

PABLITO MENESES AND LORENZO MENESES, PETITIONERS, VS. THE HONORABLE COURT OF APPEALS, EDUARDO QUISUMBING, NORBERTO QUISUMBING, HEIRS OF EMILIO QUISUMBING (CARLOS, MANUEL AND PAZ...

G.R. No. 82220. July 14, 1995

Ponente: QUIASON, J.

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QUIASON, J.:

For review in these consolidated petitions is the Decision dated August 31, 1987 of the Court of Appeals in CA-G.R. CV No. 07049 affirming the Decision dated March 26, 1984 of the Regional Trial Court, Branch 37, Calamba, Laguna, in Civil Case No. 474-83-C which declared as null and void the original certificates of title and free patents issued to Pablito Meneses over lots found by the court to be accretion lands forming parts of the bigger accretion land owned by Ciriaca Arguelles Vda. de Quisumbing.

I

On March 1, 1977, Braulio C. Darum, then the District Land Officer of Los Banos, Laguna, issued to Pablito Meneses Free Patent No. (IV-5) P-12807 and Original Certificate of Title No. P-1268 covering Lot 1585 with an area of 417 square meters, and Free Patent No. (IV-5) 12808 and Original Certificate of Title No. P-1269 for Lot 190 with an area of 515 square meters. Both lots are located in Los Banos, Laguna.

Pablito Meneses acquired said property from Silverio Bautista through a Deed of Waiver and Transfer of Rights executed on May 5, 1975 in consideration of Bautista's "love and affection" for and "some monetary obligations" in favor of Pablito Meneses (Rollo, p. 45). After the execution of said document, Pablito Meneses took possession of the land, introduced improvements thereon, declared the land as his own for tax purposes and paid the corresponding realty taxes. In turn, Bautista acquired the 900-square-meter land from his aunt, Sergia (Gliceria) M. Almeda. He had been occupying the land since 1956.

On the other hand, the Quisumbing family traces ownership of the land as far back as September 6, 1919 when their matriarch, Ciriaca Arguelles Vda. de Quisumbing was issued Original Certificate of Title No. 989 covering a lot with an area of 859 square meters located in Los Banos, Laguna with the Laguna de Bay as its northwestern boundary. The same parcel of land was registered on August 14, 1973 under Transfer Certificate of Title No. T-33393 in the names of Ciriaca's heirs: Emilio, Manuel, Eduardo, Norberto, Perla, Josefina, Napoleon, Honorato, Remedios and Alfonso, all surnamed Quisumbing.

In 1962, the Quisumbings instituted an accion publiciana in the then Court of First Instance of Binan, Laguna to recover possession over a portion of the property from Dominga Villamor and Lorenzo Lanuzo docketed as Civil Case No. B-350. On January 3, 1966, the case was decided in favor of the Quisumbings. On appeal, the Court of Appeals sustained the Quisumbings' right over the property.

In LRC Case No. B-327, the Quisumbings applied for registration and confirmation of title over an additional area of 2,387 square meters which had gradually accrued to their property by the natural action of the waters of Laguna de Bay. In its Decision of September 28, 1978, the Court of First Instance of Binan confirmed the Quisumbings' title thereto which, after it was duly surveyed, was identified as Psu-208327. The additional area was divided into two lots in the survey plan approved by the Director of Lands on November 16, 1964. In ordering the confirmation and registration of title in favor of the Quisumbings, the land registration court said:

"xxx There is no doubt that the applicants' right to the property was bolstered by the unappealed decision of the Court of Appeals in Civil Case No. B-350 of this Court when the properties applied for were classified as accretions made by the waters of the Laguna Lake. xxx" (G.R. No. 82229, Rollo, p. 20).

On April 17, 1979, the Quisumbings filed Civil Case No. 07049 before the Court of First Instance of Laguna, Branch VI, Calamba against Lorenzo and Pablito Meneses, Braulio C. Darum and Cesar B. Almendral for nullification of the free patents and titles issued to Pablito Meneses. They alleged that Lorenzo Meneses, then the Mayor of Los Banos, using his brother Pablito as a "tool and dummy," illegally occupied their "private accretion land" on August 6, 1976, and, confederating with District Land Officer Darum and Land Inspector Cesar Almendral, obtained free patents and original certificates of title to the land.

