

JULIO FLORES (DECEASED), SUBSTITUTED BY HIS HEIRS; BENITO FLORES (DECEASED), SUBSTITUTED BY HIS HEIRS; DOLORES FLORES AND VIRGINIA FLORES-DALERE, REPRESENTED BY THEIR ATTORNEY-I...

G.R. No. 173365. April 15, 2010

Ponente: NACHURA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-173365/>

NACHURA, J.:

Petitioners seek a review of the March 29, 2006 Decision [1] and the June 20, 2006 Resolution of the Court of Appeals (CA), denying their motion for reconsideration.

The case involves a 13,552-square meter portion of a parcel of land covered by Original Certificate of Title (OCT) No. P-11880[2] in the name of the Heirs of Victor Flores, namely: Julio, Benito, Dolores, and Virginia, herein petitioners. OCT No. P-11880 was issued pursuant to Homestead Patent No. 138892, given on November 12, 1973. This property is located in the Municipality of Piddig, Ilocos Norte.

On December 20, 1976, petitioners, together with their mother Luisa Viernes, executed a Deed of Confirmation and Quitclaim[3] in favor of Vicente T. Lazo. Through this document, petitioners agreed to "sell, cede, convey, grant, and transfer by way of QUITCLAIM" the subject property to Lazo. Thereafter, respondent, Marciano Bagaoisan, bought the subject property from Lazo, as evidenced by a Deed of Absolute Sale dated February 20, 1977.[4]

On April 4, 1983, Viernes and petitioner Virginia Flores-Dalere executed a Palawag A Nasapataan (Affidavit), attesting to the fact that they conveyed to Lazo the subject property through the Deed of Confirmation and Quitclaim. Affiants also attested that Lazo and his predecessors-in-interest had been in possession of the disputed portion since 1940 and that the same was mistakenly included in the patent application of Victor Flores.

On June 21, 1996, respondent filed an action for ownership, quieting of title, partition and damages against petitioners, praying that he be declared as the true owner of the subject property and that the entire property covered by OCT No. P-11880 be partitioned among them. In the Complaint, respondent asserted that he was a tenant of Lazo and that he had been working on the subject property since time immemorial. He said that, since he bought the property in 1977, he possessed the land as owner and paid real property tax thereon. He claimed that the subject property was erroneously covered by OCT No. P-11880 and that petitioners have previously recognized such fact, considering that they executed an affidavit acknowledging the erroneous inclusion of the property in their title. He averred that, lately, petitioners had denied his ownership of the land and asserted their ownership thereof by working and harvesting the crops thereon.[5]

In answer, petitioners stated that they did not relinquish ownership or possession of the land to Lazo. While admitting that they executed the Deed of Confirmation and Quitclaim in favor of Lazo, petitioners claimed that they were misled into signing the same, with Lazo taking advantage of their lack of education. Petitioners

contended that it was too late for respondent to assert title to the disputed portion because the title covering the same had already become infeasible one year after it was issued.[6]

On February 3, 2000, the Regional Trial Court rendered a decision, disposing as follows:

WHEREFORE, in view of the foregoing, judgment is hereby rendered ordering the defendants, jointly and severally:

- To recognize plaintiff Marciano Bagaoisan as owner of the 13,552 sq.m. parcel of land situated in Barrio Maab-abucay (now Estancia) Municipality of Piddig, Ilocos Norte;
- To cease and desist from further possession of said parcel of land and to immediately reconvey the same to plaintiff;
- To pay said plaintiff such amount as would be the peso equivalent of 100 cavanes of palay per year, for the loss of harvest he incurred in 1994, 1995, 1996, 1997, 1998 and 1999, computed as the price then obtaining in said years; and
- To pay plaintiff the amount of P20,000.00 as reasonable attorney's fees.

No pronouncement as to costs.

SO ORDERED.[7]

On appeal, the CA upheld the validity of the Deed of Confirmation and Quitclaim. In light of petitioners' admission that they signed the deed after it was read to them, the CA dismissed their assertion that they did not know the contents of the document. It further declared that the deed merely confirmed petitioners' non-ownership of the subject property and it did not involve an alienation or encumbrance. Accordingly, it concluded that the five-year prohibition against alienation of a property awarded through homestead patent did not apply.

