

REPUBLIC OF THE PHILIPPINES, PETITIONER, VS. THE COURT OF APPEALS AND ANTONINA GUIDO, MAURO CASTANEDA, MARGARITA GUIDO, GRACIANO L. AMANTE, FELIZA GUIDO, ANTONIO AQUINO, CRISANT...

G.R. No. 84966. November 21, 1991

Ponente: MEDIALDEA, J.

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MEDIALDEA, J.:

This petition seeks the review of the decision of the Court of Appeals in C.A.-G.R. CV No. 12933 entitled "Republic of the Philippines, Plaintiff-Appellants, versus Antonina Guido, et al., Defendants-Appellees," which affirmed the decision of the Regional Trial Court, National Capital Region, Branch CLV, stationed in Pasig, declaring the authenticity of Decreto No. 6145 and Transfer Certificate of Title No. 23377 of the Registry of Deeds of Morong, Rizal.

The facts of the case are as follows:

The Republic of the Philippines, represented by the Solicitor General, filed on August 22, 1979, a complaint for declaration of nullity of Decreto No. 6145, the owner's duplicate copy of TCT No. 23377 and all titles derived from said decree; and the declaration of the parcel of land covered by the decree as belonging to the state, except so much thereof as had been validly disposed of to third persons. The complaint was amended on October 12, 1979. It was docketed as Civil Case No. 34242 of the Court of First Instance of Rizal. The complaint alleged inter alia, that:

"15. The alleged Decree No. 6145 issued on September 10, 1911 and the alleged owner's copy of Transfer Certificate of Title No. 23377 issued on May 12, 1933, both in the name of Francisco and Hermogenes Guido, and which supposed owner's duplicate was made the basis of the administrative reconstitution of Transfer Certificate of Title No. (23377) RT-M-0002 on March 29, 1976, or about 43 years later, are false, spurious and fabricated and were never issued by virtue of judicial proceedings for registration of land, either under Act No. 496, as amended, otherwise known as the Land Registration Act, or any other law, x x x." (pp. 91-92, Rollo)

Named defendants were: 1) Antonina, Margarita, Feliza, Crisanta and Candida, nee Guido, who claim to be the heirs of Francisco Guido and whose spouses were joined as defendants; 2) Esperanza, Alfredo (who died during the pendency of this case and who was substituted by his heirs), Eufronia, Gliceria, Priscilla, Profetiza, Buenaventura, Buensuceso and Carlos, all surnamed Guido, who claimed to be the heirs of Hermogenes Guido and whose respective spouses were joined as defendants; 3) Spouses Jose and Emiliana Rojas; 4) Pacil Development Corporation; and 5) Interport Resources Corporation.

The defendants, herein private respondents, denied that Decreto No. 6145 and TCT No. 23377 were false and spurious. They consistently claimed (from the trial court up to this Court) that the parcel of land covered by the questioned documents is a portion of the vast Hacienda de Angono owned by their predecessor-in-interest, Don Buenaventura Guido y Sta. Ana; that Don Buenaventura Guido left a portion of the hacienda (porcion del plano

11-627) to his heirs, Francisco and Hermogenes Guido; that the subject matter of the petition is only a portion of plano 11-627, consisting of an area of 3,181.74 hectares and covered by Decreto No. 6145, issued on September 1, 1911 in the name of the heirs of Buenaventura Guido y Sta. Ana (Francisco and Hermogenes Guido); that on June 12, 1912, an Original Certificate of Title (OCT No. 633) was issued on the basis of Decreto No. 6145; that the original title was subsequently cancelled and in lieu thereof, Transfer Certificate of Title No. 23377 was issued on May 12, 1933; that the heirs of Francisco and Hermogenes Guido adjudicated among themselves the estate left by their predecessors and transferred one-half portion thereof to Jose Rojas sometime in 1942, as contained in an Extra-judicial Settlement of Estate with Quitclaim dated December 17, 1973.

The parties, however, admit that on August 20, 1974, the heirs of Buenaventura Guido, represented by their lawyer, requested the then Land Registration Commission (now Land Registration Authority) to issue the corresponding original certificate of title based on Decreto 6145. The request was denied on January 8, 1976.

On March 29, 1976, Alfredo Guido, representing the other heirs, filed a petition (Exhibit "I-I"-1, p. 180, Records) for reconstitution of TCT No. 23377 with the Registry of Deeds of Morong. The petition alleged that the original of Transfer Certificate of Title No. 2337 could not be located in the files of the Registry of Deeds of Rizal after he and his co-heirs sought the registration of their Extra-judicial Settlement with Quitclaim dated December 17, 1973. The petition was supported by the owner's duplicate copy of the title.

