

REPUBLIC OF THE PHILIPPINES, PETITIONER, VS. KATRINA ISABEL SAMSON YULO, RESPONDENT.*G.R. No. 166756. October 10, 2008*

Ponente: CORONA, J.

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This is a petition for review on certiorari[1] of the September 17, 2004 decision[2] and January 20, 2005 resolution[3] of the Court of Appeals (CA) in CA-G.R. CV No. 74248.

The spouses Santiago and Maria Samson were the owners of parcels of land covered by Tax Declaration Nos. 21671 (covering an area of 1,440 sq. m.) and 10353 (945 sq. m.) classified as unirrigated rice land and residential land, respectively,[4] located in Poblacion, Lingayen, Pangasinan.[5] After the death of the spouses, their heirs executed an "extrajudicial settlement and ratification of an absolute deed of sale" on March 24, 1955 over the property described as follows:

A parcel of land covered by Tax Declaration No[s]. 21671 & No. 10353 of the Province of Pangasinan. x x x
Containing an area of SIX (6) ARES AND EIGHTY SIX (86) CENTARES more or less x x x[6] (Emphasis supplied)

Under the agreement, the heirs equally divided among themselves the land they inherited. Marceliano Samson (one of the children of the spouses) acquired, for valuable consideration, all the shares of his co-heirs over the land.[7] On May 17, 1965, he died intestate and with no known legitimate or adopted children,[8] leaving a parcel of land containing an area of 1,270 sq. m.[9]

On December 31, 1997, Fe Ramona Versoza Samson and respondent Katrina Isabel Samson Yulo (a compulsory heir of Marceliano)[10] executed a "deed of extrajudicial settlement of estate of a deceased person" over the 1,270 sq. m. parcel of land they inherited from Marceliano which they divided as follows: 553 sq. m. for Versoza Samson and 717 sq. m. (including the residential house built thereon) for respondent.[11]

Consequently,[12] respondent filed in the Municipal Trial Court (MTC) of Lingayen, Pangasinan[13] an application for registration of title[14] over her share of the property.[15] She complied with all the jurisdictional requirements. Only the Director of Lands, as represented by the Solicitor General, opposed. After respondent presented her evidence, the MTC granted the application in a decision dated December 18, 2001.[16]

Not satisfied with the decision, petitioner Republic of the Philippines appealed to the CA. In a decision dated September 17, 2004, the CA affirmed the MTC decision. It dismissed the appeal and ordered petitioner to pay the costs of suit.[17] Reconsideration was denied in a resolution dated January 20, 2005. The CA agreed with the MTC that respondent's claim was valid because it covered a portion of the land owned by the spouses Santiago and Maria which, in turn, was acquired by Marceliano from whom she (respondent) inherited the same.

Hence this petition.

Petitioner raises two issues: (1) whether the land claimed by respondent is included in the land she inherited from

Marceliano and (2) whether the imposition of costs against petitioner is proper.

The petition is partially meritorious.

Petitioner argues that, according to the agreement of the heirs of Santiago and Maria, the property acquired by Marceliano had an area of "six (6) ares and eighty six (86) centares" which was equivalent to 686 sq. m.[18] This was much smaller than the parcel which respondent and Versoza Samson divided between the two of them (1,270 sq. m.).

Respondent counters that the same agreement stated that the property was covered by Tax Declaration Nos. 21671 and 10353 which pertained to a combined area of 2,385 sq. m. The area described as containing only 686 sq. m. was therefore a mistake.

We disagree with the argument of petitioner. The identification of the land being claimed is a factual finding supported by evidence and cannot be disturbed in this petition.[19] Both the CA and MTC found that the subject land was a portion of the land which respondent inherited from her predecessor. They considered the total land area covered by the tax declarations. We see no reason to disturb such factual determination.

