HEIRS OF SANTOS SABURAO, HEIRS OF SIMEON SABURAO, HEIRS OF CANDIDO SABURAO, HEIRS OF ROSARIO SABURAO, REPRESENTED BY DANILO SABURAO DANGCAL AND ROBERTO SABURAO DANGCAL AND JOEL ...

G.R. No. 269172, June 18, 2026

Ponente: SINGH, J.

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SINGH, J.:

An action for cancellation of a free patent may be filed by a private person, not just the Office of the Solicitor General (OSG). However, the plaintiff in such an action for cancellation should prove his or her ownership over the contested lot prior to the issuance of the free patent.

Jurisdiction over these actions for cancellation is lodged with the regular courts. The Department of Environment and Natural Resources (DENR) has no authority to cancel a free patent, especially when a certificate of title has already been issued pursuant thereto.

The Facts

The Court resolves a Petition for Review on Certiorari[1] (Petition) under Rule 45 of the Rules of Court filed by the Heirs of Santos, Simeon, Candido, and Rosario, all surnamed Saburao (Heirs of Saburao), assailing the Decision,[2] dated February 14, 2023, and the Resolution,[3] dated August 25, 2023, of the Court of Appeals (CA) in CA-G.R. SP No. 10129-MIN. The CA Decision affirmed the Judgment on Appeal,[4] dated June 5, 2020, and the Order,[5] dated December 9, 2020, of Branch 39, Regional Trial Court, Cagayan de Oro City, Misamis Oriental (RTC) in Civil Case No. R-CDO-19-01768-CV.

The RTC affirmed the Judgment,[6] dated April 4, 2019, of the Municipal Trial Court in Cities, City of El Salvador, Opol, Misamis Oriental (MTCC), which upheld Patrocenia Saburao's (Patrocenia) right over a parcel of land in Misamis Oriental and declared that the Heirs of Saburao's right to reconveyance has prescribed.[7]

The present case arose from a Complaint for Reconveyance and Partition (Complaint) filed by the Heirs of Saburao against the heirs of Patrocenia Saburao Villarte (Heirs of Patrocenia) involving Lot Nos. 7170 and 7140, located at Taytay, El Salvador, Misamis Oriental.[8]

In their Complaint, the Heirs of Saburao alleged that, on November 16, 1943, a decree of registration, Decree No. M-66123, covering Lot Nos. 7170 and 7140 was issued in the name of Andres Saburao (Andres). Andres was the father of Santos, Simeon, Candido, Rosario, and Patrocenia, all surnamed Saburao. As such, Andres was the predecessor of all the parties in the present case.[9]

However, despite the issuance of Decree No. M-66123, no certificates of title were issued over Lot Nos. 7170 and 7140. Thus, after Andres' death in 1947, his children decided to process the registration of the lots and the issuance of titles therefor. They chose Patrocenia, assisted by her "well-educated" daughter-in-law, to handle the

same.[10]

On January 30, 1956, Original Certificate of Title (OCT) No. P-685 was issued covering Lot No. 7170. However, Santos, Simeon, Candido, and Rosario were surprised that the registration was in the name of Patrocenia only, instead of the Heirs of Andres Saburao, represented by Patrocenia.[11]

Nevertheless, trusting in their sister as they were, Santos, Simeon, Candido, and Rosario did not do anything to correct the registration, since, after all, Candido was the occupant of Lot No. 7170 at the time, and his occupation has been undisturbed ever since. In fact, Candido's son, Joel, continues to be the present occupant of Lot No. 7170.[12]

After the death of all the children of Andres, the Heirs of Saburao requested the Heirs of Patrocenia to put Andres' properties in order and correct the wrongful registration in the name of Patrocenia. The Heirs of Saburao alleged that the older generation of the Heirs of Patrocenia were willing to execute an affidavit of reconveyance in favor of all the heirs of Andres, but members of the younger generation of Patrocenia's heirs wanted to claim the property for themselves.[13]

The parties tried to settle the dispute through barangay conciliation, but this proved unfruitful. During their confrontation before the barangay, the Heirs of Saburao discovered that Patrocenia's title was issued by virtue of a free patent grant, dated January 30, 1956.[14]

The Heirs of Saburao argued that the free patent covering Lot No. 7170 could not have been obtained in 1956, considering that Decree No. M-66123 was already issued in 1943. As such, the Bureau of Lands no longer had any jurisdiction to issue the free patent since Lot No. 7170 was already private property at the time of its issuance. Consequently, the certificate of title issued pursuant to the free patent, was void.[15] The Heirs of Saburao thus prayed that a certificate of title covering Lot No. 7170 be issued in the name of the heirs of Andres. They also prayed for the partition of Lot Nos. 7170 and 7140 among the said heirs.[16]

