Supreme Court E-Library

SECOND DIVISION

[G.R. Nos. 85991-94. July 3, 1991]

REPUBLIC CEMENT CORPORATION, *petitioner, vs.* **COURT OF APPEALS, MOISES CORREA and REGISTER OF DEEDS OF BULACAN,** *respondents.*

SYLLABUS

1. REMEDIAL LAW; APPEALS; REVIEW OF FACTUAL FINDINGS OF THE COURT OF APPEALS NOT SUPREME COURT'S FUNCTION. — It may readily be seen that the issues raised by herein petitioner are questions of fact which are not within the province of the present recourse. Settled is the rule that findings of fact of the Court of Appeals are final and binding upon the Supreme Court if borne out by the evidence on record. A review of the factual findings of the Court of Appeals is not a function ordinarily undertaken by the Supreme Court, the rule admitting of only a few exceptions recognized under decisional law, which exceptions are not obtaining in the case at bar.

2. CIVIL LAW; LAND REGISTRATION; A GRANTOR CAN CONVEY ONLY HIS ALIENABLE TITLE OR INTEREST. — After the death of Felix Mangahas, one-half (1/2) of said land was adjudicated and partitioned among his five (5) daughters, namely, Francisca, Oliva, Susana, Agatona and Remedios, in a deed of extrajudicial partition. Later, the shares of each of said heirs was transferred to herein petitioner by virtue of deeds of absolute sale executed either by the heirs themselves or their successors in interest. Based on said transfers, petitioner is now seeking the registration of the whole of Lot No. 2880 in its name. This we cannot allow. The deeds of sale relied upon by petitioner do not constitute sufficient legal justification for petitioner's claim over all of Lot No. 2880. Petitioner's title over said lot, as the successor in interest of said heirs, is limited only to whatever rights the latter may have had therein. It is elementary that a grantor can convey no greater estate than what he has or in which he has an alienable title or interest.

3. ID.; ID.; ID.; SURVEY CANNOT JUSTIFY CLAIM OVER EXCESS AREA. — Petitioner's claim over the excess area is

Supreme Court E-Library

premised on the survey allegedly made by private surveyor Arsenio Villaruz, but the resultant areas depicted in said survey do not tally with, but supposedly consist of expanded areas very much larger than, those indicated for the lots involved in their respective tax declarations, *viz*: Tax Declaration No. 6831 of the spouses Esmeraldo Reyes and Esperanza Balagtas, successors in interest of Agatona Mangahas; Tax Declaration No. 6829 of the spouses Francisco Reyes and Magdalena Joaquin, successors in interest of Susana Mangahas; and Tax Declaration No. 6830 of Oliva, Francisca and Remedios Mangahas. These facts are expressly stated by the foregoing parties in the deeds of sale they executed in favor of petitioner over the lots covered by the aforestated tax declarations. We do not find satisfactory the stilted explanation advanced to justify the glaringly excessive disparity of areas resulting after the supposed survey.

4. **ID.; ID.; ID.; ID.; SURVEY PLAN IF NOT DULY APPROVED IS OF DUBIOUS VALUE. —** It does not appear from our scrutiny of the records, despite petitioner's representations in its written offer of evidence filed in the court *a quo*, that the purported survey plans of the lots involved were actually submitted in evidence therein. Neither was it alleged and proved that they were approved by the Director of Lands. It has long been held that unless a survey plan is duly approved by the Director of Lands, the same is of dubious value and is not acceptable as evidence. Indubitably, therefore, the reputed survey and its alleged results are not entitled to credit and should be rejected.

5. **ID.; ID.; IDENTITY OF LAND REFERRED IN DOCUMENT MUST BE PROVED. —** An applicant for registration of land, if he relies on a document evidencing his title thereto, must prove not only the genuineness of said title but also the identity of the land therein referred to. If he only claims a portion of what is included in his title, he must clearly prove that the property sought to be registered is included in that title.

