

**SPS. ANACLETO MAURICIO AND AVELINA CARIGMA, PETITIONERS,
VS. COURT OF APPEALS (FOURTEENTH DIVISION), REPUBLIC OF THE
PHILIPPINES AND HEIRS OF ANTONINA OLIVEROS, HEIRS OF
CRISTET...**

G.R. No. 139950. December 04, 2002

Ponente: CORONA, J.

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CORONA, J.:

Before us is a Petition for Review on Certiorari assailing the September 2, 1999 decision of the Court of Appeals affirming the decision of Branch 73 of the Regional Trial Court of Antipolo, Rizal,[1] which found misrepresentations in petitioners' free patent application. The RTC ordered the cancellation of said free patent, consequently reverting the subject property to the mass of public domain.

The pertinent facts are as follows.

Spouses Sotero and Fausta Oliveros died in 1934 and 1935, respectively, leaving several parcels of land, one of which was an unregistered 43,378 square-meter lot, otherwise known as Lot 5473, the subject matter of the instant petition.

The spouses were survived by 5 children, namely, Filomeno, Severina, Antonina, Exequiel and Cristeta (predecessors of herein private respondents), who all inherited their parents' property pro-indiviso.

The heirs, however, failed to reach an agreement regarding the equitable partition of the subject lot because Filomeno had already appropriated the same for himself and his successors-in-interest.

While the siblings squabbled over the subject property, petitioner-spouses, who were strangers to the Oliveros family, filed an application for free patent over the subject property with Community Environment and Natural Resources Office (CENRO), Department of Environment and Natural Resources. Said lot was designated as Lot 5473, Cad. 29 Ext.

Pursuant to his application, petitioner Anacleto Mauricio made the following statements under oath:

“4. The land described and applied for is not claimed or occupied by any other person but is a public land which was first occupied and cultivated by Applicant on January, 1945. I entered upon and began cultivation of the same on the ____ day of ____ and since that date I have continuously cultivated the land, and have made thereon the following improvements -----

“xxx xxx xxx

“9. The land has been continuously occupied and cultivated by me or my said ancestor since the date of entry thereon as above stated, except during the following periods when the land was not occupied for the reason stated: n/a

“10. The land applied for is now occupied and cultivated by me and to the best of my knowledge, information, and belief, it is otherwise unreserved and appropriated and is non-mineral, agricultural public land, contains no valuable deposits of guano, coal, or slats, and is more valuable for agriculture than for forestry or other purpose.

“xxx xxx xxx

“12. I understand that any applicant who willfully and knowingly submits false statements or executes false affidavit in connection with his application shall be deemed guilty or (sic) perjury and punished accordingly, and that any person who, not being qualified to apply for public land, files an application or induces or permits another to file it in his behalf shall be punished by a fine of not more than five thousand pesos and by imprisonment for not more than five years, or both, an (sic) in addition thereto his application shall be jejected (sic) or cancelled and all amounts paid on account thereof forfeited to the Government, he shall not be entitled to apply for any public land in the Philippines.”[2]

Meanwhile, the heirs of Filomeno were also looking for ways by which they could confirm their imperfect title over Lot 5473. To this end, Filomeno’s heirs requested for an advance plan of the subject lot with CENRO. This prompted the CENRO land management officer to cause the reinvestigation of the authenticity of petitioner’s application and the examination of the Oliveros’ adverse claim.

Upon investigation, it was discovered that Lot 5473 was occupied by and in the possession of private respondents (Oliveros heirs) through a certain David de la Rosa who had been serving the former for the past 15 years. In the course of the same investigation, it was disclosed that, contrary to petitioner Anacleto Mauricio’s claim that his predecessors-in-interest occupied the subject property from 1921 to 1975 and that he occupied the same from 1975 onwards, petitioner Anacleto Mauricio himself admitted that “the land (was) presently occupied by the Heirs of Filomeno Oliveros and that he had no actual occupation of the land.”

On November 20, 1992, Free Patent No. 045802-92-1448 over Lot No. 5473 was issued in favor of petitioners notwithstanding the adverse recommendation of the land investigator. The latter was against the processing of petitioner’s patent application pending the resolution of the apparent misrepresentations committed by petitioners. On the basis of said free patent, the Marikina Register of Deeds issued Original Certificate of Title No. P-750 on January 7, 1993.

Thereafter, the Solicitor General, on instance of the private respondents, solicited the advice of the DENR regarding the propriety of initiating reversion proceedings for the annulment and cancellation of petitioners’ free patent and title over Lot No. 5473 on the ground of misrepresentation.

After ocular inspection and investigation, the DENR favorably recommended the filing of reversion proceedings.

