

VICENTE D. HERCE, JR., PETITIONER, VS. MUNICIPALITY OF CABUYAO, LAGUNA AND JOSE B. CARPENA, RESPONDENTS.

G.R. NO. 166645. January 23, 2007

Ponente: YNARES-SANTIAGO, J.

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YNARES-SANTIAGO, J.:

For resolution is the Motion for Reconsideration filed by petitioner Vicente D. Herce, Jr. of the Decision dated November 11, 2005, the dispositive portion of which states:

WHEREFORE, the petition is DENIED. The validity of Decree No. 4244 issued on March 3, 1991 in favor of respondent Municipality of Cabuy[a]o, Laguna is AFFIRMED, whereas Decree No. N-216115 and Original Certificate of Title No. O-2099, issued in the name of petitioner Herce, are declared NULL and VOID.

SO ORDERED.

In denying the petition, we held that:

[I]t is clear that Decree No. 4244 issued in favor of the respondent municipality in 1911 has become indefeasible; as such, petitioner is now barred from claiming the subject land. Although the municipality's claim of ownership is based on the entry in the Ordinary Decree Book, LRC (CLR) Rec. No. 6763, showing that Decree No. 4244 was issued on March 3, 1911 and that Lot I Plan II-2719 was one of the six parcels of land previously applied for registration by the Municipality of Cabuyao in LRC (GLRO) Record No. 6763, being a public document, the Ordinary Decree Book is prima facie proof of the entries appearing therein. x x x

x x x x

In the absence of evidence to the contrary, the Ordinary Decree Book, LRC (CLR) Rec. No. 6763, showing that Decree No. 4244 was issued on March 3, 1911, is presumed to have been regularly issued by the accountable public officers who enjoy the legal presumption of regularity in the performance of their functions. Thus, the proceedings that led to the issuance of Decree No. 4244 in favor of the Municipality of Cabuyao cannot be overturned without any countervailing proof to the contrary. x x x

x x x x

Accordingly, the decree of registration issued by the LRA on January 28, 1997 in favor of petitioner, followed by the issuance of OCT No. O-2099, pertaining to the same parcel of land covered by Decree No. 4244, has no legal basis and should be nullified.

In his Motion for Reconsideration, petitioner principally claimed that the entries in the Ordinary Decree Book of the Land Registration Authority (LRA) did not categorically state that the property covered by Decree No. N-216115 and OCT No. O-2099 was included in Decree No. 4244. As such, the title issued in his favor could not be declared void, because it had not been shown by competent proof that the lot covered thereby was included in Decree No. 4244.

Petitioner thus prayed that: (a) The parcel of land identified as Lot Plan II-2719-A and Cadastral Lot No. 3484 be

declared as not included in Decree No. 4244 issued in favor of the Municipality of Cabuyao; (b) The Municipality of Cabuyao be declared as having been barred by laches from recovering the title and ownership over the subject property; (c) Jose B. Carpena should be declared as having been barred by laches from asserting ownership over the subject property; and (d) Decree No. N-216115 and OCT No. 0-2099 issued in favor of petitioner should be declared as valid. In the alternative, petitioner prayed that the assailed Decision be partially reconsidered by remanding the case to the trial court for the determination of whether the property subject of litigation was included in Decree No. 4244 issued in favor of the Municipality of Cabuyao. If found to be included, then OCT No. 0-2099 and Decree No. N-216115 issued in favor of petitioner should be declared as void.

In its Opposition/Comment to petitioner's Motion for Reconsideration, respondents maintained that Lot 1, Plan II-2719-A, the property subject of litigation, was included in Decree No. 4244 issued in the name of the Municipality of Cabuyao, as shown by the following pieces of evidence, to wit:

- (a) Survey Plan conducted by the Bureau of Lands with notation at the bottom portion indicating that Decree No. 4244 was issued in favor of the Municipality of Cabuyao on March 3, 1911 over the Lot 1, Plan II-2719-A;
- (b) Certification issued by Mr. Teodoro Bonifacio, then Administrator of the Land Registration Authority, stating that Plan SWO-25706 (II-2719-A) was presented as evidence in the "Carpena case;"
- (c) Entries in the Ordinary Decree Book of the LRA;
- (d) LRA Report dated December 2, 1980 narrating the history of the subject property; and
- (e) Survey Plan over Lot 3484.

The motion is partially granted.

The inherent power of a court to amend and control its processes and orders includes the right to reverse itself if only to make its findings and conclusions conformable to law and justice. Every court has the power and the corresponding duty to review, amend or reverse its findings and conclusions whenever its attention is seasonably called to any error or defect that it may have committed.

We have given the assailed Decision as well as the parties' respective evidence and arguments a hard second look. It appearing that we have overlooked certain crucial points and arguments and calling to mind the Court's duty to rectify its mistakes when warranted by the facts and the law at hand, we are constrained to partially grant petitioner's motion for reconsideration.

After a careful and more circumspect re-evaluation of the evidence before us, we are convinced that the case should be remanded to the trial court. It must be recalled that on August 21, 1998, the trial court issued an Order, the dispositive portion of which states:

In view of the foregoing rule, and considering the Report dated December 2, 1980, of the Acting Commissioner of Land Registration x x x that Decree No. 4244 was issued on x x x March 3, 1911 in LRC (GLRO), Record No. 6763, in favor of the Municipality of Cabuyao for apparently the same parcel of land applied for herein, this Court resolves to open the decree of registration issued herein. The Decision of this Court dated May 29, 1957, in Land Registration Case No. N-438, LRC Record No. 10514, insofar as Lot 1, Plan II-2719 only is concerned, and the Order of this Court dated May 3, 1996 are both set aside.

