REPUBLIC OF THE PHILIPPINES, PETITIONER, VS. SPOUSES LEON GUILALAS AND EULALIA SELLERA GUILALAS, RESPONDENTS.

G.R. No. 159564. November 16, 2011

Ponente: PERALTA, J.

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PERALTA, J.:

This is a petition for review on certiorari seeking to reverse and set aside the Decision[1] dated August 14, 2003 of the Court of Appeals (CA) in CA-G.R. CV No. 64867.

The procedural and factual antecedents are as follows:

Petitioner Republic of the Philippines is the registered owner of two (2) parcels of land known as the "Tala Estate," covered by Transfer Certificate of Title (TCT) Nos. 34629 and 34599. The TCTs were issued in the name of then Commonwealth of the Philippines and were derived from Original Certificate of Title (OCT) No. 543, originally registered on July 23, 1913 pursuant to Decree No. 4974 issued in G.L.R.O Record No. 6563 of the Registry of Deeds of Rizal.[2]

Under Proclamation No. 843,[3] a 598 hectare portion of the Tala Estate was reserved for housing, resettlement sites and related purposes by the government under the administration of the National Housing Authority (NHA).

On the other hand, respondents, spouses Leon Guilalas and Eulalia Guilalas, are the registered owners of a 30,000-square-meter parcel of land under TCT No. T-194289 of the Registry of Deeds of Bulacan, designated as Lot 433-B-2 of the subdivision plan (LRC) Psd-196244, located at Barrio Gaya-Gaya, San Jose Del Monte, Bulacan.

Eventually, the NHA started the development of the 598-hectare portion of the Tala Estate for its intended purpose. However, respondents resisted the development of the area claiming that a portion of their land was encroached upon by the government. After an investigation was conducted by the representatives of the NHA, it was found that the land owned by the respondents was part and parcel of the Tala Estate.

Thus, petitioner filed a Complaint for Cancellation of Title against the respondents, docketed as Civil Case No. C-12726,[4] before the Regional Trial Court (RTC), Caloocan City.

In their Answer with Counterclaim,[5] respondents claimed that the RTC of Caloocan City had no jurisdiction over the case since their lot is situated in San Jose Del Monte, Bulacan and not Caloocan City. Further, respondents maintained that they have been in open, adverse and continuous possession of the subject lot since birth and have been actually tilling the same in the concept of an owner.

After due trial, the RTC, on July 14, 1999, rendered a Decision[6] in favor of the respondents, the dispositive portion of which reads:

> WHEREFORE, in view of all the foregoing premises, judgment is HEREBY RENDERED:

1. Dismissing the complaint with costs against the plaintiff; and

2. Denying the application for writ of preliminary injunction.

SO ORDERED.[7]

Aggrieved, petitioner, through the Office of the Solicitor General (OSG), sought recourse before the CA. The case was docketed as CA-G.R. CV No. 64867.

In its Brief,[8] petitioner raised the following errors committed by the RTC:

I
THE TRIAL COURT ERRED IN DECLARING THAT IT HAS NO JURISDICTION OVER THE CASE AS THE LAND SUBJECT OF THE ACTION LIES IN THE PROVINCE OF BULACAN.

II
THE TRIAL COURT ERRED IN CONCLUDING THAT IT HAS NO JURISDICTION TO ANNUL THE JUDGMENT OF A CO-EQUAL COURT IN A LAND REGISTRATION PROCEEDING DECREEING IN FAVOR OF DEFENDANTS-APPELLEES LOT 433-B-2.

III
THE TRIAL COURT ERRED IN HOLDING THAT DEFENDANTS-APPELLEES' LAND FALLS OUTSIDE OF TALA ESTATE OF THE REPUBLIC ON THE BASIS OF EXHIBITS 6 AND 7 WHICH ARE MERE SKETCH PLANS PREPARED BY A PRIVATE LAND SURVEYOR AND WHICH PLANS ARE NOT DULY APPROVED BY THE BUREAU OF LANDS.

IV

THE TRIAL COURT ERRED IN TOTALLY DISREGARDING THE EVIDENCE PRESENTED BY THE PLAINTIFF-APPELLANT PARTICULARLY EXHIBITS "M," "N" AND "O-1," ALL SHOWING THAT DEFENDANTS-APPELLEES' LAND FALLS INSIDE THE TALA ESTATE OF THE REPUBLIC AND WHICH REPORTS/SKETCH PLANS WERE PREPARED BY THE GOVERNMENT AGENCY TASKED BY THE COURT FOR THE PURPOSE.

