

**DIRECTOR OF LANDS AND DIRECTOR OF FORESTRY, PETITIONERS,
VS. HELEN U. VILLAROSA, CAROLINA U. VILLAROSA, ESTHER U.
VILLAROSA AND COURT OF APPEALS, RESPONDENTS.**

G.R. No. 62637. August 16, 1983

Ponente: ABAD SANTOS, J.

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ABAD SANTOS, J.:

This is a petition to review a decision of the defunct Court of Appeals.

In the defunct CFI of Quezon, the private respondents applied for the registration of four parcels of land with an aggregate area of 754 hectares, more or less. The application was opposed by in-dividual persons as well as by the Directors of Lands and Forestry.

The evidence showed that Gregorio Villarosa, predecessor-in-interest of the private respondents owned a big tract of land. When he died, the land was inherited by his two sons - Vivencio and Julio. Upon the death of Julio, his heirs registered his share of the land under two original certificates of title: Nos. 4325 and 8386 with each title covering 345 hectares, more or less.

When Vivencio died, he was succeeded by his only child, Vicente Villarosa. The land which is the subject of the present proceeding was the share of Vivencio transmitted to Vicente and by Vicente to his daughters the applicants, namely: Helen, Carolina and Esther all Surnamed Villarosa.

The CFI said:

"During the lifetime of Vicente Villarosa, the property in question had been declared in his name for taxation purposes (Exhibits C, H, I, J, K and M) and the taxes thereon duly paid (Exhibits K-1 to K-25). Thereafter, it was declared in the name of the Heirs of Vicente Villarosa (Exhibits L, N and O) and the taxes thereon also duly paid (Exhibits L-1 to L-14, M-1 and N-2, O-1 to O-9)." (Record on Appeal, pp. 99-100.)

According to the CFI:

"x x x it has been sufficiently established to the satisfaction of this Honorable Court that as early as the Spanish regime, the applicants as well as their predecessors in interest have been in the actual, continuous and public possession of the land applied for as owners. First it was Gregorio Villarosa, then Vivencio Villarosa from whom the applicants herein in-herited the land applied for. Their possession has been gene-rally peaceful until the outbreak of the second world war when the private oppositors herein began to enter into the land applied for in spite of the warning of the overseer of the applicants that the land is a private land of the latter. However, some of these who entered the land like Hermenegildo Rivadinera ari the late Pedro Robles, who has been substituted in this action by his heirs, expressly recognized the ownership of the applicants over the property applied for when they entered into a planting contract with the latter (Exhibits V-9 and V-18, respectively). Hermenegildo Rivadinera and the heirs of the late Pedro Robles, who are among the private oppositors in this land registration proceeding, are therefore estopped from claim-ing any title adverse to the herein applicants." (Record on Appeal, pp. 101-102.)

The CFI also said:

"For the sake of consistency and justice, there is no reason therefore for the Court to treat the instant case different [from the lands registered in favor of the heirs of Julio Villarosa especially so that the welter of the evidence clearly and convincingly preponderates in favor of the applicants herein." (Record on Appeal, p. 103.)

As to the claim of the Director of Forestry, the CFI said:

"The Court likewise finds the claim of oppositor Director of Forestry to the effect that the land applied for is within the timberland of Mulanay and San Narciso, Quezon, classified as such by the Bureau of Forestry in 1955 to be with-out merit. It has been established that no notice whatever or was given the applicants by the Bureau of Forestry of such classification so that the same cannot be binding upon the former. Moreover, this classification by the Bureau of Forestry in 1955 cannot affect the property rights of the applicants for as early as 1800, the land was already the private property of their great grandfather Gregorio Villarosa. Even granting that the land applied for is part of the public domain, it has been held that 'A possessor of the public domain, to be entitled to registration of his title thereto in his name, need not have a titulo real, or a titulo de composicion con el estado, or a titulo de information posesoria covering the same. An open, continuous and adverse possession of such land for at least from July 26, 1894 (now 30 years under Republic Act No. 1942) is sufficient to confer upon the occupant effective title under the Land Registration Act. (Susi vs. Razon, 46 Phil. 424, Vaño vs. Gov't). And the right thus acquired cannot be defeated by a subsequent declaration of the land by the Bureau of Forestry as timber land within a forest zone, or by the fact that there are some trees valuable for timber growing on the property.' (Barot vs. Director of Forestry, 7806-R, 51 O.G. 3495, July 1955.)

