

DIRECTOR OF LANDS, PETITIONER, VS. INTERMEDIATE APPELLATE COURT AND ANGELINA SARMIENTO, RESPONDENTS.

G.R. No. 68946. May 22, 1992

Ponente: DAVIDE, JR., J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-68946/>

DAVIDE, JR., J.:

Petitioner urges this Court to review and set aside the decision of 12 October 1984 of the then Intermediate Appellate Court[1] (now Court of Appeals) in A.C.-G.R. CV No. 00126 which affirmed the decision of 2 June 1982 of the Regional Trial Court of Bulacan in Land Registration Case No. (SM) N-167 granting the registration of a parcel of land with an area of 376,397 square meters, located in San Jose del Monte, Bulacan, in favor of private respondent.

After the filing of private respondent's Comment, this Court, in its resolution of 27 February 1985,[2] gave due course to the petition, considered the Comment as the Answer and required the parties to submit their respective Memoranda. The petitioner moved for leave to adopt the petition as his Memorandum[3] which this Court noted in its resolution of 17 April 1985.[4] Private respondent filed her Memorandum only on 8 December 1986,[5] after her attorneys were held in contempt of court and fined in the amount of P300.00.

The pleadings of the parties disclose the following factual antecedents in this case:

On 13 August 1970, private respondent and the spouses Placer A. Velasco and Socorro Busuego filed with the then Court of First Instance (now Regional Trial Court) of Bulacan, Branch V, at Sta. Maria, Bulacan, an application for the registration of title over Lot No. 1005 of the Cadastral Survey of San Jose del Monte, Bulacan, with an area of 376,397 square meters.

On 18 January 1971, private oppositors Angeles and Cirilo Amador filed their opposition on the ground that the land belongs to them.

On 19 January 1971, an Order of special default against the whole world, with the exception of oppositors Angeles and Cirilo Amador and the municipal mayor of San Jose del Monte, was issued by the trial court.

Upon the filing of an Opposition by the petitioner and upon motion by the Provincial Fiscal for the lifting of the order of special default and for the admission of the Opposition, the trial court issued an Order on 24 August 1971 granting the motion and admitting said Opposition.[6] Separate oppositions filed by Feliciano Santos, Ciriaco Maningas and Simeon Albarico were also admitted by the court after the lifting of the order of special default.[7]

Subsequently, private respondent moved to drop as co-applicants spouses Placer Velasco and Socorro Busuego on the ground that they were made co-applicants because of a contract of services[8] between her and the spouses under which the latter agreed to shoulder all the litigation expenses and the cost of survey and attorney's fees in this case; the spouses failed to comply with their commitment. The trial court deemed said agreement validly rescinded by private respondent and considered her as "the only applicant in this case." [9]

After hearing the application on its merits, the trial court handed down on 2 June 1982 a decision in favor of private respondent granting the registration of the lot in question, together with all the improvements thereon, in her name:

"x x x with the exception of the three (3) houses erected therein owned and possessed by her predecessors-in-interest, who are claimed (sic) to be tenants of the property, namely: Macario Cruz, Juan Reyes and Mariano Castillo. x x x subject, however, to the payment of real property taxes in arrears since 1971 as well as to the provisions of Presidential Decree Nos. 65 and 296, with respect to those portions of the perimeter bounded by the river, barrio and provincial roads, respectively."

The decision is based on the trial court's findings of fact, to wit:

"x x x That the subject parcel of land was declared for taxation purposes in the name of Angelina Sarmiento as early as 1965, under Tax Declaration No. 8388 (Exhibit J), with an assessed value of P10,350.00. That the real property taxes from 1965 to 1970 were paid in full (Exhibit K). That a small portion of the subject parcel of land consisting of 94,000 sq. m. is devoted to agriculture while the rest is cogonland. That the subject parcel of land was acquired by applicant Angelina Sarmiento from:

- 1) Juan Reyes, married to Avelina Emocling, who had been in possession of a portion of the subject land consisting of 168,000 sq. m. for 41 years prior to the transfer of their rights, interests, and participation over the same in favor of applicant Angelina Sarmiento, which transfer was made through a deed of absolute sale (Bilhang Lampasan at Patuluyan -- Exhibits G and G-1), executed on April 7, 1969, for and in consideration of P42,000.00.
- 2) Mariano Castillo, married to Petronila Robes, who had been in possession of a portion of the subject land, consisting of 14 hectares since 1948, until on August 16, 1965 said spouses transferred their rights, interests and participation over the eastern ½ portion of said 14-hectare property, in favor of applicant Angelina Sarmiento, for and in consideration of P1,500.00 (Exhibits I and I-1 -- Bilhang Lampasan at Patuluyan).
- 3) Mariano Castillo, married to Petronila Robes, who, by virtue of a deed of absolute sale executed by them on November 15, 1965, sold the remaining 7-hectare property covered by Exhibits I and I-1, to applicant Angelina Sarmiento, for and in consideration of P21,000.00; which deed of absolute sale, having been lost, was confirmed by vendor Mariano Castillo thru a Confirmatory Deed of Sale executed on April 18, 1969 (Exhibits H and H-1).
- 4) Macario Cruz, married to Antonia Guilalas, who had been in possession of a portion of the subject land, consisting of 73,000 sq. m. more or less prior to the transfer of their rights, interest and participation in favor of applicant Angelina Sarmiento on March 31, 1969, for and in consideration of P18,750.00.

x x x

The testimonial evidence shows that the subject parcel of land was originally owned and possessed by Macario Cruz, spouses Juan Reyes and Avelina Emocling, and spouses Mariano Castillo and Petronila Robes, the two latter sets of spouses having been in possession as early as 1928 and 1948, respectively, during which time they possessed, occupied and cultivated their respective portions unmolested, openly, continuously, and in the concept of owners. That by virtue of the aforesaid deeds of sale (Exhibits G, G-1, H-1, I and I-1), possessions over the same were transferred to the herein applicant. That, thereafter, said spouses remained in the same property, maintaining their houses and acting as tenants for the new owner, applicant Angelina Sarmiento. That applicant likewise introduced improvements on the property by fencing the same with barbed wire, planting crops and other fruit trees, and by constructing there a house of her own. The oral testimony of applicant Angelina Sarmiento, insofar as location, possession and ownership over the said parcel of land is concerned, was corroborated by the testimony (sic) of Victor Jarvinia and Enrique Buco, both claiming that they were with the group who conducted the survey of the subject property; and said Enrique Buco also declaring that he had

known the subject land since 1932, he being the owner of an adjoining titled property. Witness Enrique Buco likewise claimed that the subject land is way beyond the perimeter of the titled property of oppositor 2nd Manila Newtown City Development Corporation, the latter's land being situated far from the subject land.

x x x

The subject parcel of land appears not to be within any military, naval, civil or government reservation; nor is it traversed by any road, river or creek, except that it is bounded on the North and East, along lines 4 to 33 by the Katitinga River; and on the Southeast, along lines 34 to 40 by Dean Kabayo Barrio Road; on the South by Igay Provincial Road, along lines 40 to 44.”[10]

The Director of Lands, through the Office of the Solicitor General, seasonably appealed from said decision to the then Intermediate Appellate Court which docketed the appeal as A.C.-G.R. CV No. 00126. The Director raised before it the following assignment of error:

“The lower court gravely erred in holding that the applicant and her predecessors-in-interest have been in open, continuous, and adverse possession in the concept of owner of the land applied for more than 30 years prior to the filing of the application.”[11]

In its decision promulgated on 12 October 1984, the Intermediate Appellate Court found no merit in the appeal and dismissed the same. It held as follows:

“We find no merit in the appeal. While it may be true that the vendors of the portion of the land in question to the herein applicant did not show tax declaration, it has been clearly established that Macario Cruz and spouses Juan Reyes and Avelina Sarmiento (sic) and also spouses Mariano Castillo and Petronila Robes were in possession of the land in 1928 and 1948, respectively in concept of owners, without anybody molesting them. They introduced improvements by planting different kinds of trees and constructing houses thereon. When a person occupied (sic) a parcel of land under a claim of ownership making improvements and generally held (sic) himself out as owner of the land, it is only upon the most convincing testimony, in the absence of any competent documentary evidence, that the courts would be justified in declaring him to be the real owner thereof.

A person in the open, continuous, exclusive and notorious possession and occupation of a certain lands (sic) for more than thirty years, in the concept of owner, is entitled to a confirmation of his title to said land. (Molina vs. De Bacud, L-20195, April 27, 1967, 19 SCRA 956).

Accordingly, herein applicant continued the possession in concept of owner from her predecessors-in-interest.

