

**REPUBLIC OF THE PHILIPPINES, REPRESENTED BY THE
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
(DENR), PETITIONER, VS. REGIONAL TRIAL COURT, BRANCH 18,
ROXAS CITY, CAPIZ, RIZAL...**

G.R. NO. 172931. June 18, 2009

Ponente: QUISUMBING, J.

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QUISUMBING, J.:

This petition for review on certiorari, filed by the Department of Environment and Natural Resources on behalf of the Republic of the Philippines (RP), seeks to annul and set aside the Decision[1] dated May 25, 2006 of the Court of Appeals, Cebu City, 18th Division, in CA-G.R. SP No. 72691. The Court of Appeals had dismissed RP's petition for annulment of judgment[2] of the Decision[3] dated September 14, 1984 of the Regional Trial Court (RTC) of Roxas City, Branch 18, which ordered the confirmation and registration of title to Lot No. 900 of the Pilar Cadastre, LRC Cadastral Record No. 50963 located at Marita, Pilar, Capiz in the names of the applicants and private respondents herein Rizal Recio, Teresita L. Recio, Paciencia L. Recio, and the only heir of Oscar L. Recio, his mother, Harriet Villanueva Vda. de Recio.

The undisputed facts are as follows:

On September 14, 1984, said RTC rendered a decision in Land Registration Case (LRC) No. N-785 granting the Application for Registration of Title[4] dated June 20, 1977 filed by Rizal Recio for himself and in behalf of his brother Oscar Recio and sisters Teresita Recio and Paciencia Recio. The RTC decreed:

WHEREFORE, judgment is hereby rendered ordering the confirmation and registration of title to land, Lot No. 900 of Pilar Cadastre, LRC Cadastral Record No. 50963 situated in Marita, Municipality of Pilar, Province of Capiz, Island of Panay, described in the technical description (Exhibit "E") and the approved plan AP-06-000028 (Exhibit "X") in the names of the applicants Rizal Recio, of legal age, married to Alita B. Lañada, with residence in Loctugan Hills, Roxas City; Teresita L. Recio, of legal age, Filipino, married to Pio Acelentaba and a resident of Panay, Capiz; Paciencia L. Recio, of legal age, Filipino, married to Nestor Donado and a resident of Dayao, Roxas City, and to the only heir of Oscar L. Recio, his mother Harriet Villanueva Vda. de Recio, who is of legal age, Filipino, a widow and a resident of Roxas City, and a decree may issue after this decision shall have become final.

SO ORDERED.[5]

The abovementioned decision became final, and pursuant thereto, Original Certificate of Title (OCT) No. 0-2107[6] covering the 11,189-square meter piece of land, was issued in the Recios' names on April 17, 1985.

In 1997, a number of occupants of Lot No. 900, namely Joselito Alba, Virginia Bengora, Teodosia Alba, Celso Bullos, Elizabeth Barrosa, Noel Gallardo, Paquita Ducit and Arturo Borleo filed a protest before the DENR, Roxas City against the issuance of OCT No. 0-2107 on the ground that the land covered therein is within forest lands or timberlands, hence it cannot be the subject of private appropriation.

Acting on the protest, Lorna L. Jomento, Special Investigator II of the Lands Management Department (LMD), DENR, Region VI, Iloilo City conducted an ocular inspection and investigation on the status of Lot No. 900.

On January 19, 1998, Jomento rendered a written report^[7] that Lot No. 900 falls within the forest lands of Project No. 20-A, established on January 17, 1986 under Forestry Administrative Order No. 4-1777, per Land Classification (LC) Map No. 3132.^[8] Jomento recommended that an action be instituted in the proper court for the cancellation of OCT No. 0-2107.

On September 9, 2002, RP, represented by the DENR, through the Office of the Solicitor General (OSG), filed a petition for annulment of judgment before the Court of Appeals seeking to annul the Decision dated September 14, 1984 on the ground that the RTC had no jurisdiction to adjudicate title over the subject parcel of land which forms part of the public forest.^[9] In the petition, the OSG cited Section 14^[10] of Presidential Decree No. 1529^[11] which allows the court to adjudicate only alienable and disposable lands of the public domain in favor of those who have successfully acquired title to said lands by acquisitive prescription. The OSG argued that the trial court exceeded its jurisdiction when it adjudicated the subject land which is forest land and, accordingly, its decision is null and void.^[12]