The petition for administrative reconstitution of TCT No. 23377 was granted and a reconstituted certificate of title [TCT (23377) RT-M-0002] was issued dated March 29, 1976.

After the reconstitution, the heirs presented before the Registry of Deeds of Morong the Extra-judicial Settlement of Estate with Quitclaim which they executed on December 17, 1973 in favor of Jose Rojas and which they had earlier presented for registration. Subsequently, the entire parcel of land covered by the decree was subdivided into twenty-one (21) lots and twenty-one (21) different certificates of titles were issued in lieu of the reconstituted TCT No. 23377. The named heirs and now spouses Jose and Emilia Rojas sold the property to Pacil Management Corporation and new titles were issued in favor of the buyer on June 25, 1976. However, on August 26, 1976, Pacil Management Corporation reconveyed all the twenty one lots to the former owners. On August 25, 1978, fourteen (14) of these twenty-one (21) lots were exchanged with shares of stocks of Interport Resources Corporation. On April 21, 1980, all the named heirs renounced their rights over the property in favor of their co-heir Alfredo Guido, Sr. in exchange for monetary considerations.

It appears that the only parties with existing interests in the property subject of this case are Interport Resources Corporation, the Heirs of Alfredo Guido, Sr. and spouses Jose Rojas and Emilia Rojas.

After trial, the court a quo rendered judgment dismissing the complaint and declaring Decree No. 6145 and TCT No. 23377, genuine and authentic. The pertinent portion of the decision states:

"Considering that Decree 6145 and TCT No. 23377 are genuine and authentic, the decree cannot now be reopened or revived.

'A decree of registration binds the lands (sic), quiets title thereto, is conclusive upon all persons and cannot be reopened or revived after the lapse of one year after entry of the decree.' (Ylarde v. Lichauco, 42 SCRA 641)

"WHEREFORE, premises considered, this case is hereby dismissed. Likewise, the counter claims of the defendants are dismissed.

The decision of the trial court was appealed by the Solicitor General to the Court of Appeals which affirmed said decision on July 12, 1988 (pp. 149-154, Rollo).

On July 16, 1988, the Solicitor General filed a motion for reconsideration of the decision of the Court of Appeals. In the same motion, he prayed for an alternative judgment declaring the decree and its derivative titles authentic except with respect to such portions of the property which were either: 1) possessed and owned by bona fide occupants who had already acquired indefeasible titles thereto; or 2) possessed and owned by bona fide occupants and their families with lengths of possession which amounted to ownership (p. 224, Rollo).

The motion for reconsideration was denied by the appellate court in a resolution dated September 14, 1988, which reads:

"After careful consideration of the motion for reconsideration and defendants-appellees' opposition thereto, we find no cogent reason to justify the reversal of Our Decision dated July 12, 1988, hence, the motion is DENIED.

"Likewise DENIED, is the alternative prayer to modify the afore-mentioned Decision 'to the extent that the recognition of the authenticity of Decree No. 6145 and TCT No. 23371 shall not affect and prejudice the parcels of land already possessed and owned by bonafide occupants who have already acquired indefeasible titles thereto,' for to grant said alternative prayer would be to run roughshod over Our decision averred to." (p. 80, Rollo)

This petition before Us was filed on October 14, 1988 with the same prayer for the declaration of nullity of Decreto No. 6145 and TCT No. 23377 as in the complaint before the Regional Trial Court and in the appeal before the Court of Appeals. The prayer for an alternative judgment first brought to the Court of Appeals in the motion for reconsideration of its decision was also reiterated, thus:

"In the alternative, judgment be rendered on equitable grounds, modifying the aforesaid Decision dated July 12, 1988 of the respondent Court of Appeals, that the recognition of the authenticity of Decree No. 6145 and TCT No. 23377 shall be valid only to the extent of the area of land in question not possessed and owned by bonafide occupants with indefeasible registered titles of ownership or with the length of possession which has ripened to title of ownership thereto." (p. 54, Rollo)

On May 19, 1989, private respondent Interport Resources Corporation filed a manifestation that on May 15, 1989, it entered into an Agreement with the Presidential Commission on Urban Poor (PCUP) for the disposition of five hundred (500) hectares of the property involved in this case for the use of deserving urban poor and to help the government in its objective of alleviating the squatter problem in Metro Manila area. In the same manifestation, it also stated that Interport Resources had agreed to accept the alternative prayer of petitioner (pp. 301-304, Rollo). Counsel for private respondents Jose and Emiliana Rojas filed a joint Comment (p. 324, Rollo) manifesting no objection to the granting of petitioner's alternative prayer. The illegitimate heirs of private respondent Alfredo Guido, Sr., represented by *Atty. Gilbert M. Fabella, filed a separate comment in which they manifested that there is no legal basis for the recognition of any alleged right of those occupants who were able to secure titles over portions of the Hacienda de Angono (pp. 571-574, Rollo). The other set of heirs of private respondent Alfredo Guido, Sr. conceded in their comment, to a portion of petitioners' alternative prayer, that is, only insofar as it would benefit those occupants in the property who obtained certificates of titles to specific portions thereof (p. 428, Rollo).