Moreover, the land in question was surveyed as Lot 1005 for the herein applicant for the cadastral survey of San Joe del Monte, without anybody else claiming ownership of said land.

It further appears that the land in question is within the alienable and disposable land as certified to by the officials of the Bureau of Forest Development. It is for this reason that the oppositor Director of Lands did not introduce any evidence opposition (sic) and merely submitted the case for decision.

We reiterate what we have said in previous decisions in similar cases that unless the government has serious grounds of opposition such as the fact that the land applied for is within a forest zone or government reservation, registration of agricultural lands within the alienable or disposable area should be encouraged to give more value to the land and this promotes their development rather than remain as idle lands.”[12]

Undaunted by this second defeat, the Director filed on 5 December 1984 this petition asserting that the respondent Court has decided a question of substance in a way not in accord with law and the applicable decisions of this Court.[13]

The petition is impressed with merit. This Court will have to overturn the challenged decision, as well as that of the trial court.

While the rule is well settled that findings of fact of the appellate court are conclusive upon this Court,[14] there are recognized exceptions thereto, among which is where the findings of fact are not supported by the record or are so glaringly erroneous as to constitute a serious abuse of discretion.[15] This exception is present in this case insofar as the findings of the respondent Court and the trial court on the character of possession are concerned.

It is not disputed that private respondent seeks registration of the questioned lot on the basis of paragraph (b), Section 48 of the Public Land Act, [16] as amended by R.A. No.1942,[17] which reads as follows:

"SECTION 48. The following described citizens of the Philippines, occupying lands of the public domain or claiming to own any such lands or an interest therein, but whose titles have not been perfected or completed, may apply to the Court of First Instance of the province where the land is located for confirmation of their claims and the issuance of a certificate of title therefor, under the Land Registration Act, to wit:

x x x

(b) Those who by themselves or through their predecessors in interest have been in open, continuous, exclusive and notorious possession and occupation of agricultural lands of the public domain, under a bona fide claim of acquisition of ownership, for at least thirty years immediately preceding the filing of the application for confirmation of title except when prevented by war or force majeure. These shall be conclusively presumed to have performed all the conditions essential to a Government grant and shall be entitled to a certificate of title under the provisions of this chapter." [18]

This section is the law on judicial confirmation of imperfect or incomplete titles. By its very nature, the burden of proof is on the applicant to show that he has an imperfect or incomplete title. Such is the duty of one who holds the affirmative side of an issue. In *Heirs of Jose Amunategui vs. Director of Forestry*, [19] this Court, speaking through Mr. Justice Hugo E. Gutierrez, Jr., held:

"In confirmation of imperfect title cases, the applicant shoulders the burden of proving that he meets the requirements of Section 48, Commonwealth Act No. 141, as amended by Republic Act No. 1942. x x x"

Specifically, under paragraph (b) thereof, the applicant must prove that: (a) he or his predecessors-in-interest have been in open, continuous, exclusive and notorious possession and occupation of an agricultural land of the public domain; (b) such possession and occupation must be for at least thirty (30) years preceding the filing of the application; and (c) such possession and occupation must be under a bona fide claim of acquisition of ownership.

It must be underscored that the law speaks of "possession and occupation." Since these words are separated by the conjunction and, the clear intention of the law is not to make one synonymous with the other. Possession is broader than occupation because it includes constructive possession. When, therefore, the law adds the word occupation, it seeks to delimit the all-encompassing effect of constructive possession. Taken together with the words open, continuous, exclusive and notorious, the word occupation serves to highlight the fact that for one to qualify under paragraph (b) of the aforesaid section, his possession of the land must not be mere fiction. As this Court stated, through then Mr. Justice Jose P. Laurel, in *Lasam vs. The Director of Lands*: [20]

"x x x Counsel for the applicant invokes the doctrine laid down by us in *Ramos vs. Director of Lands* (39 Phil. 175, 180). (See also *Roales vs. Director of Lands*, 51 Phil. 302, 304). But it should be observed that the application of the doctrine of constructive possession in that case is subject to certain qualifications, and this court was careful to observe that among these qualifications is 'one particularly relating to the size of the tract in controversy with reference to the portion actually in possession of the claimant.' While, therefore,

‘possession in the eyes of the law does not mean that a man has to have his feet on every square meter of ground before it can be said that he is in possession’, possession under paragraph 6 of section 54 of Act No. 926, as amended by paragraph (b) of section 45 of Act No. 2874, is not gained by mere nominal claim. The mere planting of a sign or symbol of possession cannot justify a Magellan-like claim of dominion over an immense tract of territory. Possession as a means of acquiring ownership, while it may be constructive, is not a mere fiction. x x x”

Earlier, in *Ramirez vs. The Director of Lands*,^[21] this Court noted:

"x x x The mere fact of declaring uncultivated land for taxation purposes and visiting it every once in a while, as was done by him, does not constitute acts of possession."