Responding to the Complaint, the Heirs of Patrocenia claimed that Patrocenia was the sole owner of Lot No. 7170, having purchased the same from her siblings who sold all their rights and interest of the property to her. To substantiate this allegation, they presented several documents executed in 1955, including (1) an Affidavit of Cristina Lupac; (2) an Affidavit of Candido; (3) a handwritten Declaration of Sale by Candido; (4) a signed handwritten Declaration of Sale by Santos; and (5) a signed handwritten Declaration of Sale executed by Rosario.[17]

They also alleged that Lot No. 7170 was declared for taxation purposes in Patrocenia's name under Tax Declaration No. 02006866 in 1943, and that she had been paying the taxes due thereon ever since. At present, the Heirs of Patrocenia continue to pay for the real property taxes for Lot No. 7170.[18]

The Heirs of Patrocenia further averred that, on January 30, 1956, Patrocenia was able to secure Free Patent No. 25774 over Lot No. 7170, leading to the issuance of OCT No. P-685. Patrocenia and later, her heirs, continued to occupy the subject lot from 1960 up to the 1980s. Nevertheless, they admit tolerating Candido and Joel's occupation of Lot No. 7170 thereafter, since Candido and Joel were their close relatives.[19]

In the interim, two years after the filing of the Complaint, the DENR, upon the initiative of the Heirs of Saburao, cancelled Patrocenia's free patent on the ground that a decree of registration covering the lot was issued in 1943.[20]

The Ruling of the MTCC

In a Judgment, dated April 4, 2019, the MTCC upheld Patrocenia's ownership over Lot No. 7170 and ruled that

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the Heirs of Saburao's right to reconveyance had already prescribed:

> WHEREFORE, Judgment is hereby rendered:
>
> 1. Declaring Free Patent No. [25774] and the corresponding OCT No. P-685 issued by the Register of Deeds in the name of Patrocenia Saburao Villarte as valid and declaring Patrocenia Saburao Villarte as the true and lawful owner of Lot [No.] 7170;
>
> 2. Declaring the heirs of Andres Saburao[,] represented by the plaintiffs herein Santos Saburao, Simeon Saburao, Candido Saburao, Rosario Saburao, respectively, and defendant Patrocenia Saburao Villarte[,] as co-owners of one-fifth (1/5) portion each over Lot [No.] 7140;
>
> 3. Ordering the City Assessor of El Salvador City to cancel the Tax Declaration covering Lot [No.] 7140 in the name of Andres Sabuaro and in lieu thereof a new Tax Declaration be issued in the name of Heirs of Andres Saburao, namely: Santos Saburao, Simeon Saburao, Candido Saburao, Rosario Saburao[,] and Patrocenia Saburao, as co-owners of one-fifth (1/5) of the land described as Lot [No.] 7140;
>
> 4. Declaring Lot [No.] 7140 in co-ownership by the Heirs of Andres Saburao to be partitioned/divided such that each of the five [] heirs shall get a one-fifth (1/5) undivided share of the land; Should there be disagreement as to the designation of each share, the parties shall engage the services of a Geodetic Engineer to prepare a subdivision survey map following the law on easement of right of way and the determination of each share shall be done by drawing lots. Meantime, Loreto Saburao Villarte shall continue in the possession of the lot until the actual partition and distribution; holding the property in trust for all co-owners.
>
> SO ORDERED.[21] (Emphasis in the original)

Preliminarily, the MTCC expressed its suspicion as to the cancellation by the DENR of Patrocenia's free patent over Lot No. 7170 60 years after its issuance. According to the MTCC, the evidence appears to have been manipulated, and that there is no valid basis for the cancellation of Patrocenia's certificate of title, which has become indefeasible a year after its issuance.[22]

The MTCC further ruled that the unexplained action of the Heirs of Saburao's predecessors for over 60 years rendered their demand for reconveyance and partition stale. The MTCC held that the Heirs of Saburao are now in estoppel, and laches have already set in, since they only expressed their disavowal six decades after the issuance and registration of the patent.[23]

Meanwhile, as regards Lot No. 7140, the MTCC ruled that there is no proof that the Heirs of Patrocenia solely acquired title to the property. According to the MTCC, the only proof presented by the Heirs of Patrocenia are a decree of registration and a tax declaration, which are both under the name of Andres.[24]

The Heirs of Saburao sought reconsideration, but the MTCC denied the same. Aggrieved, the Heirs of Saburao appealed to the RTC.

