HEIRS OF THE LATE SPOUSES PEDRO S. PALANCA AND SOTERRANEA RAFOLS VDA. DE PALANCA NAMELY: IMELDA R. PALANCA, MAMERTA R. PALANCA, OFELIA P. MIGUEL, ESTEFANIA P. PE, CANDELARIA P. ...

G.R. NO. 151312. August 30, 2006

Ponente: AZCUNA, J.

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AZCUNA, J.:

Before this Court is a petition for review on certiorari under Rule 45 of the Rules of Court seeking the reversal of the decision[1] dated July 16, 2001, and the resolution[2] dated December 21, 2001, of the Court of Appeals (CA) in CA-G.R. SP No. 62081 entitled "Republic of the Philippines (Represented by the Lands Management Bureau) v. Court of First Instance (CFI) of Palawan (now Regional Trial Court), Seventh Judicial District, Branch II presided over by Former District Judge, Jose P. Rodriguez, et al."

The antecedent facts[3] are as follows:

> On July 19, 1973, the heirs of Pedro S. Palanca, (petitioners herein), filed an application to bring the pieces of land they allegedly owned under the operation of the Land Registration Act. These are: a two hundred thirty-nine thousand nine hundred eighty (239,980) square meter parcel of land situated in Barrio Panlaitan, Municipality of Busuanga, Province of Palawan, as shown on plan Psu-04-000074, and a one hundred seventy-six thousand five hundred eighty-eight (176,588) square meter land in Barrio of Panlaitan (Island of Capari), Municipality of New Busuanga, Province of Palawan, as shown on plan Psu-04-000073. They acquired said realties by inheritance from the late Pedro S. Palanca, who had occupied and possessed said land openly and continuously in the concept of an owner since 1934, or 39 years before the filing of said application, and planted on said lands about 1,200 coconut trees on each land, declared the same for taxation purposes and paid the taxes thereof. The first parcel of land is presently occupied by Lopez, Libarra, an encargado of herein (petitioners), while the second is occupied by (petitioner) Candelaria Punzalan. In Civil Case No. 573 entitled "Heirs of Pedro Palanca, Plaintiffs, vs. Alfonso Guillamac, Defendant," for "Recovery of Possession of a Parcel of Land" the Court of First Instance of Palawan rendered a decision on March 4, 1970, declaring (petitioners), the heirs of Pedro S. Palanca, as the rightful possessors of the land at Talampulan Island, Bario of Panlaitan, Municipality of Busuanga, Province of Palawan, covered by Psu-04-000074, including the two (2) hectare portion occupied and claimed by Alfonso Guillamac.
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> It also appears that the jurisdictional requirements as to notices, as prescribed by Section 31, Act No. 496, namely publication in the Official Gazette, were complied with.

During the initial hearing of the case, verbal oppositions to the application were made by the Provincial Fiscal of Palawan purportedly for and in behalf of the Bureau of Forest Development, the Bureau of Lands, and the Department of Agrarian Reform, some inhabitants of the subject properties and a businessman by the name of Alfonso Guillamac. The Provincial Fiscal stated that the lands subject of the application had no clearance from the Bureau of Forestry and that portions thereof may still be part of the timberland block and/or public forest under

the administration of the Bureau of Forestry and had not been certified as being alienable and disposable by the Bureau of Lands. He therefore requested that the resolution on the application be stayed pending the examination and issuance of the required clearance by the Bureau of Forest Development.[4] After the lapse of three years from the date of the initial hearing, however, no valid and formal opposition was filed by any of the oppositors in the form and manner required by law.[5] Neither did the Provincial Fiscal present witnesses from the relevant government bureaus and agencies to support his contention that the subject lands had not yet been cleared for public disposition.

On the other hand, petitioners submitted the plan and technical description of the land, a survey certificate approved by the Bureau of Lands and also tax declarations showing that they have consistently paid the realty taxes accruing on the property. Petitioners likewise presented six witnesses in support of their application, namely Constantino Palanca, Ofelia Palanca-Miguel, Lopez Libarra, Alejandro Cabajar, Alfonso Lucero and Augustin Timbancaya.