The CA likewise rejected petitioners' contention that the action was barred by prescription or laches. Citing *Vital v. Anore*,[8] the CA held that where the registered owner knew that the property described in the patent and the certificate of title belonged to another, any statute barring an action by the real owner would not apply, and the true owner might file an action to settle the issue of ownership.

The dispositive portion of the assailed March 29, 2006 Decision reads:

WHEREFORE, the appeal is hereby DISMISSED for lack of sufficient merit. The assailed 3 February 2000 decision by the Regional Trial Court, Laoag City, in Civil Case No. 11048-14 is hereby AFFIRMED.

SO ORDERED.[9]

The CA likewise denied petitioners' motion for reconsideration in its Resolution dated June 20, 2006.[10]

Consequently, petitioners filed this petition for review, insisting that the Deed of Confirmation and Quitclaim is void as its contents were not fully explained to them, and it violates Section 118 of the Public Land Act (Commonwealth Act No. 141), which prohibits the alienation of lands acquired through a homestead patent.

The petition is meritorious.

Without going into petitioners' allegation that they were unaware of the contents of the Deed of Confirmation and Quitclaim, we nonetheless hold that the deed is void for violating the five-year prohibitory period against alienation of lands acquired through homestead patent as provided under Section 118 of the Public Land Act, which states:

Sec. 118. Except in favor of the Government or any of its branches, units, or institutions, lands acquired under free patent or homestead provisions shall not be subject to encumbrance or alienation from the date of the approval of the application and for a term of five years from and after the date of issuance of the patent and grant, nor shall they become liable to the satisfaction of any debt contracted prior to the expiration of said period, but the improvements or crops on the land may be mortgaged or pledged to qualified persons, associations, or corporations.

No alienation, transfer, or conveyance of any homestead after five years and before twenty-five years after the issuance of title shall be valid without the approval of the Secretary of Agriculture and Commerce, which approval shall not be denied except on constitutional and legal grounds.

We do not agree with the CA that the Deed of Confirmation and Quitclaim merely "confirmed" petitioners' non-ownership of the subject property. The deed uses the words "sell," "cede," "convey," "grant," and "transfer." These words admit of no other interpretation than that the subject property was indeed being transferred to Lazo.

The use of the words "confirmation" and "quitclaim" in the title of the document was an obvious attempt to circumvent the prohibition imposed by law. Labeling the deed as a confirmation of non-ownership or as a quitclaim of rights would actually make no difference, as the effect would still be the alienation or conveyance of the property. The act of conveyance would still fall within the ambit of the prohibition. To validate such an arrangement would be to throw the door open to all possible fraudulent subterfuges and schemes that persons interested in land given to a homesteader may devise to circumvent and defeat the legal provisions prohibiting their alienation within five years from the issuance of the patent.[11]

It bears stressing that the law was enacted to give the homesteader or patentee every chance to preserve for himself and his family the land that the State had gratuitously given to him as a reward for his labor in cleaning and cultivating it.[12] Its basic objective, as the Court had occasion to stress, is to promote public policy, that is to provide home and decent living for destitutes, aimed at providing a class of independent small landholders which is the bulwark of peace and order.[13] Hence, any act which would have the effect of removing the property subject of the patent from the hands of a grantee will be struck down for being violative of the law.

To repeat, the conveyance of a homestead before the expiration of the five-year prohibitory period following the issuance of the homestead patent is null and void and cannot be enforced, for it is not within the competence of any citizen to barter away what public policy by law seeks to preserve.[14] There is, therefore, no doubt that the Deed of Confirmation and Quitclaim, which was executed three years after the homestead patent was issued, is void and cannot be enforced.

Furthermore, respondent failed to present sufficient evidence to surmount the conclusiveness and indefeasibility of the certificate of title.

