Supreme Court E-Library

THIRD DIVISION

[G.R. No. 179905. August 19, 2009]

REPUBLIC OF THE PHILIPPINES, *petitioner, vs.* **NEPTUNA G. JAVIER,** *respondent.*

SYLLABUS

1. REMEDIAL LAW; APPEALS; ISSUE INVOLVED THEREIN IS A QUESTION OF LAW; QUESTION OF LAW, DEFINED AND CONSTRUED. — The settled rule is that the jurisdiction of this Court over petitions for review on *certiorari* under Rule 45 of the Rules of Court is limited to reviewing errors of law, not of fact. A question of law exists when the doubt or difference arises as to what the law is on a certain set of facts as distinguished from a question of fact which occurs when the doubt or difference arises as to the truth or falsehood of the alleged facts. Where the petition makes no mention of any law that was wrongly interpreted or applied by the lower court despite the requirement under Rule 45 that questions of law raised must be "distinctly set forth," there is no basis for the petition. The Petition at bar is essentially grounded on the argument that there is insufficient evidence to support Javier's possession of the subject property in the manner and for the period required by law, as to entitle her to the registration of her title to the said property. It is basic that where it is the sufficiency of evidence that is being questioned, it is a question of fact. It is not the function of this Court to analyze or weigh evidence all over again, unless there is a showing that the findings of the lower court are totally devoid of support or are glaringly erroneous as to constitute palpable error or grave abuse of discretion.

2. CIVIL LAW; PROPERTY REGISTRATION DECREE; REQUISITES FOR REGISTRATION OF TITLE; PRESENT IN CASE AT BAR. — The Section 14 (1) of the Property Registration Decree lays down the following requisites for registration of title thereunder: (1) that the property in question is alienable and disposable land of the public domain; (2) that the applicants by themselves or through their predecessors-in-interest have been in open, continuous, exclusive and notorious possession and occupation;

Supreme Court E-Library

and (3) that such possession is under a *bona fide* claim of ownership since 12 June 1945 or earlier. Javier was able to comply with all these requirements. To prove that the land subject of an application for registration is alienable, an applicant must establish the existence of a positive act of the government, such as a presidential proclamation or an executive order; an administrative action; **investigation reports of Bureau of Lands investigators;** and a legislative act or statute. In this case, the CENRO Report, issued by Special Land Investigator Romeo C. Cadano, confirms that the subject property falls **within the alienable and disposable zone** as established under Land Classification Project No. 5-A, per L.C. Map No. 639, which was **certified and released on 11 March 1987;** and that the same was neither covered by any public land application nor embraced by any administrative title. Said CENRO Report enjoys the presumption of regularity, having been executed in the performance of an official duty. The Republic has not been able to refute the said Report. In addition, Javier's Approved Plan contains the statement that the subject property is within the alienable and disposable area of the public domain as Project No. 5-A, L.C. Map No. 639, certified on 11 March 1987; and that the same property is outside any civil or military reservation, per Certification of Rogelio Andrada of the Bureau of Forestry Division dated 10 February 1998.

3. REMEDIAL LAW; APPEALS; FINDINGS OF THE TRIAL COURT WHEN AFFIRMED BY THE APPELLATE COURT; BINDING AND CONCLUSIVE ON THE SUPREME COURT; APPLICATION IN CASE AT BAR. — To reiterate, findings of fact of the trial court, especially when affirmed by the Court of Appeals, are binding and conclusive on the Supreme Court. The totality of evidence on record, duly considered by both the MTC and the Court of Appeals, bears out Javier's claim of open, continuous, exclusive, and notorious possession and occupation of alienable and disposable land of the public domain under a *bona fide* claim of ownership since 12 June 1945, or earlier. This entitles Javier to the registration of her title to the subject property under Section 14(1) of the Property Registration Decree. The basic essence of justice is to give what one deserves without compromising the affluent mandates of the law. Where one who seeks remedy was able to validate her averments in the context of the applicable decree, this Court is left with no option but to grant what is being sought.

Supreme Court E-Library

APPEARANCES OF COUNSEL

The Solicitor General for petitioner.
Arlene Carbon for respondent.

D E C I S I O N

CHICO-NAZARIO,* *J.*:

For Review on *Certiorari* under Rule 45 of the Revised Rules of Court is the Decision[1] dated 27 September 2007 of the Court of Appeals in CA-G.R. CV No. 69190, affirming *in toto* the Decision[2] dated 16 October 2000 of the Municipal Trial Court (MTC) of Taytay, Rizal in Land Registration Case (LRC) Case No. 99-0012, which confirmed respondent Neptuna Javier's (Javier) title over a parcel of land, with an area of 12,903.50 square meters, situated in Sitio Tabing Ilog, Sta. Ana, Taytay, Rizal, Philippines, and denominated as Lot 30162-B of Subdivision Plan Csd-04-014340-D (subject property).

