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If the employee be injured while passing, with the express or implied consent of the employer, to or from his work by a way over the employer's premises, or over those of another in such proximity and relation as to be in practical effect a part of the employer's premises, the injury is one arising out of and in the course of the employment as much as though it had happened while the employee was engaged in his work at the place of its performance."

The facts in the case at bar are fundamentally the same with the above-cited cases. It is obvious that the Workmen's Compensation Act is basically a social legislation designed to afford relief to workmen and, therefore, it must be liberally construed, as have been in the cases already mentioned, to attain the purpose for which it was enacted.

ACCORDINGLY, the judgment of the respondent Commission is hereby reversed and set aside and the original award of the Workmen's Compensation Unit, revived and reinstated.

SO ORDERED.

Teehankee, Acting C.J., Melencio-Herrera, Gutierrez, Jr., and *de la Fuente, JJ.,* concur.

Plana, J., took no part.

FIRST DIVISION

[G.R. No. 61647. October 12, 1984]

REPUBLIC OF THE PHILIPPINES (DIRECTOR OF LANDS), *petitioner, vs.* THE HON. COURT OF APPEALS, BENJAMIN TANCINCO, AZUCENA TANCINCO REYES, MARINA TANCINCO IMPERIAL and MARIO C. TANCINCO, *respondents.*

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SYLLABUS

1. **REMEDIAL LAW; EVIDENCE; FINDINGS OF FACT OF THE TRIAL COURT AND THE COURT OF APPEALS ARE BINDING IN THE SUPREME COURT; EXCEPTIONS.**— The rule that the findings of fact of the trial court and the Court of Appeals are binding upon this Court admits of certain exceptions. Thus in *Carolina Industries Inc. vs. CMS Stock Brokerage, Inc.* (97 SCRA 734) we held that this Court retains the power to review and rectify the findings of fact of said courts when (1) the conclusion is a finding grounded entirely on speculations, surmises and conjectures; (2) when the inference made is manifestly mistaken, absurd, and impossible; (3) where there is grave abuse of discretion; (4) when the judgment is based on a misapprehension of facts; and (5) when the court, in making its findings, went beyond the issues of the case and the same are contrary to the admissions of both appellant and appellee.

2. **CIVIL LAW; OWNERSHIP; RIGHT OF ACCESSION; REQUISITES OF ACCRETION.**— The above-quoted article requires the concurrence of three requisites before an accretion covered by this particular provision is said to have taken place. They are (1) that the deposit be gradual and imperceptible; (2) that it be made through the effects of the current of the water; and (3) that the land where accretion takes place is adjacent to the banks of rivers.

3. **ID.; ID.; ID.; ID.; ALLUVION MUST BE THE EXCLUSIVE WORK OF NATURE; CASE AT BAR.**— The requirement that the deposit should be due to the effect of the current of the river is indispensable. This excludes from Art. 457 of the New Civil Code all deposits caused by human intervention. Alluvion must be the exclusive work of nature. In the instant case, there is no evidence whatsoever to prove that the addition to the said property was made gradually through the effects of the current of the Maycauayan and Bocaue rivers. We agree with the observation of the Solicitor General that it is preposterous to believe that almost four (4) hectares of land came into being because of the effects of the Maycauayan and Bocaue Rivers. There is evidence that the alleged alluvial deposits were artificial and man-made and not the exclusive result of the current of the Maycauayan and Bocaue rivers The alleged alluvial deposits came into being not because of the sole effect of the current of the rivers but as a result of the

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transfer of the dike towards the river and encroaching upon it. The land sought to be registered is not even dry land cast imperceptibly and gradually by the river's current on the fishpond adjoining it. It is under two meters of water. The private respondents' own evidence shows that the water in the fishpond is two meters deep on the side of the pilapil facing the fishpond and only one meter deep on the side of the pilapil facing river.