APPEARANCES OF COUNSEL

Angara, Abello, Concepcion, Regala & Cruz for petitioner.

Evangelista, Cruz, Perez & Cruz Law Offices for Moises Correa.

Supreme Court E-Library

D E C I S I O N

REGALADO, *J.*:

This is a petition for review on *certiorari* of the decision of respondent court, promulgated on September 20, 1988 in CA-G.R. CV Nos. 07824-88, ordering the registration of Lot No. 2880 of the Cadastral Survey of Norzagaray, Bulacan in the name of petitioner Republic Cement Corporation but excluding the portions thereof described in Plans PSU 229592, 227659 and 225872 of the Norzagaray Cadastre which were ordered registered in the name of private respondent Moises Correa.[1]

As found by respondent court, petitioner Republic Cement Corporation filed a petition in the then Court of First Instance of Bulacan, Branch V at Sta. Maria, docketed therein as Land Registration Case No. (SM) N-093, for the registration in its name of a parcel of land identified as Lot No. 2880 of the Cadastral Survey of Norzagaray, Bulacan, Plan Ap-16404, located in barrio Minuyan, Norzagaray, Bulacan, with an area of 207,996 square meters, more or less. It is alleged that said applicant purchased the parcel of land from persons who, by themselves or through their predecessors in interest, had occupied and cultivated it continuously since the Spanish regime to the present and had been in open, continuous, exclusive and notorious possession and occupation of said parcel of land under a *bona fide* claim of ownership, except against the Government, since July 26, 1894.

The application was opposed by spouses Jose Rayo and Susana Mangahas and one Pedro Legaspi. According to the oppositor spouses, they are the owners of the east central portion of the parcel of land, title to which is sought to be registered by petitioner, covered by Plans PSU 229592 and 227659, with a total area of 68,389 square meters, having been in actual, open, public, adverse, peaceful and uninterrupted possession and occupation

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[1] Penned by Justice Pedro A. Ramirez, with Justices Serafin E. Camilon and Minerva P. Gonzaga-Reyes concurring.

Supreme Court E-Library

thereof in the concept of owner for a period of over sixty (60) years and having acquired ownership thereof by donation on the occasion of their marriage from the parents of Jose Rayo. Oppositor Pedro Legaspi claims that he is the owner of the eastern portion of the same parcel of land covered by Plan PSU-225872, with a total area of 31,887 square meters, having been in actual, open, public, adverse, peaceful and uninterrupted possession and occupation thereof in the concept of owner for a period of over sixty (60) years and having acquired ownership thereof by purchase from its original owner.

Accordingly, the spouses Jose Rayo and Susana Mangahas and Pedro Legaspi sought to register title to the respective portions of the parcel of land in question subject of and based on the allegations in their respective oppositions to the application of petitioner, which counter-applications were docketed therein as Land Registration Cases Nos. (SM) N-146 and (SM) N-147. Petitioner duly filed an opposition to said applications on the grounds alleged in its application and the Solicitor General likewise opposed said applications.

Applicants/oppositors Pedro Legaspi and the spouses Jose Rayo and Susana Mangahas were later substituted by private respondent Moises Correa as subsequent purchaser of the aforesaid portions of said parcel of land.

By agreement of the parties the three cases were jointly tried. On August 25, 1982, the lower court, acting on eleven (11) land registration cases the applicants therein were corporations and one of which was the application of petitioner in Land Registration Case No. (SM) N-093, issued an order the pertinent part of which reads:

"In view of the recent ruling of the Honorable Supreme Court in G.R. No. L-49623 (*Manila Electric Company, Petitioner-Appellant vs. Judge Floreliana Castro-Bartolome of the Court of First Instance of Rizal, Makati, Br. XV, & Republic of the Philippines, Respondents-Appellees*) promulgated on June 29, 1982 affecting applications for land registration by juridical entities and it appearing that in the