In their Answer to the Petition for Annulment of Judgment,^[13] the Recios argued that the RTC of Roxas City, Branch 18 has jurisdiction over the case. They contended that petitioner hastily and negligently filed the petition without first examining the records of LRC No. N-785 and despite its knowledge of their duly approved Plan LRC-SWO-14402 for Lot No. 900 of the Pilar Cadastre. They pointed out that said approved plan clearly showed that Lot No. 900 was not within LC Project No. 20-A, but LC Project No. 20 which was duly certified as alienable and disposable on September 28, 1960 as per BFD Map LC-2401. They also argued that the Decision dated September 14, 1984, has been declared final and executory, and OCT No. 0-2107 has been issued on April 17, 1985, in their names. Hence, LRC No. N-785 is already a closed case and *res judicata* has set in.^[14]

On September 24, 2003, the Court of Appeals issued a Resolution^[15] directing the Executive Judge of the RTC in Roxas City to conduct a pre-trial conference and reception of evidence. However, since the Executive Judge presides in the same branch where the decision in LRC No. N-785 was rendered, the incident was assigned by raffle to another judge in the RTC of Roxas City.^[16] In a Report and Recommendation^[17] dated December 13, 2005, Judge Juliana C. Azarraga, RTC of Roxas City, Branch 15, recommended that the petition for annulment of judgment be dismissed.

Subsequently, on May 25, 2006, the Court of Appeals dismissed the petition for lack of sufficient evidence. The decision states:

After going over the evidence offered by both parties, the Court finds it proper to dismiss the petition.

Petitioner failed to sufficiently prove its allegation that Lot 900 forms part of the forest lands of the public domain. The evidence offered by the petitioner that Lot 900 falls within forest lands consists only of the testimonies of its two witnesses, the written report of Lorna Jomento (Exhibit A), and the ordinary photocopy of the sketch plan of Lot 900 (Exhibit E) and the verification (Exhibit E-1) appearing on it.

The mere photocopy of the sketch plan of Lot 900 (Exhibit E) as well as the verification (Exhibit E-1) appearing thereon is without probative value and inadmissible in evidence pursuant to the best evidence rule. In *Philippine Banking Corporation vs. Court of Appeals*, the Supreme Court held:

"The Best Evidence Rule provides that the court shall not receive any evidence that is merely substitutionary in its nature, such as photocopies, as long as the original evidence can be had. Absent a clear showing that the original writing has been lost, destroyed or cannot be produced in court, the photocopy must be disregarded, being unworthy of any probative value and being an inadmissible evidence."

The testimonies of petitioner's two witnesses and the written report of Lorna Jomento, a Special Investigator, stating that based on the records Lot 900 falls within the forest lands reserved for fishpond created under Project 20-A dated January 17, 1986 under Forestry Administrative Order No. 4-1777 per Land Classification Map No. 3132 do not overcome the Certification (Exhibit 1-D for private respondents) dated November 8, 1976 of the then Bureau of Forest Development, Department of Natural Resources (now DENR, the representative of herein petitioner) certifying that Lot 900 falls within the alienable and disposable land Block LC Project No. 20 of Pilar, Capiz certified as such on September 28, 1960 per BFD Map LC-2401. If, indeed, Lot 900 falls within the forest lands reserved for fishpond purposes created under Project 20-A dated January 17, 1986 under Forestry Administrative Order No. 4-1777 per Land Classification Map No. 3132, petitioner should have presented such land classification map indicating that Lot 900 lies therein and not in Block LC No. 20 of Pilar Cadastre per BFD Map LC-4201 as stated in the Certification dated November 8, 1976 of the then Bureau of Forest Development, Department of Natural Resources.

Thus, for failure of the petitioner to adduce sufficient evidence to prove its allegation that Lot 900 falls within the forest lands the petition has to be dismissed.

WHEREFORE, premises considered, the instant petition is hereby DISMISSED.

SO ORDERED.[18]

Hence, this petition.

Petitioner raises the following issues for our resolution:

WHETHER THE COURT OF APPEALS GRAVELY ERRED IN DISMISSING THE PETITION FOR THE ANNULMENT OF JUDGMENT OF THE REGIONAL TRIAL COURT, BRANCH 18, IN ROXAS CITY BECAUSE:

A. SAID RTC JUDGMENT WAS ISSUED WITHOUT JURISDICTION AS IT ALLOWED THE REGISTRATION OF INALIENABLE LAND IN FAVOR OF PRIVATE INDIVIDUALS.

B. PETITIONER HAD ... DISCHARGE[D] THE BURDEN OF ESTABLISHING THE INALIENABLE AND INDISPOSABLE CHARACTER OF SUBJECT PARCEL OF LAND BY THE QUANTUM OF EVIDENCE REQUIRED BY LAW.[19]

Simply stated, the issues raised are: (1) Did the RTC act without jurisdiction in allowing the registration of the subject land? And (2) Did petitioner fail to discharge the burden of establishing the inalienable character of the land?

