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FIRST DIVISION

[G.R. No. L-46268. September 24, 1986]

NATIONAL POWER CORPORATION, *petitioner, vs.* **HONORABLE COURT OF APPEALS and CONRADO B. PAYUMO,** *respondents.*

SYLLABUS

1. **CIVIL LAW; PUBLIC LAND ACT; JUDICIAL CONFIRMATION OF IMPERFECT AND INCOMPLETE TITLES; CONTINUOUS, EXCLUSIVE AND UNINTERRUPTED POSSESSION; NEGATED BY DISPUTE OVER POSSESSION OF SUBJECT PROPERTY; CASE AT BAR.**— PAYUMO's claim that he had been in continuous, exclusive, and uninterrupted possession of the disputed land is negated not only by the running dispute between him and the Castillos over possession of the litigated property, which culminated in the Decision of the Court of Appeals in CA-G.R. No. 22876-R declaring it as public land, but also by the fact that he declared the property for tax purposes only in October, 1959 when he filed his application for registration, although he could have done so in 1937 when he allegedly purchased the property from Mariano Palad. The pretended ownership of the land by Mariano Palad from whom PAYUMO claims to have acquired it, and whose possession is being tacked to the latter's to comply with the 20-year requirement, has not been established by satisfactory evidence. On the contrary, there is testimony to the effect that Palad was never in possession of the disputed property. Neither was the purported notarized deed of dale allegedly executed in 1937 in PAYUMO's favor ever presented by him in evidence on the allegation that his copy as well as the notarial copy had been lost or burned during the Second World War.

2. **ID.; ID.; ID.; RIGHTS OF APPLICANT, NOT ABSOLUTE UNTIL COMPLIANCE OF REQUIREMENTS THEREOF.**— It is apparent that whatever interest PAYUMO had in the land subject of the suit had not yet ripened into a vested right at the time Proclamation No. 599 was issued on June 23, 1959. The right of an applicant to alienable lands of the public domain does not become absolute until after he has complied with all the requirements of the law. Under Section 48 (b) of the Public Land Act, the applicant for

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judicial confirmation of imperfect and incomplete titles to alienable and disposable lands of the public domain must prove possession and occupation under claim of ownership for at least thirty (30) years preceding the filing of the application. For having failed to satisfactorily prove that 30-year requirement in October 1959, PAYUMO had not yet established a conclusive right to the disputed property to exempt him from the ambit of Proclamation No. 599, dated June 23, 1959.

DECISION

MELENCIO-HERRERA, *J.*:

The National Power Corporation (NPC) seeks a review of the Decision of respondent Court of Appeals granting the application for land registration of Conrado B. Payumo (private respondent) and ordering the issuance of a decree in his favor. This ruling reversed the Decision of the then Court of First Instance of Bulacan declaring the disputed parcel of land as public land included in the Angat River Watershed Reservation under the administration of the NPC, pursuant to Proclamation No. 599 of the President of the Philippines.

Following are the proceedings antecedent to this petition:

1. On October 12, 1959, PAYUMO filed an application for registration of a parcel of land identified as Lot 1 of Plan Psu-167442, with an area of 15.3145 hectares, situated in sitio Pamusuan, Barrio San Mateo, Norzagaray, Bulacan. He alleged ownership by purchase from his father-in-law, Mariano Palad, in February 1937 and continuous, exclusive, and uninterrupted possession for a period of thirty years, by taking to his possession that of his predecessor-in-interest.

2. Oppositions to the application were filed by the Castillos, namely: Juan, Fausta, Ramon, Fabian and Maria, and by the petitioner NPC.

The Castillos alleged that the land applied for forms part of a bigger parcel of 4,000 hectares of land which they inherited from

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Don Mariano San Pedro y Esteban covered by a Spanish title known as "Titulo de Composicion con el Estado," dated April 21, 1894.

The NPC, for its part, maintained that the greater portion of the land applied for is public land included in the Angat River Project consisting of 10,711,119 square meters, more or less, and reserved for its use under Proclamation No. 599 of the President of the Philippines, dated June 23, 1959, and is thus neither alienable nor disposable.

3. After trial, the Court of First Instance of Bulacan, on April 14, 1966, declared that neither PAYUMO nor the Castillos had established any registerable right over the land applied for and declared the disputed property as public land in a Decision, the dispositive portion of which reads:

"WHEREFORE, the application as well as the oppositions filed by the different oppositors, except the National Power Corporation are hereby dismissed, and the parcel of land identified as Lot 1 of Plan Psu-167442 is declared public land, and that part thereof east of the boundary line Exhibit 4-C in this plan of the Angat River Project Exhibit 4 is declared part of said Project in accordance with Proclamation No. 599 of the President of the Philippines."