4. **ID.; ID.; ID.; LAW GIVES RIPARIAN OWNER THE RIGHT TO ANY LAND OR ALLUVION; RATIONALE.**— The reason behind the law giving the riparian owner the right to any land or alluvion deposited by a river is to compensate him for the danger of loss that he suffers because of the location of his land. If estates bordering on rivers are exposed to floods and other evils produced by the destructive force of the waters and if by virtue of lawful provisions, said estates are subject to incumbrances and various kinds of easements, it is proper that the risk or danger which may prejudice the owner thereof should be compensated by the right of accretion (Cortes *vs.* City of Manila, 10 Phil. 567). Hence, the riparian owner does not acquire the additions to his land caused by special works expressly intended or designed to bring about accretion. When the private respondents transferred their dikes towards the river beds, the dikes were meant for reclamation purposes and not protect their property from the destructive force of the waters of the river.

APPEARANCES OF COUNSEL

The Solicitor General for petitioner.
Martin B. Laurea for private respondents.

DECISION

GUTIERREZ, JR., *J.*:

This is a petition for certiorari to set aside the decision of the respondent Court of Appeals (now Intermediate Appellate Court) affirming the decision of the Court of First Instance of Bulacan, Fifth Judicial District, Branch VIII, which found that Lots 1 and 2 of Plan Psu-131892 are accretion to the land covered by Transfer Certificate of Title No. 89709 and ordered their registration in the names of the private respondents.

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Respondents Benjamin Tancinco, Azucena Tancinco Reyes, Marina (should be "Maria") Tancinco Imperial and Mario C. Tancinco are registered owners of a parcel of land covered by Transfer Certificate of Title No. T-89709 situated at Barrio Ubihan, Meycauayan, Bulacan bordering on the Meycauayan and Bocaue rivers.

On June 24, 1973, the private respondents filed an application for the registration of three lots adjacent to their fishpond property and particularly described as follows:

"Lot 1-Psu-131892
(Maria C. Tancinco)

"A parcel of land (lot 1 as shown on plan Psu-131892), situated in the Barrio of Ubihan, Municipality of Meycauayan, Province of Bulacan. Bounded on the NE., along line 1-2, by Lot 3 of plan Psu-131892; on the SE., along lines 2-3-4, by Meycauayan River; on the S.W., along lines 4-5-6-7-8-9, by Bocaue River; on the NE., along line 9-10, by property of Joaquina Santiago; on the E., NE., and NW., along lines 10-11-12-1, by property of Mariano Tancinco (Lot 2, Psu-111877) x x x containing an area of THIRTY THREE THOUSAND NINE HUNDRED THIRTY SEVEN (33,937) SQUARE METERS. x x x"

"Lot 2-Psu-131892
(Maria C. Tancinco)

"A parcel of land (Lot 2 as shown on plan Psu-131892), situated in the Barrio of Ubihan, Municipality of Meycauayan, Province of Bulacan. Bounded on the E., along line 1-2, by property of Rafael Singson; on the S., along line 2-3, by Meycauayan River; on the SW., along line 3-4, by Lot 3 of plan Psu-131892; and on the N., along line 4-1, by property of Mariano Tancinco (Lot 1, Psu-11187) x x x containing an area of FIVE THOUSAND FOUR HUNDRED FIFTY THREE (5,453) SQUARE METERS. x x x"

"Lot 3-Psu-131892
(Maria C. Tancinco)

"A parcel of land (Lot 3 as shown on plan Psu-131892), situated in the Barrio of Ubihan, Municipality of Meycauayan, Province of Bulacan. Bounded on the NE., along line 1-2, by property of Mariano Tancinco (Lot 1, Psu-111877); and along line 2-3, by Lot 2 of plan Psu-131892;

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on the S., along line 3-4, by Meycauayan River; on the SW., along line 4-5, by Lot 1 of plan Psu-131892; and along line 5-6 by property of Mariano Tancinco (Lot 2, Psu-111877); and on the NW., along line 6-1, by property of Joaquina Santiago. x x x containing an area of ONE THOUSAND NINE HUNDRED EIGHTY FIVE (1,985) SQUARE METERS. x x x"

On April 5, 1974, Assistant Provincial Fiscal Amando C. Vicente, in representation of the Bureau of Lands filed a written opposition to the application for registration.

On March 6, 1975, the private respondents filed a partial withdrawal of the application for registration with respect to Lot 3 of Plan Psu-131892 in line with the recommendation of the Commissioner appointed by the Court.