The Ruling of the RTC

In a Judgment on Appeal, dated June 5, 2020, the RTC denied the appeal of the Heirs of Saburao:

> WHEREFORE, premises considered, the instant Appeal is DENIED. The Judgment[,] dated [April 4, 2019,] of the Municipal Trial Court in Cities of El Salvador, Opol, Misamis Oriental, is AFFIRMED in toto.
>
> SO ORDERED.[25] (Emphasis in the original)

The RTC ruled that, since Lot No. 7170 is registered in the name of Patrocenia, it cannot be defeated by adverse, open, and notorious possession. Thus, even if the Heirs of Saburao are the ones in actual possession, occupation,

and cultivation of the property, the RTC ruled that no co-ownership was established.[26]

Further, the RTC held that the long inaction or inexcusable neglect of the Heirs of Saburao as to their alleged ownership is already barred by laches. The RTC also ruled that, if ever there was any fraud, mistake, or oversight in the grant of the free patent, an action to this effect should be initiated by the OSG.[27]

Dissatisfied with the RTC's Judgment on Appeal, the Heirs of Saburao filed a Petition for Review under Rule 42 of the Rules of Court before the CA.

The Ruling of the CA

In a Decision, dated February 14, 2023, the CA dismissed the Heirs of Saburao's Petition for Review:

> WHEREFORE, the instant Petition for Review is hereby DISMISSED. The June 5, 2020 Judgment on Appeal and December 9, 2020 Order of the Regional Trial Court of Misamis Oriental, 10th Judicial Region, Branch 39, Cagayan de Oro City in Civil Case No. R-CDO-19-01768 are AFFIRMED in toto.
>
> SO ORDERED.[28] (Emphasis in the original)

The CA ruled that all four elements to establish laches are present in the case. The CA held that the predecessors of the Heirs of Saburao were completely aware that OCT No. P-685 was incorrectly registered in the name of Patrocenia and yet, they chose to do nothing to correct the same. Further, the CA ruled that it is improbable that the Heirs of Saburao did not know that Patrocenia's title was issued pursuant to a free patent and not the decree of registration.[29]

The CA pointed out that it took six decades before the Heirs of Saburao enforced their right over Lot No. 7170. The CA ruled that the Heirs of Patrocenia, who relied on the strength of Patrocenia's title, are not aware that the Heirs of Saburao would dispute their ownership 60 years after the issuance of the title, and there is no question they would be prejudiced in the event the complaint for reconveyance prospers.[30]

Further, the CA held that the Heirs of Saburao cannot claim that their action for reconveyance is imprescriptible, since there is no proof that Candido and Joel's possession of the property was exclusive, continuous, and started prior to the issuance of OCT No. P-685.[31]

Lastly, the CA ruled that an action aiming to cancel Patrocenia's free patent and certificate of title is in the nature of a reversion case, which must be initiated by the OSG. Nevertheless, despite the DENR's cancellation of Patrocenia's free patent, the OSG has not instituted any action for reversion as regards Patrocenia's title. Therefore, the CA held that it is constrained to declare OCT No. P-685 valid and subsisting.[32]

In a Resolution, dated August 25, 2023, the CA denied the Motion for Reconsideration of the Heirs of Saburao.

Hence, the present Petition before the Court. In their Petition, the Heirs of Saburao rely on the following grounds: (1) first, OCT No. P-685 is null and void since it was issued pursuant to a void free patent over private property; (2) second, their action for reconveyance is imprescriptible, as they are in actual possession of Lot No. 7170; and (3) lastly, there is no need for the OSG to intervene in the case, as the action is for reconveyance and not for reversion.[33]

The Issues

First, is Patrocenia's title over Lot No. 7170 null and void?

Second, is the right of the Heirs of Saburao to ask for reconveyance barred by prescription and laches?

The Ruling of the Court

The Court denies the Petition. The Heirs of Saburao failed to prove that Patrocenia's title over Lot No. 7170 is null and void. Further, their right to ask for reconveyance of the property should be deemed barred by their inexcusable inaction.

Preliminarily, the Court points out that the Petition raises questions which are foundationally factual. In order for the Court to make a determination as regards the validity of Patrocenia's title and the propriety of reconveyance in favor of the Heirs of Saburao, the Court must evaluate and assess all over again the pieces of evidence which have been passed upon by the trial courts and the CA.

However, factual questions are beyond the Court's jurisdiction in the present Petition for Review on Certiorari under Rule 45.[34] Verily, once it is clear that the issue invites a review of the evidence presented, the question posed is one of fact.[35] While Rule 45 is not absolute, none of the exceptions,[36] which would allow the Court to review factual issues, exists in this case.[37]

In any case, the Court is inclined to agree with the uniform rulings of the MTCC, RTC, and CA that reconveyance of Lot No. 7170 in favor of the Heirs of Saburao is improper.

