

DATU KIRAM SAMPACO, SUBSTITUTED BY HADJI SORAYA S. MACABANDO, PETITIONER, VS. HADJI SERAD MINGCA LANTUD, RESPONDENT.

G.R. No. 163551. July 18, 2011

Ponente: PERALTA, J.

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PERALTA, J.:

This is a petition for review on certiorari of the Court of Appeals' Decision dated August 15, 2003 in CA-G.R. CV No. 63801 and its Resolution dated May 13, 2004, denying petitioner's motion for reconsideration.

The facts, as stated by the Court of Appeals, are as follows:

On September 14, 1984, respondent Hadji Serad Mingca Lantud, the plaintiff in the lower court, filed an action to quiet title with damages [1] with the Regional Trial Court (RTC) of Lanao del Sur, Branch 8, Marawi City (trial court), against petitioner Datu Kiram Sampaco (deceased), the defendant in the lower court, who has been substituted by his heirs, represented by Hadji Soraya Sampaco-Macabando. [2]

Respondent alleged in his Complaint [3] that he is the owner in fee simple of a parcel of residential lot located at Marinaut, Marawi City, with an area of 897 square meters covered by Original Certificate of Title (OCT) No. P-658. On August 25, 1984, petitioner Datu Kiram Sampaco, through his daughter Soraya Sampaco-Macabando with several armed men, forcibly and unlawfully entered his property and destroyed the nursery buildings, cabbage seedlings and other improvements therein worth P10,000.00. On August 30, 1984, Barangay Captain Hadji Hassan Abato and his councilmen prepared and issued a decision [4] in writing stating that petitioner Datu Kiram Sampaco is the owner of the subject parcel of land. Respondent stated that the acts of petitioner and the said decision of the Barangay Captain may cast a cloud over or otherwise prejudice his title. Respondent stated that he and his predecessors-in-interest have been in open, public and exclusive possession of the subject property. He prayed that the acts of petitioner and the decision of Barangay Captain Hadji Hassan Abato and his councilmen be declared invalid, and that petitioner be ordered to pay respondent damages in the amount of P10,000.00 and attorney's fees.

In his Answer, [5] defendant Datu Kiram Sampaco, petitioner herein, denied the material allegations of the Complaint. Petitioner asserted that he and his predecessors-in-interest are the ones who had been in open, public, continuous, and exclusive possession of the property in dispute. Petitioner alleged that OCT No. P-658 was secured in violation of laws and through fraud, deception and misrepresentation, considering that the subject parcel of land is a residential lot and the title issued is a free patent. Moreover, respondent and his predecessors-in-interest had never taken actual possession or occupied the land under litigation. On the contrary, petitioner has all the evidence of actual possession and ownership of permanent improvements and other plants on the land in dispute.

Petitioner filed a counterclaim for actual and moral damages, and attorney's fees for the unfounded complaint and prayed for its dismissal. He also sought the cancellation of respondent's OCT No. P-658 and the reconveyance of

the subject parcel of land.

During the trial, respondent Hadji Lantud testified that he acquired the subject lot from his grandmother, Intumo Pagsidan, a portion thereof from his grandmother's helper, Totop Malacop, pursuant to a court decision after litigating with him. [6] Respondent had been residing on the lot for more than 30 years, applied for a title thereto and was issued OCT No. P-658. [7] He paid the corresponding real estate taxes for the land. [8] He planted assorted trees and plants on the lot like bananas, jackfruits, coconuts and others. [9] He testified that he was not aware of the alleged litigation over the lot before Barangay Captain Hadji Hassan Abato, although he was furnished a copy of the decision. [10]

On the other hand, petitioner Datu Kiram Sampaco testified that the land under litigation is only a portion of the 1,800 square meters of land that he inherited in 1952 from his father, Datu Sampaco Gubat. [11] Since then, he had been in adverse possession and ownership of the subject lot, cultivating and planting trees and plants through his caretaker Hadji Mustapha Macawadib. [12] In 1962, he mortgaged the land (1,800 square meters) with the Development Bank of the Philippines, Ozamis branch. [13] He declared the land (1,800 square meters) for taxation purposes [14] and paid real estate taxes, and adduced in evidence the latest Tax Receipt No. 1756386 dated September 15, 19 [9]3. [15] Petitioner presented four corroborating witnesses as regards his possession of the subject property.

