

ISAAC MAGISTRADO AND FELISA BAGASLNA.PETITIONERS, VS. DOROTEA ESPLANA AND PELAGIA OLIVA, RESPONDENTS.

G.R. No. 54191. May 08, 1990

Ponente: SARMIENTO, J.

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SARMIENTO, J.:

It appears that the petitioners spouses were the owners of nine parcels, ricelands in character, located in Iriga, Camarines Sur. They acquired the same by virtue of free patent titles (OCT Nos. 17485, 16532, 17691, 16734, 36405, 17090, 16443, 16643, and 16444) issued by the National Government. On April 12, 1967, the petitioner, Isaac Magistrado, with the conformity of his wife, the petitioner, Felisa Bagasina, conveyed the same (together with one unregistered riceland) in favor of the respondents for the purchase price of P18,000.00.

On March 23, 1971, the petitioners instituted an action for legal redemption against the respondents pursuant to the provisions of Section 119 of Commonwealth Act No. 141 allowing redemption by the vendors within five years from the sale. After trial, the then Court of First Instance of Camarines Sur, Branch VII,[1] rendered a verdict dismissing the complaint. The dispositive portion of its decision reads as follows:

WHEREFORE, premises considered, judgment is hereby rendered dismissing the complaint. For insufficient proof, the claims for damages contained in defendants' answer under the caption "counterclaims" are also ordered dismissed. Finally, it is further ordered that once this decision becomes final, a copy of the same together with the Deed of Sale and the owner's copy of the certificates of title be presented to the Registry of Deeds of the Province of Camarines Sur for registration upon payment by defendants of the corresponding fees therefor. With costs against the plaintiff.[2]

The Court of Appeals[3] modified the decision of the trial court as follows:

WHEREFORE, in view of the foregoing considerations and in the light of the aforequoted authorities, decision is hereby rendered modifying the decision appealed from by ordering the dismissal of the complaint for lack of cause of action; ordering the plaintiff or the defendant or whoever is in possession of Original Certificates of Title, Exhibits B, C, D, E, F, G, H, I and J to return them to the Register of Deeds of Camarines Sur at Iriga City; ordering the Register of Deeds of Camarines Sur at Iriga City to cancel said Original Certificates of Title or all titles issued subsequent thereto; ordering the parcels of land covered by said titles reverted to the grantor (Government of the Philippine Islands) without of course prejudice to the filing of the proper application for their registration; ordering the plaintiff to reimburse defendant the sum of P18,000.00 less the value of the tenth parcel of land, the determination of which shall be by the trial court; ordering the defendant to reimburse Roman Aguilar the sum of P6,553.00.[4]

The petitioners assign what emerges as a lone error in this appeal:

THE HONORABLE COURT OF APPEALS ERRED IN HOLDING THAT THE PETITIONERS ARE NOT LEGALLY ENTITLED TO REPURCHASE THE LAND IN QUESTION FROM THE PRIVATE RESPONDENTS.[5]

In dismissing the appeal, the Court of Appeals found the lands to be private in nature, and accordingly, beyond the authority of the Government to dispose of by way of free patents, and for which legal redemption was not possible. Thus:

We accept the challenge, particularly the proposition that the first nine lots described in the complaint were not public lands but, since time immemorial, were owned and continuously possessed and cultivated by private persons from whom the plaintiff acquired the same as their exclusive private properties; and that the plaintiffs filed free patent applications to said lots only and for the sole purpose of obtaining title thereto as cheaply as possible. That since the said nine (9) lots were not public land but private property, the Director of Lands had no power or authority to dispose of them under the free patent provisions of the Public Land Act and said Director of Lands would not have approved the free patent applications filed by the plaintiffs had not the latter falsely alleged therein that said lots were parts of the public agricultural land unclaimed and unoccupied by anyone so that the purported certificates of title issued to the plaintiffs based upon the free patents guaranteed to them are wholly null and void and, in any case, the said lots do not come under the provisions of Section 119 of Commonwealth Act No. 141.[6]

This appeal also faces a dismissal.

