

**DIRECTOR OF LANDS AND DIRECTOR OF FOREST DEVELOPMENT,  
PETITIONERS, VS. MARIANO FUNTILAR, MAGDALENA FUNTILAR,  
HEIRS OF FELIPE ROCETE AND INTERMEDIATE APPELLATE COURT  
(THIRD CIVIL...**

*G.R. No. 68533. May 23, 1986*

Ponente: GUTIERREZ, JR., J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-68533/>

---

**GUTIERREZ, JR., J.:**

This is a petition to review the decision of the respondent court which affirmed the adjudication by the land registration court of a parcel of land in Mulanay, Quezon in favor of the private respondents.

In 1972, Mariano Funtilar, Magdalena Funtilar, and the Heirs of Felipe Rocete applied for the registration of a parcel of land described in Psu-215779, with an area of 226,773 square meters.

Unrebutted testimonial evidence established that the land was part of the property originally belonging to one Candida Fernandez whose ownership and possession began sometime during her lifetime and extended until 1936 when she died. (Tsn., August 6, 1976, Testimony of Florencio Marquez, Exhibit "U"). The present applicants are the grandchildren of Candida Fernandez. In 1936, after the death of Candida Fernandez, her real property was declared in the name of the "Heirs of Candida Fernandez under Tax Declaration No. 9622, with an area of thirty (30) hectares.

Subsequently, sometime in 1940 or 1941, the parcel of land was forfeited in favor of the government for failure to pay real estate taxes. However, the same was redeemed in 1942 by Vitaliano Aguirre, one of the three children of Candida Fernandez, who was then the administrator of the property. A final deed of sale (Exhibit "N") was executed by the Provincial Treasurer of Tayabas in 1944 in favor of Vitaliano Aguirre. It had been agreed among the heirs that the property would first be held by Vitaliano in trust for the others until such time that partition among them was effected. The evidence shows Vitaliano's public and continuous possession.

The heirs of Candida Fernandez later partitioned the property among themselves. The particular lot now disputed in this petition was adjudicated in favor of the applicants-respondents. Shortly after the partition, in 1948, the new owners declared their share for taxation purposes. Tax Declaration 91 for that year indicates the land as 12 hectares. This declaration was followed by another one, Tax Declaration No. 2021, in 1958.

In 1965, the private respondents caused a survey of their property to be made. The property was found to actually contain an area of 22.6773 hectares. This corrected area was reflected in subsequent tax declarations. The last one submitted in evidence is dated 1974.

An ocular inspection conducted by the trial court found more than one hundred (100) coconut trees with ages over thirty (30) years old, out of a total of more or less one thousand four hundred (1,400) coconut trees on the land.

The Director of Lands and Director of Forest Development filed an opposition alleging that neither applicants nor

their predecessor-in-interest possessed sufficient title to the land, not having acquired the same under any of the recognized Spanish titles under the Royal Decree of February 13, 1894; that neither applicants nor their predecessors have been in open, continuous, exclusive and notorious possession and occupation of the land for at least thirty (30) years immediately preceding the filing of the application; and that the land is a portion of the public domain belonging to the Re-public of the Philippines.

Donaciano Pumarada, with three others also filed an opposition alleging that they have registrable title on account of their possession since time immemorial.

Rafael M. Morales filed a separate opposition, alleging that there was no actual survey of the land applied for; and that he is entitled to registration on account of his occupation and that of his predecessor.

The spouses Dominador Lacson and Esperanza Lacson likewise filed their opposition with respect to "the portion of land embraced by points 23 to 24 to 25 to 26 to 27 and by a straight line drawn between point 27 to point 23 of Plan Psu-215779" in answer to which the applicants-respondents agreed to relinquish or quitclaim whatever right, title, and interest they might have over the above specified portion in favor of oppositors Lacson. In view thereof, the oppositor spouses withdrew their opposition in the land registration case.

On November 26, 1982, the trial court rendered its decision adjudicating the land to applicants as follows:

"WHEREFORE, and in view of the foregoing, the applicants, namely MARIANO FUNTILAR, MAGDALENA FUNTILAR and the HEIRS OF FELIPE ROCETE are hereby declared owners pro-indiviso of the parcel of land described according to Plan Psu-215779, with an area of 22.6773 square meters, subject to the claim of oppositors Dominador Lacson and Esperanza Lacson as per agreement with the applicants and when the decision becomes final and executory, let a final decree be issued for the issuance of title as provided by Act 496."

