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x x x It is pointless and unrealistic to insist on annulling an election of officers whose terms had already expired. We would have thereby a judgment on a matter which cannot have any practical legal effect upon a controversy, even if existing, and which, in the nature of things, cannot be enforced. We must consequently abide by our consistent ruling that where certain events or circumstances have taken place during the pendency of the case which would render the case moot and academic, the petition should be dismissed.[68]

So also in the case at bar, a judgment of reinstatement of the petitioner to the position of union Shop Steward would have no practical legal effect since it cannot be enforced. Based on the requirements imposed by law and the APCWU-ATI CBA, and in the nature of things, the subsequent separation of the petitioner from employment with respondent ATI has made his reinstatement to union Shop Steward incapable of being enforced.

IN VIEW WHEREOF, the petition is *DISMISSED* for being *MOOT* and *ACADEMIC*. No costs.

SO ORDERED.

Carpio, Corona, Leonardo-de Castro, and *Bersamin, JJ.*, concur.

SECOND DIVISION

[G.R. No. 175375. June 23, 2009]

CONRADO O. LASQUITE and TEODORA I. ANDRADE, *petitioners, vs.* **VICTORY HILLS, INC.,** *respondent.*

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[68] *Honesto B. Villarosa v. Hon. Cresenciano B. Trajano,* G.R. No. 73679, July 23, 1992, 211 SCRA 685, 691.

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SYLLABUS

1. REMEDIAL LAW; APPEALS; FINDINGS OF FACT OF THE COURT OF APPEALS ARE CONCLUSIVE AND BINDING ON THE COURT; EXCEPTIONS. — Often cited but rarely heeded is the rule that the Supreme Court is not a trier of facts. In the exercise of its power of review, the Court does not normally undertake a re-examination of the evidence presented by the contending parties during the trial of the case considering that the findings of fact of the Court of Appeals are conclusive and binding on the Court. However, there are several recognized exceptions in which factual issues may be resolved by this Court. Two of these exceptions find application in the present case, to wit: (1) when the findings of fact of the appellate court are contrary to those of the trial court; and (2) when the findings of fact are premised on the supposed absence of evidence and contradicted by the evidence on record.

2. CIVIL LAW; LAND REGISTRATION; RULE ON SUCCESSIVE REGISTRATION. — The relocation survey conducted by the DENR on October 25, 1993 positively confirmed that the mother title of respondent's TCT and the OCTs of petitioners cover the same land. We are confronted, therefore, with a case of successive registration, in the event of which we have been constantly guided that: In successive registrations, where more than one certificate is issued in respect of a particular estate or interest in land, the person claiming under the prior certificate is entitled to the estate or interest; and the person is deemed to hold under the prior certificate who is the holder of, or whose claim is derived directly or indirectly from the person who was the holder of the earliest certificate issued in respect thereof. However, we find that the circumstances attendant in this case militate against a forthright application of this rule.

3. REMEDIAL LAW; EVIDENCE; AUTHENTICATION AND PROOF; PUBLIC DOCUMENTS; THE EVIDENTIARY VALUE THEREOF MUST BE SUSTAINED, ABSENT STRONG, COMPETENT AND CONCLUSIVE PROOF OF ITS FALSITY OR NULLITY; CASE AT BAR. — Section 105 of Act No. 2874, the governing law when Homestead Patent No. H-19562 was purportedly issued, speaks of who must sign the patents and certificates granted pursuant to the Act: Sec. 105. **All patents** or **certificates for lands** granted under this

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Act shall be prepared in the Bureau of Lands and shall issue in the name of the Government of the Philippine Islands **under the signature of the Governor-General, countersigned by the Secretary of Agriculture and Natural Resources**, but such patents or certificates shall be effective only for the purposes defined in section one hundred and twenty-two of the Land Registration Act; and the actual conveyance of the land shall be effected only as provided in said section. Noteworthy, Section 47 of Act No. 496 or the Land Registration Act provides that a certified true copy of an original certificate of title shall be admissible as evidence in our courts and shall be conclusive as to all matters contained therein except as otherwise provided by the Act. This is complementary to the rule on the admissibility of public documents as evidence under Section 23, Rule 132 of the Rules of Court: xxx Thus, the evidentiary value of public documents must be sustained in the absence of strong, complete and conclusive proof of its falsity or nullity. In the case at bar, the appellate court gave credence to the certified true copy of OCT No. 380 as proof of ownership of respondent's predecessor. Yet, it is readily apparent from a cursory reading of said copy that OCT No. 380 was supposedly signed, not by the Secretary of Agriculture and Natural Resources, as mandated by law, but by the Secretary of Agriculture and Commerce. Hence, it is plain to see that to give OCT No. 380 probative value in court would be to allow variance or an evasion or circumvention of the requirement laid down in Section 105 of Act No. 2874. We are thus warned that any title sourced from the flawed OCT No. 380 could be void. On this basis, we are justified to consider with great care any claims derived therefrom.