In their joint memorandum (pp. 624-635, Rollo), all of the private respondents submitted that they had unanimously agreed to accept the alternative prayer of the petitioner, thus:

"Since December 4, 1990 up to this submission favorable developments have occurred in the relationship between the group denominated as the legitimate heirs of Alfredo Guido, Sr. represented herein by the Laurel Law Offices and the other group of heirs represented by Executrix Claraminda Anselmo Guido and Claraminda Guido represented herein by *Atty. Gilbert M. Fabella. These developments have prompted the

latter group to withdraw as they hereby withdraw using this Joint Memorandum signed by their counsel *Atty. Gilbert M. Fabella as the venue, their opposition to the Alternative Prayer. With the signature of their counsel, they now manifest before this Honorable Supreme Court their adherence to the position of all the other private respondents, i.e., accepting the Alternative Prayer of the petition, adopting Interport's Manifestation and Motion under date of May 16, 1989 and praying likewise that judgment be rendered based on said Alternative Prayer."

In this petition, the petitioner alleged that respondent appellate court committed serious errors and committed grave abuse of discretion in rendering its decision more specifically:

"a) in concluding and ruling that petitioner RP 'failed to satisfy the requirements of preponderant proof in support of its theory' when, on the contrary, it has satisfactorily adduced more than sufficient evidentiary and conclusive proof, demonstrating convincingly that both documents in question, purporting, respectively, to be a Decreto No. 6145 and Transfer Certificate of Title No. 23377, covering a vast area of land, so called "Hacienda Angono," located in Binangonan, Rizal, are fake and spurious; and

"b) in denying and riding "roughshod" over the alternative prayer in the Motion for Reconsideration (Annex "F") to modify the main CA Decision (Annex "A"), despite the justifiably legal and equitable grounds for respondent Court of Appeals to grant the same, since there is evidentiary basis pointing to the alarming situation with disastrous consequences, if and when the CA Decision (Annex "A") would be arbitrarily and fully implemented, by way of cadastral chaos, multiplicity of suits and loss of public faith in the Torrens System as well as the ensuing grand-scale dispossession and social displacement of several hundreds of bonafide occupants and their families who had already secured indefeasible registered titles to portions of the so-called Hacienda Angono.

It is the contention of petitioner that respondent Court of Appeals committed serious errors in the assessment of the evidence on record and acted with grave abuse of discretion in concluding that the Republic failed to satisfy the requirements of preponderant proof in support of its theory.

In civil cases, the party having the burden of proof must establish his case by a preponderance of evidence. Stated differently, the general rule in civil cases is that a party having the burden of proof of an essential fact must produce a preponderance of evidence thereon (I Moore on Facts, 4, cited in Vicente J. Francisco, The Revised Rules of Court in the Philippines, Vol. VII, Part II, p. 542, 1973 Edition). By preponderance of evidence is meant simply evidence which is of greater weight, or more convincing than that which is offered in opposition to it (32 C.J.S., 1051). The term 'preponderance of evidence' means the weight, credit and value of the aggregate evidence on either side and is usually considered to be synonymous with the terms 'greater weight of evidence' or 'greater weight of the credible evidence.' Preponderance of the evidence is a phrase which, in the last analysis, means probability of the truth. Preponderance of the evidence means evidence which is more convincing to the court as worthy of belief than that which is offered in opposition thereto. x x x." (20 Am. Jur., 1100-1101)

The matter of determining which party had the preponderant evidence is within the province of the trial court before whom the evidence of both parties are presented. The decision of who to believe and who not to believe goes to the credibility of a witness which, likewise, is within the province of the trial court.

All the facts and circumstances of the case must properly be considered in determining the weight of evidence (20 Am. Jur., 1027). In weighing the evidence of witnesses, the trial court takes into consideration all the surrounding facts and circumstances of the case on trial including the means of knowledge of the witnesses, their true intentions, their seeming honesty or lack of it, their respective opportunities for seeing and knowing the things about which they testify, their conduct upon the witness stand, their manner of testifying, etc.

We have carefully gone through the records of this case and there is no reason for this Court to reverse the

decisions of both the court a quo and the appellate court. Both courts were one in concluding that the preponderance of evidence is in favor of the theory presented by the private respondents, i.e., the authenticity of the questioned documents.