Supreme Court E-Library

above-cited cases juridical parties are involved and therefore falling under the same category, said cases are hereby dismissed.[2]

On August 29, 1983, judgment was rendered in Land Registration Cases Nos. (SM) N-146 and (SM) N-147, the dispositive portion of which provides:

"WHEREFORE, confirming the Order of Special default entered on September 16, 1971 for these two registration cases, the Court hereby orders the registration of Psu-225872, Norzagaray Cadastre, depicted in the plan which was surveyed for Pedro Legaspi on March 13, 1977 and Psu-229592 and Psu-227659 as depicted in the plan which was surveyed for spouses Jose Rayo and Susana Mangahas on March 12, 1966 and May 15, 1966, respectively, together with its corresponding technical description and all improvements existing thereon, in the name of substituted applicant Moises Correa, of legal age, Filipino citizen, married to Rosario N. Correa, with residence at Poblacion, Norzagaray, Bulacan.

"After this decision shall have become final, the corresponding decree shall issue."[3]

Herein petitioner appealed from the order of dismissal of its application, the denial of its motion for the reconsideration thereof and the judgment rendered by the trial court. The Solicitor General, in behalf of the Director of Lands, also appealed from the aforesaid judgment.

On August 13, 1984, herein private respondent Correa filed an action for recovery of possession and damages (*accion publiciana*) against petitioner in the Regional Trial Court of Bulacan, Branch XVII, involving the same parcel of land subject of the aforesaid three cases for registration of title, which action was docketed therein as Civil Case No. 7678-M.

Petitioner moved to dismiss the complaint against it on the ground that the order of dismissal of its application and the judgment rendered in the land registration cases have not yet become final as they were the subject of its appeal.

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[2] Original Record, Vol. II, 664.

[3] *Ibid*., Vol. IV, 197-198.

Supreme Court E-Library

The court below granted petitioner's motion and dismissed the complaint on February 1, 1985. The motion for reconsideration of the order of dismissal having been denied, on July 1, 1985, herein respondent Correa took an appeal therefrom to respondent Court of Appeals where it was docketed as CA-G.R. CV No. 07088.

In its own appeal to respondent court, herein petitioner charges that the trial court erred —

1) in ordering the registration of the three (3) parcels of land covered by PSU-225872, PSU-229592 and PSU-227659 in the name of Correa;

2) in not declaring Jose Rayo, Susana Mangahas, and Pedro Legaspi as usurpers of the lot applied for by petitioner;

3) in holding that petitioner surveyed, encroached upon, and developed the disputed three (3) parcels of land to the prejudice of Correa;

4) in holding that petitioner through its workers and employees, forcibly entered into the disputed three (3) parcels of land in 1970;

5) in not recognizing petitioner's vested rights to the land and dismissing *motu proprio* LRC Case No. (SM) N-093; and

6) in not allowing petitioner to submit an "amended petition to conform to evidence" or to file the proper motion for substitution by the qualified assignee of petitioner.[4]

On his part, the Solicitor General faults the trial court with error (in CA-G.R. CV No. 07825) for —

1) not denying the application for registration for failure of the applicant to adduce clear and convincing evidence of possession and occupation of the nature and for the length of time required by law;

2) granting the application for registration despite the failure of the appellee to submit in evidence the original tracing cloth plan; and

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[4] *Rollo*, 199.

Supreme Court E-Library

3) finding that appellee has a registerable title over the subject property.

and (in CA-G.R. No. 07826) for —

1) confirming applicant-appellee's alleged title over the two parcels of land shown in Plans PSU-229592 and PSU-227659, consisting of 38,290 and 30,099 square meters, respectively, despite absence of proof that said lands have been released as alienable and disposable;

2) confirming applicant-appellee's alleged title over the above two parcels of land despite absence of adequate proof that applicant-appellee and his predecessors-in-interest have been in open, continuous, exclusive and notorious possession thereof since June 12, 1945 or earlier;