4. ID.; ID.; ID.; ID.; RECORDS OF PUBLIC OFFICERS WHICH ARE ADMISSIBLE IN EVIDENCE ARE LIMITED TO THOSE MATTERS WHICH THE PUBLIC OFFICER HAS AUTHORITY TO RECORD; IT IS BEYOND THE POWER OF THE REGISTER OF DEEDS TO REGISTER A PUBLIC LAND BASED ON A NON-EXISTENT PATENT.— What taints OCT No. 380 even more is the fact that the records of the Community Environment and Natural Resources Office (CENRO) are devoid of evidence to prove that Homestead Patent No. H-19562, much less a patent application for Lot No. 3050 with the Bureau of Lands ever existed. The certification from the Bureau of Lands that Lot No. 3050 was surveyed in the

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name of Jose Manahan suggests, at best, that he was a survey claimant. Neither do we find the derivative titles of OCT No. 380 free from any taint of irregularity. While TCT No. 46219 in the name of Hieras indicated January 4, 1937 as the original registration date of Lot No. 3050, the TCTs of subsequent transferees designated a different date – May 17, 1944. True, a duly-registered certificate of title is considered a public document and the entries found in it are presumed correct, unless the party who contests its accuracy can produce evidence establishing otherwise. Even then, records of public officers which are admissible in evidence are limited to those matters which the public officer has authority to record. Indisputably, it was beyond the power of the Register of Deeds to register a public land based on an invalid, much worse, a non-existent patent. To sanction an otherwise invalid document in the guise of upholding the stability of our land registration system would run counter to the judicial devotion towards purging the system of illicit titles, in accordance with our base task as the ultimate citadel of justice and legitimacy.

5. CIVIL LAW; LAND REGISTRATION; RECONVEYANCE OF TITLE; PARTY SEEKING SHOULD ESTABLISH BY CLEAR AND CONVINCING EVIDENCE OWNERSHIP OF THE LAND SOUGHT TO BE RECONVEYED. — The established legal principle in actions for annulment or reconveyance of title is that a party seeking it should establish not merely by a preponderance of evidence but by clear and convincing evidence that the land sought to be reconveyed is his. It is rather obvious from the foregoing disquisition that respondent failed to dispense such burden. Indeed, the records are replete with proof that respondent declared the lots comprising Lot No. 3050 for taxation purposes only after it had instituted the present case in court. This is not to say of course that tax receipts are evidence of ownership, since they are not, albeit they are good indicia of possession in the concept of owner, for no one would ordinarily be paying taxes for a property not in his actual or at least constructive possession. Other than paying taxes from 1994-1997, however, respondent has not shown that it exercised dominion over Lot No. 3050. In contrast, petitioner Lasquite has been continuously paying taxes on the land since 1972, and has utilized the land as a farm, planted fruit trees and raised goats thereon. Petitioners have likewise built structures and managed to entrust the property

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to the care of certain individuals without any objection from respondent.

6. ID.; ID.; ID.; FORGERY CANNOT BE PRESUMED BUT SHOULD BE SUBSTANTIATED WITH CLEAR AND CONVINCING EVIDENCE. — Respondent avers that petitioner Lasquite forged the Deed of Quitclaim/Assignment of Rights to make it appear that Jose Manahan conveyed Lot No. 3050 to him. It must be stressed, however, that whoever alleges forgery has the burden of proving the same. Forgery cannot be presumed but should be substantiated with clear and convincing evidence.

