

REPUBLIC OF THE PHILIPPINES, PETITIONER, VS. INTERMEDIATE APPELLATE COURT AND SPOUSES VIRGILIO A. SINDICO AND VIRGINIA TORCUATOR, RESPONDENTS.

G.R. No. 66069. September 28, 1984

Ponente: ABAD SANTOS, J.

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ABAD SANTOS, J.:

The Republic of the Philippines assails the decision of the Intermediate Appellate Court which affirmed that of a Municipal Circuit Court. The facts are as follow:

In Cadastral Case No. 62 which was filed by the Director of Lands in the 7th Municipal Circuit Court of Dingle-Dueñas, Iloilo, the spouses Virgilio A. Sindico and Virginia Torcuator claimed Lot No. 2259, Dingle Cadastre, with an area of 205,056 square meters. The Bureau of Forest Development filed an opposition to the claim on the ground that the lot is within the National Park of Dingle, Iloilo, and cannot be the subject of private ownership. The opposition was filed by a Special Counsel who later withdrew it without the authorization of the Solicitor General.

In a decision dated April 24, 1979, the Municipal Circuit Court adjudicated Lot No. 2259 to the claimant spouses as their conjugal property. The Director of Lands appealed the decision to the Inter-mediate Appellate Court but said court affirmed the decision in toto. Hence the instant petition to review the decision of the appellate court.

The issue in this case is whether or not the private respondents and their predecessor(s)-in-interest have possessed Lot No. 2259 for at least 30 years preceding the filing of their claim.

The issue is not factual for the facts are a matter of record. Rather the issue is legal for its resolution depends on the conclusion which is deducible from the facts.

The Sindico spouses stated in their claim that they were the owners of Lot No. 2259 because they had been in possession of said lot as owners for over 9 years; that they acquired it by purchase from the heir of Julia Jalandoni; and that their predecessors-in--interest had been in possession thereof for 62 years at the very least. (Rollo, p. 35.)

To support their claim, the Sindico spouses presented the following:

Exhibit A is a document notarized on October 14, 1966, where-in Josefa Jordan, me only legitimate daughter of Julia Jalandoni who died on June 22, 1935, adjudicated Lot No. 2259 to herself and simultaneously sold the same to the Sindico spouses.

Exhibit B is Tax Declaration No. 008181 filed by Virgilio Sindico in 1974.

Exhibit C is land tax receipt No. 9900592 for the tax on the land paid in 1979.

The above-mentioned exhibits were identified by Virgilio Sindico when he testified during the hearing held on

April 10, 1979.

It is elementary that a person who seeks registration of title to a piece of land on the basis of possession by himself and his predecessors-in-interest must prove his claim by clear and convincing evidence. Have the Sindico spouses satisfied this requirement?

We are willing to concede that the Sindico spouses have been in possession of at least part of the land since they bought it from Josefa Jordan on October 14, 1966. But there is no proof except the uncorroborated testimony of Virgilio Sindico that Josefa Jordan and her predecessors had possessed the land for 62 years before it was sold to him and his wife. The Sindico claimants have failed to show possession by themselves and their predecessors-in-interest for the requisite number of years of the land in question.

WHEREFORE, the decision of the Intermediate Appellate Court is hereby reversed and set aside; Lot No. 2259 of the Dingle Cadastre is declared part of the public domain.

It appearing from Exhibit B that the Sindico spouses have cultivated about 5.5 hectares of Lot No. 2259, the Director of Lands is enjoined to give them preferential rights thereto should the same be released as alienable. No costs.

SO ORDERED.

Makasiar (Chairman), Aquino, Escolin, and Cuevas, JJ., concur.

Concepcion, Jr., and Guerrero, JJ., on leave.

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