After trial on the merits, the trial court rendered a Decision on March 31, 1999 in favor of petitioner, the dispositive portion of which reads:

WHEREFORE, premises considered the court is of the opinion and so holds that the preponderance of evidence is in favor of the defendant and against the plaintiff. Judgment is hereby rendered as follows:

- Dismissing plaintiff's complaint for lack of merit;
- Declaring Original Certificate of Title No. P-658 (Exh. A) null and void and of no legal effect;
- Declaring the defendant the absolute or true owner and possessor of the land in dispute; and
- Ordering the plaintiff to pay the defendant the sum of P10,000.00 for attorney's fees plus P500.00 per appearance. [16]

The trial court held that the issuance of respondent's title, OCT No. P-658, was tainted with fraud and irregularities and the title is, therefore, spurious; hence, it is null and void, and without any probative value. The finding of fraud was based on: (1) the Certification issued by Datu Samra Andam, A/Adm. Assistant II, Natural Resources District No. XII-3, Marawi City, stating that the data contained in respondent's title were verified and had no record in the said office; (2) the said Certification was not refuted or rebutted by respondent; (3) while free patents are normally issued for agricultural lands, respondent's title is a free patent title issued over a residential land as the lot is described in the Complaint as a residential lot; and (4) Yusoph Lumampa, an employee of the local Bureau of Lands, to whom respondent allegedly entrusted the paperwork of the land titling, was not presented as a witness.

Moreover, the trial court stated that respondent failed to establish with competent and credible evidence that he was in prior possession of the subject property. No corroborative witness was presented to further prove his prior possession.

On the other hand, the trial court stated that petitioner offered documentary evidence, consisting of a contract of real estate mortgage of the subject property, tax declarations, an official tax receipt, and testimonial evidence to prove that he had been in open, public, continuous, and lawful possession of the subject property in the concept of

owner.

Respondent appealed the decision of the trial court to the Court of Appeals.

On August 15, 2003, the Court of Appeals rendered a Decision reversing the decision of the trial court, the dispositive portion of which reads:

WHEREFORE:

- The appeal is granted and the appealed judgment is hereby totally REVERSED.
- To quiet his title, plaintiff-appellant Hadji Serad Mingca Lantud is confirmed the owner of the parcel of land covered by Original Certificate of Title No. P-658;
- The defendant-appellee is ordered to pay P50,000.00 as attorney's fees to the plaintiff-appellant; and
- Costs against the defendant-appellee. [17]

Petitioner's motion for reconsideration was denied by the Court of Appeals in its Resolution [18] dated May 13, 2004.

The Court of Appeals held that there is no controversy that respondent is a holder of a Torrens title; hence, he is the owner of the subject property. The appellate court stressed that Section 47 [19] of the Land Registration Act (Act No. 496) provides that the certificate of title covering registered land shall be received as evidence in all courts of the Philippines and shall be conclusive as to all matters stated therein.

The Court of Appeals stated that the Torrens title has three attributes: (1) a Torrens title is the best evidence of ownership over registered land and, unless annulled in an appropriate proceeding, the title is conclusive on the issue of ownership; (2) a Torrens title is incontrovertible and indefeasible upon the expiration of one year from the date of the entry of the decree of registration; [20] and (3) a Torrens title is not subject to collateral attack. [21]