Both Constantino Palanca and Ofelia Palanca-Miguel testified that: (1) they were heirs of one Pedro S. Palanca; (2) they, together with their other siblings, were applicants for the registration of two parcels of land located in Barrio Panlaitan, Busuanga, Palawan; (3) their father, Pedro S. Palanca, acquired ownership over the subject properties by continuous, public and notorious possession; (4) their father built a house on each parcel of land and planted coconut trees; (5) since their father's death, they have continued their possession over the lands in the concept of owners and adverse to all claimants; and (6) the properties have been declared for taxation purposes and the corresponding taxes religiously paid for over forty (40) years.[6]

Lopez Libarra and Alejandro Cabajar testified that they knew the late Pedro S. Palanca and worked for the latter as an overseer and a "capataz" respectively in the cultivation of the subject properties. Cabajar, in particular, claimed that he helped clear the lands sometime in the mid-1920s, planted upon such lands coconut trees which are now bearing fruit, and continued working with Pedro S. Palanca until the latter's death in 1943. He subsequently went to work for the heirs of Pedro S. Palanca whom he confirms now own and manage the properties.[7]

For his part, Libarra testified that he had been the overseer of the two coconut plantations of the late Pedro S. Palanca since 1934. He identified the location of the properties, averring that one plantation is in Talampulan, Panlaitan Island and the other in Talampetan, Capari Island. He further testified that at the time he was employed in 1934, there were already improvements in the form of coconut trees planted in the areas, a number of which were already bearing fruits. His duties included overseeing and cleaning the plantations, making copra and replanting the area when necessary. He also claimed he worked with Pedro S. Palanca until the latter's death in 1943 and continues to work for the latter's heirs up to the present.[8]

Also presented were Alfonso Lucero and Augustin Timbancaya, who testified thus:

> Alfonso Lucero testified that he is a Forester in the Bureau of Forest Development, formerly the Bureau of Forestry. He was once assigned as the Chief of Land Classification Party No. 55 in Palawan. Presently, he is a member of the Composite Land Classification Team No. 32 in the province with station at Puerto Princessa City. He has been employed with the Bureau of Forest Development for about 30 years, starting as a Forest Guard in 1947. As chief of Land Classification Party No. 55, he covered the territory from Puerto Princesa City northward up to Busuanga, where the land in question is located. His duty was to supervise the team that conducted the limitation, segregation and deviation of agricultural lands within the area. He served in this capacity for twelve (12) years until December 1975. As such, he issued certifications after due classification by his office, of alienable and disposable land for administration by the Bureau of Lands and eventual disposition to interested parties. He had been in Busuanga, Palawan a number of times and is familiar with the lands in

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question, one of which is in Talampetan, Capari Island and the other in Talampulan, Panlaitan Island. He is aware that the lands in question are claimed and administered by the heirs of Pedro S. Palanca. The improvements on the land are at least 40 years old in his estimation. He recalls having issued a certification of release of this property for disposition to private parties, but could not remember the exact date when he did so. He identified Exhibits "JJ" and "KK" to be certifications to the effect that Talampulan in Panlaitan Island and Talampetan, a portion of Capari Island, both in Busuanga (formerly Coron), Palawan, are fully cultivated and mainly planted to coconuts before World War II by herein applicants, the heirs of Pedro S. Palanca. He is fully convinced that the lands in question have already been released before the war for agricultural purposes in favor of Pedro S. Palanca, applicants' predecessor-in-interest. Releases of agricultural lands which are done in bulk at present was not in vogue before the last war, for releases at that time were made on a case-to-case basis. Under the pre-war system, an application for a piece of land was individually referred to the then Bureau of Forestry which in turn conducted a classification of the area as to its availability, whether it be for sale, homestead, etc. On the basis of the Bureau of Forestry investigation, a certification was then issued as to its availability for the purpose for which the application was made. The certification was made on the basis of such application, and was called the isolated case release or the case-to-case basis. This procedure was followed in the case of herein applicants and there seemed to be no reason to doubt that the area was in fact released to herein applicants. Therefore, the area is no longer under the jurisdiction of the Bureau of Forest Development.

Alfonso Lucero also testified that as Chief of Land Classification Party No. 55, he was the one directly in charge of classification and release of lands of public domain for agricultural purposes. His office is directly under the bureau chief in Manila, although for administrative purposes he is carried with the district forestry office in Puerto Princesa City. The certifications he issue carry much weight in land classification and releases in the province unless revoked by the Manila Office.