On March 7, 1975, Lot 3 was ordered withdrawn from the application and trial proceeded only with respect to Lots 1 and 2 covered by Plan Psu-131892.

On June 26, 1976, the lower court rendered a decision granting the application on the finding that the lands in question are accretions to the private respondents' fishponds covered by Transfer Certificate of Title No. 89709. The dispositive portion of the decision reads:

"WHEREFORE, it appearing that Lots 1 & 2 of plan Psu-131892 (Exh. H) are accretions to the land covered by Transfer Certificate of Title No. 89709 of the Register of Deeds of Bulacan, they belong to the owner of said property. The Court, therefore, orders the registration of lots 1 & 2 situated in the barrio of Ubihan, municipality of Meycauayan, province of Bulacan, and more particularly described in plan Psu-131892 (Exh. H) and their accompanying technical descriptions (Exhs. E, E-1) in favor of Benjamin Tancinco, married to Alma Fernandez and residing at 3662 Heatherdown, Toledo, Ohio 43614 U.S.A.; Azucena Tancinco Reyes, married to Alex Reyes, Jr., residing at 4th St., New Manila, Quezon City; Marina Tancinco Imperial, married to Juan Imperial, residing at Pasay Road, Dasmariñas Village, Makati, Rizal; and Mario C. Tancinco, married to Leticia Regidor, residing at 1616 Cypress St., Dasmariñas Village, Makati, Rizal, all of legal age, all Filipino citizens."

On July 30, 1976, the petitioner Republic appealed to the respondent Court of Appeals.

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On August 19, 1982, the respondent Court rendered a decision affirming *in toto* the decision of the lower court. The dispositive portion of the decision reads:

"DAHIL DITO, ang hatol na iniakyat ay sinasangayunan at pinagtitibay sa kanyang kabuuan nang walang bayad."

The rule that the findings of fact of the trial court and the Court of Appeals are binding upon this Court admits of certain exceptions. Thus in *Carolina Industries Inc. v. CMS Stock Brokerage, Inc.* (97 SCRA 734) we held that this Court retains the power to review and rectify the findings of fact of said courts when (1) the conclusion is a finding grounded entirely on speculations, surmises and conjectures; (2) when the inference made is manifestly mistaken, absurd, and impossible; (3) where there is grave abuse of discretion; (4) when the judgment is based on a misapprehension of facts; and (5) when the court, in making its findings, went beyond the issues of the case and the same are contrary to the admissions of both appellant and appellee.

There are facts and circumstances in the record which render untenable the findings of the trial court and the Court of Appeals that the lands in question are accretions to the private respondents' fishponds.

The petitioner submits that there is no accretion to speak of under Article 457 of the New Civil Code because what actually happened is that the private respondents simply transferred their dikes further down the river bed of the Meycauayan River, and thus, if there is any accretion to speak of, it is man-made and artificial and not the result of the gradual and imperceptible sedimentation by the waters of the river.

On the other hand, the private respondents rely on the testimony of Mrs. Virginia Acuña to the effect that:

x x x x x x x x x

"x x x when witness first saw the land, namely, Lots 1 & 2, they were already dry almost at the level of the Pilapil of the property of Dr. Tancinco, and that from the boundaries of the lots, for about two (2) arms length the land was still dry up to the edge of the river; that sometime

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in 1951, a new Pilapil was established on the boundaries of Lots 1 & 2 and soil from the old Pilapil was transferred to the new Pilapil and this was done sometime in 1951; that the new lots were then converted into fishpond, and water in this fishpond was two (2) meters deep on the side of the Pilapil facing the fishpond. x x x"

The private respondents submit that the foregoing evidence establishes the fact of accretion without human intervention because the transfer of the dike occurred after the accretion was complete.

We agree with the petitioner.

Article 457 of the New Civil Code provides:

"To the owners of lands adjoining the banks of rivers belong the accretion which they gradually receive from the effects of the current of the waters."

The above-quoted article requires the concurrence of three requisites before an accretion covered by this particular provision is said to have taken place. They are (1) that the deposit be gradual and imperceptible; (2) that it be made through the effects of the current of the water; and (3) that the land where accretion takes place is adjacent to the banks of rivers.