We are satisfied that there was ample evidence to demonstrate the private character of the nine parcels of land the petitioners have sought to redeem. As found by the Court of Appeals:

That for several years before the application for free patent, the nine (9) parcels of land were cultivated as ricelands by various individuals as their own private properties and that the land involved in this case as well as all the lands similarly situated on the outskirts of the city proper could not be classified as public lands at or before the years 1961 to 1962, time of application for free patent and issuance of approved patents, a copy of the official inaugural program of the City's proclamation on September 3, 1968 (Exh. "55") on pages 2 to 3 of which it was stated that the first settlement of IRIGA was established in the year 1578 and that the town of Iriga was recognized as such by the Spanish authorities in 1683 (Exh. "55-A") was presented. Defendant purchased the land of Francisco Papa on June 3, 1967 at the price of P12,000.00 (Exh. "56") to enable defendant to construct a road which he declared to have already started and thus connect the lands he bought from the plaintiff with the National Road. Approved plan of the subdivision survey (LRC) PSD-107674 of Lot 3 of the Deed of Sale is marked Exh. "57". A certain Roman Aguilar bought the second parcel of land mentioned in the complaint (Exh. "58") and that Aguilar has constructed his house thereon. Before the sale of the lands involved in this case, plaintiff and defendant had already previous dealings over a portion of the Esplana Subdivision in 1966 and a contract to pay in installment was executed and signed by them (Exhs. "59" and "59-A"). That Lot No. 3 is already covered by a Subdivision Survey Plan (Exh. "57") duly approved by the Land Registration Commission but without Court approval as yet and defendant in the company of plaintiff secured from the Philippine National Bank, Iriga City Branch when the former redeemed the same by paying the loan of plaintiff and said payment constituted as part of the purchase price of the whole transaction.[7]

The rule is that the findings of fact of the Court of Appeals are conclusive on this Court. In the absence of any showing of a grave abuse of discretion,[8] we will not be justified in reviewing those findings.

The contention of the petitioners that the nine patents may no longer be challenged by "mere assertions" that the lands in question are private, has no merit. First, the respondent's claims are supported by competent evidence. They are not bare assertions. Second, the Court of Appeals has found that the petitioners had deliberately misled the Director of Lands into thinking that the lands were part of the public domain when several persons had occupied it and had laid claims to it.

The Court of Appeals did not err in invoking the case of *De la Concha v. Magtira*,[9] where this Court held:

Private ownership of land (as when there is a prima facie proof of ownership like a duly registered possessory

information) is not affected by the issuance of a free patent over the same land, because the Public Land law applies only to lands of the public domain. The Director of Lands has no authority to grant to another a free patent for land that has ceased to be a public land and has passed to private ownership. Consequently, a certificate of title issued pursuant to a homestead patent partakes of the nature of a certificate issued in a judicial proceeding only if the land covered by it is really a part of the disposable land of the public domain.[10]

Although Magtira requires the existence of a title to prove the private character of land, the Court adds that so long as there is a clear showing of open, continuous, exclusive, and notorious possession, and hence, a registrable possession, by present or previous occupants, by any proof that would be competent and admissible, the property must be considered to be private.[11] The various OCTs adverted to above must also face cancellation.

We, however, modify the Appellate Court's decision insofar as it ordered reversion to the Government. As we said, since the nine parcels are after all private properties, they can not be restored to the Government which to begin with, had no right to dispose of them. The reasonable conclusion is that they must stay with the respondents as legitimate buyers and owners thereof.

WHEREFORE, the petition is DISMISSED. The decision appealed from is AFFIRMED subject to the modification that: (l) OCT Nos. 17485, 16532, 17691. 16734, 16405, 17090,16443,

[1] Buenviaje, Carlos, presiding judge.

[2] Record on Appeal, 97, Isaac Magistrado and Felisa Bagasina v. Doroteo Esplana and Pelagia Oliva. [Civil Case No. Ir-44 (7094)1 (CFI) January 31, 1974. Sec Rollo, 29.

[3] Zosa. Mariano, J.: Reyes, Samuel and Coquia, Jorge. JJ., Concurring.

[4] Rollo, id., 28.

[5] Id., 87.

[6] Id., 22-23.

[7] Id., 20.

[8] Among other grounds for overturning the factual findings of the Court of Appeals, see. e.g., Teodorov. Court of Appeals, No. L-31471, November 12, 1987. 155 SCRA 547.

[9] No. L-19122, October 19, 1966, 18SCRA398.

[10] Supra, 401-402.

[11] See Republic v. Intermediate Appellate Court, No. 75042, November 29, 1988, 168SCRA165.

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