Augustin O. Timbancaya testified that he is a licensed geodetic engineer, formerly called a land surveyor. His services were engaged by applicant Ofelia P. Miguel, the representative of the other applicants, to conduct and prepare a land plan for two parcels of land subject of the application. He went personally to the lands in question. He executed Exhibit "U", the Plan of Land covered by PSU-04-000073, containing an area of one hundred seventy-six thousand, five hundred eighty-eight (176,588) square meters situated at Talampetan, Capari Island, Busuanga, Palawan, approved by the Director of Lands on June 25, 1973. He also identified Exhibit "V", the Plan of Land under PSU-04-000074, containing an area of two hundred thirty-nine thousand, nine hundred eighty (239, 980) square meters located at Talampulan, Panlaitan Island, Busuanga, Palawan, which was also approved by the Director of Lands on June 25, 1973. Both lands are in barrio Panlaitan, Busuanga (formerly Coron), Palawan, and have an aggregate total area of four hundred sixteen thousand five hundred sixty-eight (416,568) square meters. All these surveys were properly monumented. He personally prepared the technical description for both lots. He also prepared the Geodetic Engineer's Certificates and had the same notarized by Atty. Remigio Raton, the first on January 24, 1972 and the second on March 14, 1972. He believes that both parcels of land have been released for agricultural purposes because if it were otherwise, the survey plans he executed would not have been approved by the Director of Lands. In other words, the approval of the Land Plans by the Director of the Bureau of Lands indicates that the lands in question have been previously released for alienation and disposition. Both parcels of land have been fully developed and the coconuts planted thereon are about 50 years old. He has no doubt that these lands were released for agricultural purposes long ago.[9]

After trial, the CFI of Palawan issued a decision on December 15, 1977 declaring petitioners as the owners in fee simple of the two parcels of land in question. Thereafter, Original Certificate of Title (OCT) No. 4295 was issued in the name of petitioners. Subsequently, out of OCT No. 4295, Transfer Certificates of Title Nos. T-7095, T-7096, T-10396, T-10397, T-10398, T-10399, T-10418, and T-10884 were issued.

On December 6, 2000, or after almost twenty-three years, respondent Republic of the Philippines filed with the

CA a petition[10] for annulment of judgment, cancellation of the decree of registration and title, and reversion. Respondent sought to annul the December 15, 1977 decision of the CFI, arguing that the decision was null and void because the two lands in question were unclassified public forest land and, as such, were not capable of private appropriation. In support of this proposition, respondent presented Land Classification Map No. 839, Project 2-A dated December 9, 1929 showing that the subject properties were unclassified lands as of that date as well as a certification dated November 24, 2000 issued by the Community Environment and Natural Resources Office stating that "the islands of Talampulan and Capar(i) Island located in the municipality of Busuanga, Palawan are within the unclassified public forest." Respondent likewise drew attention to Executive Proclamation No. 219 issued on July 2, 1967 which classified the Province of Palawan as a National Game Refuge and Bird Sanctuary and the small islands off Palawan as national reserves closed to exploitation and settlement under the administration of the Parks and Wildlife Office, subject only to existing private rights.[11] In view of the fact that the properties were never classified as alienable and disposable, respondent argued that the CFI did not have jurisdiction to make a disposition of the same.

In addition, respondent asserted that the participants in the proceedings committed perfidious acts amounting to extrinsic fraud which is one of the grounds for the annulment of a judgment. Respondent maintained that a culture of collusion existed between and among the petitioners, the Provincial Fiscal and the ranking officer of the District Forestry Office, Alfonso Lucero, such that the State was deprived of the opportunity to fairly present its case to the court.