Petitioner, through the OSG, contends in its Memorandum[20] that it is a well-entrenched rule that the classification of public lands is an exclusive prerogative of the executive department of the government and not of the courts.[21] In this case, it was ascertained in the investigation conducted by Special Investigator Jomento that the land in question falls within the forest land reserved for fishpond purposes created under Project No. 20-A dated January 17, 1986, under Forestry Administrative Order No. 4-1777 per Land Classification (LC) Map No. 3123 dated August 25, 1983. The land, therefore, is inalienable and indisposable and can never be subject to appropriation. The OSG reiterates that under Section 14 of P.D. No. 1529, the court is allowed to adjudicate only "alienable and disposable lands of the public domain" in favor of those who have successfully acquired title thereto by acquisitive prescription. In adjudicating forest land in favor of the private respondents, the RTC of Roxas City, Branch 18 exceeded its jurisdiction, and its decision confirming title to the subject land in favor of private respondents is null and void and should have been annulled by the Court of Appeals.[22] Petitioner also

argues that the claim of private respondents that the present appeal is barred by *res judicata* is incorrect since the present petition ultimately seeks the nullification of the decision of the RTC of Roxas City, Branch 18, allowing the registration of inalienable land in their favor.[23]

The OSG also argues that it had discharged the burden of establishing the inalienable character of the subject parcel of land by the quantum of evidence required. The actual presentation of LC Map No. 3132 is no longer necessary because the determination of the nature and character of public land in a land investigation conducted by government authorities on land classification is binding on the courts.[24] It further argues that Special Investigators Lorna L. Jomento and Eugenio B. Bernas were merely performing their official duties as special land investigators of the LMD, DENR, Region VI, in Iloilo City when they conducted an investigation on the land in question; hence, in the absence of any evidence showing that said special investigators were biased in favor of one party, their testimonies and the investigation report should be accorded the presumption of regularity in the performance of their duties as public officers.[25]

Private respondents, in their Memorandum[26] dated June 14, 2007, for their part maintain that the Decision dated September 14, 1984 had become final, the Land Registration Commission had issued a final decree of registration after one year and OCT No. 0-2017 was issued by the Register of Deeds of Capiz in their names on May 14, 1985. The decision in LRC No. N-785 has therefore become the law between RP, the applicants and the whole world, and is already a closed case that could no longer be revived in subsequent unnecessary litigations.[27]

As to the first issue, did the RTC act without jurisdiction in allowing the registration of inalienable land?

Petitioner contends that the RTC acted without jurisdiction in allowing the registration of the subject land because the land is forest land and thus, inalienable. Verily, jurisprudence is replete with cases which iterate that forest lands or forest reserves are not capable of private appropriation, and possession thereof, however long, cannot convert them into private property.[28]

If indeed the subject land is forest land, then the decision of the RTC is void. A void judgment may be assailed or impugned at any time either directly or collaterally, by means of a petition filed in the same case or by means of a separate action, or by resisting such judgment in any action or proceeding wherein it is invoked.[29]

Moreover, an action for reversion filed by the State to recover property registered in favor of any party which is part of the public forest or of a forest reservation never prescribes. Verily, non-disposable public lands registered under the Land Registration Act may be recovered by the State at any time and the defense of *res judicata* would not apply as courts have no jurisdiction to dispose of such lands of the public domain.[30]

Under the facts and circumstances of this case, however, we disagree with petitioner that the subject land is inalienable.

At the time of application for registration of the subject land by the Recios in 1977, the land was classified as alienable public land. The Recios presented a Certification[31] dated November 8, 1976 from the then Bureau of Forest Development certifying that the subject land containing an area of 11,189 square meters and described as Lot No. 900, Pilar Cadastre is found to be within the alienable and disposable land block of LC Project No. 20 of Pilar, Capiz certified as such on September 28, 1960 per BFD Map LC-2401. In contrast, petitioner presented Jomento's report which stated that Lot No. 900 falls within forest lands for fishpond development of Project 20-A, established on January 17, 1986 under Forestry Administrative Order No. 4-1777 per LC Map No. 3132.[32]

It is clear that at the time the Recios filed their application for registration of title in 1977 and at the time the RTC rendered its decision in 1984, the land was not inalienable forest land but was alienable land. Hence, the RTC had jurisdiction to adjudicate title to the land.

As to the second issue, we agree with the Court of Appeals that petitioner failed to discharge the burden of establishing the inalienable character of the land.