"Moreover, as admitted by witness Casiano Villanueva in his testimony, a large portion of the property is an open cogon land and no more trees of commercial value exist in the area, which fact strengthens the conclusion that the property applied has long been a pasture land." (Record on Appeal, pp. 104-106.)

The judgment of the CFI reads:

"WHEREFORE, confirming the order of general default previously entered in this case, the Court hereby declares the property applied for, Lots 1, 2, 3 & 4, of plan Psu-180384, together with the improvements thereon, the private property of the applicants and confirms their title thereto as owners thereof. Upon this decision becoming final, let the corresponding certificate of title be issued in the names of CAROLINA U. VILLAROSA, of age, married to Francisco Cavestany, Filipino citizen and resident of 21 Dart, Paco, Manila; HELEN U. VILLAROSA, of age, married to Adolfo A. Bonus, Filipino citizen and resident of Lucena City; and ESTHER U. VILLAROSA, of age, married to Esmeraldo V. de la Rosa, Filipino citizen and resident of Pitogo, Quezon, pro indiviso and in equal shares, as their exclusive property.

"The oppositors Heirs of Leon Palacio repre-sented by Feliza Pañaverde and Salvacion Rosal are hereby ordered to surrender Original Certificate of Title No. P-2223 and Original Certificate of Title No. P-4875 to the Register of Deeds of Quezon after which the Register of Deeds is hereby ordered to cancel the same." (Record on Appeal, p. 109.)

From the decision of the CFI, the oppositors appealed to the Court of Appeals and assigned the following errors:

"I. THE LOWER COURT ERRED IN NOT FINDING THAT THE PARCEL OF LAND APPLIED FOR IS PART OF THE PUBLIC FOREST AND THEREFORE INALIENABLE AND NOT CAPABLE OF REGISTRATION.

"II. THE LOWER COURT ERRED IN NOT DISMISSING THE APPLICATION FOR REGISTRATION FILED BY APPLICANTS." (Brief, p. 1.)

The Court of Appeals affirmed the appealed decision with a slight modification thus:

"WHEREFORE, finding the decision appealed from to be in accordance with the evidence and the law, except with the modification that the portions to which certificates of title were issued to the Heirs of Leon Palacio and Salvacion Rosal shall be excluded from the area applied for, and the deletion of the order of reimbursement of costs of improvements to Palacio and Rosal the decision is hereby affirmed, without pronouncement as to costs." (Rollo, pp. 62-63.)

The CA decision was penned by Justice Zosa with Justices Nocon, Villasor and Paras concurring.

Justice Coquia dissented on the ground that: "The evidence of the government shows that part of the land applied for is a forest reserve being part of Timberland Block-B, Quezon Project, and is under the administration of the Bureau of Forestry. Unless said land has been reclassified as disposable, it cannot be the subject matter of rejustification under Act No. 496." (Rollo, p. 63.)

Petitioners now allege that:

"I. THE RESPONDENT COURT HAS DECIDED A QUESTION OF SUBSTANCE IN A WAY NOT IN ACCORD WITH, BUT CONTRARY TO LAW AND THE APPLICABLE DECISIONS OF THE SUPREME COURT, IN UPHOLDING THE DECISION OF THE COURT BELOW DECLARING THE LAND APPLIED FOR - LOTS 1, 2, 3 & 4 OF PLAN PSU - 180384 - TOGETHER WITH THE IMPROVEMENTS THEREON TO BE THE PRIVATE PROPERTY OF THE PRIVATE RESPONDENTS, CONFIRMING THEIR TITLE THERETO AS OWNERS THEREOF, NOTWITHSTANDING THAT THE SAID RESPONDENTS FAILED TO SUBMIT PROOF OF PRIVATE OWNERSHIP OF SAID LAND.

"II. THE RESPONDENT COURT HAS DECIDED A QUESTION OF SUBSTANCE IN A WAY NOT IN ACCORD WITH, BUT CONTRARY TO, LAW AND THE APPLICABLE DECISIONS OF THE SUPREME COURT, IN AFFIRMING THE CONCLUSION OF THE TRIAL COURT DECREERING THE LAND IN QUESTION IN FAVOR OF THE RESPONDENTS AS THEIR PRIVATE PROPERTY, NOTWITHSTANDING THAT THE SAID LAND IS WITHIN A PUBLIC FOREST OR A FOREST RESERVE.