The Court of Appeals held that petitioner's counterclaim filed on October 15, 1984 for cancellation of respondent's original certificate of title issued on May 22, 1981 was filed beyond the statutory one-year period; hence, petitioner's title had become indefeasible, and cannot be affected by the decision made by Barangay Captain Hadji Hassan Abato and his councilmen. Moreover, the appellate court held that petitioner's prayer for the cancellation of respondent's title, OCT No. P-658, through a counterclaim included in his Answer is a collateral attack, which the law does not allow, citing *Cimafranca v. Court of Appeals* [22] and *Natalia Realty Corporation v. Valdez*. [23]

The allegation of fraud in securing OCT No. P-658 on the ground that the property in dispute is a residential lot and not subject of a free patent was not given weight by the appellate court as it was supported only by testimonial evidence that did not show how (by metes and bounds) and why the property in dispute could not have been the subject of a free patent. The appellate court stated that a mere preponderance of evidence is not adequate to prove fraud; [24] it must be established by clear and convincing evidence.

The Court of Appeals also noted that petitioner claimed that the subject property is only part of his larger property. Although petitioner introduced proof of payment of the real estate taxes of the said property, as well as a previous mortgage of the property, petitioner did not show that the disputed property is part of his larger property. Hence, the appellate court stated that under such circumstances, it cannot rule that petitioner owned the land under litigation, since petitioner failed to show that it is part of his larger property.

The Court of Appeals did not award actual and moral damages, because respondent failed to prove the amount of any actual damages sustained, and the instances enumerated under Article 2219 of the Civil Code warranting the

award of moral damages were not present.

However, the Court of Appeals awarded attorney's fees in the amount of P50,000.00, considering that respondent was forced to incur expenses to protect his right through the action to quiet title.

Petitioner filed this petition raising the following issues:

I

THE COURT OF APPEALS MISERABLY FAILED TO CONSIDER THE FACT THAT THE TORRENS TITLE INVOLVED HEREIN WAS ISSUED PURSUANT TO A FREE PATENT WHICH COULD NOT BE VALIDLY ISSUED OVER A PRIVATE LAND.

II

THE COURT OF APPEALS ERRED IN DISREGARDING THE FACT THAT AS CERTIFIED TO BY THE BUREAU OF LANDS ITSELF NO SUCH FREE PATENT OVER THE SUBJECT LAND WAS ISSUED BY IT; HENCE, SAID FREE PATENT IS SPURIOUS.

III

THE COURT OF APPEALS ERRED IN REVERSING THE DECISION OF THE TRIAL COURT THAT THE SUBJECT LOT HAD LONG BEEN OWNED, POSSESSED AND CULTIVATED BY THE DEFENDANT (PETITIONER HEREIN) OR HIS PREDECESSORS-IN-INTEREST SINCE TIME IMMEMORIAL IN THE CONCEPT OF AN OWNER.

IV

THE COURT OF APPEALS ERRED IN RULING THAT THE PETITIONER'S COUNTERCLAIM FOR CANCELLATION OF RESPONDENT'S TITLE IS BARRED.

V

THE COURT OF APPEALS ERRED IN RULING THAT THE COUNTERCLAIM IN THE INSTANT CASE IS A COLLATERAL ATTACK ON RESPONDENT-PLAINTIFF'S TITLE.

VI

THE COURT OF APPEALS ERRED IN DENYING PETITIONER'S MOTION FOR RECONSIDERATION.
[25]

The main issue is whether or not the Court of Appeals erred in sustaining the validity of OCT No. P-658 and confirming respondent as owner of the property in dispute.

Petitioner contends that the Court of Appeals erred in disregarding the fact that the Torrens title was issued to respondent by virtue of a free patent covering a residential lot that is private land as it has been acquired by petitioner through open, public, continuous and lawful possession of the land in the concept of owner. Petitioner thus prayed for the cancellation of respondent's title and the reconveyance of the subject property. Hence, the Court of Appeals erred in declaring that the subject lot belongs to respondent.

The contention is without merit.