However, we agree with petitioner that costs should not have been imposed on it. Sec. 1, Rule 142 of the Rules of Court provides:

SEC. 1. Costs ordinarily follow results of suit. - Unless otherwise provided in these rules, costs shall be allowed to the prevailing party as a matter of course, but the court shall have power, for special reasons, to adjudge that either party shall pay the costs of an action, or that the same be divided, as may be equitable. No costs shall be allowed against the Republic of the Philippines unless otherwise provided by law. (Emphasis supplied)

It is a well-established rule that costs are not recoverable against petitioner unless otherwise provided by law.[20] The CA did not cite any provision of law authorizing such imposition of costs. Thus, the assessment of costs against petitioner should be removed for being unwarranted and violative of the aforequoted provision of the Rules of Court.

WHEREFORE, the petition is hereby PARTIALLY GRANTED. The imposition of costs against petitioner is DELETED.

No costs.

SO ORDERED.

Puno, C.J., (Chairperson), Carpio, Azcuna, and Leonardo-De Castro, JJ., concur,

[1] Under Rule 45 of the Rules of Court.

[2] Penned by Associate Justice Jose L. Sabio, Jr. and concurred in by Associate Justices Juan Q. Enriquez, Jr. and Monina Arevalo-Zenarosa of the Special Second Division of the Court of Appeals; rollo, pp. 39-47.

[3] Id., pp. 49-50.

[4] Id., p. 43.

[5] Id., p. 41.

[6] Id., pp. 88-89.

[7] Id., pp. 43-44.

[8] Id., pp. 21 and 44.

[9] The lands have a total area of 2,385 sq. m. According to respondent, after the land was surveyed by a duly licensed geodetic engineer, the actual area was determined to be 1,270 sq. m. The survey was approved by the Bureau of Lands; id., pp. 57 and 111. This land was classified as within the alienable and disposable portion of the public domain on November 21, 1927 per Project No. 47, Land Classification Map No. 698; id., pp. 92-93.

[10] Id., p. 44. There is an apparent conflict in the Rollo. Page 44 states that Katrina Isabel Samson Yulo is a "compulsory heir of Marceliano." Pages 21 and 44, on the other hand, state that Marceliano died intestate with no known legitimate or adopted children (see footnote 8 above). No explanation is provided.

[11] Id., pp. 91-92.

[12] Exact date is not indicated in the rollo.

[13] Section 34 of BP 129, otherwise known as the Judiciary Reorganization Act of 1980, as amended by RA 7691, allows the inferior courts (i.e., Metropolitan Trial Courts, MTCs, and Municipal Circuit Trial Courts), duly assigned by the Supreme Court, to hear and determine cadastral and land registration cases covering lots where there is no controversy or opposition, or contested lots with values not exceeding P100,000. Decisions of the inferior courts in such cases shall be appealable in the same manner as decisions of the Regional Trial Courts. Accordingly, the Supreme Court issued Administrative Circular No. 6-93-A, dated November 15, 1995, and the Resolution of the Court En Banc in Administrative Matter No. 93-3-488-0, dated March 25, 1993, authorizing the inferior courts to hear and decide the cadastral or land registration cases.

[14] Land Registration Case No. 00-25; rollo, p. 14.

[15] Under Plan Csd-01-010233-D; id., p. 40.

[16] Id., pp. 39-40.

[17] Id., p. 46.

[18] An are is equivalent to one hundred sq. m. while a centare is equivalent to a sq. m.; F.B. Moreno, Philippine Law Dictionary, pp. 70 and 143 (3rd ed., 1972).

[19] Demafelis v. CA, G.R. No. 152164, 23 November 2007.

[20] Republic v. Hidalgo, A.M. No. RTJ-05-1959, 9 December 2005, 477 SCRA 32, 44, citing Hong Kong and Shanghai Banking Corporation v. Rafferty, 39 Phil. 145 (1918), Philippine Veterans Affairs Office v. Anover, G.R. No. L-39835, 27 October 1983, 125 SCRA 354 and The Philippine Veterans Affairs Office v. Tamayo, G.R. No. L-74322, 29 July 1988, 163 SCRA 776.

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