7. ID.; ID.; ID.; PRESCRIPTIVE PERIOD; REFERENCE POINT; PRESCRIPTIVE PERIOD APPLIES ONLY WHEN THE PLAINTIFF, AS THE REAL OWNER OF THE PROPERTY IS NOT IN POSSESSION THEREOF. — Relevant to the issue of prescription, we have ruled that to determine when the prescriptive period commenced in an action for reconveyance, the plaintiff's possession of the disputed property is material. An action for reconveyance based on an implied trust prescribes in 10 years. The reference point of the 10-year prescriptive period is the date of registration of the deed or the issuance of the title. The prescriptive period applies only if there is an actual need to reconvey the property as when the plaintiff is not in possession of the property. However, if the plaintiff, as the real owner of the property also remains in possession of the property, the prescriptive period to recover title and possession of the property does not run against him. In such a case, an action for reconveyance, if nonetheless filed, would be in the nature of a suit for quieting of title, an action that is imprescriptible. The records reveal that it was only on January 11, 1994 or nearly 13 years after OCT Nos. NP-197 and NP-198 were issued that respondent filed a Motion for Leave to Admit Complaint in Intervention and Complaint in Intervention before the RTC of Rizal. Nevertheless, respondent claimed to be in actual possession *in concepto de dueno* of a sizeable portion of Lot No. 3050. Thus, the action assumed the nature of a suit to quiet title; hence, imprescriptible. However, in our view, respondent Victory Hills has failed to show its entitlement to a reconveyance of the land subject of the action.

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APPEARANCES OF COUNSEL

Conrado O. Lasquite for petitioners.
Farcon Gabriel Farcon & Associates for respondent.

D E C I S I O N

QUISUMBING, *J.*:

This appeal seeks to annul the Decision[1] dated November 8, 2006 of the Court of Appeals in CA G.R. CV No. 77599. The Court of Appeals had set aside the Decision[2] dated July 2, 2002 of the Regional Trial Court (RTC) of San Mateo, Rizal, Branch 77 in Civil Case No. 548 which upheld Original Certificate of Title (OCT) Nos. NP-197[3] and NP-198,[4] in the names of petitioners Andrade and Lasquite, respectively.

The antecedent facts are as follows:

On May 4, 1971, Jose Manahan[5] executed a Deed of Quitclaim/ Assignment of Rights[6] over a parcel of land designated as Lot No. 3050 at Barrio Ampid, San Mateo, Rizal in favor of Conrado O. Lasquite. Lasquite applied for a free patent over the lot, and pending approval of the application, sold half of the land to Juanito L. Andrade on January 11, 1981.[7] Upon the grant of the patent application, OCT Nos. NP-197 and NP-198 were issued in the names of Andrade and Lasquite, respectively, on June 18, 1981.

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[1] *Rollo*, pp. 16-31. Penned by Associate Justice Rosmari D. Carandang, with Associate Justices Renato C. Dacudao and Estela M. Perlas-Bernabe concurring.

[2] CA *rollo*, pp. 84-105. Penned by Judge Francisco C. Rodriguez, Jr.

[3] Exhibit "19", folder of exhibits of defendant in Civil Case No. 548, p. 29.

[4] Exhibit "16", folder of exhibits of defendant in Civil Case No. 548, p. 23.

[5] Referred to as Jose M. Manahan, Jose H. Manahan and Jose S. Manahan in some parts of the records.

[6] Exhibit "1-A", folder of exhibits of defendant in Civil Case No. 548, p. 1.

[7] Exhibits "13" and "13-A", folder of exhibits of defendant in Civil Case No. 548, p. 16.

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Thereafter, on August 22, 1983[8] and October 22, 1983,[9] Simeona, Armentina, Herminia, Zenaida, Gloria, Yolanda and Rodolfo, all surnamed Prescilla, filed a protest with the Bureau of Lands to question the grant of free patent in favor of petitioners. They claimed to have been in possession in *concepto de dueno* of Lot No. 3050, planting and cultivating crops thereon since 1940. On March 8, 1989, the Prescillas also instituted a case for reconveyance and damages against petitioners before the RTC of San Mateo, Rizal, Branch 77 which was docketed as Civil Case No. 548-SM. They alleged that Lasquite forged the signature of Jose M. Manahan in the Deed of Quitclaim/Assignment of Rights since the latter has died on April 11, 1968.[10]

It also appears that a second complaint,[11] for annulment of title, reconveyance and damages, was filed by Roberto and Raquel Manahan, Maria Gracia M. Natividad, the heirs of Leocadio Manahan, and the heirs of Joaquin Manahan against petitioners on June 1, 1990. The Manahans asserted title over Lot No. 3050 as successors of Jose S. Manahan whom they claimed to have died on October 12, 1947.[12] The case was docketed as Civil Case No. 680-90-SM and raffled to Branch 76 of the San Mateo, Rizal RTC. Upon learning of Civil Case No. 548-SM initiated by the Prescillas against petitioners, the Manahans filed a Complaint in Intervention[13] on June 23, 1993, and Civil Case No. 680-90-SM was consolidated with Civil Case No. 548-SM.