In an action to annul a judgment, the burden of proving the judgment's nullity rests upon the petitioner. The petitioner has to establish by clear and convincing evidence that the judgment being challenged is fatally defective.[33]

The Court of Appeals ruled that petitioner failed to sufficiently prove its allegation that Lot No. 900 forms part of the forest lands of the public domain since its evidence consists only of the testimonies of two witnesses, a written report of Jomento, and a photocopy of the sketch plan of Lot No. 900. It ruled that a mere photocopy is without probative value and inadmissible in evidence and petitioner should have presented a land classification map indicating where Lot No. 900 lies to refute the Certification dated November 8, 1976 of the then Bureau of Forest Development.

The ruling of the Court of Appeals, based on the abovementioned findings of fact, is upheld by this Court. The jurisdiction of this Court in cases brought before it from the Court of Appeals is limited to reviewing or revising errors of law. The findings of facts of the latter are conclusive for it is not the function of this Court to analyze and weigh such evidence all over again.[34] Our jurisdiction is in principle limited to reviewing errors of law that might have been committed by the Court of Appeals. Factual findings of courts, when adopted and confirmed by the Court of Appeals, are final and conclusive on this Court unless these findings are not supported by the evidence on record.[35]

Finding no reason to deviate from the ruling of the Court of Appeals that petitioner failed to adduce sufficient evidence to prove its allegation that Lot No. 900 falls within forest lands, we affirm such ruling.

WHEREFORE, the petition is DENIED. The Decision dated May 25, 2006 of the Court of Appeals, Cebu City, Eighteenth Division, in CA-G.R. SP No. 72691 is AFFIRMED.

No pronouncement as to costs.

SO ORDERED.

Ynares-Santiago,[*] Chico-Nazario,**] Leonardo-De Castro,[***] and Brion, JJ., concur.

[*] Designated member of the Second Division per Special Order No. 645 in place of Associate Justice Conchita Carpio Morales who is on official leave.

**]Designated member of the Second Division per Special Order No. 658.

[***] Designated member of the Second Division per Special Order No. 635 in view of the retirement of Associate Dante O. Tinga.

[1] Rollo, pp. 37-44. Penned by Executive Justice Arsenio J. Magpale, with Associate Justices Vicente L. Yap and Apolinario D. Bruselas, Jr. concurring.

[2] CA rollo, pp. 1-13.

[3] Id. at 34-37. Penned by Judge Jonas A. Abellar.

[4] Records, pp. 135-138.

[5] CA rollo, p. 19.

[6] Id. at 38-39.

[7] Records, pp. 237-238.

[8] Id. at 241.

[9] CA rollo, p. 7.

[10] SEC. 14. Who may apply.— The following persons may file in the proper Court of First Instance an application for registration of title to land, whether personally or through their duly authorized representatives:

(1) Those who by themselves or through their predecessors-in-interest have been in open, continuous, exclusive and notorious possession and occupation of alienable and disposable lands of the public domain under a bona fide claim of ownership since June 12, 1945, or earlier.

(2) Those who have acquired ownership of private lands by prescription under the provisions of existing laws.

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[11] Property Registration Decree, done on June 11, 1978.

[12] CA rollo, pp. 8-9.

[13] Id. at 22A-28.

[14] Id. at 25.

[15] Records, pp. 2-3. Penned by Associate Justice Edgardo F. Sundiam, with Associate Justices B.A. Adefuin Dela-Cruz and Marina L. Buzon concurring.

[16] Id. at 5.

[17] Id. at 331-342.

[18] Rollo, pp. 42-44.

[19] Id. at 126-127.

[20] Id. at 116-140. Dated June 27, 2007.

[21] Id. at 127.

[22] Id. at 129-130.

[23] Id. at 130.

[24] Id. at 132-133.

[25] Id. at 136.

[26] Id. at 78-85.

[27] Id. at 84.

[28] De la Cruz v. Court of Appeals, G.R. No. 120652, February 11, 1998, 286 SCRA 230, 236.

[29] Ang Lam v. Rosillosa and Santiago, 86 Phil. 447, 452 (1950).

[30] Heirs of the Late Spouses Pedro S. Palanca and Soterranea Rafols Vda. de Palanca v. Republic, G.R. No.

151312, August 30, 2006, 500 SCRA 209, 220.

[31] Records, p. 139-A.

[32] Id. at 237.

[33] Heirs of the Late Spouses Pedro S. Palanca and Soterranea Rafols Vda. de Palanca v. Republic, supra note 30, at 220.

[34] Alipoon v. Court of Appeals, G.R. No. 127523, March 22, 1999, 305 SCRA 118, 127.

[35] Producers Bank of the Philippines v. Court of Appeals, G.R. No. 115324, February 19, 2003, 397 SCRA 651, 658-659.

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