In the case of *The Director of Lands vs. Reyes*,^[22] this Court also stated:

"A mere casual cultivation of portions of the land by the claimant, and the raising thereon of cattle, do not constitute possession under claim of ownership. In that sense, possession is not exclusive and notorious so as to give rise to a presumptive grant from the State."

Possession is open when it is patent, visible, apparent, notorious and not clandestine.^[23] It is continuous, when uninterrupted, unbroken and not intermittent or occasional;^[24] exclusive when the adverse possessor can show exclusive dominion over the land and an appropriation of it to his own use and benefit;^[25] and notorious when it is so conspicuous that it is generally known and talked of by the public or the people in the neighborhood.^[26]

Use of land is adverse when it is open and notorious.^[27]

Under the law, the only kind of interruption which does not affect the continuity of possession is that caused by war or force majeure.

Private respondent does not pretend to be the original possessor of the property in question. She relies on the alleged possession of her predecessors-in-interest, namely: Juan Reyes, Mariano Castillo, Macario Cruz and Feliciano Santos. From Juan Reyes, she acquired a parcel of land located in Karahumi, San Jose del Monte, Bulacan, with an area of 168,000 square meters as evidenced in a deed of sale executed on 7 April 1969.^[28] From Mariano Castillo, she first acquired a portion, consisting of 7 hectares, of a parcel of land located in Licau-licau, San Jose del Monte, Bulacan, per a deed of sale executed on 16 August 1965.^[29] She purchased the remaining portion thereof, with an area of 7 hectares, allegedly on 15 November 1965, but she lost the deed of sale; however, Mariano Castillo subsequently executed a so-called Confirmatory Deed of Sale on 8 April 1969.^[30] Per the findings of the trial court, the property purchased from Cruz on 31 March 1969 for P18,750.00 consists of 73,000 square meters.^[31] No deed of sale was presented to prove this acquisition. There, is no proof as to the area of the property allegedly purchased from Santos.

None of private respondent's predecessors-in-interest declared for taxation purposes their alleged landholdings. Accordingly, they had never paid taxes thereon. It was only the private respondent who declared them in one (1) tax declaration, Tax Declaration No. 8388, on 18 September 1969.^[32] Per this tax declaration, the land covered is located at Gaya-gaya, San Jose del Monte, Bulacan, with an area of 37.6 hectares, of which 9.4 hectares are ricelands while the remaining 28.2 hectares are cogonal.

Juan Reyes, Mariano Castillo, Macario Cruz and Feliciano Santos were not presented by private respondent as witnesses during the hearing of her application. There can be no question that they were the best witnesses to identify the parcels they sold to the private respondent and prove the character of their possession thereof. Instead, she presented Victor Jarvina and Enrique Buco, whose testimonies on direct and cross examinations are partly summarized by the petitioner as follows:

"Victor Jarvina testified that he knew the applicant (p. 4, tsn, June 20, 1977) who bought a parcel of land with an area of more than 37 hectares, located in Licau-Licau, San Jose del Monte, Bulacan, from Macario Castillo and Juan Reyes (pp. 5-6, *ibid*); that he was with the surveyor when the survey was done; no person contested the survey; he identified the survey plan, Exhibit "F", the deed of sale executed by Juan Reyes, Exhibits "G" and "G--1", the deeds of sale executed by Mariano Castillo, Exhibits "H" and "H-1" and Exhibits "I" and "I-1" (pp. 7-11, *ibid*); the land was declared for taxation purposes by Angelina Sarmiento and the taxes were paid; he identified Exhibit "J", the tax declaration, and Exhibit "K", the tax receipt (pp. 12-13, *ibid*); after the properties were purchased by the applicant, her possession was never disturbed by any other person (pp. 4-7, tsn, July 29, 1977). On cross-examination, Victor Jarvina stated that he could no longer recall the date when the survey was made (pp. 14-19, *ibid*); the land was bought by the applicant from different persons, including Mariano Castillo, Juan Reyes, Macario Cruz and Feliciano Santos; he was present when the sales were made, and the vendors did not show any written document to prove that they owned the property, but they claimed to have been in possession of the same for ten (10) years (pp. 14-16, tsn, Sept. 16, 1977); the property is hilly and rolling and full of cogon, but a portion was planted with camote, corn and seasonal crops by the vendors; he came to know the (sic) property three (3) years before Angelina Sarmiento bought it in 1969 (pp. 20--22, *ibid*); Castillo had a house on the land but it was wrecked by a storm (sic), so that there was no more house existing on the land (p. 25, *ibid*).