It also appears that on January 11, 1994, respondent Victory Hills, Inc. (Victory Hills) also intervened in Civil Case No. 548-SM. Victory Hills likewise claimed to be the owner of the subject lot. Victory Hills traced its title to Lot No. 3050 to OCT No.

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[8] Records (Civil Case No. 548), Vol. 1, p. 13.

[9] *Id.* at 14.

[10] Records (Civil Case No. 548), Vol. 2-B, p. 102.

[11] Records (Civil Case No. 680-90-SM), pp. 2-5.

[12] Exhibit "A," folder of exhibits of Victory Hills, Inc. in Civil Case No. 548, p. 1.

[13] Records (Civil Case No. 548), Vol. 1, pp. 355-361.

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380[14] which was allegedly registered on January 4, 1937 to Jose H. Manahan by virtue of Homestead Patent No. H-19562[15] dated December 14, 1936. According to Victory Hills, Jose H. Manahan sold Lot No. 3050 to Rufino Hieras on May 17, 1944 to whom Transfer Certificate of Title (TCT) No. 46219[16] was issued. Hieras then conveyed the lot to spouses Serafin and Veronica Angeles, and Catalina Cayetano who obtained TCT No. 85082[17] in their names. Later, the lot was transferred to Victory Hills on September 6, 1961 under TCT No. 90816.[18]

On November 27, 1991, Victory Hills filed an *Ex-Parte* Motion for Relocation Survey[19] with the Department of Environment and Natural Resources (DENR). Upon grant of the motion, the DENR released a Narration Report of the Relocation Survey[20] on December 9, 1993. The report noted that:

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1. **H-19562** and H-19887 had been accepted by Cad. 375-D, San Mateo Cadastre and **identical to Lot [No.] 3050** and Lot [No.] 258 respectively[;]

2. H-19562 had been issued a free patent and Original Certificate of Title No. 380 in favor [of] Jose Manahan on June 4, 1937. That said title was transferred to Rufin[o] Hieras on May 17, 1944 with TCT [No.] 46219, cancelling O[CT] [No.] 3[8]0. Again TCT [No.] 46219-T-237 was cancelled and TCT [No.]

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[14] Records (Civil Case No. 548), Vol. 2-B, p. 101.

[15] *Id*.

[16] Exhibits "B," "B-1" and "B-2," folder of exhibits of Victory Hills, Inc. in Civil Case No. 548, pp. 235-236.

[17] Exhibits "C," "C-1" and "C-2," folder of exhibits of Victory Hills, Inc. in Civil Case No. 548, pp. 237-238.

[18] Exhibits "D," "D-1" and "D-2," folder of exhibits of Victory Hills, Inc. in Civil Case No. 548, pp. 239-240.

[19] Exhibit "H," folder of exhibits of Victory Hills, Inc. in Civil Case No. 548, p. 114.

[20] Exhibit "J," folder of exhibits of Victory Hills, Inc. in Civil Case No. 548, pp. 117-118.

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[8]5082 was issued to [Spouses] Serafin Angeles and [Veronica] D. Angeles and Catalina Cayetano [on] March 17, 1961;

3. A consolidate[d] subdivision survey of H-19562 and H-19887 had been approved by the LRC designated as plan (LRC) Pcs [-] [1586] surveyed June 1-15, 1961; which was not projected in Cad. 375-D, San Mateo Cadastre;

4. Lot [No.] 3050 which is identical to H-19562 was subdivided and designated as plan Cad-04-002023-D, into two lots. (Emphasis supplied.)[21]

x x x x x x x x x

Notwithstanding the said report, Branch 77 of the Rizal RTC, on July 2, 2002, promulgated a Decision which upheld the title of petitioners to Lot No. 3050. It decreed:

Accordingly, the title of defendants, Conrado Lasquite and Jose Andrade, involving the subject parcel of land under OCT No. NP-198 and OCT No. NP-197 registered on June 18, 1981, are sustained. Likewise, the title issued to plaintiffs Prescilla, under OCT No. ON-333 involving Lot 3052 is sustained.

WHEREFORE, premises considered, judgment is hereby rendered dismissing these cases.

No Costs.