On March 26, 1984, the trial court rendered the decision finding that the lands registered by the Meneses brothers are accretion lands to which the Quisumbings have a valid right as owners of the riparian land to which nature had gradually deposited the disputed lots. In so holding, the trial court relied heavily on the decision of the Court of Appeals in Civil Case No. B-350, and quoted the following portions of the appellate court's decision:

"Plaintiffs-appellees are titled owners of a (sic) 859 square meters of land under TCT No. 25978 of the Laguna Land Registry, the northwest boundary of which is the Laguna de Bay.

"It is ascertained that the northwest portion of Quisumbing's lot is bounded by the Laguna de Bay. The nature of the Laguna de Bay has long been settled in the case of *Government of the Philippines v. Colegio de San Jose* (55 Phil. 423) when it held that:

'Laguna de Bay is a body of water formed in depression of the earth; it contains fresh water coming from rivers and brooks and springs, and is connected with Manila Bay by the Pasig River. According to the definition first quoted, Laguna de Bay is a lake.'

"Consequently, since Laguna de Bay is a lake, the authorities cited by the appellants referring to seashore would not apply. The provision of the law on waters will govern in determining the natural bed or basin of the lake. And accordingly, to Art. 84 of the Law of Waters of August 3, 1866:

'Accretions deposited gradually upon land contiguous to creeks, streams, rivers and lakes, by accessions or sediments from the waters thereof, belong to the owners of such lands.'

"Since the title indicate(s) that the northwest portion of the property is bounded by Laguna de Bay, which is a lake, even if the area where Lanuza's house and Villamor's house for that matter is located is not included within the title, it must necessarily be an accretion upon appellees' land by accessions or sediments from the waters thereof which should belong to the owner of the adjacent land. The authorities cited by the appellants treat of the ownership of accretions by water of the sea under Title I. Lakewaters being terrestrial waters, their ownership is governed by Title II of the Law of Waters. As held in the *Colegio de San Jose* case, the provisions of the Law of Waters regulating the ownership and use of sea water are not applicable to the ownership and use of lakes which are governed by different provisions. As pointed out by the lower court, no act of appropriation is necessary in order to acquire ownership of the alluvial formation as the law does not require the same (*Ignacio Grande, et al. vs. Hon. Court of Appeals, et al.*, G.R. No. L-17652, June 30, 1962 citing *Roxas vs. Tuazon*, 9 Phil. 408; *Cortez*

vs. City of Manila, 10 Phil. 567 and 3 Manresa, C.C. pp. 321-326, pp. 4-5)" (Records, pp. 80-84).

The trial court also found that the free patents issued to Pablito Meneses had been procured through fraud, deceit and bad faith, citing the following facts as bases for its conclusion: (1) The Deed of Waiver and Transfer of Rights allegedly executed by Silverio Bautista in favor of Pablito Meneses was a simulated contract for lack of consideration; (2) The said instrument was sworn to before Mayor Lorenzo Meneses who had no authority to notarize deeds of conveyances; (3) Although the lots subject of the deed of conveyance were placed in his brother's name, Mayor Meneses actually exercised rights of ownership thereto; (4) Land Inspector Cesar Almendral admitted having anomalously prepared the documents to support the free patent applications of Pablito Meneses and, having personally filled up the blank forms, signed them in the absence of the persons concerned; (5) Almendral kept the documents in his possession from 1979 to 1980 despite orders from the Director of Lands to produce and surrender the same; (6) District Land Officer Braulio Darum approved the free patent applications and issued the questioned titles without the required cadastral survey duly approved by the Director of Lands and despite the pendency of LRC Case No. B-327 involving the contested lots; (7) Darum represented the Bureau of Lands in LRC Case No. B-327 without authority from the Director of Lands and after he had withdrawn his appearance in said case, persisted in filing a motion to set aside the order for the issuance of a decree in favor of the Quisumbings; (8) Darum and Almendral in bad faith, refused to produce the missing original records of the free patent applications and their supporting documents; and (9) When Darum was not yet an oppositor in LRC Case No. B-327, he admitted in his letter to the Land Registration Commission that the contested lots are portions of the land being claimed by the Quisumbings contrary to his later representation in the joint answer to the petition that the subject lots are not portions of Lots 1 and 2, Psu-208327 owned by the Quisumbings. Accordingly, the trial court disposed of the case as follows:

"WHEREFORE, judgment is hereby rendered:

"1. Declaring that the lands covered by Pablito Meneses' Original Certificate of Title No. P-1268/Free Patent No. 12807 (Exh. 'J'), covering Lot No. 1585, consisting of 417 square meters and Original Certificate of Title No. P-1269/Free Patent No. 12808 (Exh. 'H'), covering Lot No. 190, consisting of 515 square meters, both located at Los Banos, Laguna, as accretion lands forming parts of a bigger accretion land owned by plaintiffs as declared in a final judgment (Exh. 'A'), rendered by the Court of First Instance of Binan, Laguna, in LRC Case No. B-327, which bigger accretion land is directly adjacent to or at the back of plaintiffs' riparian land, and consequently, declaring as null and void and cancelled Original Certificate of Title No. P-1268/Free Patent No. 12807 and Original Certificate of Title No. P-1269/Free Patent No. 12808;

"2. Directing that the Register of Deeds of Laguna or his Deputy at Calamba, Laguna, to make the corresponding entries of cancellation in his Registry of the above mentioned Original Certificate of Titles/Free Patents;

"3. Directing defendants Lorenzo Meneses and Pablito Meneses and all persons acting in their behalves to vacate the subject lands and surrender the possession thereof to the plaintiffs immediately; and

"4. Directing the defendants to pay jointly and severally, the plaintiffs the sums of:

a) P20,000.00, plus P500.00 per month from January, 1977, until the subject property is completely vacated, as actual and compensatory damages;

b) P350,000.00, as moral damages;

c) P70,000.00 as exemplary damages;

d) P40,000.00, as attorney's fees; and

e) the costs" (Rollo, pp. 41-42).

Thereafter, the Quisumbings filed a motion for execution pending appeal which the trial court granted in its Order of September 7, 1984 subject to the posting by the Quisumbings of a bond in the amount of P500,000.00. The defendants unsuccessfully moved for the reconsideration of said order.

The Quisumbings also filed before the Sandiganbayan a complaint against Pablito Meneses, Silverio Bautista, Pablo Silva, Virgilio Cruz and Cesar Almendral for violation of paragraphs (e) and (j), Section 3 of Republic Act No. 3019, for conspiring in the approval and grant of the free patents over portions of Lots 1 & 2 of Psu-208327 owned by the heirs of Ciriaca Arguelles Vda. de Quisumbing. In due course, the Sandiganbayan rendered a decision finding the defendants guilty as charged. The case was elevated to this Court but on August 27, 1987, the judgment of conviction was affirmed (*Meneses v. People*, 153 SCRA 303 [1987]).

Meanwhile, the Meneses brothers and Darum appealed the decision in Civil Case No. 07049 to the Court of Appeals. On August 31, 1987, the Court of Appeals found the appeal to be without merit and affirmed in toto the lower court's decision.

The defendants-appellants filed two motions for the reconsideration of the appellate court's decision but it was denied in the Resolution of February 23, 1988 which in pertinent part stated:

"However, for humanitarian considerations, and considering the appeal of the defendants-appellants for a reduction of the moral and exemplary damages, We favor the reduction of the moral damages from P350,000.00 to P50,000.00 and the exemplary damages from P70,000.00 to P5,000.00. In all other respects, We find no justification for modifying the dispositive portion of the decision of the lower court" (G.R. No. 82220, Rollo, p. 67).