On July 16, 2001, the CA rendered the assailed decision, the dispositive portion of which reads:

> WHEREFORE, the instant petition is GRANTED. The decision of the then Court of First Instance of Palawan, Branch II, dated December 15, 1977, in Land Registration Case No. N-21, LRC Record No. N-44308 is hereby declared NULL and VOID. Accordingly, Decree No. N-172081 and the corresponding Original Certificate of Title No. 4295 issued in the name of the Heirs of Pedro S. Palanca, as well as the subsequent Transfer Certificates of Title Nos. T-7095, T-7096, T-10396, T-10397, T-10398, T-10399, T-10410 and T-10884 and all subsequent TCTs issued thereafter are also declared NULL and VOID. Private respondents Heirs of Pedro S. Palanca are DIRECTED to surrender said transfer certificates of title to public respondent Register of Deeds of Palawan; and the latter is also DIRECTED to cause the cancellation thereof.
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> SO ORDERED.[12]

Petitioners' motion for reconsideration was likewise denied by the CA in a resolution[13] dated December 21, 2001. Hence, this petition.

Petitioners contend that the CA disregarded settled jurisprudence and applicable land laws when it ruled that the subject properties covered by their application for registration were forest lands and that, consequently, the land registration court did not have jurisdiction to award the same to them. They opine that it is not necessary for them to prove that the government had expressly given a grant of the subject properties to Pedro S. Palanca, their predecessor-in-interest, separate of the legislative grant given to them purportedly under Commonwealth Act No. 141 (Public Land Act). Petitioners furthermore insist that a particular land need not be formally released by an act of the Executive before it can be deemed open to private ownership, citing the cases of Ramos v. Director of Lands[14] and Ankron v. Government of the Philippine Islands.[15] They likewise argue that the CA erred in relying upon Executive Proclamation No. 219 and upon Land Classification Map No. 839, Project 2-A to nullify petitioners' mother title. According to petitioners, the reversal of the CFI's decision violated the principle of res judicata as well as the rule on incontrovertibility of land titles under Act No. 496.

Respondent, on the other hand, denies the allegations of the petition in its comment[16] dated August 6, 2002 and contends that (a) the claim that the subject parcels of land are public agricultural lands by virtue of a legislative

grant is unfounded and baseless; (b) the land registration court of Puerto Princesa, Palawan, was devoid of jurisdictional competence to order titling of a portion of forest land; (c) the CA is correct in declaring that there must be a prior release of the subject lands for agricultural purposes; (d) the rules on res judicata and the incontestability of Torrens titles do not find proper applications in the exercise of the power of reversion by the State; and (e) estoppel and laches will not operate against the State. Respondent also reiterates its contention that collusion existed between the parties in the proceedings below which prevented a fair submission of the controversy, to the damage and prejudice of the Republic.

At the outset, it must be emphasized that an action for reversion filed by the State to recover property registered in favor of any party which is part of the public forest or of a forest reservation never prescribes. Verily, non-disposable public lands registered under the Land Registration Act may be recovered by the State at any time[17] and the defense of res judicata would not apply as courts have no jurisdiction to dispose of such lands of the public domain.[18] That being said, it must likewise be kept in mind that in an action to annul a judgment, the burden of proving the judgment's nullity rests upon the petitioner. The petitioner has to establish by clear and convincing evidence that the judgment being challenged is fatally defective.[19]

Under the facts and circumstances of this case, the Court finds that respondent met the required burden of proof. Consequently, the CA did not err in granting respondent's petition to annul the decision of the land registration court. This petition for review, therefore, lacks merit.

Section 48(b) of the Public Land Act upon which petitioners anchor their claim states:

> Sec. 48. The following-described citizens of the Philippines, occupying lands of the public domain or claiming to own any 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:
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> x x x
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> (b) Those who, by themselves or through their predecessors-in-interest, have been in 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. Those 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 above provision clearly requires the concurrence of two things: (1) that the land sought to be registered is public agricultural land, and (2) that the applicant seeking registration must have possessed and occupied the same for at least thirty years prior to the filing of the application. That the petitioners, through Pedro S. Palanca, have been in possession of the properties since 1934 is not disputed. What is in doubt is the compliance with the first requisite.

To reiterate, the validity of the CFI decision was impugned on the basis of the court's lack of jurisdiction. If the properties were alienable public lands, then the CFI, acting as a land registration court, had jurisdiction over them and could validly confirm petitioners' imperfect title. Otherwise, if the properties were indeed public forests, then the CA was correct in declaring that the land registration court never acquired jurisdiction over the subject matter of the case and, as a result, its decision decreeing the registration of the properties in favor of petitioners would be null and void.