Petitioner's primary witness was Francisco Cruz, Jr., a document examiner of the PC Crime Laboratory. The trial court summarized his testimony as follows:

"x x x. He found that as to Transfer Certificate of Title No. 23377, the signature above the printed words Register of Deeds reveal fundamental divergencies in that the questioned signature was written on a slow and drawn manner, and no gradation of the ink lines of the up and down stroke whereas the standard signatures are executed with smooth and fluent manner, habitual speed, firmness of the strokes, and show gradation of the ink lines; the questioned and standard signatures have different slants, different initial and different strokes. As to the printing in the questioned and standards TCTs, they have different printing characteristics, defects, spacing size and length. Regarding the red seal on the TCT, the questioned seal is dark red in color, while the standards are bright red and on exposure to ultra-violet lamp the questioned seal has no fluorescence reaction while the standards give red reactions. As to the paper the surface of the questioned TCT has a deep brown discoloration and did not penetrate inward indicative of artificial aging.

Regarding Decree No. 6145, Francisco Cruz, Jr. testified that as to the signature and ink used are still intensely dark without the indication of fading of color or oxidation and appear fresh while the ink used in the standards are faded or discolored due to oxidation, the signatures in the questioned and standard decrees have different shading, divergent strokes and pen-lifts. On the dry seal, the borderline reeds of the questioned seal are sharp while in the standards they are dull, there are 77 surrounding beads in the questioned seal while there are 97 in the standards, the distances between letters are different in the questioned and standard documents indicating they were not impressed by one and the same machine. As to the rubber stamp name, RALPH E. McPIE, the color of the ink in the questioned signature is reddish while in the standards they are blue; they have different characteristics indicating they were not from one and the same machine. With respect to the rubber stamp Received, the ink used in the questioned document is pink-red while the standards faded violet, the rubber stamp have different characteristics, size and spacing of letters; the paper used in the questioned decree has no water mark. (pp., 151-152, Rollo).

The testimony of Francisco Cruz was corroborated by the report dated December 15, 1980 of Segundo A. Tabayoyong, NBI Chief Document Examiner and Chief, Questioned Documents Station. However, Tabayoyong was not presented in court.

The private respondents, on the other hand, presented Atty. Desiderio Pagui, former Chief, Questioned Documents Section of the NBI. In 1975, even before the complaint for declaration of nullity of Decreto 6145 and TCT. No. 23377 was filed in court, he was requested by the Land Registration Commission to examine and verify the authenticity of Decree No. 6145. The court a quo summarized his testimony as follows:

"x x x. He declared that the NBI received a request for examination of Decree 6145 from the Land Registration Commission which was forwarded to him and after his examination and investigation, he made a report, Questioned Document Report No. 476-675 dated August 22, 1975 approved by Ernesto G. Brion, Chief Criminalistics Division and noted by Lorenzo Brion, Deputy Director for Technical Services, NBI. He found that there are significant similarities in handwriting characteristics existing between the questioned and standard signatures RALPH E. McPIE in the decree such as proportion of the base and height alignment, made in fact and unconscious movement; lateral spacing; consistent peculiar sight upward tendency of the signature; gradation of pen pressure, presence of pen emphasis and tapering of lines; individual highly developed letter designs; line quality; natural variation, i-dots, periods and dash; and location of crossings of strokes and that there are no significant dissimilarities in writing characteristics. There are similarities in type face designs existing between the typewritings appearing in the questioned and standard documents indicating that the

decrees were typed from the same brand or kind of typewriter. Further, he testified the Decree 6145 shows natural brownish coloration (unartificially) indicative of aged document similar with the decrees executed in 1910, 1911 and 1912 on file in the vault section, LRC, the figure in writing in "Samp Receipt" in Decree 6145 shows general characteristics with those figures in writing on Stamp Receipt in decrees executed in 1910, 1911 and 1912; the dry seal disclose similarities in general characteristics and the stamped signature in questioned decree and standard decrees have identical similarities. As a consequence of all these findings, he concluded that Decree No.6145 is genuine. He also testified on the authenticity of the owner's duplicate of TCT 23377, as follows: He testified further that he likewise examined Transfer Certificate of Title No. 23377 and after a comparative examination between TCT No. 23377 and various exemplars he found that there are significant similarities in handwriting characteristics between the questioned and exemplar signatures above the printed word "Register of Deeds" indicating that the signatures were written by one and the same person. There are significant similarities in type printing impressions between the questioned typed printed words and the corresponding exemplars indicating that the printed words in the questioned TCT and different exemplars were impressed from the same printing machine. As to the dry seal impressions, there are significant similarities between the questioned and exemplar dry seal impressions, although the questioned dry seal appears darker while the exemplars are lighter in color as variance in color is affected by different conditions of storage. Likewise, the variance in color of the documents could be attributed to the different conditions when the documents were kept in file. All these findings of the witness were likewise explained by way of various charts and photo-enlargements. (pp. 152-153, Rollo)