The requirement that the deposit should be due to the effect of the current of the river is indispensable. This excludes from Art. 457 of the New Civil Code all deposits caused by human intervention. Alluvion must be the exclusive work of nature. In the instant case, there is no evidence whatsoever to prove that the addition to the said property was made gradually through the effects of the current of the Meycauayan and Bocaue rivers. We agree with the observation of the Solicitor General that it is preposterous to believe that almost four (4) hectares of land came into being because of the effects of the Meycauayan and Bocaue rivers. The lone witness of the private respondents who happens to be their overseer and whose husband was first cousin of their father noticed the four hectare accretion to the twelve hectare fishpond only in 1939. The respondents claim that at this point in time, accretion had already taken place. If so, their witness was incompetent to testify to a gradual and imperceptible increase to their land in the years before 1939. However, the witness

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testified that *in that year*, she *observed* an increase in the area of the original fishpond which is now the land in question. If she was telling the truth, the accretion was sudden. However, there is evidence that the alleged alluvial deposits were artificial and man-made and not the exclusive result of the current of the Meycauayan and Bocaue rivers. The alleged alluvial deposits came into being not because of the sole effect of the current of the rivers but as a result of the transfer of the dike towards the river and encroaching upon it. The land sought to be registered is not even dry land cast imperceptibly and gradually by the river's current on the fishpond adjoining it. It is under two meters of water. The private respondents' own evidence shows that the water in the fishpond is two meters deep on the side of the pilapil facing the fishpond and only one meter deep on the side of the pilapil facing the river.

The reason behind the law giving the riparian owner the right to any land or alluvion deposited by a river is to compensate him for the danger of loss that he suffers because of the location of his land. If estates bordering on rivers are exposed to floods and other evils produced by the destructive force of the waters and if by virtue of lawful provisions, said estates are subject to incumbrances and various kinds of easements, it is proper that the risk or danger which may prejudice the owners thereof should be compensated by the right of accretion (Cortes *vs.* City of Manila, 10 Phil. 567). Hence, the riparian owner does not acquire the additions to his land caused by special works expressly intended or designed to bring about accretion. When the private respondents transferred their dikes towards the river bed, the dikes were meant for reclamation purposes and not to protect their property from the destructive force of the waters of the river.

We agree with the submission of the Solicitor General that the testimony of the private respondents' lone witness to the effect that as early as 1939 there already existed such alleged alluvial deposits, deserves no merit. It should be noted that the lots in question were not included in the survey of their adjacent property conducted on May 10, 1940 and in the Cadastral Survey of the entire Municipality of Meycauayan conducted between the years 1958 to 1960. The alleged accretion was declared for taxation purposes only in 1972

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or 33 years after it had supposedly permanently formed. The only valid conclusion therefore is that the said areas could not have been there in 1939. They existed only after the private respondents transferred their dikes towards the bed of the Meycauayan river in 1951. What private respondents claim as accretion is really an encroachment of a portion of the Meycauayan river by reclamation.

The lower court cannot validly order the registration of Lots 1 & 2 in the names of the private respondents. These lots were portions of the bed of the Meycauayan river and are therefore classified as property of the public domain under Article 420 paragraph 1 and Article 502, paragraph 1 of the Civil Code of the Philippines. They are not open to registration under the Land Registration Act. The adjudication of the lands in question as private property in the names of the private respondents is null and void.

WHEREFORE, the instant petition is GRANTED. The decision appealed from is hereby REVERSED and SET ASIDE. The private respondents are ordered to move back the dikes of their fishponds to their original location and return the disputed property to the river to which it belongs.

SO ORDERED.

Teehankee, Acting C.J., Melencio-Herrera, Plana, Relova, and *de la Fuente, JJ.,* concur.

FIRST DIVISION

[G.R. No. 62243. October 12, 1984]

PEOPLE OF THE PHILIPPINES, *petitioner, vs.* HON. REGINO VERIDIANO II, as Presiding Judge of the Court of First Instance of Zambales and Olongapo City, Branch I, and BENITO GO BIO, JR., *respondents.*