of Nueva Ecija of Leocadia Binoya null and void;
>
> "(3) Declaring Free Patent No. 516564 and Original Certificate of Title No. P-5977 of the Registry of Deeds of Nueva Ecija in the name of Cecilia Elducal Vda. de Magno null and void ab initio;

"(4) Declaring Transfer Certificate of Title No. NT-151073 and Transfer Certificate of Title No. NT-151074 both of the same registry of Cecilia Elducal Vda. de Magno, including whatever liens or encumbrances or annotations thereof, also null and void ab initio;

"(5) Ordering the defendant Cecilia Elducal Vda. de Magno to surrender to the defendant Register of Deeds owner's duplicates of Original Certificate of Title No. P-5977, Transfer Certificate of Title No. NT-151073 and Transfer Certificate of Title No. NT-151074 and the latter to cancel the same; and

"(6) Ordering the reversion of the entire area covered by the aforesaid patents and titles to the mass of the public domain under the administration and disposition of the Director of Lands."[8]

During the pendency of the case, on November 3, 1981, Leticia M. Magsino, with leave of court, filed a complaint in intervention, claiming to be in prior possession of the parcels of land involved through her brother lawyer and overseer, Atty. Jose R. Magno.[9]

After due trial, on January 17, 1986, the trial court rendered a decision, the dispositive portion of which reads:

"WHEREFORE, in view of the foregoing, the Court hereby renders judgment in favor of the plaintiff and against the defendants:

"1) Declaring null and void free patent No. 516388, free patent No. 516563, free patent No. 516564 in the names of Pedro Elducal, Leocadia Binoya and Cecilia Elducal respectively, as well as OCT No. P-5971, OCT No. P-5976 and OCT No. P-5977 all of the Registry of Deeds of Nueva Ecija in the names of Pedro Elducal, Leocadia Binoya and Cecilia Elducal respectively;

"2) Declaring TCT No. NT-151073 and TCT No. 151074 of the Registry of Deeds of Nueva Ecija to be null and void including whatever liens or encumbrances or annotations therein;

"3) Ordering the Register of Deeds of Nueva Ecija to cancel all the certificates of title mentioned in the preceding two paragraphs;

"4) Ordering the reversion of the entire area covered by said patents and certificates of title to the mass of the public domain;

"5) Declaring intervenor Leticia M. Magsino to be the lawful possessor of the parcels of land involved in this case who shall be entitled to be restored in the possession of the premises;

"6) Enjoining permanently the defendants from disturbing the possession of the intervenor Leticia M. Magsino;

"7) Ordering defendant Cecilia Elducal to deliver to Leticia M. Magsino 1,500 cavans of palay for every year commencing the year 1969 until possession is restored to Leticia Magsino or its money equivalent as to the time she makes payment;

"8) Ordering defendant Cecilia Elducal to pay the sum of P30,000.00 as exemplary damages to Leticia M. Magsino;

"9) Ordering plaintiff, thru the Director of Lands, to act on the Sales Application No. V-18609 of the intervenor Leticia M. Magsino.

"SO ORDERED."[10]

On March 11, 1986, respondents Cecilia Elducal, Pedro Elducal and Leocadia Binuya interposed an appeal from said decision to the Court of Appeals.[11]

On December 15, 1997, the Court of Appeals promulgated a decision modifying the decision of the trial court, as follows:

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"WHEREFORE, the appealed decision is hereby modified as follows:

"1. Declaring null and void Free Patent No. 516388, Free Patent No. 516563, Free Patent No. 516564 in the names of Pedro Elducal, Leocadia Binoya and Cecilia Elducal, respectively, as well as OCT No. P-5971, OCT No. 5976 and OCT No. P-5977 all of the Registry of Deeds of Nueva Ecija in the names of Pedro Elducal, Leocadia Binoya and Cecilia Elducal, respectively;

"2. Declaring TCT No. NT-0151073 and TCT No. 151074 of the Registry of Deeds of Nueva Ecija to be null and void including whatever liens or incumbrances or annotations therein;

"3. Ordering the Register of Deeds of Nueva Ecija to cancel all the certificates of title mentioned in the preceding two paragraphs;

"4. Ordering the reversion of the entire area covered by said patents and certificates of title to the mass of the public domain;

"5. Ordering plaintiffs, thru the Director of Lands, to act on all the claims affecting the subject property including those parties in B. L. Conflict No. 142(N) and 264(N).