We are confronted here with varying testimonies of two expert witnesses. However, We agree with the court a quo and respondent appellate court in giving more weight to the testimony of Atty. Desiderio Pagui than to that of Mr. Francisco A. Cruz. Their respective educational and work background speak of the differing levels of their qualifications and competence to testify as expert witnesses. Francisco Cruz, a Document Examiner of the PC Crime Laboratory, is a BSBA graduate who had examined not less than 10,000 documents. Atty. Pagui, on the other hand, is the former Chief of the Questioned Document Section of the NBI an LLB and B.S. Criminology graduate, and had examined about 50,000 questioned documents. The court a quo observed, and We note this fact, that Atty. Pagui testified in a straight-forward manner while Mr. Cruz wavered in answering some pertinent questions. We also note from the transcript of stenographic notes that Pagui's answers to some technical questions reveal his authority as a document and handwriting witness, which cannot be said of Francisco Cruz.

Atty. Pagui was first to render a report on these questioned documents. On August 22, 1975, upon the request of the Land Registration Commission, he, then, Chief of the NBI, Questioned Documents Section, conducted his investigation and submitted his report finding these documents authentic. At the time he made the investigation, he was impartial and not conscious of any impending case before the court. Four (4) years later, in 1979, another request for investigation, this time from the Office of the Solicitor General, was received by the NBI. He was disappointed and disgusted by the reaction of then NBI Director who pretended not to have known about the existing NBI report on Decreto 6145. This, according to Pagui was one of the reasons for his early retirement from the NBI (TSN, March 27, 1984, pp. 39-45). On December 15, 1980, the NBI rendered another report (Exhibit "M") finding Decreto No. 6145 not genuine, signed by Segundo Tabayoyong, who was appointed NBI Chief Document Examiner and Chief of the Questioned Documents Section after the retirement of Atty. Pagui. It is noteworthy that, Mr. Tabayoyong was one of those who conformed with the previous report of the NBI submitted by Atty. Pagui in 1975 as claimed by the latter and which was not contradicted by the petitioner.

The petitioner also alleged that Decree No. 6145, solitary in its hidden isolation and detached from the expediente of the land registration case, surfaced 64 years later under mysterious and bizarre circumstances.

The circumstances surrounding the appearance of Decree 6145 was far from mysterious. Racquel Marfori, a witness for the petitioner, who was then Chief of the Ordinary Decree Section of the Division of Original

Registration, Land Registration Commission testified that her office' function is to receive copies of decrees, certified copies of titles from the Registers of Deeds, papers and documents from the Courts, the Bureau of Lands and other agencies and keeps circulars and memoranda issued by the office and from the Department of Justice. She further testified that on September 4, 1954, then LRC Commissioner Antonio Noblejas issued Circular No. 4, instructing all Registers of Deeds to forward all copies of decrees in their possession for custody to the LRC to complete the records of the Commission. As appearing in the record book of inventory in the LRC, among the decrees forwarded to their office is Decree 6145 (TSN, October 26, 1982, pp. 54-55). She likewise categorically stated that in the course of investigation of this case, a copy of Decree 6145 was found in the vault section of the Commission (Ibid, p. 66).

Petitioner's witness Mr. Jose Cruz, testified that the alleged GLRO number stated on the decreto pertains to a tract of land owned by Victorio Banaag and not Buenaventura Guido; that said property was located in Bulacan and not in Rizal and that TCT No. 25829 was issued in that case and not OCT 633 as alleged by the private respondents, However, on cross-examination, he said that TCT No. 26829 of Banaag did not contain any decree number nor GLRO number. He also admitted that indeed Decree No. 6145 was issued on September 1, 1911 in GLR Record No. 2350.

"Q: In your report Mr. Cruz appearing on page 2 thereof, I am quoting a portion of your report appearing on page 2 thereof, second paragraph: 'Alfredo Guido one of the heirs of Hermogenes Guido, petitioned for the reconstitution of the original Transfer Certificate of Title No. 23377 of the Register of Deeds of Rizal and issuance of new original Transfer Certificate of Title, etc., etc.' and furthermore, this is the portion that I am going to ask you of: 'but upon verification it appears that the original of said Transfer Certificate of Title No. 23377 bearing Book T-94, Page 177 could not be located in the files of the Register of Deeds of Rizal.' Do you remember having stated that in your report which I am showing to you?

"A: Yes sir, I cannot find the original Transfer Certificate of Title on file with the Register of Deeds of Pasig.