The action for cancellation of free patent may be filed by a private person

The CA ruled that any action seeking to cancel Patrocenia's free patent and certificate of title must be filed by the OSG, being in the nature of a case of reversion. The Court disagrees.

In Spouses Padilla v. Salovino,[38] the Court ruled that there is a clear difference between a reversion proceeding, on the one hand, and a civil action for the declaration of nullity of free patent and certificate of title on the other hand:

> An ordinary civil action for declaration of nullity of free patents and certificates of title is not the same as an action for reversion. The difference between them lies in the allegations as to the character of ownership of the realty whose title is sought to be nullified. In an action for reversion, the pertinent allegations in the complaint would admit State ownership of the disputed land. Hence in Gabila v. Barriga where the plaintiff in his complaint admits that he has no right to demand the cancellation or amendment of the defendant's title because even if the title were cancelled or amended the ownership of the land embraced therein or of the portion affected by the amendment would revert to the public domain, we ruled that the action was for reversion and that the only person or entity entitled to relief would be the Director of Lands.
>
> On the other hand, a cause of action for declaration of nullity of free patent and certificate of title would require allegations of the plaintiffs ownership of the contested lot prior to the issuance of such free patent and certificate of title as well as the defendant's fraud or mistake, as the case may be, in successfully obtaining these documents of title over the parcel of land claimed by plaintiff. In such a case, the nullity arises strictly not from the fraud or deceit but from the fact that the land is beyond the jurisdiction of the Bureau of Lands to bestow and whatever patent or certificate of title obtained therefor is consequently void ab initio. The real party in interest is not the State but the plaintiff who alleges a pre-existing right of ownership over the parcel of land in question even before the grant of title to the defendant.[39] (Emphasis supplied)

In this case, it is clear from the allegations of the Heirs of Saburao that they are claiming a pre-existing right of ownership over Lot No. 7170 on the basis of the alleged nullity of Patrocenia's free patent and certificate of title Thus there is no need for the involvement or intervention of the OSG in this case.

The jurisdiction to cancel free patents and certificates of title resulting therefrom is lodged with the courts, not with the DENR

To recall, the Heirs of Saburao presented in evidence before the MTCC a purported Order from the DENR

cancelling Free Patent No. 25774, 60 years after its issuance in 1956 and two years after the filing of the Complaint before the MTCC. The MTCC correctly expressed its suspicion and distrust over this piece of evidence:

> Worthy to note is that the Order presented by plaintiff cancelling Free Patent 25744 issued in 1956 was cancelled in 2018 by the DENR[,] two [] years after the filing of this complaint. The Court is wondering what was the authority of the DENR in doing so[.] It is intriguing and also bothered this Court that an application which resulted to the issuance of a patent be cancelled, the patent having been issued more than 60 years ago. It appears that such evidence has been manipulated. . . .[40]

The Court shares the MTCC's skepticism over the Heirs of Saburao's evidence. Apart from the suspicious timing of the DENR's alleged Order, the Court points out that the DENR has no authority to cancel the free patent issued in favor of Patrocenia, as jurisdiction over this action is lodged solely with the regular courts.

As can be noted in the ruling of the Court in Spouses Padilla, an action for declaration of nullity of free patent and certificate of title is an ordinary civil action requiring allegations of the plaintiff's ownership over the contested lot prior to the issuance of the free patent, as well as the defendant's fraud or mistake in obtaining the free patent. As such, it is immediately apparent that it is filed with the courts and not with the DENR.

The MTCC thus correctly disregarded the alleged DENR Order offered by the Heirs of Saburao in evidence. Free Patent No. 25744 could not have been cancelled by a mere order of the DENR and in the absence of a ruling by a competent court to this effect.

The Heirs of Saburao failed to prove that the free patent and the certificate of title are void

The Heirs of Saburao argue that Patrocenia's certificate of title over Lot No. 7170 is void since it springs from a void free patent. Particularly, the Heirs of Saburao claim that, when Free Patent No. 25744 was issued in 1956, the property was already considered private land since Decree No. M-66123 was already promulgated in 1943. As such, the free patent, as well as the resulting certificate of title, OCT No. P-685, are void.

The Court disagrees.

The burden to prove that the free patent was improperly issued falls upon the Heirs of Saburao as plaintiffs in the Complaint for Reconveyance and Partition. A review of the records would show that the Heirs of Saburao failed to properly discharge this burden by the required preponderance.