Enrique Buco testified that he had known the land subject of the case since 1932 because he owned a parcel of land adjoining it; he had known Angelina Sarmiento since 1950; since 1932, the land was in the possession of the parents of Juan Reyes, Luis Pascual, Macario Cruz, Feliciano Santos, Mariano Castillo, and a certain Arsenio, whose family name he did not know; the possession by the parents of Mariano Castillo and Juan Reyes was never disturbed by anyone; Mariano Castillo and his parents planted bananas, mango trees, palay and sweet potatoes, but he did not know how many hectares were cultivated (pp. 2-7, tsn, October 24, 1977); Juan Reyes and his parents planted two (2) hectares with palay, and the rest of the area with mango, caimito, avocado and langka trees, some of which were already fruit bearing; Mariano Castillo and Juan Reyes sold their rights over the land to Angelina Sarmiento; the land was surveyed by the cadastral team, and Mariano Castillo and Juan Reyes were present during the survey; and Castillo and Reyes remained in possession of the land as tenants of Angelina Sarmiento (pp. 7-13, *ibid*). On cross-examination, he admitted that in 1932, he and the parents of Mariano Castillo and Juan Reyes were just starting to clear up the area, and that only around three (3) hectares were cleared up by the parents of Castillo and Reyes (pp. 13-16, *ibid*); that Feliciano Santos was still in possession of a small portion of the land in question; they were not able to take possession of the land in question because it was already occupied by the Japanese forces; they returned to the land only after liberation (pp. 16-18, *ibid*); that his land adjoined the land in question on the east, adjoining the property of Isidro Cabacang and Roman Reyes, who were the ones appearing as adjoining owners in Exhibit "F", the plan of lot 1005; that he left his land and stayed in Quezon City in 1973 because the security men of Puyat Enterprises were mauling many persons in the community; to avoid trouble he transferred his family to Quezon City (pp. 19-23, *ibid*); that the parents of Juan Reyes and Mariano Castillo cleared up a portion of the wooded area in 1932 and that was how they came into possession of their respective portions of the property; that he did not know the extent, in terms of square meters, of the land possessed by Castillo and Reyes; that the subject land was no longer occupied since two years ago because the people ran away (pp. 27-30, *ibid*). On redirect examination, Enrique Buco stated that at present only Mariano Castillo is staying on the land in question as an overseer of Angelina Sarmiento; and that the last time he went there was in April, 1978 (pp. 3-5, tsn, August 18, 1978). On re-cross-examination, he admitted that when he went to the land in question in April, 1978, he did not see anyone cultivating the property, and that Puyat Enterprises had built a factory near the property (pp. 6-7, *ibid*)."[33]

It was further established that from the Land Classification Report dated 8 August 1971,[34] only one-half (.5) of a hectare is planted with banana and fruit trees, while 36 hectares are "grass land."

From the foregoing, serious doubts are cast on the claim of open, continuous, exclusive and notorious possession

