

TRINIDAD DIAZ-ENRIQUEZ, PETITIONER, VS. REPUBLIC OF THE PHILIPPINES, RESPONDENT.

G.R. No. 141031. August 31, 2004

Ponente: CALLEJO, SR., J.

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CALLEJO, SR., J.:

This is a petition for review on certiorari under Rule 45 of the Rules of Court, as amended, of the Decision[1] of the Court of Appeals dated January 7, 1999 which reversed the Order[2] of the Regional Trial Court (RTC), Naic, Cavite, Branch 15, promulgated on March 22, 1996, in LRC Case No. NC-455. The trial court granted the application for registration of a parcel of land situated at Barrio Zapang, Ternate, Cavite, filed by the petitioner pursuant to Act No. 496, as amended by Presidential Decree (P.D.) No. 1529.

The facts as culled from the records of the case show that on April 19, 1975, by virtue of an extrajudicial partition with absolute sale, the petitioner bought from Ricardo Pereña, Remedios Pereña-Panganiban and Celsa Resplandor, two parcels of land: one was located at the Sitios of Culit and Cay-Santol, Barrio Zapang, Ternate, Cavite, and the other at Sitio Malauyas, Barrio Pinagsanghan, Maragondon, Cavite.[3]

On December 11, 1992, the petitioner filed an application for the registration of Lot 277 (Portion C) Cads. 617-D, described in Plan Swo-04-001079-D,[4] with an area of 6,917 square meters before the RTC of Naic, Cavite, Branch 15. The case was docketed as LRC Case No. NC-455.

The petitioner also filed five other applications for land registration before the same court, docketed as LRC Nos. NC-453, 454, 456, 457, and 458. She averred that the six applications involved parcels of land adjacent and contiguous to one another; that they were located in the same area and municipality; and that they were covered by one and the same deed of conveyance executed by the previous owners, the extrajudicial partition with absolute sale.

On November 16, 1993, the respondent Republic of the Philippines, represented by the Director of Lands, through the Office of the Solicitor General (OSG), opposed the application on the following grounds:

- (1) that neither the applicant nor her predecessors-in-interest have been in open, continuous, exclusive and notorious possession and occupation of the land in question since June 12, 1945 or prior thereto (Sec. 48 [b], C.A. 141, as amended by P.D. 1073); (2) that the muniments of title and/or tax declarations and tax payments receipts of the applicant, if any, attached or alleged in the application, do not constitute competent and sufficient evidence of a bona fide acquisition of the lands applied for or of its open, continuous, exclusive and notorious possession in the concept of an owner since June 12, 1945, or prior thereto...; (3) that the claim of ownership in fee simple on the basis of a Spanish title or grant can no longer be availed of by the applicant who has failed to file an appropriate application for registration within the period of six (6) months from February 16, 1976, as required by Presidential Decree No. 892...; (4) that the parcels applied for are portions of the public domain belonging to the Republic of the Philippines, not subject to private appropriation.[5]

For failure of the Solicitor General or any of its representatives to appear notwithstanding notice, the court a quo

issued an Order of General Default on March 15, 1994.[6]

While the case was pending, the petitioner sold the subject property to Dr. Rebecca E. Panlilio on September 1, 1994[7] who, in turn, consigned it to Puerto Azul Land, Inc. (PALI) on October 27, 1994 by virtue of a Deed of Absolute Sale.[8] PALI filed a Motion for the Substitution dated October 28, 1994 which was granted by the court a quo in its Order[9] dated March 24, 1995.

The PALI presented Engr. Angel R. Salvacion, a geodetic engineer of the company, as its sole witness. His testimony was offered to prove the applicant's ownership and possession of the subject property for the number of years required by law. Engr. Salvacion claimed that he was employed by the PALI and that he had been the general overseer of the subject property since 1993.[10] He declared that the land was currently in the possession of PALI whose employees resided therein. He also testified that the previous owners had planted mango and bamboo trees on the property, while PALI had constructed some buildings and small houses therein.[11]

On May 12, 1995, a Motion to Set Aside Order of General Default was filed by Remedios Pereña-Panganiban and Celsa Resplandor-Aure. An Opposition/Application for Registration was further filed by the same parties on July 20, 1995,[12] claiming that the extrajudicial partition with absolute sale was void ab initio on the ground of vitiated consent. The parties withdrew the same in a Motion dated February 2, 1996.