According to the MTCC, the Heirs of Saburao submitted a Certification showing that Lot Nos. 7170 and 7140 were covered in Decree No. M-66123 issued on October 6, 1958, contrary to their claim that the decree was already promulgated as early as 1943. Further, Lot No. 7170 has been declared for taxation as early as 1948 in the name of Patrocenia.[41]

Thus, as regards Lot No. 7170, the property has been claimed by Patrocenia alone, who secured the tax declaration to apply for a free patent.[42]

Apart from the tax declarations, the Heirs of Patrocenia were also able to present documents showing the transfer of ownership of Lot No. 7170 from the Heirs of Andres to Patrocenia, namely, affidavits from Cristina Lupac and Candido, as well as signed declarations of sale executed by Candido, Santos, and Rosario.[43]

Verily, due to the preponderance of evidence, the Court is constrained to agree with the MTCC, as affirmed by the RTC and the CA, that the evidence in this case proves Patrocenia's sole ownership of Lot No. 7170.

The Heirs of Saburao's action for reconveyance has prescribed

The Heirs of Saburao argue that their action for reconveyance before the MTCC is imprescriptible since they are in actual possession of Lot No. 7170. Meanwhile, the CA ruled that there is no showing that the possession claimed by the Heirs of Saburao was exclusive and continuous.

The Court agrees with the CA.

An action for reconveyance is based on Section 53, paragraph 3 of Presidential Decree No. 1529, which reads:

> In all cases of registration procured by fraud, the owner may pursue all his legal and equitable remedies against the parties to such fraud without prejudice, however, to the rights of any innocent holder for value of a certificate of title. . . .

In Caro v. Court of Appeals,[44] the Court ruled that Section 53, paragraph 3 of Presidential Decree No. 1529 should be read together with Article 1456 of the Civil Code, which provides:

> Article 1456. If property is acquired through mistake or fraud, the person obtaining it is, by force of law, considered a trustee of an implied trust for the benefit of the person from whom the property comes.

When real property is fraudulently registered, the law creates the obligation on the part of the trustee to reconvey the property and its title in favor of the property's true owner. In this regard, Article 1144(2) of the Civil Code provides that when an action arises upon an obligation created by law, the action must be brought within 10 years from the time the right of action accrues.[45]

As such, the prescriptive period for the reconveyance of fraudulently registered real property is 10 years reckoned from the date of the issuance of the certificate of title. This is because the 10-year period begins to run when the adverse party registers the land, and by such act, impliedly repudiates the implied trust in favor of the true owner.[46]

Notably, the Court has also consistently ruled that the 10-year period does not apply when the party seeking reconveyance based on implied or constructive trust is in actual, continuous and peaceful possession of the property involved. Prescription does not commence to run against him because the action would be in the nature of a suit for quieting of title, an action that is imprescriptible.[47]

Here, while Candido, and currently, Joel, are in actual occupation of Lot No. 7170, there is no showing that the nature of their possession is continuous and have started prior to the issuance of Patrocenia's OCT No. P-685. As pointed out by the CA, Patrocenia and her heirs occupied the lot from 1960 until 1980. The property was also declared in her name since 1948, and she and her heirs have been paying the real property taxes on the property ever since. It is also apparent that Candido and Joel's occupation of the property is only by the mere tolerance of the Heirs of Patrocenia due to their relationship as relatives.

Clearly, therefore, the possession being alleged by the Heirs of Saburao is not one that would render their action for reconveyance imprescriptible. As such, since decades have already passed since the issuance of Patrocenia's OCT No. P-685, the Court must conclude that the Heirs of Saburao's action for reconveyance has already prescribed.

The Heirs of Saburao are guilty of laches

Laches, also known as a stale demand, is grounded on public policy which necessitates, for the peace of society, the discouragement of stale claims. Verily, the doctrine of laches is not concerned merely in the passage of time, but it is principally a question of the inequity or unfairness of permitting a stale right or claim to be enforced or asserted.[48]

In order to successfully invoke the doctrine of laches, the party alleging its presence must prove the following essential elements:

> (1) conduct on the part of defendant or one under whom he claims, giving rise to the situation complained of;
>
> (2) delay in asserting complainant's right after he had knowledge of the defendant's conduct and after he has an opportunity to sue;
>
> (3) lack of knowledge or notice on the part of the defendant that the complainant would assert the right on which he bases his suit; and
>
> (4) injury or prejudice to the defendant in the event relief is accorded to the complainant.[49]

The Court finds that all the elements of laches are present in this case.

As regards the first and second requisites, it is clear that the Heirs of Saburao and their predecessors were aware, at the outset, that Lot No. 7170 was allegedly incorrectly registered under the name of Patrocenia. Apparently, they did nothing to correct the same for six decades, on the purported excuse that they were too "trusting." The Court cannot accept this reasoning.