and occupation by the predecessors-in-interest of private respondent. As earlier stated, none of them even thought of declaring their respective areas for taxation purposes. While it is true that tax receipts and declarations are not incontrovertible evidence of ownership, they constitute at least proof that the holder has a claim of title over the property.[35] The voluntary declaration of a piece of property for taxation purposes manifests not only one's sincere and honest desire to obtain title to the property and announces his adverse claim against the State and all other interested parties, but also the intention to contribute needed revenues to the Government. Such an act strengthens one's bona fide claim of acquisition of ownership. Added to this, as certified to by Jarvina, who claimed to have been present when the sales were made to private respondent, none of the vendors could show any written document to prove their ownership of the land; they merely alleged that they have been in possession of the same for ten (10) years. In the case of the 73,000 square meters (7.3 hectares) purportedly purchased from Macario Cruz, no deed of sale from the latter was presented. Interestingly enough, without this acquisition, private respondent would only have more or less 308,000 square meters, or 30.8 hectares, which she acquired from Juan Reyes and Mariano Castillo, and not the 376,397 square meters, or 37.6 hectares which she applied for. No plausible explanation was offered as to why Macario Cruz did not or could not execute a deed of sale. There is as well no evidence concerning the area of the property purchased from Feliciano Santos and no explanation why no deed of sale was executed by him. Then too, there is absolutely no credible testimony describing the boundaries and extent of the areas each vendor had allegedly occupied before the sale to the private respondent. On the contrary, the testimony of Enrique Buco throws more doubts thereon. He claims that the land applied for was, since 1932, in the possession of the parents of Juan Reyes, Luis Pascual, Macario Cruz, Feliciano Santos, Mariano Castillo and a certain Arsenio. If that be so, then the parents of Luis Pascual and Arsenio have a claim on portions of the property applied for. Private respondent miserably failed to show that she also acquired such portions or that they were earlier sold to any of her vendors.

Respondent Court considered the year 1932 as the starting point of the possession of the predecessors-in-interest of private respondent. In the light of the aforesaid testimony of Enrique Buco, such a conclusion has no basis. As a matter of fact, the trial court itself found and so held as follows:

"The testimonial evidence shows that the subject parcel of land was originally owned and possessed by Macario Cruz, spouses Juan Reyes and Avelina Emocling, and spouses Mariano Castillo and Petronila Robes, the two latter sets of spouses having been in possession as early as 1928 and 1948, respectively, during which time they possessed, occupied and cultivated their respective portions unmolested, openly continuously, and in the concept of owners. x x x"[36]

If the Castillo spouses' possession actually commenced in 1948, as found by the trial court, it goes without saying that their possession of the 14-hectare portion was only for seventeen (17) years since they sold the same to the private respondent in 1965. Tacking this possession to that of the latter as of the time the application was filed on 13 August 1970, it is obvious that the 30-year possession required by paragraph (b), Section 48 of the Public Land Act was not satisfied.

Further, if indeed private respondent has a genuine claim of possession over the property in question, We find no reason why, as reflected in the Land Classification Report dated 8 August 1971,[37] or barely a year after the filing of the application, only one-half ($\frac{1}{2}$) hectare of the vast area applied for was in fact planted with nothing but banana and fruit trees while thirty-six (36) hectares thereof are "grass land". These fruit trees are not identified. If the testimony of private respondent is to be believed, these could be kamias, santol and mangoes which, according to her, were existing at the time she bought the property. Also, if the testimony of Enrique Buco is to be believed, these fruit trees could be mango trees allegedly planted by Mariano Castillo and his parents or, mango, kaimito, avocado and langka trees planted by Juan Reyes and his parents. This Court can not accept these testimonies at face value. The respondent Court and the trial court should not have been credulous enough to have given them

full faith and credit. In her own Tax Declaration No. 8388 dated 18 September 1966 and which she secured sometime after she allegedly purchased the property and almost a year before she filed the application, private respondent merely declared that the property is comprised of riceland with an area of 9.4 hectares and cogonal land with an area of 28.2 hectares. The existence of this 9.4-hectare riceland is even doubtful. Private respondent herself admitted that the land is not conducive to the planting of palay,[38] the portions cultivated by her vendors Castillo, Reyes and Cruz were scattered in different places and the area each cultivated could not be more than one (1) hectare.[39] Upon the other hand, as earlier mentioned, Enrique Buco only mentioned two (2) hectares planted to palay by Juan Reyes and his parents.

Another factor which impairs the bona fides of private respondent is her failure to pay the real estate taxes after the filing of the application. She made a payment on 26 September 1969[40] after declaring the property for taxation purposes on 18 September 1969,[41] and only for the taxable years 1965 to 1969. Evidently, such payment was made only for purposes of the application. A picayune amount was involved annually. For the period beginning in 1965 and ending in 1969, she paid P517.50 only. She did not want to part with any sum thereafter until it would become certain that the court would award the property to her. Such an attitude is an execration of good faith.