3) confirming applicant appellee's alleged title over the subject parcels of land despite absence of the requisite reports of the Commissioner of Land Registration and the Director of Lands pursuant to Section 29 of P.D. 1529; and

4) granting the application despite the failure of applicant to submit the original tracing cloth plan of the lands applied for, the submission of which is a statutory requirement of mandatory character.[5]

On September 20, 1988, respondent Court of Appeals rendered a decision upholding the right of herein petitioner to file an application for registration of the land in question pursuant to the doctrine in *The Director of Lands vs. Intermediate Appellate Court, et al.*,[6] which overruled the holding in *Manila Electric Company vs. Castro-Bartolome* relied upon and cited by the trial court, *supra*; and ordering the registration of Lot No. 2880 in the name of petitioner, but excluding portions thereof as described in Plans PSU-229592, 227659 and 225872 which were ordered registered in the name of private respondent Correa, more particularly as follows:

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[5] *Ibid*., 199-200.

[6] 146 SCRA 509 (1986).

Supreme Court E-Library

"WHEREFORE, the orders dated August 25, 1982 and February 8, 1984, appealed from by Republic Cement Corporation (Land Registration Case No. SM-093, now CA-G.R. CV No. 07824) are REVERSED; the judgment rendered on August 29, 1983, appealed from by Republic Cement Corporation (Land Registration Cases Nos. SM-146 and SM-147, now CA-G.R. CV Nos. 07825 and 07826) is MODIFIED in the manner as hereafter provided; and the orders dated February 1, 1985 and July 1, 1985, appealed from by Moises R. Correa (Civil Case No. 7678-M, now CA-G.R. CV No. 07088), are AFFIRMED.

"Title to the parcels of land covered by Plans PSU-229592 and PSU-227659 (Exhibits 1 and 1-A, Rayo-Mangahas, pp. 10-11, rec., Vol. IV), the technical description of which are on pages 7 and 8, rec., *supra*, and the parcel of land covered by Plan PSU-225872 (Exhibit 1-Legaspi, p. 9, rec., Vol. III), the technical description of which are on pages 6 and 7, rec., *supra*, is confirmed in the name of Moises R. Correa. Said parcels of land excluded from Lot No. 2280, Norzagaray Cadastre, Plan AP-16404 (Exhibit D, p. 10, rec., Vol. I), the technical description of which are on pages 7 and 8, rec. *supra*, title to the remaining portion thereof (Lot No. 2280) is confirmed in the name of Republic Cement Corporation. Accordingly, upon finality of this judgment, the corresponding adjustment in the technical description of Lot No. 2280 shall be made before issuance of the corresponding decrees and certificates of title to and in the names of the proper parties.

"No pronouncement as to costs in these instances.

SO ORDERED."[7]

Herein petitioner then filed a motion for reconsideration, which was denied by respondent Court of Appeals in its resolution dated November 22, 1988. In its aforesaid resolution, respondent court expressly noted therein that the Solicitor General did not file a motion for reconsideration of its judgment nor a petition for its review before this Court.[8] Hence, the present recourse is now of petitioner by itself.

Before us, petitioner contends that respondent Court of Appeals erred in ordering the registration of the three parcels

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[7] *Ibid*., 209-210.

[8] *Ibid*., 212-214.

Supreme Court E-Library

of land covered by Plans PSU-225872, 229592, and 227659 in the name of private respondent Correa, as purchaser of the properties from Jose Rayo, Susana Mangahas and Pedro Legaspi, allegedly because:

1. Private respondent failed to prove the genuineness of his title and the identity of the lands he claims for his own in the manner and with the degree of evidence required by law;

2. Jose Rayo, Susana Mangahas and Pedro Legaspi have not proven exclusive, continuous, open and adverse possession of these parcels of land to justify a finding of ownership;

3. The whole of Lot No. 2280 is duly covered by deeds of sale in petitioner's favor and amply supported by surveyor's certificates, the contents of which prevail over private respondent's doubtful allegations; and

4. The disputed parcels of land are specifically described by boundaries, putting their identity and extent beyond doubt.[9]

We find the petition at bar to be without merit.