After trial, the court a quo granted the application for registration in an Order dated March 22, 1996, the dispositive portion of which reads:

WHEREFORE, pursuant to Act No. 496, as amended by P.D. 1529, the application for registration of the parcel of land identified as Lot 277 (Portion C) situated at Barrio Zapang, Municipality of Ternate, Province of Cavite, is hereby granted. Applicant's title is confirmed. The Land Registration Commission is hereby directed to issue the decree of registration and the original certificate of title. Upon its finality, the Clerk of Court is directed to furnish the Land Registration Commissioner a certified copy of this judgment.

SO ORDERED.[13]

The court a quo ruled that the predecessors-in-interest of PALI were able to prove open and continuous possession and title over the land so as to segregate it from the mass of public land.

The Republic of the Philippines appealed the case to the Court of Appeals, contending that the court a quo erred in granting the application despite lack of proof that the land sought to be registered was the same land described in the application and the lack of documents submitted in support thereof. In addition, it asseverated that PALI failed to prove by competent evidence that it had a registrable title to the property subject of the application.

For failing to file a reply brief within the reglementary period, the case was deemed submitted for decision by the CA.[14] Disposing of the appeal, the CA ruled thereon on January 7, 1999 and reversed the decision of the RTC. The fallo of the decision reads:

WHEREFORE, the Order herein appealed from is hereby REVERSED, and the application for registration in LRC Case No. 455 of the court a quo is hereby DISMISSED.

SO ORDERED.[15]

Forthwith, the petitioner filed a Motion for Reconsideration[16] of the decision which was denied by the CA in a Resolution dated December 14, 1999.

Hence, this petition.

The petitioner avers that the following errors were committed by the appellate court:

I

THE HONORABLE COURT OF APPEALS COMMITTED GRAVE ERROR IN HOLDING THAT THE PARCEL OF LAND SOUGHT TO BE REGISTERED IS NOT THE SAME OR PART OF THE LAND PURCHASED BY PETITIONER FROM THE PEREÑAS DESPITE THE VERY CLEAR AND CONVINCING EVIDENCE TO THE CONTRARY.

II

THE HONORABLE COURT OF APPEALS GRIEVOUSLY ERRED IN HOLDING THAT PETITIONER FAILED TO PROVE THAT IT AND ITS PREDECESSORS-IN-INTEREST WERE IN OPEN, CONTINUOUS, EXCLUSIVE AND NOTORIOUS POSSESSION OF THE SUBJECT PARCEL OF LAND DESPITE THE NUMEROUS AND DOCUMENTARY AND TESTIMONIAL EVIDENCE ADDUCED BY PETITIONER.[17]

In its Comment on the petition, the respondent Republic of the Philippines, through the OSG, avers that the petitioner is not the real party-in-interest to file the petition, having been substituted by PALI in the trial court as party-applicant. The OSG contends that the petition should be dismissed not only on the said ground, but also on the ground that the appellate court did not commit any reversible error in so ruling.

As culled from the pleadings of the parties, the issues are the following: (a) whether or not the petitioner is the real party-in-interest in the case at bar; (b) whether or not the parcel of land sought to be registered is the same or part of the land purchased by the petitioner from the Pereñas heirs; and finally (c) whether or not the petitioner proved that she and her predecessors-in-interest were in open, continuous, exclusive and notorious possession of the subject parcel of land for the required number of years so as to render them the absolute owners thereof.