Pablito and Lorenzo Meneses filed the instant petition for review on certiorari, which was docketed as G.R. No. 82220. Cesar Almendral filed a motion in G.R. No. 82251 for a 45-day extension within which to file a petition for review on certiorari. After this Court had granted them a 30-day extension, Almendral still failed to file any petition. The Quisumbings also filed a petition for review on certiorari, docketed as G.R. No. 83059, solely on the issue of the propriety of the reduction of the amount of damages in the Court of Appeals' Resolution of February 23, 1988. Upon motion of petitioners in G.R. No. 83059, the three petitions were consolidated in the Resolution of August 1, 1988.

Petitioners in G.R. No. 82220 retell the same errors they had raised before the Court of Appeals, contending in the main: (1) that the lands in question were not accretion lands but lands of the public domain; (2) that no conspiracy to commit fraud, deceit and bad faith attended the issuance of the free patent and titles to Pablito Meneses; and (3) that the Deed of Waiver and Transfer of Rights was founded on a valid consideration.

As regards the issue of whether the lands in question are accretion lands, petitioners relied on the Decision of the Court of Appeals in *Republic of the Philippines v. Braga*, CA-G.R. No. 55390-R, October 23, 1980, holding that the property involved therein was part of the natural bed of the Laguna de Bay and therefore what had to be determined was whether said property was covered by water when the lake was at its highest depth.

Petitioners' assigned errors in G.R. No. 82220 are evidently factual issues which have been thoroughly passed upon and settled both by the trial court and the appellate court. Factual findings of the Court of Appeals are conclusive on the parties and not reviewable by this Court (*Coca-Cola Bottlers Philippines, Inc. v. Court of Appeals*, 229 SCRA 533 [1994]) and they carry even more weight when the Court of Appeals affirms the factual findings of the trial court (*Binalay v. Manalo*, 195 SCRA 374 [1991]). The jurisdiction of this Court is thus limited to reviewing errors of law unless there is a showing that the findings complained of are totally devoid of

support in the record or that they are so glaringly erroneous as to constitute serious abuse of discretion (BA Finance Corporation v. Court of Appeals, 229 SCRA 566 [1994]). We find no such showing in this case.

Petitioners' protestations notwithstanding the final decision of the Court of Appeals in Civil Case No. B-350 has a bearing in the resolution of this case for while the lots occupied by Villamor and Lanuzo may not be the very same lots petitioners are claiming here, the two cases refer to the same accretion lands northwest of the original land owned by the Quisumbings.

In the same vein, the decision of the land registration court in LRC Case No. B-327 ordering the confirmation and registration of title in favor of the Quisumbings over 2,387 square meters of accretion land is binding on petitioners in G.R. No. 82220. As correctly pointed out by the Court of Appeals, said decision, being the result of a proceeding in rem, binds the whole world, more so because it became final and executory upon the Bureau of Lands' failure to interpose an appeal.

Since petitioners in G.R. No. 82220 claim that "the foreshore land known as Lots 190 and 1585 are part of Laguna de Bay" and therefore the Quisumbings "have no legal right to claim the same as accretion land," we quote the following pertinent portions of the decision in Republic v. Court of Appeals, 131 SCRA 532 (1984) which, although the case deals with the registration of a reclaimed land along the Laguna de Bay, is nonetheless enlightening:

"Laguna de Bay is a lake. While the waters of a lake are also subject to the same gravitational forces that cause the formation of tides in seas and oceans, this phenomenon is not a regular daily occurrence in the case of lakes. Thus, the alternation of high tides and low tides, which is an ordinary occurrence, could hardly account for the rise in the water level of the Laguna de Bay as observed four to five months a year during the rainy season. Rather, it is the rains which bring about the inundation of a portion of the land in question. Since the rise in the water level which causes the submersion of the land occurs during a shorter period (four to five months a year) than the level of the water at which the land is completely dry, the latter should be considered as the 'highest ordinary depth' of Laguna de Bay. Therefore, the land sought to be registered is not part of the bed or basin of Laguna de Bay. Neither can it be considered as foreshore land. The Brief for the Petitioner Director of Lands cites an accurate definition of a foreshore land, to wit:

` . . . that part of (the land) which is between high and low water and left dry by the flux and reflux of the tides'

'The strip of land that lies between the high and low water marks and that is alternately wet and dry according to the flow of the tide.'