It may readily be seen that the issues raised by herein petitioner are questions of fact which are not within the province of the present recourse. Settled is the rule that findings of fact of the Court of Appeals are final and binding upon the Supreme Court if borne out by the evidence on record.[10] A review of the factual findings of the Court of Appeals is not a function ordinarily undertaken by the Supreme Court, the rule admitting of only a few exceptions recognized under decisional law, which exceptions are not obtaining in the case at bar.[11]

Contrary to the claim of petitioner, private respondent, through his predecessors in interest, was able to establish the identity

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[9] *Ibid*., 33-34.

[10] *Alsua-Betts, et al., vs. Court of Appeals, et al*., 92 SCRA 332 (1979); *Baliwag Transit, Inc. vs. Court of Appeals, et al.,* 147 SCRA 82 (1987); *Solis, et al. vs. Court of Appeals, et al.,* 176 SCRA 678 (1989).

[11] *Ramos, et al. vs. Pepsi-Cola Bottling Co. of the P.I., et al.,* 19 SCRA 289 (1967); *Manlapaz vs. Court of Appeals, et al.,* 177 SCRA 1 (1989).

Supreme Court E-Library

of and title to the land sought to be registered in his name. The technical description and the survey plan duly approved by the Director of Lands submitted in evidence by private respondent fully describes the metes and bounds of the parcels of land involved, thus:

"Psu-229592
(Jose Rayo)

A parcel of land (as shown on plan Psu-229592, L.R.C. Record No.), situated in the Barrio of Minuyan, Municipality of Norzagaray, Province of Bulacan. Bounded on the W., along line 1-2 by property of the Heirs of Felix Mangahas (Lot 2880, Norzagaray Cadastre); on the N., along line 2-3 by property of Amado Enriquez and Pedro Rayo (Lot 2881, Norzagaray Cadastre); on the NE., along line 3-4 by property of Pedro Legaspi (Lot 8019, Norzagaray Cadastre); and on the SE., along line 4-1 by property of Susana Mangahas (Lot 7300, Norzagaray Cadastre), x x x; containing an area of THIRTY-EIGHT THOUSAND TWO HUNDRED NINETY (38,290) square meters. All points referred to are indicated on the plan and are marked on the ground as follows: Point 1 by cross marked on stone boulder, point 2 by Old Cross on Cupang tree, point 3 by Cross on natural stone, and point 4 by Old Cross on Balite tree; Bearings true; date of survey, March 12, 1966 and that of the approval, February 6, 1967."[12]

"Psu-227659
(Susana Mangahas)

A parcel of land (as shown on plan Psu-227659, L.R.C. Record No.), situated in the Barrio of Minuyan, Municipality of Norzagaray, Bulacan. Bounded on the S., SW., and NW., along lines 1-2-3-4-5 by property of the Heirs of Felix Mangahas; and on the NE., along line 5-1 by property of Pedro Legaspi (Psu-225872). x x x; containing an area of THIRTY THOUSAND NINETY-NINE (30,099) Square Meters. All points referred to are indicated on the plan and are marked on the ground as follows: Point 1 by Old cross on natural stone, point 2 by Cross marked on boulder, point 3 by Cross marked on boulder stone, point 4 by Cross marked on stone, and point 5 by Old cross with nail on Balita tree; Bearings true; date of survey, May 15, 1966 and that of the approval, December 5, 1966."[13]

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[12] Original Record, Vol. IV, 7.

[13] *Ibid.,* 8.