On April 13, 1993, the Republic of the Philippines, through the Solicitor General, filed a “Complaint for Reversion and Cancellation of Title” against petitioners and the Marikina Register of Deeds.

The heirs and successors-in-interest of the spouses Oliveros, herein private respondents, were allowed to intervene in the court proceedings.

On May 22, 1997, the Antipolo Regional Trial Court rendered its decision, the dispositive portion of which states:

“In the case before this court it is uncontroverted in the testimony of Inspector Romeo Cadano regarding defendant’s admission of his false entry in the application he stated in page 5 and 6 T.S.N. December 20, 1993 that ‘he just said that he was not the actual occupant of the land.’ This testimony was never impeached nor much less assailed by defendant Anacleto Mauricio because he never took the stand to deny or controverted the testimony of Cadano. This fact clearly admits and shows that there was indeed misrepresentation in the

application for free patent of Anacleto Mauricio for he said in his application that he was the occupant of the land at the time of the application. This was denied and the denial was reported in evidence at the time he filed his application for Free Patent on August 15, 1992. He was not the occupant of the property. He failed to comply of (sic) the mandatory requirement of continued possession before a free patent could issue. The taxes paid by the defendant on the land in question was only in 1992, the year when he applied for Free Patent as shown in the Tax Receipt and the declaration he presented belies defendant's claims of continues (sic) occupation of the land. It has already been stated by our Supreme Court that tax receipts or realty payments are not conclusive evidence of possession or ownership (*Director of Lands vs. IAC*, 194 SCRA 743 [1991]). That this will become strong evidence only when accompanied by proof of actual possession of the property (*Heirs of Juan Oclarit vs. CA*, 233 SCRA 239 [1994]). Intervenors Antonina Oliveros, et al., also filed their memorandum but defendant Anacleto Mauricio did not file any memorandum.

"WHEREFORE, the fact that there was misrepresentation in the Free Patent Application of Anacleto Mauricio when he said that he has been in possession of the land for a long time, when in fact, he was not in possession of the said land, this Court therefore hereby orders the Register of Deeds of Rizal, Marikina Branch, that Free Patent No. 045802-1448 and O.C.T. P-750 be cancelled and that the subject property covered by the same be reverted to the mass of public domain.

"The defendant Anacleto Mauricio is hereby also ordered to deliver or surrender the owners (sic) duplicate copy of said OCT P-750 to the Register of Deeds of Marikina, Metro Manila, within ten (10) days from finality of this decision and if he fails to do so within the required period, the Register of Deeds is hereby authorized to cancel the original copy of said OCT P-750. Without pronouncement as to costs.

"SO ORDERED."[3]

Petitioners filed an appeal before the Court of Appeals, but the same was dismissed for lack of merit.

Thus, the instant petition wherein petitioners allege the following:

"THE RESPONDENT COURT COMMITTED GRAVE ABUSE OF DISCRETION IN ITS APPRECIATION OF FACTS WHEN IT CONCLUDED FROM THE TESTIMONY OF LAND INVESTIGATOR MILA LEANDER THAT 'THERE WERE OTHER CLAIMANTS TO LOT NO. 5473 AT THE TIME MAURICIO APPLIED FOR A FREE PATENT'; AND THAT THIS 'ESTABLISHES THE FACT THAT MAURICIO PERJURED HIMSELF WHEN IN HIS APPLICATION FOR FREE PATENT HE STATED UNDER OATH THAT THE LAND DESCRIBED AND APPLIED FOR IS NOT CLAIMED OR OCCUPIED BY ANY OTHER PERSON,' WHEREIN (sic) FACT IT IS UNDISPUTED FROM THE TESTIMONY OF MILA LEANDER THAT THE LAND BEING CLAIMED BY THE OLIVEROS IS A DIFFERENT LAND FROM THAT BEING CLAIMED BY THE PETITIONERS."[4]

It is quite obvious from the foregoing assignment of error that petitioners imputed grave abuse of discretion on the part of the Court of Appeals because of the latter's supposed misappreciation and erroneous assessment of factual evidence. This would require the review and re-evaluation of the same factual findings made by the trial court as affirmed by the appellate court. Time and again, the Court has ruled that a review of the factual findings of the lower courts is not a function that is normally undertaken in petitions for review on certiorari under Rule 45 of the Rules of Court. But while the jurisdiction of the Supreme Court in petitions for review under said rule is limited to reviewing only errors of law, not of fact, an exception to the rule is when the factual findings complained of are so totally devoid of support from the evidence on record that the assailed judgment is based on a misapprehension of facts. Such being the claim of herein petitioners, we shall delve into the issue raised by them to give way to substantial justice.