If the Heirs of Saburao wanted to assert their claimed ownership over the subject property, they should have taken the necessary steps to immediately rectify the allegedly erroneous registration solely in the name of Patrocenia. Verily, an ordinary, reasonable person would not just sit idly by for 60 years while the property, which he believes properly belongs to him or her, is improperly registered in the name of another.

Further, while laches may not necessarily be a function of the passage of time, the period before the plaintiff finally brought the action is indicative of whether the party may or may not be considered to have slept on one's rights. In Lorenzo v. Eustaquio,[50] the Court conducted a survey of jurisprudence in order to shed light on the application of the doctrine of laches in relation to a party's failure for a considerable length of time to institute an action to enforce his or her claim:

> Apropos to the case at bar is Catholic Bishop of Balanga v. Court of Appeals, (Catholic Bishop of Balanga) wherein it took 49 years since the donation was executed in favor of respondent Amando De Leon's predecessor-in-interest for petitioner Catholic Bishop of Balanga to file the complaint against the former. Petitioner failed to explain the lapse of unreasonable length of time in questioning the validity of the donation. This Court therefore found petitioner's right to recover possession of the disputed land therein to be barred by laches.
>
> In Marcelino v. Court of Appeals, laches had set in when petitioners and their predecessors-in-interest did not take any action to recover the possession of the disputed land and its titles for almost 50 years. The Court likewise applied the principle in Claverias v. Quingco wherein respondent and his predecessor-in-interest had been in adverse possession of the property from 1922 to 1958, or a total of 36 years, coupled with petitioner's failure to take any further action to recover the property from the dismissal of the annulment case in 1959 until October 23, 1972. Lastly, in Lola v. Court of Appeals, petitioners acquired title to the titled land because of respondent's failure to assert her claim and ownership for 32 years.
>
> There is definitely no reason not to apply the equitable principle of laches in the case at bar. Petitioners and their predecessors-in-interest's inaction for a period of 50 years already converted into a stale demand their right over the subject land as heirs of the spouses Gregorio and Regina[.][51]

Thus, the Heirs of Saburao's inaction for 60 years clearly constitutes more than a considerable length of time to assert their claim.

As regards the third and fourth requisites, the Heirs of Patrocenia, relying on the conduct of the Heirs of Saburao

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and on Patrocenia's valid title, were obviously not aware that the Heirs of Saburao would challenge their ownership over Lot No. 7170 60 years after the issuance of the title in Patrocenia's favor. Further, it is clear that if the Court grants the relief prayed for by the Heirs of Saburao, the Heirs of Patrocenia would be unduly prejudiced.

Given the foregoing, the MTCC, the RTC, and the CA did not err in ruling that the Heirs of Saburao slept on their rights and are guilty of laches. The Court simply cannot allow the Heirs of Saburao's extremely belated action to prejudice the Heirs of Patrocenia, 60 years after the issuance of the title in Patrocenia's favor.

ACCORDINGLY, the Petition for Review on Certiorari is DENIED. The Decision, dated February 14, 2023, and the Resolution, dated August 25, 2023, of the Court of Appeals in CA-G.R. SP No. 10129-MIN are AFFIRMED.

SO ORDERED.

Inting, Gaerlan, and Dimaampao, JJ., concur.
Caguioa (Chairperson), J., see concurring opinion.

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[1] Rollo, pp. 3-37.

[2] Id. at 50-62. Penned by Associate Justice Anisah B. Amanodin-Umpa and concurred in by Associate Justices Evalyn M. Arellano-Morales and John Z. Lee of the Twenty-Second Division, Court of Appeals, Cagayan de Oro City.

[3] Id. at 69-73. Penned by Associate Justice Anisah B. Amanodin-Umpa and concurred in by Associate Justices Evalyn M. Arellano-Morales and John Z. Lee of the Twenty-Second Division, Court of Appeals, Cagayan de Oro City.

[4] Id. at 46-48. Penned by Presiding Judge Marites Filomena B. Rana-Bernales.

[5] The Order does not appear in the records of the case.

[6] Rollo, pp. 38-45. Penned by Judge Michelia O. Capadocia.

[7] Id. at 63-67.

[8] Id. at 52.

[9] Id.

[10] Id.

[11] Id.

[12] Id. at 52-53.

[13] Id. at 53.

[14] Id.

[15] Id.

[16] Id.

[17] Id. at 53-54.

[18] Id. at 54.

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[19] Id.

[20] Id.

[21] Id. at 44-45.

[22] Id. at 40-41.

[23] Id. at 43.

[24] Id. at 44.

[25] Id. at 48.

[26] Id. at 47-48.