Supreme Court E-Library

"Psu-225872
(Pedro Legaspi)

A parcel of land (as shown on plan Psu-225872, L.R.C. Record No.), situated in the Barrio of Alagae, Municipality of Norzagaray, Province of Bulacan. Bounded on the NE., along line 1-2 by property of Camilo Legaspi (Lot 8016, Norzagaray Cadastre); on the SE., along line 2-3 by property of Andres San Pedro (Lot 2877, Norzagaray Cadastre); on the SW., along lines 3-4-5 by property of the Heirs of Felix Mangahas (Lot 2880, port. Norzagaray Cadastre); on the N., along line 5-6 by property of Pedro Rayo and Amado Enriquez (Lot 2881, Norzagaray Cadastre); on the NE., along line 6-7 by property of Amado Banez (Lot 2883, Norzagaray Cadastre); and on the E., along lines 7-8-1 by property of Camilo Legaspi (Lot 8016, Norzagaray Cadastre). x x x; containing an area of THIRTY-ONE THOUSAND EIGHT HUNDRED EIGHTY-SEVEN (31,887) Square Meters. All points referred to are indicated on the plan and are marked on the ground as follows: Points 2 and 7 by Old nail on Alibangbang trees, point 1 by Old B.L. on Natural stone; point 3 by cross on natural stone, point 4 by Cross on nail on Balite tree, point 5 by cross on Boulder stone, point 6 by Old cross on Malacamias tree, and point 8 by Old nail on Daling lalaki tree; Bearings true; date of survey, March 13, 1966 and that of the approval, September 2, 1966."[14]

As we ruled in *Director of Lands, et al. vs. Funtillar, et al.*:[15]

"x x x Survey Plan Psu-215779 of the property, showing its boundaries and total area, clearly identifies and delineates the extent of the land. The petitioners overlook the fact that no survey would at all be possible where the identity of the land is not first properly established. More importantly, without such identification, no opposition, even its own, to the application for registration could be interposed. Encroachment on or adverse possession of property could not be justly claimed."

Regarding petitioner's title over the said parcels of land, the trial court made the following factual findings, which are also the bases of the decision of respondent Court of Appeals, to wit:

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[14] *Ibid.*, Vol. III, 6.

[15] 142 SCRA 57 (1986).

Supreme Court E-Library

"It appears that parcel of land (Psu-225872) under LRC No. 146 consisting of 31,887 square meters was originally in open, peaceful, adverse, exclusive and uninterrupted possession of Silverio Tolentino in the concept of owner since 1934 who cleared the land, and planted thereon trees and upland rice. That in October, 1943 he sold the same to his nephew Pedro Legaspi (Exh. I) who took immediate possession thereof and introduced additional improvements thereon by building his house and planting *palay* and other fruit-bearing trees. That said Pedro Legaspi declared the land for taxation purposes in 1967 and had paid the real estate taxes from 1962 to 1967 (Exhibit J-1); and caused the property to be surveyed preparatory to the filing of an application for registration (Exhibit D). That from October 1943 to January 1970, said original applicant Pedro Legaspi continued with the same land of possession as his predecessor-in-interest until January 1970 when oppositor Republic Cement Corporation through its workers and employees forcibly entered his property and dispossessed him thereof; and the same later became the subject of a forcible entry case before the Municipal Court of Norzagaray, but was dismissed on the ground of jurisdiction since the question of ownership was put in issue. That on September 30, 1972 said Pedro Legaspi sold his rights and interests over the parcel of land to and in favor of substituted applicant Moises Correa (Exhibit L) who concentrated his efforts to recover the land already the subject of a registration case. The oral testimony of original applicant Pedro Legaspi, insofar as concerns location, character and continuity of possession, was corroborated by the testimony of witnesses Silverio Tolentino and Amado Enriquez both of them claiming to have known this parcel of land for more than 30 years, as the former owner and the adjoining owner thereof, respectively.