V
THE TRIAL COURT ERRED IN CONCLUDING THAT THERE IS NO ADEQUATE BASIS FOR PLOTTING THE PLAINTIFF'S LOTS.[9]

On August 14, 2003, the CA rendered the assailed Decision affirming the decision of the RTC, the decretal portion of which reads:

WHEREFORE, the July 14, 1999 Decision of the Regional Trial Court of Caloocan City, Branch 128, is AFFIRMED.

SO ORDERED.[10]

In concurring with the RTC, the CA concluded that based on the evidence submitted by the respective parties, it is apparent that respondents' lot is beyond the boundaries of the Tala Estate. Thus, outside the jurisdiction of the RTC Caloocan City.

Hence, the petition assigning the following errors:

A.

THE COURT OF APPEALS GRAVELY ERRED IN HOLDING THAT THE LOT OWNED BY THE GUILALAS SPOUSES IS LOCATED IN BULACAN AND DOES NOT ENCROACH ON THE LOTS OF

> THE PETITIONER WHICH ARE LOCATED IN CALOOCAN CITY. THE APPELLATE COURT ERRED IN GIVING MORE CREDENCE TO THE REPORT SUBMITTED BY ENGINEER ROMEO SAYCON, A PRIVATE GEODETIC ENGINEER, OVER THE REPORT RENDERED BY ENGR. ERNESTO ERIVE OF THE LAND SURVEY DIVISION OF [THE] DENR-NCR.
>
> B.
>
> THE COURT OF APPEALS GRAVELY ERRED IN HOLDING THAT TCT NOS. 34629 AND 34599 AND PROCLAMATION 843 CANNOT BE THE BASES FOR PLOTTING THE PETITIONER'S LOT BECAUSE SAID DOCUMENTS FAILED TO INDICATE THE TECHNICAL DESCRIPTIONS OF THE SUBJECT LOTS.[11]

Petitioner maintains that respondents' lot encroaches upon and falls within the Tala Estate. Petitioner argues that the testimony and Report[12] of Engr. Ernesto S. Erive, Chief of Land Surveys Division of the Department of Environment and Natural Resources – NCR (DENR-NCR), confirming that the lot involved in the instant case is within the boundaries of the Tala Estate and that there was overlapping of lots, should be given greater weight than the sketch[13] prepared by Engr. Romeo Saycon, a private geodetic engineer. In the said sketch, it shows that respondents' lot does not overlap the Tala Estate in Caloocan City, because their property is located in San Jose Del Monte, Bulacan. Petitioner posits that it is the report of Engr. Erive that should prevail. Being a public official, he is presumed to have regularly performed his official function.

Petitioner also contends that while TCT Nos. 34629 and 34599 do not indicate complete technical descriptions, still there are other reliable sources that may be used in order to plot the pertinent portions of the Tala Estate.

On their part, respondent maintains that the issues raised by petitioner are both questions of fact, which is improper in the present petition. Moreover, it is patent that the trial court had no jurisdiction considering that the land subject matter of the case lies and is within the territorial boundaries of San Jose Del Monte, Bulacan and outside that of Caloocan City. Further, the findings made by the trial court, which was affirmed by the CA, are supported by sufficient evidence.

The petition is bereft of merit.

At the outset, petitioner primarily sought the cancellation of respondents' TCT over the lot in question, which is clearly a real action. Section 1,[14] Rule 14 of the 1997 Rules of Civil Procedure provides that actions affecting title to or possession of real property or an interest therein (real actions) shall be commenced and tried in the proper court that has territorial jurisdiction over the area where the real property or any part thereof is situated. Considering that the lot in question was not within the territorial jurisdiction of RTC of Caloocan City, it was but proper for the RTC to have dismissed the complaint.