In disposing of the PAYUMO claim, the Trial Court ruled that no documentary evidence nor credible testimony was given to establish the pretended ownership of the land by Mariano Palad from whom PAYUMO claimed to have acquired it; that PAYUMO's claim of peaceful and uninterrupted possession since 1937 is doubtful since it appears that there has been a running dispute between the Castillos and PAYUMO over possession of the land, which prevents both of them from availing of the provisions of the Public Land Act.

And, in so far as the Castillos are concerned, the Trial Court opined that the photostatic copy (in lieu of the lost original) of the Spanish title in the name of Mariano San Pedro shows obvious alterations and intercalations in an attempt to vastly increase the area and change the location of the land described in the original title, which originally covered only two parcels of land located in Pulo, Bulacan, with a combined area of slightly more than four hectares.

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The factors considered by the Trial Court in upholding the NPC claim were: (1) Proclamation No. 599 itself; (2) the Angat River Project sketch plan showing that a portion of Lot 1 lying east of the boundary is included in the Reservation; and (3) the Decision of the Court of Appeals of January 25, 1960, in CA-G.R. No. 22876-R, involving the disputed property also contested in that case by Fabian Castillo, among others, and PAYUMO wherein it was held that the land in question belongs to the public domain.

4. From the adverse judgment against them, the applicant PAYUMO and the oppositors Castillos appealed to the Court of Appeals. For failure to pay the required docket fees within the reglementary period, the appeal of the Castillos was dismissed.[1]

5. In its Decision, dated May 4, 1977, the Court of Appeals reversed the Trial Court and sustained PAYUMO's claim of adverse possession under a claim of ownership of a public agricultural land for the required period of 30 years, stating:

"there is every reason to believe Payumo's position, his evidence of adverse possession for the required period of time, thirty (30) years at least, under R.A. 1942, because remember that as shown on page 1 of original record, this application was filed on 12 October, 1959 but dated 7 October, 1959, and at that time, R. A. 1942, approved on 22 June, 1957, was already in force, and required only a thirty (30) year period of adverse possession of public agricultural land under a *bona fide* claim of ownership."[2]

further, that PAYUMO's right over the land had already vested prior to the issuance of Presidential Proclamation No. 599, thus:

"the fact that a portion of land applied for falls within the Angat River Project should not altogether negate the validity of the application, because Presidential Proclamation No. 599, dated 23 June, 1959, Exh. 1-NPC, ontained a saving clause, that it was, 'subject to private rights.'"[3]

and finally decreeing that:

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[1] CA *Rollo*, p. 61.

[2] pp. 11 & 12, SC *Rollo*, pp. 39 & 40.

[3] pp. 12 & 13, SC *Rollo*, pp. 40 & 41.

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"IN VIEW WHEREOF, this Court is constrained to reverse as it now reverses, judgment appealed from, application granted, and once this decision should become final, if it ever would, let decree issue in the name of applicant Payumo with the personal circumstances mentioned in the application, no more pronouncement as to costs."[4]

Hence, this petition for review before us filed by NPC.

We are constrained to reverse.

Prior to the application for registration filed by PAYUMO with the Trial Court on October 12, 1959, Proclamation No. 599 had already been issued by the President of the Philippines on June 23, 1959, "reserving for the Angat River Project of the National Power Corporation a certain parcel of the public domain situated partly in the Municipality of Norzagaray, and partly in the Municipality of San Jose, Province of Bulacan, Island of Luzon x x x subject to private rights."

There is no question that the bigger portion of the parcel of land in question is embraced in and covered by the Proclamation No. 599 (Exhibit "4-NPC"). The question to determine is whether or not PAYUMO had vested "private rights" prior to the issuance of the Proclamation.

Contrary to the finding of the Court of Appeals, the evidence calls for a negative answer.

PAYUMO's claim that he had been in continuous, exclusive, and uninterrupted possession of the disputed land is negated not only by the running dispute between him and the Castillos over possession of the litigated property, which culminated in the Decision of the Court of Appeals in CA-G.R. No. 22876-R declaring it as public land, but also by the fact that he declared the property for tax purposes only in October, 1959 (Exhibit "D") when he filed his application for registration, although he could have done so in 1937 when he allegedly purchased the property from Mariano Palad.

The pretended ownership of the land by Mariano Palad from whom PAYUMO claims to have acquired it, and whose possession is being tacked to the latter's to comply with the 30-year

[4] p. 13, SC *Rollo*, p. 41.

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requirement, has not been established by satisfactory evidence. On the contrary, there is testimony to the effect that Palad was never in possession of the disputed property.[5] Neither was the purported notarized deed of sale allegedly executed in 1937 in PAYUMO's favor ever presented by him in evidence on the allegation that his copy as well as the notarial copy had been lost or burned during the second World War.