"SO ORDERED."[12]

Hence, this petition.[13]

The Issues

(1) Whether the Court of Appeals gravely erred in holding that petitioner was not the lawful possessor of the property subject of her sales application; and (2) whether Cecilia Elducal was liable for damages arising from her refusal to deliver petitioner's share in the fruits of the land.[14]

The Court's Findings

We deny the petition. The issues raised are factual. In an appeal via certiorari, we may not review the findings of fact of the Court of Appeals.[15] When supported by substantial evidence, the findings of fact of the Court of Appeals are conclusive and binding on the parties and are not reviewable by the Court,[16] unless the case falls under any of the exceptions to the rule.[17]

Petitioner failed to show that the case falls within the exceptions.[18] The Supreme Court is not a trier of facts.[19] It is not our function to review, examine and evaluate or weigh the probative value of the evidence presented.[20] As heretofore observed, questions of fact cannot be raised in an appeal via certiorari before the Supreme Court and are not proper for its consideration.[21]

Nonetheless, petitioner Leticia M. Magsino was an applicant for sales patent whose application had not been acted upon by the Bureau of Lands from the time it was filed in 1953. Consequently, she could not claim to be holding the land under a bona fide claim of acquisition of ownership, much less be declared the lawful possessor of the property entitled to the produce thereof.

Petitioner's application for sales patent is an acknowledgment that she did not own the land; that the same is public land under the administration of the Bureau of Lands, to which the application was submitted.[22]

The Elducals were in possession of the parcels of land in good faith[23] from the issuance of the certificates of title, tilling the same. Hence, they are entitled to the fruits of their labor.

The Fallo

WHEREFORE, we DENY the petition and AFFIRM the decision[24] of the Court of Appeals in toto.

No costs.

SO ORDERED.

Davide, Jr., CJ., (Chairman), Puno, and Ynares-Santiago, JJ., concur.
Kapunan, J., on official leave.

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[1] In CA-G. R. CV No. 20451, promulgated on December 15, 1997, Rollo, pp. 46-56. Adefuin-de la Cruz, J., ponente, and Agcaoili and Barrios, JJ., concurring.

[2] Exh. "K", Documentary Exhibits for the Plaintiffs, CV-1272, pp. 17-19.

[3] Exhs. "N" and "Q", ibid., pp. 26-28; 34-36.

[4] Exhs. "X" and "Y", ibid., pp. 51-54.

[5] In B.L. Conflict No. 292 (N) entitled "Leticia Magno v. Cecilia Elducal, et al.

[6] Docketed as Civil Case No. 6899, entitled "Republic of the Philippines v. Pedro Elducal, Leocadia Binoya, Cecilia Elducal and the Register of Deeds of the Province of Nueva Ecija.

[7] Supra, Note 5.

[8] Complaint, Original Record, pp. 8-9.

[9] Original Record, pp. 115-128.

[10] Decision, Original Record, pp. 227-232.

[11] Notice of Appeal, Original Record, p. 237. Docketed as CA-G. R. CV No. 20451.

[12] Petition, Annex "B", Rollo, pp. 46-56.

[13] Filed on January 4, 1999. Petition, Rollo, pp. 8-38. On November 17, 1999, we gave due course to the petition (Rollo, pp. 106-107).

[14] Memorandum, Rollo, 110-120, at p. 116.

[15] Heirs of Simeon Borlado v. Court of Appeals, G. R. No. 114118, promulgated on August 28, 2001; Cristobal v. Court of Appeals, 353 Phil. 320 [1998]; Sarmiento v. Court of Appeals, 353 Phil. 834 [1998]; Concepcion v. Court of Appeals, 324 SCRA 85 [2000], citing Congregation of the of the Virgin Mary v. Court of Appeals, 353 Phil. 591 [1998] and Sarmiento v. Court of Appeals, supra; Arriola v. Mahilum, 337 SCRA 464, 469-470 [2000]; Bolanos v. Court of Appeals, G. R. No. 122950, November 20, 2000.

[16] Atillo v. Court of Appeals, 334 Phil. 546 [1997].

[17] Cebu Shipyard and Engineering Works, Inc. v. William Lines, Inc., 366 Phil. 439, 452 [1999].

[18] Rivera v. Court of Appeals, 348 Phil. 734, 743 [1998].

[19] Trade Unions of the Philippines v. Laguesma, 236 SCRA 586 [1994].

[20] Trade Unions of the Philippines v. Laguesma, supra, Note 19; Cheesman v. Intermediate Appellate Court, 193 SCRA 93 [1991]; Ramos v. Pepsi Cola Bottling Co., 125 Phil. 701[1967]; Pilar Dev. Corp. v. Intermediate Appellate Court, 146 SCRA 215 [1986]; Aroyo v. Beaterio del Santissimo Rosario de Molo, 132 Phil. 9 [1968];

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Bernardo v. Court of Appeals, 216 SCRA 224 [1992].

[21] Hi-Precision Steel Center, Inc. v. Lim Kim Steel Builders, Inc., 228 SCRA 397 [1993]; Navarro v. Commission on Elections, 228 SCRA 596 [1993].

[22] Palawan Agricultural and Industrial Co., Inc. v. Director of Lands, 44 SCRA 15, 20 [1972].

[23] TSN, February 12, 1981.

[24] In CA-G. R. CV No. 20451.

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