The Torrens title is conclusive evidence with respect to the ownership of the land described therein, and other matters which can be litigated and decided in land registration proceedings. [26] Tax declarations and tax receipts cannot prevail over a certificate of title which is an incontrovertible proof of ownership. [27] An original certificate of title issued by the Register of Deeds under an administrative proceeding is as indefeasible as a

certificate of title issued under judicial proceedings. [28] However, the Court has ruled that indefeasibility of title does not attach to titles secured by fraud and misrepresentation. [29]

In this case, petitioner alleged in his Answer to respondent's Complaint in the trial court that respondent's title, OCT No. P-658, was secured in violation of the law and through fraud, deception and misrepresentation, because the subject parcel of land is a residential lot, which cannot be subject of a free patent, since only agricultural lands are subject of a free patent.

The trial court found that "[t]he lot under litigation as clearly described in the complaint is a residential lot and a free patent title thereto cannot validly be issued." This finding was one of the bases for the trial court's declaration that the issuance of OCT was tainted with fraud and irregularities and is, therefore, spurious; thus, OCT No. P-658 is null and void.

It should be pointed out that the allegation in the Complaint that the land is residential was made only by respondent, but the true classification of the disputed land as residential was not shown to have been made by the President, upon recommendation by the Secretary of Environment and Natural Resources, pursuant to Section 9 of Commonwealth Act No. 141, otherwise known as The Public Land Act. [30] Hence, the trial court erred in concluding that there was fraud in the issuance of respondent's free patent title on the ground that it covered residential land based only on the Complaint which stated that the property was residential land when it was not shown that it was the President who classified the disputed property as residential, and OCT No. P-658 itself stated that the free patent title covered agricultural land. It has been stated that at present, not only agricultural lands, but also residential lands, have been made available by recent legislation for acquisition by free patent by any natural born Filipino citizen. [31] Nevertheless, the fact is that in this case, the free patent title was granted over agricultural land as stated in OCT No. P-658.

Moreover, petitioner contends in his petition that the Certification [32] dated July 24, 1987 issued by Datu Samra I. Andam, A/Adm. Assistant II, Natural Resources District No. XII-3, Bureau of Lands, Marawi City, certifying that the data contained in OCT No. P-658 in respondent's name had no records in the said office, showed that respondent's Torrens title was spurious.

The Court holds that the certification, by itself, is insufficient to prove the alleged fraud. Fraud and misrepresentation, as grounds for cancellation of patent and annulment of title, should never be presumed, but must be proved by clear and convincing evidence, mere preponderance of evidence not being adequate. [33] Fraud is a question of fact which must be proved. [34] The signatory of the certification, Datu Samra Andam, A/Adm. Assistant II, Natural Resources District No. XII-3, Marawi City, was not presented in court to testify on the due issuance of the certification, and to testify on the details of his certification, particularly the reason why the said office had no records of the data contained in OCT No. P-658 or to testify on the fact of fraud, if any.

Thus, the Court holds that the evidence on record is insufficient to prove that fraud was committed in the issuance of respondent's Torrens title. Hence, respondent's Torrens title is a valid evidence of his ownership of the land in dispute.

On the other hand, petitioner claims ownership of the subject lot, which is merely a portion of a larger property (1,800 square meters) that he allegedly inherited from his father in 1952, by virtue of open, public and continuous possession of the land in the concept of owner making it petitioner's private property. Hence, petitioner prays for reconveyance of the said property.

Article 434 of the Civil Code governs an action for reconveyance, thus:

Art. 434. In an action to recover, the property must be identified, and the plaintiff must rely on the strength of

his title and not on the weakness of the defendant's claim.

Under Article 434 of the Civil Code, to successfully maintain an action to recover the ownership of a real property, the person who claims a better right to it must prove two (2) things: first, the identity of the land claimed; and second, his title thereto. [35]

In regard to the first requisite, in an accion reivindicatoria, the person who claims that he has a better right to the property must first fix the identity of the land he is claiming by describing the location, area and boundaries thereof. [36]

In this case, petitioner claims that the property in dispute is part of his larger property. However, petitioner failed to identify his larger property by providing evidence of the metes and bounds thereof, so that the same may be compared with the technical description contained in the title of respondent, which would have shown whether the disputed property really formed part of petitioner's larger property. The appellate court correctly held in its Resolution dated May 13, 2004 that petitioner's claim is solely supported by testimonial evidence, which did not conclusively show the metes and bounds of petitioner's larger property in relation to the metes and bounds of the disputed property; thus, there is no sufficient evidence on record to support petitioner's claim that the disputed property is part of his larger property.