The reason for this is the fact that public forests are inalienable public lands. The possession of public forests on the part of the claimant, however long, cannot convert the same into private property.[20] Possession in such an

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event, even if spanning decades or centuries, could never ripen into ownership.[21] It bears stressing that 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 lands of the public domain, the rules on confirmation of imperfect title do not apply.[22]

In the present case, Land Classification Map No. 839, Project 2-A[23] indicated that the Talampulan and Capari Islands on which the properties were located were unclassified public lands as of December 9, 1929. It was by virtue of Executive Proclamation No. 219 issued on July 2, 1967 that these islands were subsequently classified as national reserves. Based on these, it becomes evident that the subject properties have never been released for public disposition. Obviously, from the time that petitioners and their predecessor-in-interest were occupying the properties in 1934 until the time that an application for registration was filed in 1973, these properties remained as inalienable public lands.

While it is true that the land classification map does not categorically state that the islands are public forests, the fact that they were unclassified lands leads to the same result. In the absence of the classification as mineral or timber land, the land remains unclassified land until released and rendered open to disposition.[24] When the property is still unclassified, whatever possession applicants may have had, and however long, still cannot ripen into private ownership.[25] This is because, pursuant to Constitutional precepts, all lands of the public domain belong to the State, and the State is the source of any asserted right to ownership in such lands and is charged with the conservation of such patrimony.[26] Thus, the Court has emphasized the need to show in registration proceedings that the government, through a positive act, has declassified inalienable public land into disposable land for agricultural or other purposes.[27]

Petitioners' reliance upon Ramos v. Director of Lands[28] and Ankron v. Government[29] is misplaced. These cases were decided under the Philippine Bill of 1902 and the first Public Land Act No. 926 enacted by the Philippine Commission on October 7, 1926, under which there was no legal provision vesting in the Chief Executive or President of the Philippines the power to classify lands of the public domain into mineral, timber and agricultural so that the courts then were free to make corresponding classifications in justiciable cases, or were vested with implicit power to do so, depending upon the preponderance of the evidence.

As petitioners themselves admit, registration of the properties is sought under Commonwealth Act No. 141. Sections 6 and 7 of the Act provide as follows:

> Section 6. The President, upon the recommendation of the Secretary of Agriculture and Commerce, shall from time to time classify the lands of the public domain into –
>
> (a) Alienable or disposable,
> (b) Timber, and
> (c) Mineral lands,
>
> and may at any time and in a like manner transfer such lands from one class to another, for the purposes of their administration and disposition.
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> Section 7. For the purposes of the administration and disposition of alienable or disposable public lands, the President, upon recommendation by the Secretary of Agriculture and Commerce, shall from time to time declare what lands are open to disposition or concession under this Act.

Based on the foregoing, the classification or reclassification of public lands into alienable or disposable, mineral or forest lands is the exclusive prerogative of the Executive Department of the government. Clearly, the courts no longer have the authority, whether express or implied, to determine the classification of lands of the public domain.[30]

To the Court's mind, petitioners have failed to present incontrovertible proof that the lands they claimed had previously been classified as alienable. The bare allegation of Alfonso Lucero that a certification had been issued releasing the properties for agricultural purposes is not sufficient to prove this fact. The best evidence would be the document itself which, however, was not produced in this case. It was error for the land registration court to have taken Mr. Lucero's testimony at face value, absent any other evidence to conclusively prove that the land had been released for public disposition.

Furthermore, it must be pointed out that petitioners' contention that the State has the burden to prove that the land which it avers to be of public domain is really of such nature applies only in instances where the applicant has been in possession of the property since time immemorial. When referring to this type of possession, it means possession of which no person living has seen the beginning and the existence of which such person has learned from the latter's elders.[31] Immemorial possession justifies the presumption that the land had never been part of the public domain or that it had been private property even before the Spanish conquest.[32] The possession of petitioners in this case does not fall under the above-named exception as their possession, by their own admission, only commenced sometime in 1934.

To reiterate, where there is a showing that lots sought to be registered are part of the public domain, the applicant for land registration under Section 48 of Commonwealth Act No. 141 must secure a certification from the government that the lands claimed to have been possessed by the applicant as owner for more than 30 years are alienable and disposable.[33] Petitioners' failure to do so in this case, when taken with the evidence adduced by respondent showing that the lands in question indeed remain part of the public domain and form part of the national reserves, confirms that the CFI never acquired jurisdiction to order the registration of such lands in favor of petitioners, and certainly justifies their reversion to the State.