"With respect to the parcels of land (Psu-229592 and Psu-227659) under LRC No. 147 consisting of 38,290 and 30,099 square meters, respectively, it appears that the same were originally in open, peaceful, adverse, exclusive, continuous and uninterrupted possession by Fidel Enriquez in the concept of owner since 1932, who introduced improvements thereon by planting fruit-bearing trees. That in 1943 said Fidel Enriquez donated the two parcels of land to his grandson Jose Rayo and his spouse Susana Mangahas on occasion of their marriage. That the document evidencing the transfer was burned during the second world war. That applicant-donees took immediate possession of the donated property and introduced additional improvements by building their house and planting *palay* and other

Supreme Court E-Library

fruit-bearing trees on the land. That said spouses declared the property for taxation purposes since 1962 and had been paying the real estate taxes until 1974 (Exhibit 12), and caused the parcels of land to be surveyed preparatory to the filing of an application for registration (Exhibits 3 and 3-a). That from 1943 to January 1970, the original applicant-spouses continued with the same kind of possession as their predecessor-in-interest until in January 1970, when oppositor Republic Cement Corporation, through its workers and employees forcibly entered their property and dispossessed them of their land. That the same later became the subject of a forcible entry case, but was dismissed since the question of ownership was put in issue before the Municipal Court of Norzagaray. That on September 30, 1972 said spouses sold their rights and interests over said parcels of land to and in favor of substituted applicant Moises Correa (Exhibit LL) who sought to recover the property already the subject of a registration case. The oral testimony of original applicant-spouses Jose Rayo and Susana Mangahas insofar as concerns the location, character and continuity of possession, was corroborated by the testimony of witnesses Pedro Legaspi and Amado Enriquez, both claiming to have known these parcels of land for more than 30 years as the adjoining owners thereof."[16]

We defer to the above factual findings, there being no showing that it was arrived at with grave abuse of discretion or without sufficient basis. We have carefully scrutinized and reviewed the records and we find ample evidentiary support for the above findings.

The contention of petitioner that it has the right it claims over Lot No. 2880 in its entirety, on the bases of the deeds of sale executed in its favor and the surveyor's certificate, is untenable and cannot be upheld.

As found by respondent Court of Appeals, the land under consideration, now known as Lot No. 2880, was previously owned by spouses Felix and Maria Mangahas. After the death of Felix Mangahas, one-half (1/2) of said land was adjudicated and partitioned among his five (5) daughters, namely, Francisca, Oliva, Susana, Agatona and Remedios, in a deed of extrajudicial

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[16] *Ibid.*, Vol. II, 705-707.

Supreme Court E-Library

partition. Later, the shares of each of said heirs was transferred to herein petitioner by virtue of deeds of absolute sale executed either by the heirs themselves of their successors in interest.

Based on said transfers, petitioner is now seeking the registration of the whole of Lot No. 2880 in its name. This we cannot allow. The deeds of sale relied upon by petitioner do not constitute sufficient legal justification for petitioner's claim over all of Lot No. 2880. Petitioner's title over said lot, as the successor in interest of said heirs, is limited only to whatever rights the latter may have had therein. It is elementary that a grantor can convey no greater estate than what he has or in which he has an alienable title or interest.

As aptly and correctly observed by respondent court:

"It might be that what Republic Cement had actually acquired out of the one-half portion pertaining to Felix Mangahas was more than 34,804 square meters (the totality of what had been adjudicated to Francisca, Oliva, Susana, Agatona and Remedios), because the said parcel of land was still unregistered, their exact boundaries still undetermined. But what it must have acquired out of Felix Mangahas' one-half portion cannot be the whole of the property that he owned in common with his wife Maria de la Cruz with a total area of 207,996 square meters (20.7996 hectares), now known as Lot No. 2880, Plan Ap-16404, title to which it seeks to register. To uphold Republic Cement's claim to the entire portion of Lot No. 2880 would be to include the portions pertaining to Felix Mangahas' two sons Marcelo and Jose, as well as the portion pertaining to his wife Maria de la Cruz, which do not appear to have been the subject of an extrajudicial settlement and/or sale."[17]

Petitioner's claim over the excess area is premised on the survey allegedly made by private surveyor Arsenio Villaruz, but the resultant areas depicted in said survey do not tally with, but supposedly consist of expanded areas very much larger than, those indicated for the lots involved in their respective tax declarations, *viz*: Tax Declaration No. 6831 of the spouses Esmeraldo Reyes and Esperanza Balagtas, successors in interest

[17] *Rollo,* 206.