Petitioners insist that there was no misrepresentation on their part because the lot being claimed by private respondents, Lot No. 5473, is different from the land covered by their free patent and subsequently by OCT-750.

Petitioners claim that they were able to controvert all evidence presented by the government with the testimony of their witness, Mila Leander, a land investigator of the DENR. Petitioners cite the testimony of Leander under cross-examination as follows:

“COUNSEL FOR PLAINTIFF:

Miss Witness may I refer you in the last paragraph of the report you made on April 13, 1993 marked as Exhibit ‘12’ by the defendant. Could you read before this Honorable Court the conclusion and recommendation that you had?

“A:

In view of the foregoing, it is respectfully recommended that a relocation survey be conducted in order to ascertain the claim of the heirs of Filomeno A. Oliveros based on Tax Declaration No. 01-04669 in the name of Sotero Oliveros.

“Q:

Could you explain to the Honorable Court what do you mean by the relocation survey to be conducted?

“A:

During my investigation, tax declaration was presented by the parties questioning the ownership of am certain Anacleto Mauricio so when I conducted the investigation, it shows that in the area, the boundaries are different from the tax declaration presented by Anacleto Mauricio. Sotero’s tax declaration and Anacleto Mauricio’s tax declaration so I recommended a relocation survey.

“Q:

Are you saying that there is a conflict in the boundary?

“A:

There is no conflicting (sic), that is a different property.

“Q:

What do you mean by different property?

“A:

Because in the area it seems that the property by the Oliveros is inside Plan C 2069 and the property by Anacleto Mauricio is a public land in the vicinity there is no showing.

“Q:

Did you personally conduct an ocular inspection?

“A:

Yes.

“Q:

You went there as you stated a while ago sometime in 1993, am I correct?

“A:

Yes.

“Q:

Could you describe to the Honorable Court what you saw on that particular property?

“A:

The property of Oliveros is in the low level.

“Q:

You are not talking of the property of Oliveros. The particular land that you investigated?

“A:

The particular land is elevated. It is planted with mangoes.

“Q:

Are these the only structure in the land area?

“A:

There was no structure during my investigation.

“Q:

There was no structure in 1993?

“A:

None, there was no structure in 1993.

“Q:

There was no house or any other?

“A:

Except a kubo, according to Anacleto Mauricio that was his kubo.

“Q:

Where was there David dela Rosa?

“A:

In another kubo along the road. It is near the road.

“Q:

Near the road to what?

“A:

I do not know but that is a road in the area.[5]

On the other hand, the government presented three witnesses: CENRO land investigator Romeo Cadano, Atty. Raymundo Apuhin and Virginia Espina.

Romeo Cadano testified that he was the investigator who conducted the investigation and inspection of Lot No. 5473 Cad. 29 Ext., and found that the subject lot was then in the possession of the heirs of Oliveros who first occupied the property in 1935, and, at the time of the investigation, by the Oliveros caretaker; that petitioner Anacleto Mauricio had made various declarations in his patent application in violation of paragraphs 4 and 12 of Free Patent Application Act; that, as part of his report, the original listing of the owner was changed to Anacleto Mauricio only on July 18, 1992 per affidavit of the latter, that petitioner Anacleto Mauricio himself admitted making a false entry in his free patent application when he said that he was not the actual occupant of the subject lot. Thus -

“Q: So, when you were directed by Benedicto Velasco to to (sic) conduct an investigation of this case, what did you do?

“A: I notified the parties to accompany me to conduct an ocular inspection. We went to the premises.

“Q: Who were the parties you notified?

“A: Mr. Julian Oliveros.

“Q: Did you notify anybody else?

“A: I previously went to the house of Anacleto Mauricio.

“Q: What did you tell this Anacleto Mauricio when you went to his house?

“A: I interviewed him. I tried to persuade him to go with me to conduct the ocular inspection of the lot.

“Q: So, when you asked Mr. Mauricio to join you in the ocular inspection of the lot, what did he say?

“A: He told me the actual occupant of the land is Filomeno Oliveros.

“Q: You mean Filomeno Oliveros is the tenant?

“A: No, sir.

“Q: What did he mean?

“A: He just said he was not the actual occupant of the land.”[6]

This admission is contained in Inspector Cadano’s report:

“x x x On the contrary, Mr. Mauricio admitted to this investigator that the land is presently occupied by the Heirs of Filomeno Oliveros adding that he has no actual occupation of the land.