SO ORDERED.[22]

The trial court disregarded OCT No. 380 and ruled that it was spurious as it lacked the signature of then Secretary of Agriculture and Commerce Eulogio Rodriguez. The RTC also ruled that the complaints for reconveyance of the Precillas, the Manahans and Victory Hills, which were all founded on extrinsic fraud, had prescribed since more than four (4) years have elapsed since the land was registered before they filed cases in court.

The Prescillas, the Manahans and Victory Hills interposed an appeal to the Court of Appeals. On November 8, 2006, the appellate court set aside the ruling of the RTC and declared

[21] *Id.* at 117.

[22] CA *rollo*, p. 105.

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Victory Hills the absolute owner of Lot No. 3050. The appellate court ruled:

> WHEREFORE, the Decision dated July 2, 2002 rendered by the Regional Trial Court of San Mateo, Rizal, Branch 77 is **ANNULLED** and **SET ASIDE** and a new one entered **DECLARING** VICTORY HILLS, INC. the absolute owner of the parcel of land designated as Lot 3050 subject of the instant case and **ORDERING** the Register of Deeds of Rizal to cancel OCT No. NP-198 and OCT No. NP-197 in the names of defendants-appellees Conrado Lasquite and Juanito Andrade.
>
> SO ORDERED.[23]

Aggrieved, petitioners elevated the case to us. Petitioners contend that the Court of Appeals erred in

I.

…HOLDING THAT RESPONDENT'S OCT NO. 380 AND HOMESTEAD PATENT NO. H-19562 ARE VALIDLY ISSUED;

II.

…HOLDING THAT RESPONDENT VICTORY HILLS, INC. HAS A BETTER RIGHT OF TITLE AND OWNERSHIP OVER THE SUBJECT PROPERTY *VIS-A-VIS* PETITIONERS CONRADO O. LASQUITE AND TEODORA I. ANDRADE;

III.

…GIVING WEIGHT AND CREDENCE TO RESPONDENT'S HOMESTEAD PATENT NO. H-19562 DESPITE THE FACT THAT A COPY OF SAID HOMESTEAD PATENT WAS NEVER PRESENTED DURING THE TRIAL NOR IN THE APPEAL;

IV.

…HOLDING THAT OCT NO. 380 IS AN *EN TOTO* TRANSCRIPTION OF HOMESTEAD PATENT NO. H-19562 NOTWITHSTANDING THE FACT THAT NO EVIDENCE RELATIVE THERETO WAS ADDUCED IN THE LOWER COURT;

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[23] *Id.* at 264-265.

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V.

…NOT RESOLVING THE ISSUE THAT RESPONDENT'S CLAIM HAD ALREADY PRESCRIBED.[24]

Condensed, the twin issues for our determination are: (1) whether respondent Victory Hills, Inc. is entitled to reconveyance of Lot No. 3050; and (2) whether respondent's claim had prescribed.

Petitioners assail the validity of OCT No. 380 as the source of respondent's derivative title. They fault the appellate court for according weight to the certificate of title even if it does not bear the signature of the Secretary of Agriculture and Commerce. They stress that the Bureau of Lands has no record of Patent No. H-19562 which respondent cited as the basis for the issuance of its title to Lot No. 3050 and yet the appellate court still concluded that the transcription of Patent No. H-19562 in OCT No. 380 was conclusive proof of its due execution. Petitioners likewise call for a review of the facts in this case owing to the conflicting findings of the RTC and the Court of Appeals.

On the other hand, respondent relies on OCT No. 380 as evidence of the earlier registration of Lot No. 3050 in the name of its predecessor, Jose H. Manahan. Such recording, respondent asserts, has rendered OCT No. 380 indefeasible one year following its issuance on January 4, 1937 and has effectively segregated Lot No. 3050 from the domain of public lands. Respondent further justifies that the notation "sgd" in OCT No. 380 was sufficient indication that the original copy of Homestead Patent No. H-19562 had been signed by then Secretary of Agriculture and Commerce Eulogio Rodriguez. In any case, respondent invokes the presumption of regularity in the performance of duty by the Register of Deeds in issuing OCT No. 380. It finally argues against the issue of prescription since petitioners raised the same only for the first time on appeal.

Often cited but rarely heeded is the rule that the Supreme Court is not a trier of facts. In the exercise of its power of review, the Court does not normally undertake a re-examination

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[24] *Rollo*, pp. 127-128.