On the first issue, we rule that the petitioner is not the real party-in-interest since she sold the property subject of the application to PALI as early as October 27, 1994. The motion for substitution filed by the PALI was granted by the court a quo in its Order[18] dated March 24, 1995, thereby making it the party-applicant. The petitioner ceased to be a party in the trial court and in the CA. Under Rule 45 of the Rules of Court, as amended, a party aggrieved by the decision of the RTC or CA may file a petition for review on certiorari. In this case, the PALI was the plaintiff-appellee in the CA and the party aggrieved by the appellate court's adverse ruling. Hence, the proper party to file the petition in this case assailing the decision of the CA is PALI, and not the petitioner.

One who has no right or interest to protect cannot invoke the jurisdiction of the court for it is jurisprudentially established that every action must be prosecuted or defended in the name of the real party-in-interest.[19] A real party-in-interest is one who stands to be benefited or injured by the judgment in the suit, or the party entitled to the avails of the suit.[20] Since the petitioner is not the real party-in-interest, the petition must forthwith be denied due course.

While the well-entrenched doctrine is that pure questions of fact may not be the subject of appeal by certiorari under Rule 45 of the 1997 Rules of Civil Procedure as this mode of appeal is generally restricted to questions of law,[21] such rule is not absolute. There are instances where the Court admits of certain exceptions, as when the factual findings of the CA are contrary to those of the trial court.[22]

In this case, the CA ruled that the parcel of land subject of the application is different from that sold to the petitioner under the extrajudicial partition with absolute sale, which was, thereafter, sold to PALI. The CA, likewise, ruled that the petitioner failed to prove its title over the property:

In its Appellant's Brief, the Republic, through the Solicitor General, argues first or (sic) all that parcel of land sought to be registered in this case is apparently different from the land allegedly purchased by the applicant

Trinidad Diaz-Enriquez from the heirs of the deceased Spouses Eugenio and Margarita Pereña. Thus, the Solicitor General points out that –

“The parcel of land sought to be registered in this case is portion-C of Lot 277, Cads. 617-D consisting of Six Thousand Nine Hundred Seventeen (6,917) square meters (cf. Exh. “L”), and with the following boundaries:

NW – Lot 278, Cad-617-D-Psu-99442 (TCT No. T-75170) – TDE

NE, SE – Cayapas River

SW – Psd-86692, Lot 1-TCT No. T-77742 – TDE (Decreed) Lot 472, Cads 617-D (cf. Exh. “M”)”

On the other hand, the Extrajudicial Partition with Absolute Sale (Exh. I) executed by the Pereñas in favor of Enriquez shows that what was sold by the former to the latter were two parcels of land, more particularly described as follows:

“A parcel of land as shown on plan Psu-79250, L.R.C. Rec. No. __, situated in the Barrio of Zapang, Municipality of Ternate, Province of Cavite. Bounded on the NE., along line 1-2 by property of Jose de Leon; on the SE., S., and NW., along lines 2-3-4-5-6-7-8-9-10-12-13-14-15-16-17-18-19-20-21-23-24-25-26-27-28 by public land; on the NW., and NE., along lines 28-29-30-31 and 31-1 by property of Carmen Puga (Lot 1, Psu-31389), x x x containing an area of ONE MILLION NINETY-SIX THOUSAND FOUR HUNDRED THIRTY-THREE (1,096,433) Square Meters.

“A parcel of land situated in Sitio Malauiyas, Barrio Pinagsanghan, Municipality of Maragondon, Province of Cavite. Bounded on the North by properties of Jose Anit, Anastacia Antazo, Vicente de Guiz and Rio Kay Apas; on the East by the properties of Jose de Guia, Sitio Llamado Murangdalig; on the South by Rio Palikpikan, Pasong Kalamyas, Mapuso, Kaylimit, Terreno Municipal de Ternate, on the West by the properties of Ambrosio Arca y Terreno Municipal de Ternate, containing an area of Eighty (80) Hectares assessed by Tax Declaration No. 16075 in the name of the late Jose C. Unas, predecessor-in-interest of Aurai Unas in the declaration of real property of the Municipality of Maragondon.”