“COMMENT AND RECOMMENDATION

“Certainly, Anacleto Mauricio has defied paragraphs 4 and 12 of the Free Patent Application for declaring false statement(s) therefrom, which is also an (in) utter disregard for (of) the provision of law under Chapter XVI, Section 129 of the Public Land Act.

x x x”[7]

The second witness, Atty. Apuhin, testified that he was directed to conduct a fact-finding investigation by DENR Executive Director Antonio Prinsipe; and that the result of said investigation was made the basis of the Solicitor General’s action for annulment and cancellation of OCT NO. P-750 in behalf of Filomeno Oliveros. Said witness also made a report dated March 1, 1993 confirming Romeo Cadano’s findings that petitioner, Anacleto Mauricio, never occupied the property, thus:

“xxx xxx xxx

“1. The land, Lot 5473, Cad. 29 Ex., Antipolo Cad., particularly located at Barangay San Roque, Antipolo, Rizal is occupied by spouses David and Macaria de la Rosas as caretakers. The latter claimed and alleged that the land is owned by Filomeno Oliveros, now by his heirs;

“xxx xxx xxx

“3. Patentee Anacleto M. Mauricio is not in the actual possession and occupation of the land patented in his name;

“4. There is an existing barbed wire fence on the northeastern side of the lot facing a barangay road. Concrete hollow fences were constructed on the southeastern and northwestern sides of the lot by the respective boundary owners. There is no fence on the southwestern side as the boundary owner is Filomeno Oliveros, now his heirs, a holder of Transfer Certificate of Title No. N-124180, is claiming the herein lot in question;

“5. There is no ongoing construction of a house within the premises of the lot in question being done by the heirs of Filomeno Oliveros.”

“xxx xxx xxx

“The applicant, now patentee Anacleto M. Mauricio, was ascertained and verified to have never possessed nor occupied the land in question, Lot 5473, since January 1945, as alleged by him, up to the present. The applicant grossly misrepresented himself when he filed his free patent application by alleging that he is the actual occupant and possessor of the lot applied for, when in truth and in fact he is not. There is no evidence on record that applicant Anacleto M. Mauricio is entitled to a free patent in his name.

“xxx xxx xxx”

“WHEREFORE, in view of the foregoing, the undersigned is of the opinion that reversion and cancellation proceedings be filed with the proper forum thru the Office of the Solicitor General against free Patent No. 045802-1449 as well as Original Certificate of Title No. P-750 issued in the name of Anacleto Mauricio. “xxx xxx xxx.”[8]

The testimony of the third witness, Virginia F. Espina, was that Anacleto Mauricio, in applying for title over the subject land, committed gross misdeclaration pertaining to the occupancy thereof. She also testified that respondent, Anacleto Mauricio, secured a tax declaration over the property only in 1992 and that, before 1992, there was no tax declaration either in the name of Anacleto Mauricio or his predecessors-in-interest.

A perusal of the transcript of stenographic notes of the testimony of petitioners’ witness, Mila Leander, does not strengthen petitioners’ position. Leander’s recommendation that the area be resurveyed on the basis of the parties’ respective tax declarations to determine whether they are claiming the same property only highlights her uncertainty and reinforces the conclusion that there are other claimants to Lot 5473.

The Court is inclined to give more weight and credence to the government’s evidence. Aside from being clear and convincing, it remains uncontroverted.

Regarding petitioners’ assertion that both the trial court and the appellate court erred in not extending due regard to the testimony of their witness, Julian Coronado, petitioners’ alleged tenant, suffice it to state that it is a fundamental and settled rule that factual findings of the trial court, especially with regard to its evaluation of the testimonial evidence presented before it, are entitled to much weight.[9] Moreover, factual findings of the trial court, confirmed and adopted by the Court of Appeals, are final and conclusive and may not be reviewed on appeal.[10]

Considering the failure of petitioners to show any reversible error in the decision of the two courts below, the Court resolves to deny the petition.

WHEREFORE, the petition is hereby DENIED.

SO ORDERED.

Panganiban, (Acting Chairman), Sandoval-Gutierrez and Morales, JJ., concur.
Puno, J., (Chairman), on official leave.

[1] Penned by Presiding Judge Mauricio M. Rivera. [[2]] Folder of Exhibits, pp. 20-21.

[3] Rollo, pp. 100-101.

[4] Rollo, p. 18.

[5] TSN, February 5, 1996, pp. 11 to 13.

[6] TSN, December 20, 1993, pp. 5-6.

[7] Exhibit A, pp. 1-2.

[8] Folder of Exhibits, pp. 14-19. [[9]] People vs. Tenorio, 284 SCRA 420 [1998]. [[10]] Gonzales vs. Court of

Appeals, 268 SCRA 322 [1998].

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