Of note is the finding of the Court of Appeals in CA-G.R. No. 22876-R, quoted by the respondent Court in its Decision, reading:

"Defendant Conrado Payumo, 46, farmer, denied plaintiff's charges. He further testified that he did not enter any land belonging to the plaintiff; that he had worked on the land he is occupying since the Ipo Mines was there up to the present, more particularly since 1939; that the area of the land he is occupying is 36 hectares, for which he has applied for a homestead patent in February 1956; that although he has already occupied the land for 20 years, he could not file his application for a homestead patent earlier because the Ipo Mines claimed that land as belonging to it; and that he had not paid any land taxes."[6]

Significantly, in his testimony in that case, PAYUMO claimed that he had occupied the disputed land for only 20 years and never did he mention that he had acquired the property from Mariano Palad whose possession should be tacked to his to complete the 30-year requirement. It was only when he filed the application for registration that he alleged that he purchased the land from Mariano Palad and that the latter had been occupying the land even before the Japanese occupation. As aptly concluded by the Trial Court:

"In the light of all the evidence presented, the Court is of the opinion that neither Conrado B. Payumo nor the Castillos have established any registerable right over the lot covered by the application. Not a bit of documentary evidence nor credible or satisfactory testimony was given to establish the pretended ownership of the land by Mariano Palad, from whom Payumo claimed to have acquired it. As to Payumo's claim of peaceful and uninterrupted possession since 1937, it was indubitably shown, both by the admission of Fabian Castillo and the testimony of

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[5] T.s.n., December 14, 1965, p. 11.

[6] SC *Rollo*, pp. 38 & 39.

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Cesar Marcelo, that Lot 1 of Psu-167442 is the same property disputed by Fabian Castillo and Conrado B. Payumo in CA-G.R. No. 22876-R, wherein the Court of Appeals held that the land in question belonged to the public domain. In dismissing the claims of both Payumo and Castillo, the Court said that it was more inclined to believe that the persons presently occupying the land in the different sitios of Sicao (also referred to as Sikaw), Pamusuan, Bitbit, Suson Dalaga and Kabuyao, Norzagaray, Bulacan were former workers of the (Ipo Mining Corporation), and that when it ceased to exist in 1939 they continued to possess and cultivate the lands it formerly occupied.

"What appears certain is that there has been a running dispute all along between Castillo and Payumo over possession of the land, a situation which prevents either of them from availing himself of the provisions of Rep. Act No. 1942, wherein 'open, continuous, exclusive and notorious' possession is required for a period of 30 years prior to the filing of the application."[7]

It is apparent that whatever interest PAYUMO had in the land subject of the suit had not yet ripened into a vested right at the time Proclamation No. 599 was issued on June 23, 1959. The right of an applicant to alienable lands of the public domain does not become absolute until after he has complied with all the requirements of the law.[8] Under Section 48(b) of the Public Land Act, the applicant for judicial confirmation of imperfect and incomplete titles to alienable and disposable lands of the public domain must prove possession and occupation under claim of ownership for at least thirty (30) years preceding the filing of the application for having failed to satisfactorily prove that 30-year requirement in October, 1959, PAYUMO had not yet established a conclusive right to the disputed property to exempt him from the ambit of Proclamation No. 599, dated June 23, 1959.

WHEREFORE, the judgment of respondent Appellate Court under review is hereby SET ASIDE, and that of the Court of First Instance of Bulacan hereby REINSTATED.

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[7] pp. 15-17, Record on Appeal.

[8] *Vda. de Delizo vs. Delizo,* 69 SCRA 216 (1976); *Quiaoit vs. Consolacion,* 73 SCRA 208 (1976).

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Costs against private respondent, Conrado Payumo.

SO ORDERED.

Yap (Chairman), Narvasa, Paras, and *Feliciano, JJ.,* concur.

EN BANC

[G.R. Nos. L-47994-97. September 24, 1986]

LIDELIA MAXIMO, *petitioner, vs.* **HONORABLE JUDGE NICOLAS GEROCHI, JR., Judge of the Circuit Criminal Court, 12th Judicial District, Bacolod City and CONCHITA PANGHILASON,** *respondents.*

SYLLABUS

1. **REMEDIAL LAW; CRIMINAL PROCEDURE; ACQUITTAL OF ACCUSED IN THE CRIMINAL ACTION DOES NOT CARRY WITH IT EXTINCTION OF CIVIL LIABILITY ARISING FROM ACTS COMPLAINED OF.** — If an accused is acquitted, it does not necessarily follow that no civil liability arising from the acts complained of may be awarded in the same judgment. The prevailing rule as enunciated by this Court *en banc* in the case of *Padilla v. Court of Appeals*,(129 SCRA 558) is that the Court may acquit an accused on reasonable doubt and still order payment of civil damages already proved in the same case without need for a separate civil action. This ruling was reiterated in the case of *People v. Jalandoni* (131 SCRA 454) where the accused formally admitted the amount of civil damages.

2. **ID.; ID.; ID.; RATIONALE.** — The rationale behind the rule is stated in the *Padilla* case as follows: There appear to be no sound reasons to require a separate civil action to still be filed considering that the facts to be proved in the civil case have already been established in the criminal proceedings where the accused was acquitted. Due process has been accorded the accused. He was, in fact, exonerated