As can be readily gleaned from the foregoing, the parcel of land sought to be registered in this case has a different area as well as different boundaries from either of the two parcels of land solely by the Pereñas to Enriquez. Considering, however, that appellee is supposed to be tracing its title to the subject parcel of land all the way up to the Pereñas, it is axiomatic that the same parcel of land should have been the subject of the successive sale transactions from the Pereñas down to appellee. Such is not the case here though, and neither has appellee offered any explanation for this discrepancy. Evidently, therefore, the lower court erred in granting appellee’s application for registration of title notwithstanding the paucity of evidence as to the actual identity of the parcel of land sought to be registered. (pp. 36-38, Rollo)

The explanation appears to lie in the fact that the lands sold by the Pereñas to Trinidad Diaz-Enriquez (Exh. “I”) were subsequently subdivided into six (6) lots, and a separate application for registration was filed for each lot. However, the hearing of the six applications, numbered LRC Cases Nos. 453, 454, 455, 456, 457 and 458 were consolidated in the court a quo. The technical description marked as Exh. “M” is for only one lot, Lot 277 (Portion C), which is the subject matter of LRC Case No. 455 (see pp. 11-26, tsn., April 4, 1995.)

Thus, Engineer Angel Salvacion testified as follows:

“Q. -

The Extrajudicial Partition with Absolute Sale marked as Exhibit M mentioned an area of 1,096,433. Is this the same parcel of land subject matter of this application for registration the same parcel of land subject matter of this Tax Declaration Nos. 1656, 1657 and 1658 and the same parcel of land covered by the approved plan by the Bureau of Lands?

A. -

Yes, Sir.

Q. -

Will you please state or explain to the Honorable Court why the area appearing in the Extrajudicial Partition with Sale is different from the area appearing on the approved plan and on the area appearing on the tax declarations? Will you explain [to] the satisfaction of this Honorable Court the discrepancies appearing on the areas?

A. -

In the Extrajudicial Partition with Absolute Sale, there are two different lots, different parcels of land I should say being described which is part of Psu-997250 which is not a subject of this registration, and a parcel of land which is now the subject of this registration. The reason why the area as indicated as a whole that described by this Extrajudicial Partition with Absolute Sale is different from the one under the tax declaration and as per result of the survey.” (tsn, pp. 22-23, April 11, 1995).

Next, the appellant argues that the appellee failed to prove that it and its predecessors-in-interest were in open, continuous, exclusive and notorious possession of the subject parcel of land, in the concept of an owner, since time immemorial. The appellee’s witness, Engineer Salvacion, had no personal knowledge of the nature and length of possession of applicant’s predecessors-in-interest, the Pereñas family. Indeed, he only relied on the tax declarations dating back to 1961 in the name of Margarita Sarmiento (Exhs. “Q,” “Q-1,” “Q-2,” “Q-3,” “Q-4” and “Q-5.” Unfortunately, they are among the missing exhibits. We have no way of checking their veracity.

In any event, tax declarations are not sufficient proof of possession, much less vest ownership on the declarant (Director of Forestry v. Villareal, 170 SCRA 598 [1989]).[23]

We agree with the appellate court. There are two facts that the applicant must prove to support an application for registration. The first is that the land sought to be registered is the same land described in the application; the second is that the applicant must be the owner of the land.[24]

It is settled that a person who seeks registration of title to a piece of land must prove the claim by clear and convincing evidence.[25] The petitioner was then duty bound to identify sufficiently and satisfactorily that the lot sought to be registered is the same or part of the lot she purchased from the Pereña heirs. Otherwise stated, all facts must indicate that no other person, including the government, will be prejudiced by the adjudication of the land to the petitioner.