The facts culled from the records are as follows:

On 25 March 1999, Javier, then 75 years old, filed before the MTC[3] a verified Application for Original Registration of Title to

---

* Per Special Order No. 681, dated 3 August 2009, signed by Chief Justice Reynato S. Puno designating Associate Justice Minita V. Chico-Nazario as Acting Chairperson to replace Associate Justice Consuelo Ynares-Santiago, who is on official leave.

[1] Penned by Associate Justice Sesinando E. Villon with Associate Justices Martin S. Villarama, Jr. and Jose C. Reyes, Jr., concurring. *Rollo*, pp. 27-33.

[2] Penned by Judge Rustico C. Medina; records, pp. 180-188.

[3] Section 34 of Batas Pambansa Blg. 129, otherwise known as the Judiciary Reorganization Act of 1980, as amended, allows the inferior courts (*i.e.*, Metropolitan Trial Courts, Municipal Trial Courts, and Municipal Circuit Trial Courts), duly assigned by the Supreme Court, to hear and determine cadastral and land registration cases covering lots where there is no controversy or opposition, or contested lots with values not exceeding ₱100,000.00. Decisions of the inferior courts in such cases shall be appealable in the same manner as decisions of the Regional Trial Courts. Accordingly,

Supreme Court E-Library

the subject property, pursuant to Section 14 of Presidential Decree No. 1529, otherwise known as the Property Registration Decree. Her application was docketed as LRC Case No. 99-0012.

The MTC originally set the initial hearing of LRC Case No. 99-0012 at 8:30 in the morning on 23 July 1999. However, upon Javier's Urgent *Ex Parte* Motion,[4] the MTC reset the initial hearing of the case to 8:30 in the morning of 19 November 1999, so that the National Printing Office (NPO) could accommodate Javier in publishing a Notice of said hearing in the Official Gazette.

On 18 November 1999, a day before the scheduled initial hearing, petitioner Republic of the Philippines (Republic), represented by the Director of Lands, through the Office of the Solicitor General (OSG), filed its Notice of Appearance and Opposition[5] to Javier's Application for Registration, claiming among other things that neither Javier nor her predecessors-in-interest had been in open, continuous, exclusive and notorious possession and occupation of the land since 12 June 1945; and that the muniment/s of title alleged in the Application did not constitute competent and sufficient evidence of a *bona fide* acquisition of the subject land. The Republic further insisted that the subject property was a portion of the public domain; hence, it was not subject to private appropriation.

On even date, the Laguna Lake Development Authority (LLDA), represented by its General Manager Atty. Joaqin G. Mendoza (Atty. Mendoza), also filed its Opposition[6] to Javier's Application, claiming that the subject property was public land, forming part of the bed of the Laguna de Bay. The LLDA contended:

---

the Supreme Court issued Administrative Circular No. 6-93-A, dated 15 November 1995, authorizing the inferior courts to hear and decide the cadastral or land registration cases as provided for by the Judiciary Reorganization Act of 1980, as amended.

[4] Records, p. 93.

[5] *Id.* at 23.

[6] *Id.* at 118.

Supreme Court E-Library

[T]hat projection of the subject lot in our topographic map based on the technical descriptions appearing in the Notice of the Initial Hearing indicated that the lot subject of this application for registration particularly described on plan Csd-04-014340-D lot 30162 containing an area of 12, 903.50 square meters is located **below the reglementary lake elevation** of 12.50 meters referred to datum 10.00 meters below mean lower low water. Site is therefore part of the bed of Laguna Lake considered as public land and is within the jurisdiction of Laguna Lake Development Authority pursuant to its mandate under RA 4850, as amended.[7] (Emphasis ours.)