"III. THE RESPONDENT COURT HAS DECIDED A QUESTION OF SUBSTANCE IN A WAY NOT IN ACCORD WITH, BUT CONTRARY TO, LAW AND THE APPLICABLE DECISIONS OF THE SUPREME COURT, IN HOLDING THAT THE PRIVATE RESPONDENTS HAD ESTABLISHED OPEN, CONTINUOUS AND ADVERSE POSSESSION OF THE PROPERTY IN QUESTION, DESPITE ABSENCE OF ADEQUATE PROOF OF POSSESSION AS REQUIRED BY LAW." (Rollo, pp. 24-25.)

It will be noticed that ground one assails the CA decision because "respondents failed to submit proof of private ownership of said land." Ground two assails the decision allegedly because the land registered in the name of the respondents is "within a public forest or a forest reserve," which is a question of fact and disputes the trial court's finding that the land is not forestal. Ground three also speaks of "absence of adequate proof of possession as required by law."

The private respondents invoke a number of reasons to support their prayer that the petition be dismissed for lack of merit. However, in our view one ground is sufficient to dispose of this case, namely:

"THE ISSUES IN THE PRESENT APPEAL INVOLVE FINDINGS OF FACT AND THE SAME ARE NOT SUBJECT TO REVIEW BY THIS AUGUST TRIBUNAL.

"In the DECISION of the Court of First Instance of Quezon which was appealed to the Court of Appeals, the judgment declaring Lots 1, 2, 3 and 4 of plan Psu-180384, together with the improvements thereon, the private property of the applicants (private respondents herein) and confirming their title thereto as owners thereof, is based on an extensive findings of fact embodied in the DECISION which are reproduced below. If only to show that these findings of fact are supported by substantial evidence, the corresponding testimonial and

documentary evidence have been added or cited after each quoted paragraph.

'From the evidence adduced by the applicants, it appears that the four parcels of land applied for, known as Lots 1, 2, 3 and 4 of plan Psu-180384 (Exhibit D) are situated in the barrio of Yuni, Municipality of Mulanay, Province of Quezon and contain an aggregate area of 754.8750 hectares, more or less. As one parcel, it is bounded on the North by the properties of the heirs of Julio Herrera and Heirs of Petronilo Villaflor, on the South by public land, on the East by property of Jose Lingayo, and on the West by the properties of Fermin Cruzado and Heirs of Agapito Garcia. (TSN, 6-1-66, pp. 6-7, Exh. D; TSN, 7-11-67, p. 3; TSN, 12-27-69; pp. 32-34, 61-62).

'Originally, these four parcels of land formed part (one-half) of the land owned and possessed by Gregorio Villarosa. Upon the death of Gregorio Villarosa, he was succeeded by his two children, Vivencio Villarosa and Julio Villarosa, who divided the property between them. Vivencio died and was succeeded by his only child and heir Vicente Villarosa who died on May 30, 1934, leaving his three daughters with Consuelo Unson as his heirs, namely, Helen U. Villarosa, Carolina U. Villarosa, and Esther U. Villarosa, the applicants herein. On the other hand, Julio Villarosa upon his death left as his heirs two daughters named Maria Rosario Villarosa and Vicenta Villarosa who succeeded to the one-half share which their father Julio inherited from Gregorio Villarosa. Maria Rosario Villarosa married Julio Herrera and had five children with him, namely Vicentica, Jose, Pablo, Teodoro and Nemia, all surnamed Herrera, while Vicenta Villarosa married Petronilo Villaflor with whom she had four children named Ramon, Vivencio, Soledad and Consuelo, surnamed Villaflor. The family tree of the Villarosas is better illustrated in the diagram (Exhibits). (TSN, 6-1-66; pp. 6, 8, 23-24; TSN, 7-28-66; pp. 4--6, 8-9; Exh. S; TSN, 7-11-67, p. 5; TSN, 2-27-69, p. 27.)

