

REPUBLIC OF THE PHILIPPINES AND CAVITE COLLEGE OF FISHERIES, PETITIONERS, VS. MAXIMA LENSICO, RUFINA LENSICO, ROGELIO LENSICO AND VICTOR LENSICO, RESPONDENTS.

G.R. NO. 158919. August 09, 2005

Ponente: PANGANIBAN, J.

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PANGANIBAN, J.:

In denying this Petition, the Court relies on a well-established doctrine. Thus, subject to some exceptions that do not apply here, the findings of fact of the Court of Appeals affirming those of the trial court cannot be disturbed, modified or reversed by this Court in petitions for review under Rule 45 of the Rules of Court.

The Case

Before us is a Petition for Review[1] under Rule 45 of the Rules of Court, assailing the June 30, 2003 Decision[2] of the Court of Appeals (CA) in CA-GR CV No. 46045. The dispositive part of the assailed Decision disposed as follows:

"WHEREFORE, except for the award of attorney's fees and costs of suit which are hereby DELETED, the appealed decision is otherwise AFFIRMED."[3]

The Facts

The facts of the case are narrated by the CA as follows:

"x x x. This land was originally a part of the Friar Land known as Lot No. 2833, Fls-644 of the Naic Estate, containing an area of 16,459 square meters, and was registered on February 4, 1913 under Act No. 496 and issued Original Certificate of Title No. 181. Its then occupant of 34 years, the now deceased Melanio Lensico, on September 8, 1964 filed an Application to Purchase Friar Lands. An investigation was conducted by Land Investigator Dominador Bayot who found the information contained in the application to be true, and recommended that the lot be sold at private sale without auction in favor of Melanio Lensico, and gave its appraised value. After drawing three (3) favorable endorsements, said recommendation was approved. Whereupon Sales Contract No. V-270 was executed between the Bureau of Lands as the vendor and Melanio Lensico married to Donata Mojica as the vendees who paid the purchase price in full. This sale was acknowledged on August 8, 1968 by the Office of the Secretary of the Department of Agriculture and Natural Resources with Deed No. V-1-0193. Eventually, Transfer Certificate of Title No. T-78832 was issued on September 8, 1975 in the names of Melanio Lensico and Donata Mojica."Out of the 16,459 square meters total area of the property, Cavite College occupies a portion of some 11,650. Their squabble began after the death of the registered owners, their children and heirs namely the litigants Maxima, Rufina, Rogelio and Victor, surnamed Lensico, required the payment of rentals for the occupancy of the area. Their demands having been ignored, the Lensicos required Cavite College compensation for occupancy and to either vacate or buy the premises. The Republic of the Philippines on the other hand made moves to cancel the issued Transfer Certificate of Title. Their disagreements resulted in the filing of Civil Case No. NC-934 and Civil Case No. NC-963."Civil Case No. NC-934 is a suit styled to be for Recovery of Possession of Property or Payment of