Set this case for presentation of evidence for claimant Vicente Herce, Jr. on September 28, 1998 at 8:30 a.m.

SO ORDERED.[1]

From the foregoing Order, it is clear that petitioner must still present evidence to prove his claim over the subject property. Petitioner's motion for reconsideration of the Order was denied; hence, he filed a petition for certiorari before the Court of Appeals where the sole issue for resolution was whether the trial court gravely abused its discretion in granting respondent municipality's motion to reopen the decree of registration. Finding that the latter met all the requirements to reopen the decree of registration, the Court of Appeals denied the petition. At the same time, it ruled that:

It should be recalled that the basis of the issuance of the Decree in favor of the petitioner in the case at bar is the May 30, 1980 Decision of Branch I of the Court of First Instance of Laguna in Cad. Case No. N-B-1-LRC Cad No. N-651 instituted by the Republic of the Philippines denying the latter's petition for registration which is in turn based on the opposition filed by the petitioner alleging therein that he is the rightful owner of the property having acquired the same from Jose Carpena.

Noticeable from the said May 30, 1980 decision however is that the existence of Decree No. 4244 issued on March 3, 1911 was never mentioned. Neither was it mentioned in the petitioner's motion to modify decision dated June 26, 1995. In fact, when asked to comment on the petitioner's motion to modify decision, the LRA interposed no objection thereto, but with the caveat that "xxx provided it will not adversely affect the government as well as third parties."

Of course, the controversy could have easily ended at this point had LRA exercised prudence in checking its records and would have found out the existence of Decree No. 4244 in favor of the Municipality of Cabuyao. As it were, however, the motion to modify decision was granted, notwithstanding the fact that the 1957 decision of the trial court directing the issuance of the corresponding decrees over the 44 parcels of land applied for by the group of Juanita Carpena had already attained finality, that decrees over the 42 of these parcels have already been issued, and that the property subject of the present case was not issued a decree in view precisely of the existence of Decree 4244.

Clearly, the decree was issued upon the petitioner's manifestation before the trial court that it was the rightful owner of the property subject of the controversy and that as transferee and therefore the successor-in-interest of the original applicant Juanita Carpena, he was entitled to the issuance of a decree of registration as decreed in the 1957 Decision of the CFI of Laguna.

x x x x

In the case at bar, the respondent municipality in its petition/motion to reopen/review decree alleged that as early as March 3, 1911, it has been issued Decree No. 4244 over Lot I Plan II 2719-A (now Lot 3484, Cabuyao Cadastral 455-1). In 1975, petitioner entered his opposition to the case claiming to be the possessor of the said parcel. While the court ruled in favor of the petitioner in the said case and ordered a decree of registration in his favor, it was subsequently found out in a report dated December 2, 1980 that the decree ordered by the court could not be issued as it appears in the Ordinary Decree Book of the LRC Record 6763, a previous decree (Decree 4244) dated March 3, 1911 was already issued in favor of the Municipality which is the same parcel of land sought to be registered by the oppositor in his name.

Specifically, the ground relied upon by the municipality in seeking the reopening of the decree of registration is the Report dated December 2, 1980 of the Land Registration Authority in Cadastral Case No. N-B-1, LRC Cadastral No. N-651 that after plotting the technical descriptions of Lot 3484, in the Municipal Index Map, it was found that said lot is more or less identical to the parcel of land described in Plan II-2719-A for which no final decree of registration has as yet been issued.

To hold otherwise would result in a situation wherein the LRA would be compelled to issue a decree of registration over a piece of land which has already been decreed and titled in the name of another, if it were found out that indeed, the property has already been earlier titled in the name of the municipality.

Considering the existence of two conflicting titles – one in favor of petitioner, and the other in the name of the Municipality of Cabuyao, the court properly granted the reopening of the decree of title in order to finally settle the issue of ownership over the property subject of the instant controversy and to end this litigation which has dragged on for decades.[2]

The foregoing pronouncements of the Court of Appeals do not expressly state that the property covered by OCT No. 0-2099 and Decree No. N-216115 issued in favor of petitioner is included and within the scope of Decree No. 4244 earlier issued in 1911 in favor of respondent municipality.

As we have ruled in the assailed Decision, there is no doubt that Decree No. 4244 issued in favor of the municipality has become indefeasible. However, based on the records before us, there is insufficient information to conclude that Decree No. 4244 includes the property covered by OCT No. 0-2099 and Decree No. N-216115. As such, there is a need to remand the case to the trial court for further proceedings. As correctly noted by the Court of Appeals:

Considering the existence of two conflicting titles – one in favor of petitioner, and the other in the name of the Municipality of Cabuyao, the court properly granted the reopening of the decree of title in order to finally settle the issue of ownership over the property subject of the instant controversy and to end this litigation which has dragged on for decades.[3]

It is elementary that a court must render judgment confirming the title of the applicant only if it finds that the latter has sufficient title proper for registration. An application for land registration may include two or more parcels of land, but the court may at any time order an application to be amended by striking out one or more of the parcels or order a severance of the application.

WHEREFORE, the assailed Decision is **PARTIALLY RECONSIDERED**. The case is **REMANDED** to the Regional Trial Court of Laguna, Branch 24 for the determination of whether the subject property is included in Decree No. 4244 issued in favor of the Municipality of Cabuyao.

SO ORDERED.

Quisumbing, (Chairperson), Carpio, and Azcuna, JJ., concur.

[1] See CA Decision, pp. 3-4; rollo, pp. 47-48.

[2] Rollo, pp. 55-58.

[3] Id. at 58.

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