In regard to the second requisite of title to property, both petitioner and respondent separately claim that they are entitled to ownership of the property by virtue of open, public, continuous and exclusive possession of the same in the concept of owner. Petitioner claims that he inherited the subject property from his father in 1952, while respondent claims that he acquired the property from his grandmother Intumo Pagsidan, a portion thereof from his grandmother's helper Totop Malacop pursuant to a court decision after litigating with him. [37] Respondent has OCT No. P-658 to prove his title to the subject property, while petitioner merely claims that the property is already his private land by virtue of his open, public, continuous possession of the same in the concept of owner.

The Court holds that petitioner failed to prove the requisites of reconveyance as he failed to prove the identity of his larger property in relation to the disputed property, and his claim of title by virtue of open, public and continuous possession of the disputed property in the concept of owner is nebulous in the light of a similar claim by respondent who holds a free patent title over the subject property. As stated in *Ybañez v. Intermediate Appellate Court*, [38] it is relatively easy to declare and claim that one owns and possesses public agricultural land, but it is entirely a different matter to affirmatively declare and to prove before a court of law that one actually possessed and cultivated the entire area to the exclusion of other claimants who stand on equal footing under the Public Land Act (Commonwealth Act No. 141, as amended) as any other pioneering claimants.

Further, petitioner contends that the Court of Appeals erred in ruling that petitioner's counterclaim is time-barred, since the one-year prescriptive period does not apply when the person seeking annulment of title or reconveyance is in possession of the lot, citing *Heirs of Simplicio Santiago v. Heirs of Mariano E. Santiago*. [39] Petitioner also contends that the Court of Appeals erred in ruling that the counterclaim in this case is a collateral attack on respondent's title, citing *Cimafranca v. Intermediate Appellate Court*. [40] Petitioner cites the case of *Heirs of Simplicio Santiago v. Heirs of Mariano E. Santiago*, [41] which held that a counterclaim can be considered a direct attack on the title.

The Court notes that the case of *Cimafranca v. Intermediate Appellate Court*, [42] cited by the Court of Appeals to support its ruling that the prayer for the cancellation of respondent's title through a counterclaim included in petitioner's Answer is a collateral attack on the said title, is inapplicable to this case. In *Cimafranca*, petitioners therein filed a complaint for Partition and Damages, and respondents therein indirectly attacked the validity of the title involved in their counterclaim. Hence, the Court ruled that a Torrens title cannot be attacked collaterally, and

the issue on its validity can be raised only in an action expressly instituted for that purpose.

Here, the case cited by petitioner, *Heirs of Simplicio Santiago v. Heirs of Mariano E. Santiago*, declared that the one-year prescriptive period does not apply when the party seeking annulment of title or reconveyance is in possession of the lot, as well as distinguished a collateral attack under Section 48 of PD No. 1529 from a direct attack, and held that a counterclaim may be considered as a complaint or an independent action and can be considered a direct attack on the title, thus:

The one-year prescriptive period, however, does not apply when the person seeking annulment of title or reconveyance is in possession of the lot. This is because the action partakes of a suit to quiet title which is imprescriptible. In *David v. Malay*, we held that a person in actual possession of a piece of land under claim of ownership may wait until his possession is disturbed or his title is attacked before taking steps to vindicate his right, and his undisturbed possession gives him the continuing right to seek the aid of a court of equity to ascertain and determine the nature of the adverse claim of a third party and its effect on his title.