'Maria Rosario Villarosa, then a widow, applied for the registration of her title to the portion of land she inherited from her father, which portion has an area of 345.5286 hectares, In a decision dated March 18, 1932 in Land Registration Case No. 3332, GLRO Record No. 41212 (Exhibit Q), this Court (Judge Francisco Enage presiding) adjudicated the land to her based, among others upon a titulo de composicion con el estado mentioned in a document marked Exh. E in the said case, and pursuant to said decision Original Certificate of Title No. 4325 (Exhibit Q-1) was issued to her. (TSN, 6-1-66, pp. 25-28; TSN, 7-28-66; pp. 5-9.)

'Upon the death of Vicenta Villarosa and Petronilo Villaflor, their heirs Ramon V. Villaflor, Vivencio V. Villaflor, Soledad V. Villaflor and Consuelo V. Villaflor, also sought the registration of the one-fourth share of their mother Vicenta Villarosa, which portions contains an area of 345.4278 hectares. In a decision dated November 18, 1958 in Land Registration Case No. N-504 LRC Record No. N-14217 (Exhibit R), this Court (Judge Vicente del Rosario presiding) adjudicated the said portion of land to them. This portion is the same property now covered by Original Certificate of Title No. 0-8386 (Exhibit R-3) issued in the names of the heirs of Vicenta Villarosa and Petronilo Villaflor (TSN, 7-26-66, p. 7).

'For his part, Vicente Villarosa, the father of the applicants herein, never applied during his lifetime for the registration of his one-half share in the property previously owned by Gregorio Villarosa, presently identified as Lots 1, 2, 3 and 4 of plan Psu-180384, with an aggregate area of 754.8750 hectares, is the same property which applicants now seek to register in the present case as successors in interest of Gregorio Villarosa. (TSN, 6-1-66, p. 25; TSN, 7-28-66, p. 9; Exhs. P & P-2; TSN, 7-11-67, pp. 8-9).

'It also appears that since 1800, the applicants and their predecessors in interest have been continuously in possession of the parcels of land applied for until the present time, benefiting from the produce of the improvements thereon. As early as 1919, Vicente Villarosa, father of the applicants, already had cattle on the land. He executed a contract with Crispulo Ortega and Juana Cruzado with respect to the care of the cattle on August 5, 1920 (Exhibit V). First he placed 100 heads which ultimately increased in number. In 1937, when

applicant Esther Villarosa went to the land to attend to the branding of cattle, there were more than 1,000 heads, of which number more than 100 were branded with 'VC', the registered brand of her parent (Exhibits E and E-1), meaning 'Vicente' and 'Consuelo'. The cattle on the pasture land had been registered, among the documents covering their registration, being Exhibits F, F-1, to F-56, W, W-1 to W-139. Other documents pertaining to the cattle have already been lost. (TSN, 6-1-66, pp. 7, 8, 9-10, 15; TSN, 2-7-67, p. 61; TSN, 5-22-67, pp. 8-9, 16; TSN, 2-27-69, pp. 16-17; TSN, 2-27-69, pp. 34-35, 60).

'During the war, all the cattle on the land were lost, some having been taken by the guerillas and others having perished, so that after the war they filed a war damage claim for the loss of their cattle with the United States Government and were paid certain amount on their claim (Exhibit T). (TSN, 7-28-66, pp. 37-38; TSN, 2-7-67, pp. 61-62; TSN 5-22-67, pp. 7, 11; Exh. T; TSN, 2-27-69, p. 35)

'Immediately before the end of World War II, squatters who are oppositors in this case settled on the eastern portion of the land in question, followed by some others after the war, and planted coconuts and other crops. The overseer of the applicants, Fermin Villarosa, as well as Francisco Garcia, their tenant, advised the oppositors to stop tilling the land, telling them that the property belonged to the Villarosa but the squatters did not believe them. Some of these oppositors are grandchildren and nephews of Francisco Garcia. Of the more than 100 oppositors in this case, only about 20 are actually on the land, who have planted a considerable number of coconut trees on the portions they occupied. (TSN, 2-27-69, pp. 35, 39, 41, 69-70).