The Government alone, represented by the Director of Lands and Director of Forest Development, filed its appeal with the respondent Intermediate Appellate Court. The decision now under review dated August 24, 1984 states:

xxx xxx xxx

"According to the government oppositors, the land in question was certified as alienable and disposable only on September 3, 1953. They, therefore, conclude that herein applicants could not have been in possession of said land for more than 30 years. There is no evidence presented by the government, however, that said land in question was part of the forest zone. For that matter, during the hearing, the Director of Forestry and the Director of Lands manifested in writing that they have no evidence in support of their opposition. They have not presented plans or sketches to show that the land in question is part of the communal forest.

"Under the foregoing circumstances, We do not find any merit in the appeal of the Government. It has been ruled on this issue that the Director of Forestry has the burden of proving that a piece of land belongs to the forest zone (Ramos v. Director of Lands, 39 Phil. 175; de Villa v. Director of Lands, CA-G.R. No. 5847-R, June 13, 1952).

"x x x It has been ruled that the inclusion of portions of said lands within the reservations declared by the Director of Forestry in 1928 cannot affect the vested rights of applicants and her predecessors who have been continuously occupying and profiting from the land since time immemorial (Ankron v. Government of the Phil., 40 Phil. 15; Llana v. Director of Forestry, CA-G.R. No. 4887-R, Sept. 23, 1950). Applicants have established by preponderance of evidence that they and their predecessors-in-interest have been in open, continuous, adverse and public possession of the land in question for over 30 years introducing improvements thereon.

"As we have stated in previous decisions, the registration of public lands for private titles after satisfying the requirements of open, adverse and public possession will be more beneficial to the country as it will promote

development of idle lands.

"WHEREFORE, finding no reversible error thereof, decision appealed from is hereby AFFIRMED."

Hence, this petition.

The petitioners contend that in affirming the decision of the lower court, the Intermediate Appellate Court committed the following errors:

## I

- IN NOT FINDING THAT THE IDENTITY OF THE LAND SOUGHT TO BE REGISTERED HAS NOT BEEN ESTABLISHED.
- IN NOT HOLDING THAT APPLICANTS-RESPONDENTS HAVE NOT MET THE REQUIREMENTS OF POSSESSION FOR AT LEAST THIRTY (30) YEARS IMMEDIATELY PRECEDING THE FILING OF THEIR APPLICATION IN 1972 AS TO ENTITLE THEM TO REGISTRATION.
- IN NOT DECLARING APPLICANTS-RESPONDENTS ARE NOT ENTITLED TO REGISTRATION.
- IN NOT FINDING THAT APPLICANTS-RESPONDENTS HAVE FAILED TO OVERTHROW THE PRESUMPTION THAT THE LAND IS PUBLIC LAND.

The petitioners have come to us for a review on questions of fact properly within the province of the trial courts to resolve. (*Santos v. Aranzanso*, 116 SCRA 1). This case furnishes occasion for us to reiterate the general principle that only legal questions, not factual issues, should be raised in the Supreme Court (*Magpantay v. Court of Appeals*, 116 SCRA 236) and that findings of fact of the Intermediate Appellate Court should not be disturbed absent any showing of grave error or abuse of discretion. Since the factual findings of the respondent court are fully substantiated by evidence on record (*Regalano v. Northwest Finance Corporation*, 117 SCRA 45), we decide not to disturb them.

The first issue raised refers to identity.

Petitioners allege that the identity of the land sought to be registered has not been established. We sustain the contrary finding. Survey Plan Psu-215779 of the property, showing its boundaries and total area, clearly identifies and delineates the extent of the land. The petitioners cite the insufficiency of such a survey to identify the land. The petitioners overlook the fact that no survey would at all be possible where the identity of the land is not first properly established. More importantly, without such identification, no opposition, even its own, to the application for registration could be interposed. Encroachment on or adverse possession of property could not be justly claimed.

The petitioners cite differences in the description of the land boundaries, as well as in the land area stated in the tax declarations submitted in evidence by applicants-respondents. They allege that these do not refer to one and the same property.