"As aptly found by the Court a quo, the submersion in water of a portion of the land in question is due to the rains 'falling directly on or flowing into Laguna de Bay from different sources.' Since the inundation of a portion of the land is not due to 'flux and reflux of tides' it cannot be considered a foreshore land within the meaning of the authorities cited by petitioner Director of Lands. The land sought to be registered not being part of the bed or basin of Laguna de Bay, nor a foreshore land as claimed by the Director of Lands, it is not a public land and therefore capable of registration as private property provided that the applicant proves that he has a registerable title" (at pp. 538-539).

Accretion as a mode of acquiring property under Article 457 of the Civil Code requires the concurrence of these requisites: (1) that the deposition of soil or sediment be gradual and imperceptible; (2) that it be the result of the action of the waters of the river (or sea); and (3) that the land where accretion takes place is adjacent to the banks of rivers (or the sea coast). While the trial court mainly relied on the findings in Civil Case No. B-350 that the lands in controversy are accretion lands and it has not determined on its own the presence of said requisites, it is too late now for petitioners in G.R. No. 82220 to claim otherwise. Consequently, the lands held to be accretion lands could only benefit the Quisumbings, who own the property adjacent to the lands in controversy (Cruz v.

Court of Appeals, 216 SCRA 350 [1992]).

Petitioners in G.R. No. 82220 also assert that the principle of indefeasibility of title should favor them as the one-year period provided for by law to impugn their title had elapsed. They also urged that, having been granted by the state, their title is superior to that of the Quisumbings. We hold, however, that in the light of the fraud attending the issuance of the free patents and titles to Pablito Meneses, said assertions crumble. Such fraud was confirmed by this Court in *Meneses v. People*, 153 SCRA 303 (1987) which held the petitioners therein liable for violation of the Anti-Graft and Corrupt Practices Act in the issuance of the same free patents and titles.

Unlike the petition in G.R. No. 82220, the petition in G.R. No. 83059 (questioning the reduction of the damages awarded to the Quisumbings by the Court of Appeals in the Resolution of February 23, 1988) is meritorious. The task of fixing the amount of damages is primarily with the trial court (*Air France v. Carrascoso*, 18 SCRA 155 [1966]). While it is the appellate court's duty to review the same, a reduction of the award of damages must pass the test of reasonableness. The Court of Appeals can only modify or change the amount awarded as damages when they are palpably or scandalously and unreasonably excessive (*Philippine Airlines, Inc. v. Court of Appeals*, 226 SCRA 423 [1993]; *Prudenciado v. Alliance Transport System, Inc.*, 148 SCRA 440 [1987]).

There is no justification for the radical reduction by the Court of Appeals of the damages awarded by the trial court. Its action was premised merely on "humanitarian considerations" and the plea of the defendants-appellants. We may agree with the Court of Appeals in reducing the award after scrutinizing its factual findings only if such findings are diametrically opposed to that of the trial court (*Prudenciado v. Alliance Transport System, Inc.*, supra). But as it is, the Court of Appeals affirmed point by point the factual findings of the lower court upon which the award of damages had been based.

We, therefore, see no reason to modify the award of damages made by the trial court. Respondent Braulio C. Darum in G.R. No. 83059 must also be solidarily liable for said damages in his capacity as a public officer. A public official is by law not immune from damages in his personal capacity for acts done in bad faith which, being outside the scope of his authority, are no longer protected by the mantle of immunity for official actions (*Vidad v. RTC of Negros*, Br. 42, 227 SCRA 271 [1993]).

WHEREFORE, the petition in G.R. No. 82220 is DENIED while the petition in G.R. No. 83059 is GRANTED. The Decision dated August 31, 1987 of the Court of Appeals is AFFIRMED while its Resolution of February 23, 1988 insofar as it reduces the amount of damages awarded to the Quisumbing family is SET ASIDE. Costs against petitioners in G.R. No. 82220 and respondent Braulio Darum in G.R. No. 83059.

SO ORDERED.

Padilla, (Chairman), Davide, Jr., Bellosillo, and Kapunan, JJ., concur.

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