'The applicants wanted to put back cattle on the property after the war but due to the difficulty of raising cattle they devoted the property principally to the planting of coconuts and other seasonal crops, through their overseers Fermin Villarosa and Felix Martinez, and tenants numbering about 30 families. At present, there are around 10,000 coconut trees on the property, some fruit-bearing and others not yet fruit-bearing, planted by the tenants of the applicants pursuant to the contracts entered into by and between them (Exhibit V-1- to V-18). These tenants have their houses on the land where they live. No trees of commercial value exist on the property. (TSN, 2-7-67, pp. 59-65; TSN, 7-11-67, pp. 13-14; TSN, 2-27-69, pp. 4-15; TSN, 2-27-69, pp. 22-23, 38, 61-63, 66-68).

'It also appears that upon petition of the barrio people (Exhibit U-2) the applicants donated to the municipal government of Mulanay a portion of one hectare of the land applied for school site purposes (Exhibit U), which donation was duly accepted by the municipality (Exhibit U-1). On this area a school house is now erected. Santos Briones, also known as Crisanto Briones, one of the oppositors herein, appears to be one of the signatories in the petition for donation, Exhibit U-2. (TSN, 7-28-66, pp. 38-39; TSN, 5-27-67, pp. 12-14; Exhs. U, U-1 & U-2; TSN, 10-22-69, pp. 22-24).

'During the lifetime of Vicente Villarosa, the property in question had been declared in his name for taxation purposes (Exhibit G, H, I, J, K and M) and the taxes thereon duly paid (Exhibits K-1 to K-25). Thereafter, it was declared in the name of the Heirs of Vicente Villarosa (Exhibits L, N, and O) and the taxes thereon also duly paid (Exhibits L-1 to L-14, M-1, N-1 and N-2, O-1 to O-2). (TSN, 6-1-66, pp. 16-23; Exhs. O-11 to O-14).

'On behalf of the Government, the Bureau of Forestry; through Scaler Casiano Villanueva, claimed that the land in question is classified as timberland as per LC Map 1880 (Exhibit 3-Government) which classification was made in 1955 without any notice to the herein applicants. A report was also submitted by Scaler Casiano Villanueva on the ocular inspection he conducted on the land applied for (Exhibit 2-A) which report is supported by a sketch of the land (Exhibit 2--E). The herein applicants were not likewise notified in making the report (Exhibit 2-A). Scaler Casiano Villanueva admitted that he did not find any trees of commercial value on the land as the same is now cogonal.' (TSN, 7-20-71, pp. 7, 19- 20.)'

"Significantly, and as will be clearly shown in the latter part of this comment, petitioners did not question or

dispute the aforecited findings of fact of the trial court in their appeal to the Court of Appeals. Regarding such findings of fact, it was stated, in part, in the DECISION of the latter court:

'As to the question of fact, the trial court found sufficient evidence to establish the adverse, open and continuous occupancy of the appellees over the land in question.

x x x x x x x

'It is doctrinal and to repeat it is trite, but for emphasis We say that, on appeal, appellate courts seldom disturb the findings of facts of the lower court. Only in instances where the lower court overlooked to consider certain facts of high probative value in deciding the case that had they been duly apprised, it would have arrived at a different conclusion. A review of the evidence, however, does not show any oversight on the part of the trial court when it rendered its decision now on appeal.' (Annex "A" of Petition, pp. 12 14; underscoring supplied.)

"Considering that, as shown above, the findings of fact of the trial court are supported by substantial evidence, both testimonial and documentary, and that the Court of Appeals categorically stated that a review of the evidence does not show any oversight on the part of the trial court, such findings of fact are final and no longer subject to review by this August Tribunal." (Rollo, pp. 83-87.)

WHEREFORE, the petition is hereby dismissed on the ground that it raises factual questions. No costs.

SO ORDERED.

Makasiar, (Chairman), Concepcion, Jr., Guerrero, and Escolin, JJ., concur.

Aquino, J., see dissent.

De Castro, J., on sick leave.

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DISSENTING OPINION

AQUINO, J.:

I dissent. The 754-hectare land sought to be registered is not registerable because it is a forestal land as per LC Map 1880. It is within Timberland Block-B and has not been released for agricultural purposes by the Director of Forestry (Exh. 2-A, 2-C, 2-C and 3).

Even under the rule of constructive possession, it is hard to believe that the applicants and their predecessors could have satisfied the possessory requirements for such a vast tract of land.

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