The evidence on record shows that the property subject of the application in LRC Case No. NC-455 consists of 6,917 square meters with the following boundaries:

NW – Lot 278, Cad-617-D-Psu-99442 (TCT No. T-75170-TDE)

NE, SE – Cayapas River

SW – Psd – 86692, Lot 1 – TCT # T-77742 – TDE (Decreed) Lot 472, Cads 617-D[26]

However, the extrajudicial partition with absolute sale shows that the property covered by the said land has the following lot description:

A parcel of land as shown on plan Psu-79250, L.R.C. Rec. No. __, situated in the Barrio of Zapang, Municipality of Ternate, Province of Cavite. Bounded on the NE., along line 1-2 by property of Jose de Leon; on the SE., S., and NW., along lines 2-3-4-5-6-7-8-9-10-12-13-14-15-16-17-18-19-20-21-23-24-25-26-27-28 by public land; on the NW., and NE., along lines 28-29-30-31- and 31-1 by property of Carmen Puga (Lot 1,

Psu-31389), x x x containing an area of ONE MILLION NINETY-SIX THOUSAND FOUR HUNDRED THIRTY-THREE (1,096,433) Square Meters.[27]

The petitioner insists that Lot 277 (Portion C) Cads-617-D is part of the parcels of land originally sold by the Pereña heirs to her. However, the evidence shows otherwise; the technical descriptions of the two parcels of lands simply do not correspond to each other. The petitioner thus failed to prove that the property sought to be registered is included in the property covered by the said deed of extrajudicial partition with absolute sale.

Section 14(1) of P.D. 1529, otherwise known as the Property Registration Decree, provides:

SEC. 14. Who may apply. – The following persons may file in the proper Court of First Instance an application for registration of title to land, whether personally or through their duly-authorized representatives:

(1) Those who by themselves or through their predecessors-in-interest have been in open, continuous, exclusive and notorious possession and occupation of alienable and disposable lands of the public domain under a bona fide claim of ownership since June 12, 1945, or earlier.[28]

The presumption is that lands of whatever classification belong to the State and evidence of a land grant must be “well-nigh incontrovertible.”[29] The burden of proof in land registration cases is incumbent on the applicant who must show that she is the real and absolute owner in fee simple of the land applied for.[30] As we ruled in *Director, Land Management Bureau v. Court of Appeals*:[31]

... The phrase “adverse, continuous, open, public, peaceful and in concept of owner,” by which characteristics private respondent describes his possession and that of his parents, are mere conclusions of law requiring evidentiary support and substantiation. The burden of proof is on the private respondent, as applicant, to prove by clear, positive and convincing evidence that the alleged possession of his parents was of the nature and duration required by law. His bare allegations without more, do not amount to preponderant evidence that would shift the burden of proof to the oppositor.

In the case at bar, the petitioner failed to prove that she and her predecessors-in-interest had been in open, continuous, exclusive, and notorious possession and occupation of the subject property under a bona fide claim of ownership since time immemorial or since June 12, 1945.

Engr. Angel R. Salvacion, the lone witness for the petitioner, testified as follows:

... [H]e is employed at the Puerto Azul Land, Inc. as Geodetic Engineer; that he is assigned as the general overseer of the property being applied for registration, and handles the documents pertaining to the lots; that he has been connected with the Puerto Azul Land, Inc. since 1993 (TSN, April 4, 1995, p. 4); that he is authorized to represent the company in this proceeding by virtue of a Secretary’s Certificate issued by one Atty. Paulino Petralba dated 04 October 1994 (Exh. H); that Puerto Azul Land, Inc. came into ownership of the subject property through purchase, from Pereña to Trinidad Diaz-Enriquez to (Ternate Development Corp.) to Puerto Azul Land, Inc., evidenced by an Extrajudicial Partition with Absolute Sale executed by Remedios Pereña Panganiban, Celsa Resplandor and Ricardo Pereña dated April 1975 (TSN, April 4, 1995, p. 7), Deed of Absolute Sale dated 01 September 1994 executed by Trinidad Diaz-Enriquez in favor of Rebecca E. Panlilio and Deed of Absolute Sale dated 27 October 1994 executed by Rebecca E. Panlilio in favor of Puerto Azul Land, Inc. (TSN, April 4, 1995, pp. 9-10); that this case (LRC Case No. NC-455) per Survey plan SWO-04-001075-D covers Lot 277 (portion C) consisting an area of 6,917 square meters (TSN, April 4, 1995, pp. 13-14); that the applicant is in actual possession of the subject property which is being guarded by its employees (TSN, April 11, 1995, p. 4); that no tenants are occupying the same; that there are small houses being occupied by applicant’s employees and some mango and bamboo trees introduced by the previous owners, the Pereñas (TSN, April 11, 1995, p. 40); that except the Government, no other person is claiming ownership or possession of said property (TSN, April 11, 1995, p. 41); that both the previous and present