One last point which bears heavily against the claim of private respondent is the fact that she had the temerity to make it appear in the application that she and the spouses Placer Velasco and Socorro Busuego are co-owners of the property who have registerable title thereto and who must, therefore, be awarded the property. This claim is of course a deliberate falsehood for, as private respondent later revealed when she decided to drop the spouses as co-applicants, the latter do not have any claim of either possession or ownership over the property. They were made co-applicants only because they agreed to shoulder all the expenses of litigation, including the cost of survey and attorney's fees. Even granting, for the sake of argument, that such an agreement was in fact made with the spouses, it was not necessary that they be made co-applicants. The interest of the spouses could still be effectively protected without sacrificing the truth. To this Court's mind, there was a clear attempt on the part of the private respondent and the spouses to deceive the trial court. Unfortunately, the trial court glossed over this point and impliedly declared as validly rescinded the contract with the said spouses.

The foregoing disquisitions sufficiently prove that private respondent is a smart land speculator who saw in the land applied for not just the blades of cogon grass, the color of which changes from green during the rainy season to brown during summer, but huge profits as business, industry and the general population move outward from the metropolitan area. It is incumbent upon land registration courts to exercise extreme caution and prudent care in deciding so-called applications for judicial confirmation of imperfect titles over lands of the public domain; if they are lax in these proceedings, they may, wittingly or unwittingly, be used by unscrupulous land speculators in their raid of the public domain.

More deserving citizens should be given priority in the acquisition of idle lands of the public domain. These could serve as relocation sites for the urban poor. They may be distributed to landless farm workers. In so doing, the ends of social justice, appropriately the centerpiece of the 1987 Constitution, could be further enhanced.

WHEREFORE, the petition is GRANTED and the decision of the respondent Court of 12 October 1984 in A.C.-G.R. CV No. 00126 is hereby REVERSED. The decision of the trial court of 2 June 1982 in Land Registration Case No. (SM) N-167, LRC Record No. N-39192 is likewise REVERSED and said case is hereby ordered DISMISSED.

Costs against private respondent.

SO ORDERED.

Gutierrez, Jr., (Chairman), Feliciano, Bidin, and Romero, JJ., concur.

[1] Per Appellate Justice Jorge R. Coquia, concurred in by Appellate Justices Mariano A. Zosa and Florelana Castro-Bartolome.

[2] Rollo, 73.

[3] Rollo, 74.

[4] Id., 76.

[5] Id., 157.

[6] Rollo, 11-12.

[7] Id., 86.

[8] Exhibit "X".

[9] Rollo, op. cit., 91.

[10] Rollo, 87-90.

[11] Brief for Oppositor-Appellant, Id., 45, et seq.

[12] Rollo, 35.

[13] Rollo, 9, et seq.

[14] Chan vs. Court of Appeals, 33 SCRA 737 [1970], citing several cases.

[15] Samson vs. Court of Appeals, 141 SCRA 194 [1986]; Republic vs. IAC, 144 SCRA 705 [1986]; Municipality of Meycauayan, Bulacan vs IAC, 157 SCRA 640 [1988]; Lim vs. Court of Appeals, 158 SCRA 307 [1988].

[16] Commonwealth Act No. 141.

[17] Approved on 22 June 1957 and took effect upon its approval.

[18] Per Section 4 of P.D. No. 1073, promulgated on 25 January 1977, this paragraph was amended to make it applicable only to alienable and disposable lands of the public domain which have been in the open, continuous, exclusive and notorious possession and occupation by the applicant himself or thru his predecessor-in-interest under a bona fide claim of acquisition of ownership, since 12 June 1945.

[19] 126 SCRA 69 [1983].

[20] 65 Phil. 367, 373 [1938].

[21] 60 Phil. 114, 133 [1934].

[22] 68 SCRA 177, 193 [1975].

- [23] Black's Law Dictionary, Fifth ed., 983.
- [24] Id., 291.
- [25] Id., 507.
- [26] Id., 859.
- [27] Id., 49.
- [28] Exhibits "G" and "G-1"; Rollo, 14.
- [29] Exhibits "I" and "I-1"; Rollo, 15.
- [30] Exhibits "H"; and "H-1", Id.
- [31] Id., 88.
- [32] Exhibit "J"; Id., 15.
- [33] Rollo, 18-21.
- [34] Exhibit "Y-2"; Id., 17.
- [35] Director of Lands vs. Reyes, 68 SCRA 177, 194 [1975].
- [36] Rollo, 89.
- [37] Exhibit "Y-2", referred to on page 9 of the petition in this case; Id., 17.
- [38] Rollo, 22.
- [39] Id., 24.
- [40] Exhibit "K".
- [41] Exhibit "J".

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.