[27] Id. at 48.

[28] Id. at 61-62.

[29] Id. at 59-60.

[30] Id.

[31] Id. at 60-61.

[32] Id. at 61.

[33] Id. at 9.

[34] Gatan v. Vinarao, 820 Phil. 257, 265 (2017) [Per J. Leonardo-De Castro, First Division].

[35] Republic v. Caraig, 887 Phil. 827, 838 (2020) [Per J. Hernando, Second Division].

[36] The general rule for petitions filed under Rule 45 admits exceptions, to wit: (1) When the conclusion is a finding grounded entirely on speculation, surmises or conjectures; (2) When the inference made is manifestly mistaken, absurd or impossible; (3) Where there is a grave abuse of discretion; (4) When the judgment is based on a misapprehension of facts; (5) When the findings of fact are conflicting; (6) When the Court of Appeals, in making its findings, went beyond the issues of the case and the same is contrary to the admissions of both appellant and appellee; (7) The findings of the Court of Appeals are contrary to those of the trial court; (8) When the findings of fact are conclusions without citation of specific evidence on which they are based; (9) When the facts set forth in the petition as well as in the petitioner's main and reply briefs are not disputed by the respondents; and (10) The finding of fact of the Court of Appeals is premised on the supposed absence of evidence and is contradicted by the evidence on record. Miano v. Manila Electric Co., 800 Phil. 118, 123 (2016) [Per J. Leonen, Second Division].

[37] Gatan v. Vinarao, 820 Phil. 257, 265-266 (2017) [Per J. Leonardo-De Castro, First Division].

[38] 860 Phil. 994 (2019) [Per J. J. Reyes Jr., Second Division].

[39] Id. at 1000-1001.

[40] Rollo, pp. 40-41.

[41] Id. at 40.

[42] Id.

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[43] Id.

[44] 198 Phil. 399 (1982) [Per J. Guerrero, First Division].

[45] Gatmaytan v. Misibis Land, Inc., 873 Phil. 791, 805 (2020) [Per J. Caguioa, First Division].

[46] Id.

[47] Id.

[48] Lorenzo v. Eustaquio, 928 Phil. 8, 21 (2022) [Per J. Hernando, First Division].

[49] Id. at 22.

[50] 928 Phil. 8 (2022) [Per J. Hernando, First Division].

[51] Id. at 23-24.

CONCURRING OPINION

CAGUIOA, J.:

I concur.

The Court lays down the rule that an action to cancel a free patent and to assail the certificate of title that derives therefrom may be filed by a private person and not solely by the Office of the Solicitor General (OSG), provided that the plaintiff's ownership over the contested lot existed prior to the issuance of the free patent. Further, the Court declares that "jurisdiction over these actions for cancellation is lodged with the regular courts."[1]

The Court's ruling enriches and clarifies jurisprudence with respect to the remedies an aggrieved party may take against a certificate of title arising from a free patent procured by fraud or other irregular means. To be precise, jurisprudence has established three distinct remedies, i.e., i) an action for reversion, ii) an action for reconveyance, and iii) an action for declaration of nullity.

Citing Heirs of Kionisala v. Heirs of Dacut,[2] the Court in Spouses Padilla v. Salovino[3] (the Padilla Case) differentiated the three remedies as follows:

> In Heirs of Kionisala v. Heirs of Dacut, the Court had clearly differentiated reversion proceedings from an ordinary civil action for declaration of nullity of certificate of title, and an action for reconveyance, to wit:
>
> An ordinary civil action for declaration of nullity of free patents and certificates of title is not the same as an action for reversion. The difference between them lies in the allegations as to the character of ownership of the realty whose title is sought to be nullified. In an action for reversion, the pertinent allegations in the complaint would admit State ownership of the disputed land. Hence in Gabila v. Barriga where the plaintiff in his complaint admits that he has no right to demand the cancellation or amendment of the defendant's title because even if the title were cancelled or amended the ownership of the land embraced therein or of the portion affected by the amendment would revert to the public domain, we ruled that the action was for reversion and that the only person or entity entitled to relief would be the Director of Lands.
>
> On the other hand, a cause of action for declaration of nullity of free patent and certificate of title would require allegations of the plaintiff's ownership of the contested lot prior to the issuance of such free patent and certificate of title as well as the defendant's fraud or mistake, as the case may be, in successfully obtaining these documents of title over the parcel of land claimed by plaintiff. In such a case, the nullity arises strictly not from the fraud or deceit but from the fact that the land is beyond the jurisdiction of the Bureau of Lands to

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> bestow and whatever patent or certificate of title obtained therefor is consequently void ab initio. The real party in interest is not the State but the plaintiff who alleges a pre-existing right of ownership over the parcel of land in question even before the grant of title to the defendant . . .
>
> . . . .
>
> With respect to the purported cause of action for reconveyance, it is settled that in this kind of action the free patent and the certificate of title are respected as incontrovertible. What is sought instead is the transfer of the property, in this case the title thereof, which has been wrongfully or erroneously registered in the defendant's name. All that must be alleged in the complaint are two (2) facts which admitting them to be true would entitle the plaintiff to recover title to the disputed land, namely, (1) that the plaintiff was the owner of the land and, (2) that the defendant had illegally dispossessed him of the same.