Price of Land filed by the Lensicos against Cavite College. They alleged that they are the legitimate children of the registered owners; that it was only after the death of their parents when they learned that Cavite College has been occupying a portion of the lot sans payment of rentals; that apart from verbal demands they also sent three (3) letters to Cavite College but to no avail."Cavite College admitted the existence of TCT T-78332 but insisted that by its actual occupation since 1961 and the immense improvements it had introduced, it has a better and superior right to the property. Cavite College traced its right of possession on the following occurrences: that Congress on June 18, 1960 enacted Republic Act [2]661 which was AN ACT PROVIDING FOR THE ESTABLISHMENT OF A SCHOOL OF FISHERIES IN THE MUNICIPALITY OF NAIC, PROVINCE OF CAVITE; that pursuant to this, the Naic Municipal Council on August 6, 1961 passed a resolution designated as KAPASIYAHANG IPINAGKAKALOOB SA CAVITE SCHOOL OF FISHERIES ANG MGA SANGAB (FORESHORE LAND) SIMULA SA NGAYON MGA BAGONG KARSADA (BOUNDARY) HANGGANG SA NAYON NG BUCANA, PARA MAGAMIT SA KANILANG PAGTUTURO. That after this, Cavite College started to construct its school buildings without objection from the Lensicos or their parents. It averred that the property in question was mostly an area reclaimed from the sea by the construction of rock groins. Although Cavite College admitted that the property was covered by a title, it argued that its issuance to the registered owners is null and void because the lot is actually a part of the foreshore land which is a public domain. The sales application of the registered owners was only on 1964 whereas Cavite College had been occupying the area since 1961. And that the Information Sheet for the sales application did not disclose the true improvements on the property because despite the buildings that Cavite College have constructed thereon and which occupies the greater area, what was reflected as improvements are only the following: "one house of strong materials, 1 small nipa hut, 6 coconut trees, and 1 tamarind tree, valued P500.00" Cavite College stressed that with its continued possession and introduction of valuable improvements thereon, it should be given a superior right to the property because had it not been for the rock groins it constructed, then the whole property which faces Manila Bay would have been lost to the sea."Civil Case No. NC-963, on the other hand, is a suit for Annulment of Title and Reversion of Land to the State filed by the Republic of the Philippines against the Lensicos and the Register of Deeds for the Province of Cavite. Through this action, the Republic of the Philippines sought the cancellation of TCT No. T-78832 which it claims to be null and void, and that the Lensicos have no vested rights whatsoever on the property which is part of the foreshore land and could not be titled as private property. According to the Republic of the Philippines, the particulars given by Melanio Lensico in the Application to Purchase Friar Lands and the Information Sheet were false, and so also was the recommendation submitted by Land Investigator Dominador Bayot in the Information Sheet because it did not declare as one of the improvements in the property the school buildings and other developments introduced by Cavite College. That were it not for these false informations, then there would have been no sale between the Bureau of Lands and Melanio Lensico. In trying to invalidate the issuance of the TCT, it was argued by the Republic of the Philippines that the Bureau of Lands or the Secretary of Agriculture and Natural Resources had no jurisdiction or authority to award or sell the said property because this has already been designated by Republic Act 2661 on June 18, 1960 as a site for the establishment of the school of Cavite College."The Lensicos countered that it was not true that the Cavite College had erected a building on the property as early as 1961 because in 1964 there was as yet no building in the area. To controvert further, they stated that when Congress approved Republic Act 2661 and the Naic Municipal Council passed its Resolution on August 5, 1961 designating the foreshore land as the school site, the exact location was not yet determined and it was only later when it was discovered that the Cavite College already encroached on their property that the subject area was imputed. It was also denied that the property was part of the sea because this had long been dry land and part of the Naic Estate known as Lot No. 2833, Fls-644 and among its boundaries are Lot Nos. 733 and 2834."These two cases were consolidated, and on July 5, 1993, the court a quo rendered its judgment, the decretal portion of which reads:"WHEREFORE, this Court passes judgment ordering the defendant in Civil Case No. NC-934 to pay plaintiffs the price of P25.00 per square meter of the portion of Lot 2833 with an area of 11,650 square meters, or, to pay reasonable rent at the rate of P2,000.00 per month from the time defendant occupied said premises until December 1999, unless the plaintiffs agreed for an extended period of 30 years thereafter. Should the defendant fail to comply to the

foregoing terms and conditions, it shall vacate the said area occupied within three (3) months from finality of this Decision, and, to pay the rents thereof at the reasonable rate of P2,000.00 per month from July 1961. Since there appears no evidence regarding attorney's fees, the defendant is hereby Ordered to pay plaintiffs reasonable sum of attorney's fees of P20,000.00 plus costs of suit." [4]

Ruling of the Court of Appeals

The appellate court affirmed the trial court's finding that the subject lot was formerly a friar land and not a part of the public domain. The CA added that the evidence of respondents was not sufficiently overcome by that presented by petitioners to establish the claim that the property was foreshore or beach land.[5] It further said that the public nature of the land was dispelled by its registration since February 4, 1913 under Original Certificate of Title (OCT) 181.[6]