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of the evidence presented by the contending parties during the trial of the case considering that the findings of fact of the Court of Appeals are conclusive and binding on the Court. However, there are several recognized exceptions[25] in which factual issues may be resolved by this Court. Two of these exceptions find application in the present case, to wit: (1) when the findings of fact of the appellate court are contrary to those of the trial court;[26] and (2) when the findings of fact are premised on the supposed absence of evidence and contradicted by the evidence on record.

The assailed Decision of the Court of Appeals upheld OCT No. 380 as the origin of TCT No. 90816 in the name of respondent Victory Hills. The appellate court ruled that the homestead patent which was awarded to respondent's predecessor, Jose H. Manahan, in 1936 cannot simply be defeated by the subsequent grant of free patent to petitioners 45 years later. It accepted the transcript of Homestead Patent No. H-19562 in OCT No. 380 as a faithful reproduction of the original. Also, the Court of Appeals recognized the notation "sgd" in OCT No. 380 as customary to signify that the original copy of the patent had been signed by the Secretary of Agriculture and Commerce.

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[25] *Delos Santos v. Elizalde*, G.R. Nos. 141810 and 141812, February 2, 2007, 514 SCRA 14, 33.

The recognized exceptions to this rule are: (1) when the findings are grounded entirely on speculation, surmises or conjectures; (2) when the inference made is manifestly mistaken, absurd or impossible; (3) when there is grave abuse of discretion; (4) when the judgment is based on a misapprehension of facts; (5) when the findings of facts are conflicting; (6) when in making its findings the Court of Appeals went beyond the issues of the case, or its findings are contrary to the admissions of both the appellant and the appellee; (7) when the findings are contrary to the trial court; (8) when the findings are conclusions without citation of specific evidence on which they are based; (9) when the facts set forth in the petition as well as in the petitioner's main and reply briefs are not disputed by the respondent; (10) when the findings of fact are premised on the supposed absence of evidence and contradicted by the evidence on record; and (11) when the Court of Appeals manifestly overlooked certain relevant facts not disputed by the parties, which, if properly considered, would justify a different conclusion.

[26] *Buenaventura v. Republic*, G.R. No. 166865, March 2, 2007, 517 SCRA 271, 282.

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After carefully poring over all the evidence submitted in this case, we find the petition to be impressed with merit.

The relocation survey conducted by the DENR on October 25, 1993 positively confirmed that the mother title of respondent's TCT and the OCTs of petitioners cover the same land. We are confronted, therefore, with a case of successive registration, in the event of which we have been constantly guided that:

> In successive registrations, where more than one certificate is issued in respect of a particular estate or interest in land, the person claiming under the prior certificate is entitled to the estate or interest; and the person is deemed to hold under the prior certificate who is the holder of, or whose claim is derived directly or indirectly from the person who was the holder of the earliest certificate issued in respect thereof.[27]

However, we find that the circumstances attendant in this case militate against a forthright application of this rule.

Section 105 of Act No. 2874,[28] the governing law when Homestead Patent No. H-19562 was purportedly issued, speaks of who must sign the patents and certificates granted pursuant to the Act:

> Sec. 105. **All patents** or **certificates for lands** granted under this Act shall be prepared in the Bureau of Lands and shall issue in the name of the Government of the Philippine Islands **under the signature of the Governor-General, countersigned by the Secretary of Agriculture and Natural Resources**, but such patents or certificates shall be effective only for the purposes defined in section one hundred and twenty-two of the Land Registration Act; and the actual conveyance of the land shall be effected only as provided in said section. (Emphasis supplied.)

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[27] *Manotok Realty, Inc. v. CLT Realty Development Corporation*, G.R. Nos. 123346 and 134385, December 14, 2007, 540 SCRA 304, 336.

[28] AN ACT TO AMEND AND COMPILE THE LAWS RELATIVE TO LANDS OF THE PUBLIC DOMAIN, AND FOR OTHER PURPOSES, approved on November 29, 1919.

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Noteworthy, Section 47[29] of Act No. 496 or the Land Registration Act[30] provides that a certified true copy of an original certificate of title shall be admissible as evidence in our courts and shall be conclusive as to all matters contained therein except as otherwise provided by the Act. This is complementary to the rule on the admissibility of public documents as evidence under Section 23, Rule 132 of the Rules of Court:

> SEC. 23. *Public documents as evidence.* — Documents consisting of entries in public records made in the performance of a duty by a public officer are *prima facie* evidence of the facts therein stated. All other public documents are evidence, even against a third person, of the fact which gave rise to their execution and of the date of the latter.