x x x x

Section 48 of P.D. 1529, the Property Registration Decree, provides that a certificate of title shall not be subject to collateral attack and cannot be altered, modified, or canceled except in a direct proceeding. An action is an attack on a title when the object of the action is to nullify the title, and thus challenge the judgment or proceeding pursuant to which the title was decreed. The attack is direct when the object of an action is to annul or set aside such judgment, or enjoin its enforcement. On the other hand, the attack is indirect or collateral when, in an action to obtain a different relief, an attack on the judgment or proceeding is nevertheless made as an incident thereof.

x x x A counterclaim can be considered a direct attack on the title. In *Development Bank of the Philippines v. Court Appeals*, we ruled on the validity of a certificate of title despite the fact that the nullity thereof was raised only as a counterclaim. It was held that a counterclaim is considered a complaint, only this time, it is the original defendant who becomes the plaintiff. It stands on the same footing and is to be tested by the same rules as if it were an independent action.x x x [43]

The above ruling of the court on the definition of collateral attack under Section 48 of P.D. No. 1529 was reiterated in *Leyson v. Bontuyan*, [44] *Heirs of Enrique Diaz v. Virata*, [45] *Arangote v. Maglunob*, [46] and *Catores v. Afidchao*. [47]

Based on the foregoing, the Court holds that petitioner's counterclaim for cancellation of respondent's title is not a collateral attack, but a direct attack on the Torrens title of petitioner. However, the counterclaim seeking for the cancellation of title and reconveyance of the subject property has prescribed as petitioner has not proven actual possession and ownership of the property due to his failure to prove the identity of his larger property that would show that the disputed property is a part thereof, and his claim of title to the subject property by virtue of open, public and continuous possession in the concept of owner is nebulous in the light of a similar claim by respondent who holds a Torrens title to the subject property.

Respondent's original certificate of title was issued on May 22, 1981, while the counterclaim was filed by petitioner on October 15, 1984, which is clearly beyond the one-year prescriptive period.

In fine, the Court of Appeals did not err in confirming that respondent is the owner of the parcel of land covered by OCT No. P-658.

WHEREFORE, the petition is DENIED. The Court of Appeals' decision dated August 15, 2003, and its Resolution dated May 13, 2004 in CA-G.R. CV No. 63801, are hereby AFFIRMED.

No costs.

SO ORDERED.

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

[*] Designated additional member per Special Order No. 1042 dated July 6, 2011.

[1] Docketed as Civil Case No. CI-11-84.

[2] Substitution per Order of the trial court dated November 18, 1993, records, p. 257.

[3] Records, p. 1.

[4] Exhibit "5," id. at 378.

[5] Records, p. 7.

[6] RTC Decision, rollo, pp. 58-59.

[7] Id. at 59; records, p. 424.

[8] RTC Decision, rollo, p. 59; Exhibits "B," to "D," records, pp. 375-377.

[9] RTC Decision, rollo, p. 59.

[10] Id.

[11] Id.

[12] Id.

[13] Id.; Exhibit "1," records, p. 443.

[14] RTC Decision, rollo, p. 60; records, pp. 445-447.

[15] RTC Decision, rollo, p. 60.

[16] Id. at 69-70.

[17] Rollo, p. 46.

[18] Id. at 49.

[19] Sec. 47. The original certificate in the registration book, any copy thereof duly certified under the signature of the clerk, or of the register of deeds of the province or city where the land is situated, and the seal of the court, and also the owner's duplicate certificate, shall be received as evidence in all the courts of the Philippine Islands and shall be conclusive as to all matters contained therein except as far as otherwise provided in this Act.

[20] Presidential Decree (PD) No. 1529, Sec. 32. Review of decree of registration; Innocent purchaser for value. -- The decree of registration shall not be reopened or revised by reason of absence, minority, or other disability of any person adversely, affected thereby, nor by any proceeding in any court for reversing judgments, subject, however, to the right of any person, including the government and the branches thereof, deprived of land or of any estate or interest therein by such adjudication or confirmation of title obtained by actual fraud, to file in the proper Court of First Instance a petition for reopening and review of the decree of registration not later than one year from and after the date of the entry of such decree of registration, but in no case shall such petition be entertained

by the court where an innocent purchaser for value has acquired the land or an interest therein, whose rights may be prejudiced. Whenever the phrase "innocent purchaser for value" or an equivalent phrase occurs in this Decree, it shall be deemed to include an innocent lessee, mortgagee, or other encumbrancer for value. (Emphasis supplied.)