An OCT issued on the strength of a homestead patent partakes of the nature of a certificate issued in a judicial proceeding and becomes indefeasible and incontrovertible upon the expiration of one year from the date of the promulgation of the Director of Lands' order for the issuance of the patent.[15] After the lapse of such period, the sole remedy of a landowner, whose property has been wrongfully or erroneously registered in another's name is to file an action for reconveyance so long as the property has not passed to an innocent purchaser for value.[16] In order that an action for reconveyance based on fraud may prosper, it is essential for the party seeking reconveyance to prove, by clear and convincing evidence, his title to the property and the fact of fraud.[17]

Respondent did not allege in his complaint or prove during the trial that fraud attended the registration of the subject property in petitioners' names. In fact, there was no allegation as to how petitioners were able to secure title to the property despite the alleged ownership of respondent's predecessor.

More importantly, respondent failed to prove that he has title to the subject property. He merely asserted that his predecessors-in-interest had been in possession of the property since 1940. The basic presumption is that lands of whatever classification belong to the State and evidence of a land grant must be "well-nigh incontrovertible." The Public Land Act requires that the possessor or his predecessors-in-interest must be in open, continuous, exclusive, and notorious possession and occupation of the land for at least thirty years. When these conditions are complied with, the possessor is deemed to have acquired, by operation of law, a right to a government grant, without the necessity of a certificate of title being issued. The land ceases to be a part of the public domain and beyond the authority of the Director of Lands,[18] such that the latter would have no more right to issue a homestead patent to another person.

Respondent merely established that he had been in possession of the property and that he had been paying real property taxes thereon since 1977. The only evidence on record attesting to the fact that respondent and his predecessors-in-interest had been in possession of the property since 1940 was the affidavit executed by some of petitioners. This, however, would not suffice.

In closing, it would be well to mention that the execution of the Deed of Confirmation and Quitclaim within the five-year prohibitory period also makes the homestead patent susceptible to cancellation, and the subject property being reverted to the public domain.[19] It is the Solicitor General, on behalf of the government, who is by law mandated to institute an action for reversion.[20] Should the Solicitor General decide to file such an action, it is in that action that petitioners' defenses, particularly their alleged lack of knowledge of the contents of the deed, will have to be resolved.

WHEREFORE, the petition is GRANTED. The March 29, 2006 Decision of the Court of Appeals and its June 20, 2006 Resolution are REVERSED and SET ASIDE. The complaint for ownership, quieting of title and damages is DISMISSED, without prejudice to an action for reversion that the Solicitor General may decide to file for the State.

SO ORDERED.

Corona, (Chairperson), Velasco, Jr., Peralta, and Mendoza, JJ., concur.

[1] Penned by Associate Justice Santiago Javier Ranada, with Associate Justices Roberto A. Barrios and Mario L. Guariña III, concurring; rollo, pp. 92-99.

[2] Exhibit A; Folder of Exhibits.

[3] Exhibit B; Folder of Exhibits.

[4] Exhibit A-5; Folder of Exhibits.

[5] Records, pp. 1-2.

[6] Id. at 17-18.

[7] Rollo, pp. 60-61.

[8] 90 Phil. 855 (1952).

[9] Rollo, pp. 98-99.

[10] CA rollo, p. 113.

- [11] Pangilinan v. Ramos, G.R. No. 44617, January 23, 1990, 181 SCRA 350, 358.
- [12] Heirs of Venancio Bajenting v. Bañez, G.R. No. 166190, September 20, 2006, 502 SCRA 531, 553.
- [13] Id.
- [14] De Romero v. Court of Appeals, 377 Phil.189, 201 (1999).
- [15] Buston-Arendain v. Gil, G.R. No. 172585, June 26, 2008, 555 SCRA 561, 574.
- [16] Abejaron v. Nabasa, G.R. No. 84831, June 20, 2001, 359 SCRA 47, 56-57.
- [17] Id. at 57.
- [18] De Guzman v. Court of Appeals, 442 Phil. 534, 548 (2002).
- [19] Section 124 of the Public Land Act.
- [20] Abejaron v. Nabasa, supra note 16, at 67.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.