Thus, the evidentiary value of public documents must be sustained in the absence of strong, complete and conclusive proof of its falsity or nullity.[31]

In the case at bar, the appellate court gave credence to the certified true copy of OCT No. 380 as proof of ownership of respondent's predecessor. Yet, it is readily apparent from a cursory reading of said copy that OCT No. 380 was supposedly signed,[32] not by the Secretary of Agriculture and Natural Resources, as mandated by law, but by the Secretary of Agriculture and Commerce. Hence, it is plain to see that to give OCT No. 380

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[29] SEC 47. The original certificate in the registration book, any copy thereof duly certified under the signature of the clerk, or of the register of deeds of the province or city where the land is situated, and the seal of the court, and also the owner's duplicate certificate, shall be received as evidence in all the courts of the Philippine Islands and shall be conclusive as to all matters contained therein except as far as otherwise provided in this Act.

[30] AN ACT TO PROVIDE FOR THE ADJUDICATION AND REGISTRATION OF TITLES TO LANDS IN THE PHILIPPINE ISLANDS, approved on November 6, 1902.

[31] *Palileo v. National Irrigation Administration*, G.R. No. 148574, October 11, 2005, 472 SCRA 288, 297.

[32] CA *rollo*, pp. 104-105. Acting Deputy Register of Deeds of Rizal Rolando Golla testified that the original OCT No. 380 on file with the Registry of Deeds of Rizal bore only the notation "sgd" before the name of the Secretary of Agriculture and Commerce (TSN, June 16, 1999, pp.14-16).

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probative value in court would be to allow variance or an evasion or circumvention of the requirement laid down in Section 105 of Act No. 2874. We are thus warned that any title sourced from the flawed OCT No. 380 could be void. On this basis, we are justified to consider with great care any claims derived therefrom.

What taints OCT No. 380 even more is the fact that the records of the Community Environment and Natural Resources Office (CENRO) are devoid of evidence to prove that Homestead Patent No. H-19562,[33] much less a patent application[34] for Lot No. 3050 with the Bureau of Lands ever existed. The certification[35] from the Bureau of Lands that Lot No. 3050 was surveyed in the name of Jose Manahan suggests, at best, that he was a survey claimant. Neither do we find the derivative titles of OCT No. 380 free from any taint of irregularity. While TCT No. 46219 in the name of Hieras indicated January 4, 1937 as the original registration date of Lot No. 3050, the TCTs of subsequent transferees designated a different date – May 17, 1944.

True, a duly-registered certificate of title is considered a public document and the entries found in it are presumed correct, unless the party who contests its accuracy can produce evidence establishing otherwise.[36] Even then, records of public officers which are admissible in evidence are limited to those matters which the public officer has authority to record.[37] Indisputably, it was beyond the power of the Register of Deeds to register a public land based on an invalid, much worse, a non-existent patent. To sanction an otherwise invalid document in the guise of upholding the stability of our land registration system would run counter to the judicial

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[33] Exhibits "FF" and "FF-1", folder of exhibits of Victory Hills, Inc. in Civil Case No. 548, p. 61.

[34] Exhibits "DD" and "DD-1", folder of exhibits of Victory Hills, Inc. in Civil Case No. 548, p. 59.

[35] Exhibit "Q", folder of exhibits of Victory Hills, Inc. in Civil Case No. 548, p. 29.

[36] Cf. *Delfin v. Billones*, G.R. No. 146550, March 17, 2006, 485 SCRA 38, 52-53.

[37] *Crisolo v. Macadaeg, et al.*, 94 Phil. 862, 866 (1954).

devotion towards purging the system of illicit titles, in accordance with our base task as the ultimate citadel of justice and legitimacy.[38]

The established legal principle in actions for annulment or reconveyance of title is that a party seeking it should establish not merely by a preponderance of evidence but by clear and convincing evidence that the land sought to be reconveyed is his.[39] It is rather obvious from the foregoing disquisition that respondent failed to dispense such burden. Indeed, the records are replete with proof that respondent declared the lots comprising Lot No. 3050 for taxation purposes only after it had instituted the present case in court. This is not to say of course that tax receipts are evidence of ownership, since they are not, albeit they are good indicia of possession in the concept of owner, for no one would ordinarily be paying taxes for a property not in his actual or at least constructive possession.[40]

Other than paying taxes from 1994-1997, however, respondent has not shown that it exercised dominion over Lot No. 3050. In contrast, petitioner Lasquite has been continuously paying taxes on the land since 1972,[41] and has utilized the land as a farm, planted fruit trees and raised goats thereon. Petitioners have likewise built structures and managed to entrust the property to the care of certain individuals without any objection from respondent.