However, in both the decisions of the RTC and the CA, both tribunal made determinations regarding the actual location of respondents' lot and petitioner's Tala Estate. Therein, both categorically concluded in their respective decisions that indeed, respondents' lot is located in San Jose Del Monte, Bulacan, while that of petitioner is situated in Caloocan City and that respondents' lot did not encroach petitioner's property. Considering that the RTC had conducted the trial and both parties actively participated in the proceedings by submitting and presenting their respective evidence and witnesses, it would be just and proper to settle the dispute once and for all based on the findings of the RTC and the CA. Otherwise, it would not only be impractical, it would cause more injustice to the parties and protract an already long and dragging litigation.

It must be stressed that the issues raised by the petitioner involves questions of fact which are not proper subjects of a petition for review on certiorari under Rule 45 of the Rules of Civil Procedure, as amended. It is axiomatic that in an appeal by certiorari, only questions of law may be reviewed.[15]

A question of law arises when there is doubt as to what the law is on a certain state of facts, while there is a question of fact when the doubt arises as to the truth or falsity of the alleged facts.[16] This Court's ruling in Velayo-Fong v. Velayo[17] is instructive:

> A question of law arises when there is doubt as to what the law is on a certain state of facts, while there is a question of fact when the doubt arises as to the truth or falsity of the alleged facts. For a question to be one of law, the same must not involve an examination of the probative value of the evidence presented by the litigants or any of them. The resolution of the issue must rest solely on what the law provides on the given set of circumstances. Once it is clear that the issue invites a review of the evidence presented, the question posed is one of fact. Thus, the test of whether a question is one of law or of fact is not the appellation given to such question by the party raising the same; rather, it is whether the appellate court can determine the issue raised without reviewing or evaluating the evidence, in which case, it is a question of law; otherwise it is a question of fact.[18]

The well-entrenched rule in our jurisdiction that only questions of law may be entertained by this Court in a petition for review on certiorari is not ironclad and admits certain exceptions, such as when (1) the conclusion is grounded on speculations, surmises or conjectures; (2) the inference is manifestly mistaken, absurd or impossible; (3) there is grave abuse of discretion; (4) the judgment is based on a misapprehension of facts; (5) the findings of fact are conflicting; (6) there is no citation of specific evidence on which the factual findings are based; (7) the findings of absence of facts are contradicted by the presence of evidence on record; (8) the findings of the Court of Appeals are contrary to those of the trial court; (9) the Court of Appeals manifestly overlooked certain relevant and undisputed facts that, if properly considered, would justify a different conclusion; (10) the findings of the Court of Appeals are beyond the issues of the case; and (11) such findings are contrary to the admissions of both parties.[19]

After a careful review of the records, this Court finds no just reason to warrant the application of any of the foregoing exceptions to the general rule.

In the case at bar, respondents sufficiently established from the evidence submitted that indeed, their property lies within the boundaries of San Jose Del Monte, Bulacan. Moreover, the pieces of evidence submitted by the petitioner could not be made basis to determine their claim that respondents' property is within the boundaries of the Tala Estate, which is in Caloocan City, considering that even TCT No. T-34629 and T-34599 contain insufficient technical description to make it as bases of any sketch or plan of the said lot. Not even Proclamation No. 843, which is petitioner's basis for maintaining that the Marilao River is the northern boundary of its parcels of land, lacked the technical description of the area covered by it.

The trial court's meticulous assessment of the probative values of the respective evidence submitted by both parties is worthy of note, to wit:

> It is of paramount importance that the exact location of Marilao River be ascertained in view of plaintiff's allegation that aforementioned river is the northern boundary of its lots.
>
> In this connection, it is noteworthy that the Municipality of San Jose Del Monte, Bulacan initiated the move to ascertain its boundary with Caloocan City. In Resolution No. 20-02-94 (Exhibit 11), its municipal council stated that said town conformed with the boundary indicated by the cadastral survey of Caloocan, Rizal to be [the] boundary between said town and city. This was followed by a letter dated April 19, 1994 addressed to Secretary Rafael Alunan III, Department of the Interior and Local Government (Exhibit 11-C) involving his assistance in finding the true boundary between said municipality and the City of Caloocan. In DILG's first endorsement dated May 11, 1994 (Exhibit 11-B), the Lands Management Bureau, DENR, was requested to relocate the true boundary between the two political units. Pursuant to this request, the DENR, Lands Management Bureau, Region III, San Fernando, Pampanga entered into a Memorandum of Agreement dated

November 23, 1994 with San Jose Del Monte, Bulacan (Exhibit 12), whereby said office agreed to undertake a relocation survey to establish the boundary in question, expenses to be paid by aforesaid town.