The court a quo also debunked petitioners' claim that Melanio Lensico's Transfer Certificate of Title (TCT) T-78832 had been fraudulently obtained. According to the CA, the TCT was granted upon full compliance with the substantive and procedural requirements for its acquisition, such as the appraisal and investigation by the Bureau of Lands (BL), as well as several endorsements from BL officers. The appellate court further reasoned that respondents had an indefeasible and conclusive title to the property, by virtue of which the Municipal Council of Naic had no authority to dispose of any part of the land.[7]

Finally, while affirming the trial court's Order for petitioners either to purchase the property or to pay corresponding rentals, the CA nonetheless set aside the award for attorney's fees for lack of basis.[8]

Hence, this Petition.[9]

The Issue

Petitioners raise this sole issue for our consideration:

"Whether or not the Court of Appeals erred in dismissing petitioners' appeal on the ground that the subject property is not part of foreshore land and that respondents' predecessor-in-interest did not commit fraud in securing a certificate of title over the subject property." [10]

Otherwise stated, the issue is whether respondents' predecessor was the lawful owner of the parcel of land occupied by petitioner school.

The Court's Ruling

The Petition has no merit.

Sole Issue:

Ownership of the Subject Premises

Petitioners argue that respondents did not have a valid title to the property, because TCT T-78832 was null and void. They contend that Lot 2833, the area covered by the title, is foreshore and beach land and, thus, a piece of public property.[11] Consequently, it may not be alienated or registered, notwithstanding the alleged possession of it by Melanio Lensico for a substantial length of time.[12] They present the Information Sheet he prepared and two Survey Plans, all describing the property as beach land. That it was mostly so was allegedly revealed, too, by the trial court's ocular inspection.[13]

To further bolster their position, petitioners allege that it was previously not in existence, because it did not appear in the June 6, 1911 map of the Naic Friar Estate, although it did in the March 25, 1930 survey, which described it as beach land. They also submit pictures taken by a geodetic engineer of the Bureau of Lands during the

relocation survey, illustrating that two corners of the lot adjoined the Manila Bay.[14] Thus, they conclude that the property is foreshore land.

Foreshore or Friar Lands

On the basis of all these arguments, petitioners ask this Court to set aside the trial and the appellate courts' factual finding that the subject property was not foreshore land.

It must be stressed that only questions of law may be raised in petitions to review decisions of the Court of Appeals filed before this Court.[15] The factual findings of the CA affirming those of the trial court are final and conclusive. They cannot be reviewed by this Court, save only in the following circumstances, which we find absent in the instant case: (1) when the factual conclusion is a finding grounded entirely on speculations, surmises and conjectures; (2) when the inference is manifestly mistaken, absurd or impossible; (3) when there is a grave abuse of discretion; (4) when the judgment is based on a misapprehension of facts; (5) when the findings of fact are conflicting; (6) when the Court of Appeals went beyond the issues of the case in making its findings, which are further contrary to the admissions of both the appellant and the appellee; (7) when the CA's findings are contrary to those of the trial court; (8) when the conclusions do not cite the 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 respondents; and (10) when the CA's finding's of fact, supposedly premised on the absence of evidence, is contradicted by the evidence on record.[16]

Petitioners have failed to establish that the present case falls under any of the exceptions enumerated above. A perusal of the facts and evidence presented does not convince this Court to deviate from the findings of fact of the courts a quo. The lower courts properly appreciated the evidence submitted by both parties as regards the nature of the property. These courts have determined that the lot was part of the friar lands that had been titled since 1913; it was not foreshore land.

Foreshore land has been defined as that which lies between the high and the low water marks, and that is alternately wet and dry according to the flow of the tide.[17] In other words, it is that strip of land between high and low water, the land left dry by the flux and reflux of the tides.[18]

In the present case, although corners 3 and 4 of Lot 2833 have been shown to adjoin[19] the sea, they -- let alone the entire Lot 2833 -- have not been proven to be covered by water during high tide. Hence, the property cannot be considered foreshore land.