Respondent avers that petitioner Lasquite forged the Deed of Quitclaim/Assignment of Rights to make it appear that Jose Manahan conveyed Lot No. 3050 to him. It must be stressed, however, that whoever alleges forgery has the burden of proving the same. Forgery cannot be presumed but should be substantiated with clear and convincing evidence.[42]

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[38] *Manotok Realty, Inc. v. CLT Realty Development Corporation*, *supra* note 27, at 319.

[39] *Id.* at 344-345.

[40] *Premiere Development Bank v. Court of Appeals*, G.R. Nos. 128122, 128184 and 128229, March 18, 2005, 453 SCRA 630, 651.

[41] Exhibit "10", folder of exhibits of defendant in Civil Case No. 548, p. 13.

[42] *Aznar Brothers Realty Company v. Court of Appeals*, G.R. No. 128102, March 7, 2000, 327 SCRA 359, 374.

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Regrettably, Victory Hills was unable to establish that the Jose H. Manahan from whom it derived its title is the same Jose Manahan from whom petitioner Lasquite bought Lot No. 3050. During the trial of this case, several death certificates had been proferred by the parties, *albeit*, inconclusive to establish the identity of Jose Manahan as the common origin of all their titles. Respondent Victory Hills obtained its title from Jose H. Manahan. Meanwhile, the records disclose that the Jose S. Manahan from whom the Manahans derived title was 54 years old and married when he died of infectious hepatitis on October 12, 1947.[43] For their part, the Prescillas traced their title from Jose M. Manahan, who was supposedly 68 years old and single when he succumbed to acute myocardial infarction on April 11, 1968.[44] This was however belied by the List of Register of Deaths in the Municipality of San Mateo Rizal for the year 1968.[45]

Relevant to the issue of prescription, we have ruled that to determine when the prescriptive period commenced in an action for reconveyance, the plaintiff's possession of the disputed property is material. An action for reconveyance based on an implied trust prescribes in 10 years. The reference point of the 10-year prescriptive period is the date of registration of the deed or the issuance of the title. The prescriptive period applies only if there is an actual need to reconvey the property as when the plaintiff is not in possession of the property. However, if the plaintiff, as the real owner of the property also remains in possession of the property, the prescriptive period to recover title and possession of the property does not run against him. In such a case, an action for reconveyance, if nonetheless filed, would be in the nature of a suit for quieting of title, an action that is imprescriptible.[46]

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[43] Records (Civil Case No. 548), Vol. 2-B, p. 103.

[44] *Id.* at 102.

[45] Exhibits "23", "23-A", "23-B", "23-C" and "23-D", folder of exhibits of defendant in Civil Case No. 548, pp. 33-37.

[46] *Aguirre v. Heirs of Lucas Villanueva*, G.R. No. 169898, June 8, 2007, 524 SCRA 492, 494.

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The records reveal that it was only on January 11, 1994 or nearly 13 years after OCT Nos. NP-197 and NP-198 were issued that respondent filed a Motion for Leave to Admit Complaint in Intervention[47] and Complaint in Intervention[48] before the RTC of Rizal. Nevertheless, respondent claimed to be in actual possession *in concepto de dueno* of a sizeable portion of Lot No. 3050. Thus, the action assumed the nature of a suit to quiet title; hence, imprescriptible.

However, in our view, respondent Victory Hills has failed to show its entitlement to a reconveyance of the land subject of the action.

WHEREFORE, the petition is *GRANTED*. The Decision dated November 8, 2006 of the Court of Appeals in CA G.R. CV No. 77599 is hereby *REVERSED* and *SET ASIDE*. The Decision dated July 2, 2002 of the Regional Trial Court of San Mateo, Rizal, Branch 77, is *REINSTATED*. No pronouncement as to costs.

SO ORDERED.

Ynares-Santiago,[*] *Chico-Nazario,*[**] *Leonardo-de Castro,*[***] and *Brion, JJ.,* concur.

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[47] Records (Civil Case No. 548), Vol. 1, pp. 389-391.

[48] *Id.* at 392-397.

[*] Designated member of the Second Division per Special Order No. 645 in place of Associate Justice Conchita Carpio Morales who is on official leave.

[**] Designated member of the Second Division per Special Order No. 658.

[***] Designated member of the Second Division per Special Order No. 635 in view of the retirement of Associate Dante O. Tinga.