A careful examination of the record shows a misinterpretation of the evidence as to the identification of the land. Tax Declaration Nos. 91 and 2021 in 1948 describe a twelve-hectare property bounded as follows: "N-Mocboc Brook; E-Campacat Mt.; S-Emilio Aguirre; W-Mocboc Brook and Briccio Morales. Tax Declaration Nos. 3757 and 2662 in 1964 and 1974 speak of a 22.6773-hectare land bounded: "N-Mariano Funtilar, et al.; "E-Heirs of Donaciano Pumarada; S-Emilio Aguirre; W-Emilio Aguirre and Bagopaye Creek." However, the applicants-respondents have satisfactorily explained the discrepancy. Tax Declaration Nos. 91 and 2021 followed in tax payments from 1948 to 1958 and beyond were made prior to the survey of the property in 1965. Tax

Declaration Nos. 3757 and 2662 were made subsequent thereto and, hence, account for the difference in area stated. Such differences are not uncommon as early tax declarations are, more often than not, based on approximation or estimation rather than on computation. More so, if the land as in this case was merely inherited from a predecessor and was still held in common. Differences in boundaries described in required municipal forms may also occur with changes in boundary owners, changes of names of certain places, a certain natural boundary being known by more than one name or by plain error. Neither was it uncommon then to designate the nearest, most visible natural landmarks such as mountains, creeks rivers, etc. to describe the location or situation of the boundaries of properties in the absence of knowledge of technical methods of measuring or determining boundaries with accuracy, especially where as in this case, the same were made merely by humble farm people. Certain discrepancies, if logically explained later, do not make doubtful, the identification of the property as made, understood and accepted by the parties to the case.

It is respondents' contention that the land in question was originally owned d by Candida Fernandez; forfeited in favor of the government for non-payment of taxes; subsequently repurchased by Vitaliano Aguirre in a tax delinquency sale and finally adjudicated in favor of applicants in 1948. Petitioners, however, allege that the relationship of the land sold at auction with the land subject of registration has not been established, since the final deed of sale in favor of Aguirre and the survey plan Psu-215779 refer to two different parcels of land.

The difference in boundary descriptions has already been explained. Anent the disparity in land area, it must be noted that the property mentioned in the final deed of sale issued by the provincial treasurer at the delinquency auction sale was the property originally owned by Candida Fernandez. The parcel of land sought to be registered and identified by Survey Plan Psu-215779 is a part of that property. The surveyed land resulted from the partition of Candida's property among her heirs. Adjudicated in favor of herein respondents was 22.6773 hectares thereof, the rest having gone to Emilio Aguirre, a son of Candida whose property bounds the parcel of land in dispute on the south. Such fact is revealed by the testimony of Mariano Funtilar on direct examination, to wit:

xxx xxx xxx

"Q.

Your counsel has presented a certain Exhibit I which is a certification from the Municipal Treasurer of Mulanay It clearly states that a certain parcel of land is declared in the name of the heirs of Candida Fernandez, the administrator of which is Petronila Aguirre which clearly shows that the tax declaration was only made in the name of the heirs Candida Fernandez, but in her name, is that right?

"A.

Yes, sir.

xxx xxx xxx

"Q.

Do we understand also that you are trying to register only the portion that you personally, your brother and sister are occupying?

"A.

Yes, sir and we are applying for that.

"Q.

In other words, it is clear that this land supposedly originally owned by Candida Fernandez is a bigger portion, is that correct, a bigger parcel?

"A.

Yes, sir.

"Q.

And only a portion of the land is allotted to your brothers and sisters?

"A.

Yes, sir."

(Tsn-March 13, 1975, Land Reg. Case No. 192-G, p. 7)

xxx xxx xxx

And on cross-examination?

"ATTY. LAUREL:

"Q.

Would you like to enlighten this Court that you and your brother and sister who are children of Antonia Rosales received this property, this entire property were the only ones who received this entire property?

"A.

That was the property pointed to us as our own, sir.

"Q.

I am asking you whether this entire property was given - was inherited by the children of Antonia Roales only?

"A.

That is a big parcel but it is only a portion which was given to us which we are causing for registration, sir.

xxx xxx xxx

(Tsn-March 4, 1976, Land Reg. No. 192-G, p. 7)

"ATTY. LAUREL:

"Q.

When you said portions were adjudicated to the heirs in order to avoid conflict in the repurchase do I get from you Mr. Funtilar, that the property repurchased that this property you are claiming in your application is only a portion of the property repurchased from the Government?

"A.