After the actual relocation survey by personnel of the Lands Management Bureau, Region III, Mr. Eriberto Almasan sent a letter dated November 10, 1995 (Exhibit 13, 13-A, 13-B, 13-C, 13-D and 13-E and 13-F).

Relocation plan REL-03-000527 of MBM 22 to 33 Cad. 267 Caloocan (Exhibit 13-F) pinpointed not only the boundary monuments between the aforementioned Municipality and City, but also identified and indicated the location and course of the Marilao River. The boundary monuments are identified by letters MBM followed by the corresponding number.

The line in red pencil connecting MBM 22, 23, 24, 25, 26, 27 and 28 (Exhibit 13-F-1) indicates the boundary line between San Jose Del Monte, Bulacan and Caloocan City. Said red line touches no part of the Marilao River.

A green-colored line (Exhibits 13-F-2), beginning at a point below MBM 22 on the left side, describes the course of the Kipungoc River which, in plaintiff's SWO 41785, was labeled erroneously as the Marilao River.

San Jose Del Monte, Bulacan's town mayor, Eduardo Roquero, wrote a letter to the Lands Management Bureau, Manila (Exhibit 14-B), requesting that a sketch plan be prepared showing the relation between MBM 22 to 33 Cad. 267 Caloocan as against boundary monuments BM 11 to 24 of the Tala Estate. This is the area where the land in dispute is located. In response, Mr. Privadi Dalire, Chief, Geodetic Surveys Division, Lands Management Bureau, Manila, sent a sketch plan (Exhibit 14-C) which indicated the relative position of MBM 22 to 33 Cad. 267 Caloocan with BM 18 to 24, inclusive of the Tala Estate.

Additionally, defendants wrote a letter dated January 4, 1996 (Exhibit 15) to the Regional Technical Director, Region 3, Lands Management Bureau, San Fernando, Pampanga, requesting for a certified copy of the relocation to defendants' Lot 433-B-2-A.

In reply, said office sent to defendants an approved sketch plan SK-03-001828 of Lot 433-B-2-A Psd-03-046016 (Exhibit 15-B). In this sketch plan, a pink colored line beginning from MBM 27 to MBM 28 indicates the boundary line of Caloocan City relative to defendants' lot.

A green line from BM 16 to BM 17 of the Tala Estate shows that defendants' Lot 433-B-2-A falls outside the Tala Estate (Exhibit 15-B-2).

The date culled from the relocation survey plan should prevail over plaintiff's claim that the Marilao River is the northern boundary of its lots inasmuch as the relocation survey plan was the product of actual survey recently conducted.

With respect to plaintiff's claim on the Marilao River boundary, its TCT No. T-34629 and T-34599 contain inadequate technical description to make it as bases of any plan or sketch of said lot. Only the cadastral lot number, the boundary owner's cadastral lot number and the area are included in the technical description found in aforementioned certificates of title. There are no bearings, distance and degrees that may furnish an adequate basis for plotting the plaintiff's lot on a sketch or plan.

As regards Proclamation No. 843, which is plaintiff's basis for claiming that the Marilao River is the northern boundary of its parcels of land, it should be noted that the proclamation likewise contain no technical description of the area covered by it. Beyond stating that the area included in the proclamation is the Marilao River, no other technical data appear to qualify it as adequate basis for the preparation of any plan of plaintiff's property. Moreover, in said proclamation, private property such as that owned by the defendants [must] be recognized. The requirement that a survey of the area covered by the proclamation is likewise mandated but never complied with by the plaintiff. These defects impair plaintiff's insistence, that the Marilao River is the boundary of the lots owned by it.[20]

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This finding of the RTC was also arrived at by the CA when it concluded, thus:

> We disagree. Firstly, on the face of the title of the lot owned by the Guilalas spouses, the same is located in Bulacan. Secondly, a perusal of TCT Nos. 34629 and 34599 shows that the said titles lack the necessary technical descriptions. Thirdly, under Proclamation No. 843 which was also made as basis of plaintiff in claiming that the northern boundary of the Tala Estate is the Marilao River, cannot also be made basis in preparing the sketch plan since no technical data or description appeared on the said Proclamation. Thus, the trial court was correct in ruling that these documents cannot be made as bases for plotting plaintiff-appellant's lot. Consequently, the report of Engr. Ernesto Erive to the effect that the lot of the Guilalas spouses is inside the Tala Estate, using as bases the above-named documents cannot be given due credence.
>
> On the contrary, the claim of the Guilalas spouses that their land is outside the Tala Estate is clearly supported by the evidence on record. The Sketch Plan (Exhibits 6 and 6-A) as well as the Sketch of the entire area of Caloocan City (Exhibits 7 and 7-A) would show that the couple's lot is outside of the Tala Estate and contrary to the report of Engr. Erive, there appears no Marilao River as boundary between Caloocan City and Bulacan. The Contoured Map 3222-IV-2 Edition 1 (1987) and Contoured Map with No. 3230-N-2 Edition 1 (1987) (Exhibits 2, 2-A, 2-B and 2-C) prepared and issued by the Bureau of Coast and Geodetic Survey showing the boundary between Bulacan and Caloocan City as depicted by the broken lines would also reveal that no part of the broken line passes through Marilao River. The position of the Guilalas spouses' lot on the said contoured maps was plotted thereon and said plotting was even admitted by Engr. Erive as correct (See TSN, September 27, 1993, p. 5). Moreover, the probative value of the maps cannot be questioned since these were issued by the Bureau of Coast and Geodetic Survey, which is a government agency tasked with preparing maps indicating the various political units of the country.[21]

Based on the findings of fact of the RTC, as affirmed by the CA, the property of the respondents does not encroach the Tala Estate and correctly falls within the territorial jurisdiction of San Jose Del Monte, Bulacan, and not Caloocan City. This factual finding binds this Court and is no longer subject to review. Thus, absent a showing of an error of law committed by the court below, or of whimsical or capricious exercise of judgment, or a demonstrable lack of basis for its conclusions, this Court may not disturb its factual findings.[22] Moreover, well-established is the rule that factual findings of the Court of Appeals are conclusive on the parties and carry even more weight when the said court affirms the factual findings of the trial court.[23]

WHEREFORE, premises considered, the petition is DENIED. The Decision of the Court of Appeals, dated August 14, 2003, in CA-G.R. CV No. 64867 is AFFIRMED.

SO ORDERED.

Velasco, Jr., (Chairperson), Abad, Perez,[*] and Mendoza, JJ., concur.

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[*] Designated as an additional member in lieu of Associate Justice Estela M. Perlas-Bernabe, per Special Order No. 1152, dated November 11, 2011.

[1] Penned by then Associate Justice Elvi John S. Asuncion, with Associate Justices Eugenio S. Labitoria and Lucas P. Bersamin (now a member of this Court); rollo, pp. 24-29.

[2] Rollo, pp. 24-25.

[3] Dated April 26, 1971.

[4] Records, pp. 2-6.

[5] Id. at 15-17.

[6] Id. at 412-418.

[7] Id. at 418.

[8] Rollo, pp. 31-51.

[9] Id. at 33-34.

[10] Id. at 29. (Emphasis supplied.)

[11] Id. at 13-14.

[12] Id. at 66-70.

[13] Exhibit 6.

[14] SECTION 1. Venue of real actions. – Actions affecting title to or possession of real property, or interest therein, shall be commenced and tried in the proper court which has jurisdiction over the area wherein the real property involved, or a portion thereof, is situated.

[15] Baron v. National Labor Relations Commission, G.R. No. 182299, February 22, 2010, 613 SCRA 351, 359.

[16] Latorre v. Latorre, G.R. No. 183926, March 29, 2010, 617 SCRA 88, 99.

[17] G.R. No. 155488, December 6, 2006, 510 SCRA 320.

[18] Id. at 329-330. (Citations omitted.)

[19] Cabigting v. San Miguel Foods, Inc., G.R. No. 167706, November 5, 2009, 605 SCRA 14, 21.

[20] Records, pp. 415-417.

[21] Rollo, pp. 27-28.

[22] Supra note 19, at 22.

[23] Bicol Agro-Industrial Producers Cooperative, Inc. (BAPCI) v. Obias, G.R. No. 172077, October 9, 2009, 603 SCRA 173, 192.

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