Fraud in Title Application

Petitioners submit that because TCT No. T-78832 was fraudulently acquired, the principle of indefeasibility of title does not attach to it. They allege that Melanio Lensico was merely a dummy. Supposedly because he was illiterate, someone else completed the application without verifying from the former the correctness of the entries made.[20] In that application, the latter allegedly misrepresented Lensico as the actual occupant of the property at the time. Petitioners, as testified to by their witnesses as well as Rogelio Lensico, had purportedly constructed several buildings in the area before the application was filed.[21] The alleged misrepresentation is cited as a sufficient ground to nullify the TCT.[22]

To illustrate an alleged pattern of fraud, petitioners maintain that the application was granted without actual investigation, which no government employee could have conducted on Saturday and Sunday, the days between September 18, 1964, when the application was submitted; and September 21, 1964, when the Information Sheet, stating that an investigation had been conducted, was completed. They further contend that the elder Lensico's description of the lot and the improvements on it were blindly and wholly copied in the Information Sheet.[23]

Finally, Melanio Lensico purportedly failed to comply with the mandatory requirements of notice (to the municipal president) and publication, as laid down in Sections 9 and 11 of Act 1120, which governs the disposition of friar lands.[24] Petitioners point out that neither the school nor the elders in the area were aware of the application.

Whether fraud attended the application for the title is a factual question that revolves purely upon a proper appreciation of the evidence. For the same reasons stated previously, the findings of the lower courts that petitioners failed to adduce evidence sufficient to establish that fraud had attended the issuance of the title to Lensico cannot be overturned.

To prove the existence of fraud, petitioners rely on mere allegations unsupported by sufficient evidence. There is no showing that, although illiterate, Lensico was not informed of the contents of the document he was privy to. Neither is there any evidence to show the absence of an actual investigation of the property. Petitioners' allegation that government employees do not work on weekends, when pitted against the presumption that official duty has been regularly performed,[25] falls short of the required preponderance of evidence.

Petitioners maintain that Lensico misrepresented himself as the actual occupant of the property at the time of his application to purchase the land. They insist that respondents could not have been occupying it, because Petitioner Cavite College of Fisheries had already constructed buildings on 11,650 square meters of it, supposedly since 1961.

Assuming *arguendo* that the contention of petitioners is true, the existence of those buildings at the time does not preclude the fact that Lensico could have indeed been the actual occupant of Lot 2833 -- at least, of 4,809 square meters of it. Hence, their mere assertion that they constructed buildings on a portion of the lot does not preclude the possibility that someone else could have occupied the other portions of it, and that the latter had been in possession of the entire property prior to their entry. It is worth pointing out that the College was granted the foreshore land to be used in teaching.[26] However, it ended up occupying the property, which was not foreshore but titled land, specifically a portion of Lot 2833.

All told, we find no compelling reason to disturb the factual findings of the two lower courts. Petitioners have failed to prove that, in his application to purchase Lot 2833, Melanio Lensico willfully and knowingly made any false statement that would sufficiently cause the cancellation of the application and the forfeiture (in favor of the government) of all amounts paid on the land. The validity of TCT T-78322, as well as its issuance to respondents' predecessor, stands.

The predecessor of respondents paid the government for the purchase of the entire 16,459 square meters comprising Lot 2833. Therefore, it would be just and correct that they be compensated for Petitioner Cavite College of Fisheries' use of the portion that belongs to the Lensicos.

Basis for the Purchase Price

Petitioners theorize that the purchase price of the land should be based on its value at the time it was taken, considering that the occupied portion consists mainly of areas reclaimed through the efforts and resources of the government. As the College is a public entity that promotes public welfare, it avers that its interests prevail over respondents' private interests.[27]

In expropriation proceedings, the value of the land and its character at the time it was taken by the government are the criteria for determining just compensation.[28] As noted in *Ansaldo v. Tantuico*,[29] there are instances when, as in the present case, the expropriating agency takes over the property prior to the expropriation suit, in which situation just compensation shall be determined as of the time of taking. *Commissioner of Public Highways v.*

Burgos[30] held that the price of the land when it was taken, not its value after the passage of time, represents the true value to be paid as just compensation. Hence, the value of the property upon its actual taking, subject of course to interest accruing from that time, should be the basis of the purchase price if Petitioner Cavite College of Fisheries opts to buy the property.