Yes, sir." (Tsn-April 27, 1976, Land Reg. Case No. 1921-G, p. 18)

The petitioners contend that the private respondents have failed to establish possession for at least thirty years to entitle them to confirmation of imperfect title and registration under the law. The petitioners also fault the respondents reliance on the 1944 tax delinquency sale, forgetting that possession must still be proved.

We are satisfied from the evidence that long before her death in 1936, Candida Fernandez already possessed the disputed property. This possession must be tacked to the possession of her heirs, through administrator Vitaliano Aguirre, and later to the possession of the private respondents themselves, who are Candida's grandchildren.

The fact of possession is bolstered by the forfeiture in 1940 of the land in favor of the government. It would be rather absurd under the circumstances of this case to rule that the government would order the forfeiture of property for non-payment of real estate taxes if the property is forest land. It is also reasonable to rule that the heirs of Candida Fernandez redeemed the property because they wanted to keep the land of the deceased in the possession of their family, thus continuing prior possession. From 1936 and earlier up to 1972 is more than the required period. As a matter of fact, the applicants' witnesses testified to their personal knowledge of more than 50 years possession.

More important is the petitioners' allegation that the property sought to be registered was unclassified public forest until September 15, 1953 when L C Project No. 16-0, L C Map No. 1634 declared it alienable and disposable.

It was rather sweeping for the appellate court to rule that after an applicant files his application for registration, the burden shifts totally to the government to prove that the land forms part of the unclassified forest zone. The ruling in *Heirs of Amunategui v. Director of Forestry* (126 SCRA 69) governs applications for confirmation of imperfect title. The applicant shoulders the burden of overcoming the presumption that the land sought to be registered forms part of the public domain.

The private respondents tried their best to present the necessary evidence. A certification issued by then District Forester Fernando Roy on September 27, 1972 reads:

xxx xxx xxx

"x x x said parcel of land falls within the Alienable and Disposable LC Project No. 16-D, LC-Map No. 1634 certified" (not classified) "on September 15, 1953, by the Director of Forestry. In view thereof, this office interposes no objection in behalf of the Director of Forestry for the registration and/or confirmation of title on the property mentioned therein without prejudice to such action, the Director of Lands and other government entities may deem proper to take on the premises."

to which, the then District Land Officer of the Bureau of Lands, Land District No. IV-2 in Lucena City, in a communication dated March 16, 1973 responded:

"1. the parcel of land subject of this registration was originally claimed by Emilio Aguirre and A. Fernandez and the herein applicants have acquired the rights and interest therein thru predecessors-in-interest; and

"2. that said parcel of land has not been disposed of, reserved, leased, applied for or granted as homestead or otherwise alienated by the government."

"In view of the above findings, and basing from the report of the investigation submitted there-on by a representative of this office, and considering that this Agency has no evidence to support the opposition of the Government, it is further informed that this office interposes no opposition in the confirmation of the rights to and interest on the parcel of land particularly described under Plan Psu-215779 in favor of the herein applicants."

The regalian doctrine which forms the basis of our land laws and, in fact, all laws governing natural resources is a revered and long standing principle. It must, however, be applied together with the constitutional provisions on social justice and land reform and must be interpreted in a way as to avoid manifest unfairness and injustice.

Every application for a concession of public land has to be viewed in the light of its peculiar circumstances. A strict application of the *Heirs of Amunategui v. Director of Forestry* (supra) ruling is warranted whenever a portion of the public domain is in danger of ruthless exploitation, fraudulent titling, or other questionable practices. But when an application appears to enhance the very reasons behind the enactment of Act 496, as amended, or the Land Registration Act, and Commonwealth Act 141, as amended, or the Public Land Act, then their provisions should not be made to stand in the way of their own implementation.

The land sought to be registered was declared alienable and disposable 33 years ago. It is not forest land. It has been possessed and cultivated by the applicants and their predecessors for at least three generations. The attempts of humble people to have disposable lands they have been tilling for generations titled in their names should not only be viewed with an understanding attitude but should, as a matter of policy, be encouraged. We see no strong reason to reverse the findings of the trial court and the appellate court.

WHEREFORE, the petition is hereby DISMISSED for lack of merit. The decision of the respondent appellate court is AFFIRMED.

**SO ORDERED.**

Feria, (Chairman), Fernan, Alampay, and Paras, JJ., concur.

**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.