"Q: So, this statement of Mr. Guido in his petition for reconstitution is correct?

"A: Yes sir.

"Q: And also on the same page under the heading findings, you stated and I quote: 'In the Ordinary Decree Book that Court of Land Registration Record No. 2350 was approved on August 26, 1977 and issued Decree No. 6145 on September 1, 1911 for a parcel of land located in the province of Rizal, but the name of owner, area and the municipality it is located was not mentioned.' And you further stated and I quote: 'It shows that CLR Record No. 2350 was really issued Decree No. 6145 on September 1, 1911.' Do you affirm those statements you made?

"A: Yes sir.

"Q: In other words, there was really such a decree issued on September 1, 1911?

"A: Yes sir.

"Q: In fact Mr. Cruz, in one of your annexes to Exhibit 'C' which is your report and which has been marked in this proceedings as Exhibit 'C-7', it would appear that there is such a Record 2350, correct?

"A: Yes sir.

"Q: In the Province of Rizal?

"A: Yes sir.

"Q: And there was a decree issued on August 26, 1906 as appearing in the column date okay for decree, is that

correct?

"A: Yes sir.

"Q: Moreover, it states in the last column that the decree was issued on September 1, 1911?

"A: Yes sir.

"Q: Bearing the Decree No. 6145?

"A: Yes sir.

"Q: And it is equally true Mr. Cruz that Decree 6145 from your investigation was among those old documents and decrees found in the Vault Section of the Land Registration Commission, is that correct?

"A: That appears to be in the vault Section because Justice Kapunan was the one who gave me that decree.

"Q: And Justice Kapunan I suppose told you that it came from the Vault Section of the Land Registration Commission that is why in your report, the one in the Vault Section where salvage and issued Decrees are kept shows that Decree No. 6145 was found in their files, is that correct?

"A: Yes sir." (TSN, pp. 18-22, Hearing of June 9, 1982)

The testimonies of the municipal treasurers and tax assessors that none of the private respondents registered in their names big tracts of land nor paid any property tax corresponding to large tracts of land was sufficiently explained by private respondents. Originally, the property subject of this case was wholly owned by the heirs, herein private respondents Guidos, pro-indiviso. The title to this land was never registered in their individual names. Decree No. 6145 was issued in the name of "Herederos de Buenaventura Guido y Sta. Ana (Francisco and Hermogenes Guido)" while TCT No. 23377 was registered in the name of his two sons, Francisco and Hermogenes Guido. The declaration of property dated 1941 (Exhibit 8) and the property taxes (Exhibits 11, 11-A to 11-F for defendants) were all in the name of Don Buenaventura Guido y Sta. Ana. In fact, even after the reconstitution of TCT No. 23377 on March 29, 1976 and its subsequent subdivision into 21 different titles, these parcels were still registered in the name of the heirs of Francisco and Hermogenes Guido (See TCT Nos. M-00789, M-00846 to M-00866).

Alfredo Guido, Sr., during his lifetime, testified that the owner's duplicate copy of TCT No. 23377 (Exhibits "5" and "5-A" for defendants) was given to him by Joaquin Guido who is the son of Justo Guido, the latter appearing to be a brother of Don Buenaventura Guido. Thus,

"q. Will you explain to us how Exhibits 5 and 5-A came into your possession?

"a. It was given to me by Joaquin Guido, my uncle.

"q. Will you relay to this Hon. Court under what circumstances this document was given to you by your uncle?

"a. I sued Joaquin Guido and his brother because they wanted to get the possession and administration of Hacienda de Angono, sir.

"q. Where did you file the case?

"a. In Pasig, sir.

"q. Who is Joaquin Guido?

"a. He is the son of Justo Guido, sir.

"q. What happened to the case you file?

"a. Nothing happened, they just kept silent. When Joaquin Guido testified in Court he said he cannot deny that we are his nephews and even pointed and identified us in Court giving their names. Joaquin Guido even testified that he is already old and he does not want his conscience to bother him.

"q. Will you relay to us under what circumstances your uncle Joaquin Guido gave you these documents?

"a. Joaquin Guido went to our house in Cardona, one Sunday and he said, Alfredo I have documents here regarding that land and I will give it to you but help me because I am sick and I want to be treated. I said, I do not have much money but if you like, I will bring you to the office of Jose Roxas, you bring all those documents in your possession.

"q. Was that proposal of yours to go to the office of Mr. Roxas materialized?

"a. Yes, sir, we proceeded to Cinerama.

"q. What transpired while you were at the office of Mr. Roxas at Cinerama?

"a. Mr. Roxas checked the documents and he said to Joaquin Guido, I will give you the help you were asking.

"ATTY. MENDOZA

The original of these documents is now in the possession of the LRC, I will reserve my examination of the witness on that point, your Honor.