owners are in continuous, uninterrupted, and open possession of the subject property; that Trinidad Diaz-Enriquez is the owner of the adjoining properties of the subject property (TSN, April 11, 1995, p. 26); that Ricardo Pereña, Remedios Pereña Panganiban and Celsa Resplandor are the children of Eugenio Pereña and Margarita Sarmiento (TSN, April 11, 1995, p. 27); that per available record, the earliest period that taxes were paid was 1961 (TSN, April 11, 1995, p. 29); that no free patent application was filed with the office of the DENR, CENRO in connection with the subject property per certification issued by one Benjamin Aukay, Records Officer I, of the said office (TSN, May 4, 1995, p. 5).[32]

Engr. Salvacion's admission that he was employed by the PALI only in 1993 and that it was only then that he saw the property for the first time is fatal to the petitioner's cause. Engr. Salvacion had no personal knowledge that the predecessors of the petitioner had been in continuous, open and uninterrupted possession of the property since 1945. In fact, he claimed that the earliest period that taxes were paid thereon was in 1961. Yet, the records are bereft of such tax declarations, except the one for 1985. Besides, case law has it that tax receipts and tax payment receipts themselves do not convincingly prove title to the land.[33]

Undeniably, the petitioner failed to present positive, clear and convincing proof that her predecessors-in-interest were in actual, peaceful and adverse possession and occupation of the subject lot in the concept of owner for the period required by law.

IN LIGHT OF ALL THE FOREGOING, the petition is DENIED. The decision of the Court of Appeals is AFFIRMED. LRC Case No. NC-455 is hereby ordered DISMISSED.

SO ORDERED.

Austria-Martinez, (Acting Chairman), Tinga, and Chico-Nazario, JJ., concur.
Puno, (Chairman), J., on official leave.

[1] Penned by Associate Justice Hector L. Hofileña, with Associate Justices Jorge S. Imperial and Omar U. Amin, concurring.

[2]

[3] Records, p. 6.

[4] Id. at 5.

[5] Id. at 42-43.

[6] Id. at 52.

[7] TSN, 4 April 1995, p. 9.

[8] Id. at 10.

[9] Records, p. 78-A.

[10] TSN, 4 April 1995, p. 4.

[11] Id. at 40.

[12] Records, p. 101.

[13] Id. at 125.

[14] CA Rollo, p. 63.

[15] Id. at 74.

[16] Id. at 124.

[17] Rollo, p. 10.

[18] Records, p. 78-A.

[19] Borlongan v. Madrideo, 323 SCRA 248 (2000).

[20] Section 2 of Rule 3, 1997 Rules of Civil Procedure.

[21] Metropolitan Bank and Trust Company v. Wong, 359 SCRA 608 (2001).

[22] Tando v. Court of Appeals, 372 SCRA 321 (2001).

[23] Rollo, pp. 21-24.

[24] Noblejas, Antonio H. and Noblejas, Edilberto H., Registration of Land Titles and Deeds, 1992 Revised Edition, pp. 90-91.

[25] Republic of the Philippines v. Carmencita M. Alconaba, et al., G.R. No. 155012, April 14, 2004.

[26] Records, p. 14.

[27] Id. at 6.

[28] Emphasis supplied.

[29] Director of Lands v. Court of Appeals, 209 SCRA 427 (1992).

[30] Turquesa v. Valera, 322 SCRA 573 (2000).

[31] 324 SCRA 757 (2000).

[32] Records, pp. 120-122.

[33] Reynaldo, Telesforo, Remedios, Alfredo and Belen, all surnamed Aguirre, et al. v. Court of Appeals, et al., G.R. No. 122249, January 29, 2004.

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