WHEREFORE, the petition is DENIED for lack of merit. No costs.

SO ORDERED.

Puno, (Chairperson), Sandoval-Gutierrez and Garcia, JJ., concur.Corona, J., on leave.

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[1] CA Rollo, pp. 195-212.

[2] Id. at 339-340.

[3] Id. at 196-204.

[4] Records, pp. 70-71.

[5] Under Commonwealth Act No. 141 (Public Land Act), applications for registration through judicial confirmation of imperfect or incomplete titles shall be heard in the same manner and shall be subject to the same procedure as established in Act No. 496, as amended (Land Registration Act). In this connection, Section 34 of the Land Registration Act states:

> Any person claiming an interest[,] whether named in the notice or not, may appear and file an answer on or before the return day, or within such further time as may be allowed by the court. The answer shall state all the objections to the application, and shall set forth the interest claimed by the party filing the same and apply for the remedy desired, and shall be signed and sworn to by him or by some person in his behalf.

[6] Records, pp. 75-82.

[7] Id. at 80.

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[8] Id. at 81.

[9] CA Rollo, pp. 201-203.

[10] Id. at 1-126.

[11] Id. at 101.

[12] Id. at 108-109.

[13] Id. at 339-340.

[14] 39 Phil. 175 (1918).

[15] 40 Phil. 10 (1919).

[16] Rollo, pp. 180-288.

[17] Republic of the Philippines v. Court of Appeals, G.R. No. 113549, July 5, 1996, 258 SCRA 223.

[18] Heirs of Mariano Lacson v. Del Rosario, G.R. No. L-77148, June 30, 1987, 151 SCRA 714.

[19] Sta. Monica Industrial and Development Corp. v. CA, G.R. No. 83290, September 21, 1990, 189 SCRA 792.

[20] Director of Forestry v. Muñoz, 132 Phil. 637 (1968); Fernandez Hnos. v. Director of Lands, 57 Phil. 929 (1931); Vaño v. Government of the Philippine Islands, 41 Phil. 161 (1920).

[21] Republic v. De Guzman, G.R. No. 1378887, February 28, 2000, 326 SCRA 574.

[22] Amunategui v. Director of Forestry, G.R. No. L-27873, November 29, 1983, 126 SCRA 69; Director of Lands v. Court of Appeals, G.R. No. L-58867, June 22, 1984, 129 SCRA 689; Director of Lands v. Court of Appeals, G.R. No. L-50340, December 26, 1984, 133 SCRA 701; Republic v. CA, G.R. No. L-40402, March 16, 1987, 148 SCRA 480; Vallarta v. IAC, G.R. No. L-74957, June 30, 1987, 151 SCRA 679.

[23] CA Rollo, p. 99.

[24] Director of Lands, et al. v. IAC, et al., G.R. No. 73246, March 2, 1993, 219 SCRA 339; Yngson v. Sec. of Agriculture and Natural Resources, G.R. No. L-36847, July 20, 1983, 123 SCRA 441; Republic v. CA, G.R. No. L-45202, September 11, 1980, 99 SCRA 742.

[25] Director of Lands v. CA, supra note 22; Adorable v. Director of Forestry, 107 Phil. 401 (1960); Republic v. CA, G.R. No. 39473, April 30, 1979, 89 SCRA 648.

[26] Director of Lands v. CA, supra note 22.

[27] Director of Lands, et al. v. IAC, et al., supra note 24.

[28] Supra note 14.

[29] Supra note 15.

[30] Zarate v. Director of Lands, G.R. No. 131501, July 14, 2004, 434 SCRA 322; Bureau of Forestry v. Court of Appeals, G.R. No. L-37995, August 31, 1987, 153 SCRA 351.

[31] Director of Lands v. Buyco, G.R. No. 91189, November 27, 1992, 216 SCRA 78.

[32] Oh Cho v. Director of Lands, 75 Phil. 890 (1946).

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[33] Gutierrez Hermanos v. CA, G.R. Nos. 54472-77, September 28, 1989, 178 SCRA 37.

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