"q. What happened when Mr. Roxas checked the documents?

"a. He asked Mr. Joaquin Guido to return.

"q. Did he return thereafter?

"a. yes, sir, after three days, more or less.

"q. What happened when he returned to the office of Mr. Roxas?

"a. He was given the amount of P30,000.00, sir.

"q. What happened after the money was given to Joaquin Guido?

"a. He left, sir.

"q. Is that payment to Mr. Joaquin Guido evidenced by any document?

"a. A check, sir.

"q. We request that this check No. 16459 HO of the Republic Bank, Escolta dated March 29, 1976 for P30,000.00 x x x." (pp. 33-40, TSN, August 22, 1983).

The petitioner suspects that the circumstances attending the issuance of the reconstituted TCT 23377 was not regular. It alleged that the petition for reconstitution was filed and approved on the same day and the reconstituted title issued also on the same day. When presented on the stand, Atty. Priscilla M. Tech, then Register of Deeds of Rizal (Morong Branch), who issued the reconstituted title clarified that the reconstituted title was not issued on the same day the petition was filed. The reconstituted title was actually issued days after the petition for reconstitution was filed although the reconstituted title showed that it was released on the same day the petition was filed in accordance with Section 56* of Act 496. Be that as it may, the fact alone that the petition for reconstitution was approved on the same day that it was filed did not render the approval suspect. In

administrative reconstitution of a certificate of title supported by the owner's duplicate copy of the title, no other requisite was required under Section 6 of Republic Act 26 unlike in judicial reconstitution under Section 12 of the same law. The Register of Deeds correctly granted the reconstitution on the basis of private respondents owners' duplicate copy of TCT No. 23377.

In civil cases, it is a well settled rule that the appellate court will not reverse a finding of fact by the trial court made upon conflicting testimony and depending largely upon the credibility of witnesses who testified in the presence of the court, unless the court failed to take into consideration some material fact or circumstance or to weigh accurately all of the material facts and circumstances presented to it for consideration (*Baltazar, et al. v. Alberto*, 33 Phil. 336; See also *Garcia v. Garcia de Bartolome*, 63 Phil. 425; *Melliza v. Towle*, 34 Phil. 347; *Caragay v. Urquiza*, 53 Phil. 79; *Jai-alai Corp. of the Philippiines v. Ching Kiat Biek, et al.*, G.R. L-7969, March 30, 1960; *Tui Bon Hui v. Republic*, L-8370, November 19, 1956; *Neyra v. Neyra*, 76 Phil. 298). In the instant case, We do not see any reason for the application of the exception to the just cited rule. Moreover, questions of authenticity being one of fact, this Court will not disturb the conclusions of the Court of Appeals (*Egao v. CA*, G.R No. 79787, June 29, 1989, 174 SCRA 484), especially when said appellate court merely affirmed the findings of the court a quo which conducted the trial, had the opportunity to observe the demeanor of the principal witnesses (the handwriting and document experts), assessed their ability to answer technical questions calling for the application of their special education and training.

No less than this Court in the case of *Guido, et al., v. de Borja, et al.*, G.R. No. 4013, February 4, 1909, 12 Phil. 718 declared the existence of Hacienda de Angono and recognized the ownership thereof by the "Guidos" when it affirmed the decision of the then Court of First Instance of the Province of Rizal, that:

"1. That the ownership and possession of the hacienda of Angono, as it appears described in the decision of said court, in accordance with the amended complaint, pertains to Justo Guido, Juliana Guido, Buenaventura Guido and other participants with them in said hacienda; by virtue thereof the court below ordered the defendants to restore said possession to the plaintiffs."

The Solicitor General also faulted respondent appellate court from denying their alternative prayer seeking the modification of its decision by rendering judgment declaring Decreto 6145 and TCT 23377 valid and genuine except with respect to such portions of the property which were either: 1) possessed and owned by bona fide occupants who had already acquired indefeasible titles thereto; or 2) possessed by bona fide occupants for such length of time as to amount to ownership without having obtained certificates of titles thereto.

Anent the alternative prayer of the petitioner, We find no legal basis for the declaration of the questioned documents as valid only with respect to such portions of the property not possessed and owned by bonafide occupants with indefeasible registered titles of ownership or with lengths of possession which had ripened to ownership. Having been found valid and genuine, Decreto No. 6145 therefore, possessed all the attributes of a decree of registration. Section 31 of the Property Registration Decree (P.D. 1529), second paragraph provides:

The decree of registration shall bind the land and quiet title thereto, subject only to such exceptions or liens as may be provided by law. It shall be conclusive upon and against all persons, including the National Government and all branches thereof, whether mentioned by name in the application or notice, the same being included in the general description "To al whom it may concern".