In other words, the alleged ownership of the property in question is crucial in delineating reversion proceedings from other ordinary civil actions such as declaration of nullity of certificate of title or reconveyance. In reversion proceedings, State ownership over the parcel of land is uncontroverted and the only question to be resolved is whether a title over the contested lot had been fraudulently or erroneously issued in the name of the defendant. Meanwhile, in both actions for declaration of nullity of certificate of title and reconveyance, complainants allege ownership over the property such that should the action be ruled in their favor, ownership of the property does not revert to the State as it is directly conveyed to private individuals as the rightful owner of the property.[4] (Emphasis supplied)

Likewise, in Basilio, et al. v. Callo,[5] the Court declared:

> As a rule, a free patent that was fraudulently acquired, and the certificate of title issued pursuant to the same, may only be assailed by the government in an action for reversion pursuant to Section 101 of [Commonwealth Act No.] 141, as amended. A recognized exception is that situation where plaintiff-claimant seeks direct reconveyance from defendant public land unlawfully and in breach of trust titled by him [or her], on the principle of enforcement of a constructive trust. Thus, a private individual may bring an action for reconveyance of a parcel of land even if the title thereof was issued through a free patent to show that the person who secured the registration of the questioned property is not the real owner thereof. In sum, since respondent's possession was not shown to be in the concept of an owner, and that the land applied for had ceased to be part of the public domain by reason of the operation of [Republic Act No.] 3872 in favor of the Eduveges heirs, the reversal of the assailed decision is in order.[6] (Emphasis supplied)

Accordingly, the foregoing rules distinguishing the three remedies may be synthesized as follows:

Remedy	Reversion	Reconveyance	Declaration of Nullity of Free Patent and Certificate of Title
Real party in interest	The State	A private person	

A private person

The Padilla Case further provides that the plaintiff "alleges a pre-existing right of ownership over the parcel of land in question even before the grant of title to the defendant."[7]

Material allegations in the complaint or petition

"State ownership of the disputed land"[8]

The "complainants allege ownership over the property such that should the action be ruled in their favor, ownership of the property does not revert to the State as it is directly conveyed to private individuals as the rightful owner of the property."[9]

"The plaintiff's ownership of the contested lot prior to the issuance of such free patent and certificate of title as well as the defendant's fraud or mistake, as the case may be, in successfully obtaining these documents of title over the parcel of land claimed by plaintiff"[10]

Basis for cancellation of certificate of title

False or fraudulent patent application (Sections 91 and 101, Commonwealth Act No. 141)

Wrongful or erroneous registration of the disputed lot in the defendant's name[11]

"The land is beyond the jurisdiction of the Bureau of Lands to bestow and whatever patent or certificate of title obtained therefor is consequently void ab initio."[12]

Objective

Reversion of the disputed lot to the public domain

Issuance of new certificate of title in the plaintiff's name and the cancellation of the certificate of title in the name of the defendant

To cancel defendant's certificate of title to remove any cloud on the plaintiff's title (e.g., where there are two conflicting chains of title)

Requirement of possession

Not applicable

The prescriptive period of the action for reconveyance does not run until the plaintiff's possession in disturbed.[13]

The plaintiff need not be in possession.[14]

Accordingly, I join the ponencia and vote to DENY the Petition.

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[1] Ponencia, p. 1.

[2] 428 Phil. 249 (2002) [Per J. Bellosillo, Second Division].

[3] 860 Phil. 994 (2019) [Per J. Reyes, Jr., Second Division].

[4] Id. at 1000-1001.

[5] 890 Phil. 802 (2020) [Per J. Perlas-Bernabe, Second Division].

[6] Id. at 817.

[7] Spouses Padilla v. Salovino, supra note 3, at 1001.

[8] Id.

[9] Id.

[10] Id.

[11] Id.

[12] Id.

[13] Spouses Abay, Sr. v. Spouses Young, G.R. No. 266298, December 3, 2025 [Per J. Inting, Third Division], accessed at https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/70282.

[14] CIVIL CODE, art. 477.

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