Supreme Court E-Library

of Agatona Mangahas; Tax Declaration No. 6829 of the spouses Francisco Reyes and Magdalena Joaquin, successors in interest of Susana Mangahas; and Tax Declaration No. 6830 of Oliva, Francisca and Remedios Mangahas. These facts are expressly stated by the foregoing parties in the deeds of sale they executed in favor of petitioner over the lots covered by the aforestated tax declarations.[18] We do not find satisfactory the stilted explanation advanced to justify the glaringly excessive disparity of areas resulting after the supposed survey.

Moreover, it does not appear from our scrutiny of the records, despite petitioner's representations in its written offer of evidence filed in the court *a quo*, that the purported survey plans of the lots involved were actually submitted in evidence therein. Neither was it alleged and proved that they were approved by the Director of Lands. It has long been held that unless a survey plan is duly approved by the Director of Lands, the same is of dubious value and is not acceptable as evidence.[19] Indubitably, therefore, the reputed survey and its alleged results are not entitled to credit and should be rejected.

An applicant for registration of land, if he relies on a document evidencing his title thereto, must prove not only the genuineness of said title but also the identity of the land therein referred to. If he only claims a portion of what is included in his title, he must clearly prove that the property sought to be registered is included in that title.[20]

With respect to the appeal of private respondent Correa in CA-G.R. CV No. 07088, respondent Court affirmed the order of the lower court dismissing said private respondent's complaint for recovery of possession of the parcels of land in question as being premature in view of the pendency before respondent court of the appeals subject of CA-G.R. CV Nos. 07825 and 07826. With this decision in the latter two cases, there is no need for us to pass upon the case first mentioned.

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[18] Original Record, Vol. II, 517-596.

[19] See *Flores vs. Director of Lands*, 17 Phil. 512 (1910).

[20] *Lasam vs. Director of Lands, et al.*, 65 Phil. 367 (1938).

Supreme Court E-Library

WHEREFORE, the instant petition is *DENIED* for lack of merit. The challenged decision of respondent Court of Appeals is hereby *AFFIRMED*.

SO ORDERED.

Melencio-Herrera (Chairman), Paras, Padilla, and *Sarmiento, JJ.,* concur.

FIRST DIVISION

[G.R. No. 87353. July 3, 1991]

PHILIPPINE AIRLINES, INC., PEDRO MARTIRES, JR. and MANUEL PANLILIO, *petitioners, vs.* **NATIONAL LABOR RELATIONS COMMISSION, LABOR ARBITER EDGARDO M. MADRIAGA, CARMENCITA NANNETTE G. DE VEYRA,** *respondents.*

SYLLABUS

1. **LABOR AND SOCIAL LEGISLATION; TERMINATION OF EMPLOYMENT; USE OF FALSIFIED TICKETS; MEANING OF WORD "FALSIFY." —** It is an established fact that the De Veyras used first class trip passes, but what is disputed is whether or not their trip passes/tickets were falsified. The NLRC and De Veyra limit the definition of the word "falsify" either to tamper with or alter. That is not so. The word refers likewise either to represent falsely, distort or violate the truth (Webster's *Third New International Dictionary*, 1986 Edition, p. 820; see Black's *Law Dictionary*, 1987 Edition, p. 542).

2. **ID.; ID.; USE OF FALSIFIED TICKETS, NON PARTICIPATION IN THE FALSIFICATION, IS MATERIAL; CASE AT BAR. —** Inasmuch as their tickets did not speak the truth, those were undoubtedly falsified. Having been employed with the company