In the present case, the trial court has already determined that the just compensation for the taking of the subject portion of respondents' land is the selling price of P25 per square meter or rent of P2,000 per month. The justness of this determination, which was affirmed by the CA, is not seriously assailed by petitioners. Again, we find no compelling reason to disturb this finding, as it is factual in nature.

WHEREFORE, the Petition is DENIED, and the assailed Decision AFFIRMED. No pronouncement as to costs.

SO ORDERED.

Sandoval-Gutierrez, Carpio Morales, and Garcia, JJ., concur.
Corona, J., on official leave.

[1] Rollo, pp. 8-43.

[2] Id., pp. 45-55. Penned by Justice Roberto A. Barrios (chairman of the Fourteenth Division), with the concurrence of Justices Josefina Guevara-Salonga and Lucas P. Bersamin (members).

[3] Assailed CA Decision, p. 10; rollo, p. 54.

[4] Id., pp. 2-6 & 46-50. Citations omitted.

[5] Id., pp. 7 & 51.

[6] Id., pp. 7-8 & 51-52.

[7] Id., pp. 8-9 & 52-53.

[8] Id., pp. 9-10 & 53-54.

[9] This case was deemed submitted for decision on May 24, 2004, upon this Court's receipt of petitioners' Memorandum, signed by Assistant Solicitor General Vida G. San Vicente and Solicitors Eric Remegio O. Panga and Danilo D. Leyva. Respondents' Memorandum, signed by Atty. J. P. Dominguez, was received by this Court on March 5, 2004.

[10] Petitioners' Memorandum, pp. 12-13; rollo, pp. 208-209. Original in upper case.

[11] Id., pp. 14-15 & 210-211.

[12] Id., pp. 17 & 213.

[13] Id., pp. 16 & 212.

[14] Id., pp. 15 & 211.

[15] Bañas Jr. v. Court of Appeals, 382 Phil. 144, February 10, 2000; Republic v. Sodsod, 386 Phil. 607, April 12, 2000; Evangelista & Co. v. Santos, 151-A Phil. 853, June 28, 1973; Sotto v. Teves, 86 SCRA 154, October 31, 1978.

[16] Misa v. Court of Appeals, 212 SCRA 217, August 5, 1992; Cebu Shipyard v. William Lines, Inc., 386 Phil.

439, May 5, 1999; *Dee v. Court of Appeals*, 238 SCRA 254, November 21, 1994; *Reyes v. Court of Appeals*, 216 SCRA 25, 31 November 26, 1992; *Saludo v. Court of Appeals*, 207 SCRA 498, 506, March 23, 1992; *Manlapaz v. Court of Appeals*, 147 SCRA 236, January 12, 1987.

[17] *Republic v. Court of Appeals*, 131 SCRA 532, 539, August 31, 1984.

[18] *Ibid.*

[19] Petitioner's Memorandum, p. 15; rollo, p. 211.

[20] Petitioner's Memorandum, p. 19; rollo, p. 215.

[21] *Id.*, pp. 20 & 216.

[22] *Id.*, pp. 21 & 217.

[23] *Id.*, pp. 23 & 219.

[24] *Id.*, pp. 24-25 & 220-221.

[25] Sec. 3(m) of Rule 131 of the Rules of Court. In the present case, the investigation could have been done on the Friday and/or Monday contiguous to the weekend referred to by petitioner.

[26] August 6, 1961 Resolution of the Naic Municipal Council.

[27] Petitioners' Memorandum, pp. 28-31; rollo, pp. 224-227.

[28] *Camarines Norte Electric Cooperative, Inc. v. Court of Appeals*, 345 SCRA 85, November 20, 2000; *J. M. Tuason & Co., Inc. v. The Land Tenure Administration*, 31 SCRA 413, February 18, 1970; *Export Processing Zone Authority v. Dulay*, 149 SCRA 305, April 29, 1987.

[29] 188 SCRA 300, 303-304, August 2, 1990.

[30] 96 SCRA 831, March 31, 1980.

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