[21] PD No. 1529, Sec. 48. Certificate not subject to collateral attack. -- A certificate of title shall not be subject to collateral attack. It cannot be altered, modified or cancelled except in a direct proceeding in accordance with law.

[22] 231 Phil. 559 (1987).

[23] 255 Phil. 510 (1989).

[24] CA Decision, rollo, p. 45, citing *Maestrado v. Court of Appeals*, 327 SCRA 678, 694 (2000).

[25] Rollo, pp. 20-21.

[26] *Carvajal v. Court of Appeals*, 345 Phil. 582, 594 (1997).

[27] *Heirs of Leopoldo Vencilao, Sr. v. Court of Appeals*, 351 Phil. 815, 823 (1998).

[28] *Ybañez v. Intermediate Appellate Court*, G.R. No. 68291, March 6, 1991, 194 SCRA 743, 749.

[29] *Republic v. Mangotara*, G.R. Nos. 170375, 170505 & 173355-56, July 7, 2010, 624 SCRA 360, 489, citing *Republic v. Heirs of Felipe Alejaga, Sr.*, 441 Phil. 656, 674 (2002); *Meneses v. Court of Appeals*, G.R. Nos. 82220, 82251 & 83059, July 14, 1995, 246 SCRA 162.

[30] Commonwealth Act No. 141 (The Public Land Act). Sec. 9. For the purpose of their administration and disposition, the lands of the public domain alienable or open to disposition shall be classified, according to the use or purposes to which such lands are destined, as follows:

- (a) Agricultural;
- (b) Residential, commercial, industrial, or for similar productive purposes;
- (c) Educational, charitable, or other similar purposes; and
- (d) Reservations for townsites and for public and quasi-public uses.

The President, upon recommendation by the Secretary of Agriculture and Natural Resources (now Secretary of Environment and Natural Resources), shall from time to time make the classifications provided for in this section, and may, at any time and in a similar manner, transfer lands from one class to another.

[31] Antonio H. Noblejas and Edilberto H. Noblejas, *Registration of Land Titles and Deeds*, 1986 edition, p. 389. See also Republic Act No. 10023 (An Act Authorizing the Issuance of Free Patents to Residential Lands), approved on March 9, 2010.

[32] Exhibit "15," records, p. 462.

[33] *Republic v. Mangotara*, supra note 29, at 491, citing *Saad-Agro Industries, Inc. v. Republic*, 503 SCRA 522, 528-529 (2006).

[34] *Quinsay v. Intermediate Appellate Court*, G.R. No. 67935, March 18, 1991, 195 SCRA 268, 282.

[35] *Hutchinson v. Buscas*, 498 Phil. 257, 262 (2005).

[36] *Id.*

[37] RTC Decision, rollo, pp. 58-59.

[38] Supra note 28.

[39] 452 Phil. 238 (2003).

[40] 231 Phil. 559 (1987).

[41] Supra note 39.

[42] Supra note 40.

[43] Heirs of Simplicio Santiago v. Heirs of Mariano E. Santiago, supra note 39, at 252-253. (Emphasis supplied). See also Arangote v. Maglunob, G.R. No. 178906, February 18, 2009, 579 SCRA 620; Leyson v. Bontuyan, G.R. No. 156357, February 18, 2005, 452 SCRA 94.

[44] Leyson v. Bontuyan, supra note 43.

[45] G.R. No. 162037, August 7, 2006, 498 SCRA 141.

[46] Supra note 43.

[47] G.R. No. 151240, March 31, 2009, 582 SCRA 653.

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