Likewise, TCT No. 23377, having been found true and authentic also possessed all the attributes of a torrens certificate of title. By express provision of Section 47 of P.D 1529, no title to registered land in derogation to that of the registered owner shall be acquired by prescription or adverse possession. To declare that the decree and its derivative titles is valid but only with respect to the extent of the area described in the decree not possessed by occupants with indefeasible registered titles or to possessors with such lengths of possession which had ripened to

ownership is to undermine the people's faith in the torrens titles being conclusive as to all matters contained therein. The certificate serves as evidence of an indefeasible title to the property in favor of the person whose names appear therein. After the expiration of the one year period from the issuance of the decree of registration upon which it is based, it becomes incontrovertible (see case of *Pamintuan v. San Agustin*, 43 Phil. 558; *Reyes and Nadres v. Borbon and Director of Lands*, 50 Phil. 791, *Sy Juco v. Francisco*, O.G. p. 2186, April 15, 1957, *Brizuela v. de Vargas*, 53 O.G. 2822, May 15, 1957), unless subsequent to the issuance of the decree a third party may be able to show that he acquired title thereto by any of the means recognized by law.

It should be noted however, that prior to the reconstruction of TCT No. 23377 on March 29, 1976, [there was] no record in the Office of the Register of Deeds of Rizal show of the existence of any registered title covering the land area subject of this case. The Court takes judicial notice of the fact that prior to said date, certain portions of the area were in the possession of occupants who successfully obtained certificates of titles over the area occupied by them. There were also occupants who had not obtained certificates of titles over the area possessed by them but the lengths of their possession were long enough to amount to ownership, had the land been in fact unregistered. This fact is admitted by the parties.

Although prescription is unavailing against private respondents because they are holders of a valid certificate of title, the equitable presumption of laches may be applied against them for failure to assert their ownership for such an unreasonable length of time (only in 1976) against subsequent occupants. The record showed that it was only in 1974 when they tried to obtain an original certificate of title. When rebuffed by the LRC, they applied for a reconstitution of a TCT only in 1976.

In the recent case of *Lola v. CA*, G.R. No. L--46573, Nov. 13, 1986, 145 SCRA 439, citing the cases of *Pabalete v. Echarrri, Jr.*, G.R. No. L-24357, 37 SCRA 518, 521, 522 quoting *Mejia de Lucas v. Gamponia*, 100 Phil. 277, it was held that "although the defense of prescription is unavailing to the petitioners (Pablo and Maxima Lola) because, admittedly, the title to Lot No. 5517 is still registered in the name of the respondent (Dolores Zabala), still the petitioners have acquired title to it by virtue of the equitable principle of laches due to the respondent's failure to assert her claim and ownership for thirty two (32) years."

Moreover, conscious of the resulting "largescale dispossession and social displacement of several hundreds of bona fide occupants and their families" which the Solicitor General pointed out, the private respondents agreed unanimously to accept the alternative prayer of the petitioner in their joint memorandum (pp. 624-636, Rollo). This agreement by private respondents takes the form of a waiver. Though a valid and clear right over the property exists in their favors, they seemingly have voluntarily abandoned the same favor of: 1) those who possessed and actually occupied specific portions and obtained torrens certificates of titles, and 2) those who possessed certain specific portions for such lengths of time as to amount to full ownership. The waiver, not being contrary to law, morals, good customs and good policy, is valid and binding on the private respondents.

However, with respect to the second set of possessors, whose alleged bona fide occupancy of specific portions of the property is not evidenced by Torrens Titles, it is imperative that their claims/occupancy be duly proven in an appropriate proceeding.

ACCORDINGLY, the decision of the Court of Appeals in CA-G.R. No. 12933 is AFFIRMED subject to the herein declared superior rights of bona fide occupants with registered titles within the area covered by the questioned decree and bona fide occupants therein with lengths of possession which had ripened to ownership, the latter to be determined in an appropriate proceeding.

SO ORDERED.

Fernan, C.J., Melencio-Herrera, Gutierrez, Jr., Feliciano, Padilla, Bidin, Grino-Aquino, Regalado, and Davide, Jr., JJ., concur.

Narvasa, J., no part, counsel of a party in Court a quo.

Cruz, J., no part, one of the counsel is my former law firm.

Paras, and Romero, JJ., no part, did not participate in the deliberations.

* changed from Atty. M. Fabella to Atty. Gilbert M. Fabella.

* changed from Atty. Gilbert Fabella to Atty. Gilbert M. Fabella.

* Act 496. Sec. 56. x x x. They shall be regarded as registered from the time so noted, and the memorandum of each instrument when made on the certificate of title to which it refers shall bear the same date: x x x.

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