Javier then submitted the following documents to establish compliance with the jurisdictional requirements: (1) her verified Application for Registration;[8] (2) registry return receipts from the Forest Management Bureau (FMB), OSG, Land Registration Authority (LRA), Community Environment and Natural Resource Office (CENRO), and Land Management Bureau (LMB);[9] (3) MTC Order setting the case for initial hearing on 23 July 1999;[10] (4) Notice of Initial Hearing;[11] (5) LRA Letter dated 26 August 1999 directing the publication of the Notice of Initial Hearing in a newspaper of general circulation;[12] (6) Certificate of Posting;[13] (7) Affidavit of Publication dated 26 October 1999 issued by *People's Balita*;[14] (8) issue of *People's Balita* dated 23 October 1999, with the Notice of Initial Hearing appearing on page 10 thereof;[15] (9) Certificate of Publication in the Official Gazette dated 22 October 1999 issued by the National Printing Office;[16] (10) Certificate of Notification dated 27 October 1999

---

7 *Id*.

8 *Id.* at 1-5.

9 *Id.* at 7-11.

10 *Id.* at 12.

11 *Id.* at 13-14.

12 *Id.* at 15.

13 *Id.* at 16.

14 *Id.* at 17.

15 *Id.* at 18.

16 *Id.* at 19.

Supreme Court E-Library

issued by the LRA;[17] (11) issue of the Official Gazette dated 18 October 1999, with the Notice of Initial Hearing appearing on pages 7541 and 7542 thereof;[18] and (12) Notice of Appearance of the OSG filed on 18 November 1999.[19]

During the hearing on 21 January 2000, no private oppositor appeared except for the LLDA, hence, the court *a quo*, on Javier's Motion, issued an Order of General Default.[20]

Javier testified on her own behalf to establish her claim of actual, continuous, open, notorious, and exclusive possession of the subject property.

According to Javier, she acquired the subject property through a Deed of Donation executed by her paternal aunt, Catalina Javier (Catalina), a childless widow, on 27 November 1956, purportedly in consideration of Javier's caring for Catalina from the time the latter became sick until she died. Javier's cousins, as Catalina's other heirs, questioned the execution of said Deed of Donation in Civil Case No. 6046 before the Court of First Instance (CFI) of Pasig, Rizal. The CFI, in a Decision dated 24 November 1967, declared the Deed of Donation dated 27 November 1956 void, since, being unnotarized, it was not a public document, thus, failing to comply with the legal requisites for a valid donation. Nevertheless, in a Deed of Partition dated 31 December 1974, Catalina's heirs allocated the subject property to Javier.

Javier also stated under oath that Catalina and her husband, Alejandro Ramos (Ramos), had been in possession of the subject property since 1907, but Javier did not know how Catalina and Ramos acquired said possession. Javier gained personal knowledge of Catalina's ownership of the subject property when Catalina came to live with Javier and the latter's family in 1940. The subject property was being tilled by a *kasama*, Arturo

---

[17] *Id.* at 21.

[18] *Id.* at 22.

[19] *Id.* at 23-25.

[20] *Rollo*, p. 101.

Supreme Court E-Library

Sarmiento, when Javier acquired the said property, but at the time she filed her Application for Registration, there were no more tenants on the subject property.

Javier additionally averred that she had been in open, continuous, public, peaceful, and notorious possession and occupation of the subject property, together with her predecessor-in-interest, Catalina, for more than 30 years. Catalina declared the subject property in her name for taxation purposes even before 1945, as shown by Tax Declaration No. 5060 issued by the Local Assessor's Office on 30 June 1950.[21] Javier subsequently declared the subject property in her name under Tax Declaration No. 7953 in 1966.[22] Javier had been paying real property tax on the subject property as evidenced by the Certification[23] dated 7 April 2000 of the Office of the Municipal Treasurer.

Pablo Javier Quinto (Quinto) also offered his testimony in support of Javier's claims to the subject property. Javier is Quinto's maternal aunt. Quinto is familiar with the subject property because he and his siblings, Evelyn and Adelino, co-owned a lot adjacent to the same, which was also originally owned by Javier. The subject property and the adjacent lot were part of Javier's inheritance from Catalina. Javier later transferred the adjacent lot to Quinto's mother, from whom Quinto and his siblings inherited the same. Quinto's brother, Adelino, now working in Saudi Arabia, is the current owner of the adjacent lot.

Quinto further testified that the subject property is owned by his aunt, Javier, who has also been in possession of the same since 1975 up to the present. And since 1979, no one else has claimed ownership or possession of the subject property and there is no tenant cultivating the said property at present. He does not know, however, for how long Catalina had occupied the subject property before it was acquired by Javier.[24]

---

[21] Records, p. 43.

[22] *Id.* at 44.

[23] *Id.* at 47.

[24] *Id.* at 154-165.

Supreme Court E-Library

Neither the Republic nor the LLDA presented evidence to substantiate their Oppositions to Javier's Application for Registration.

The MTC rendered a Decision[25] on 16 October 2000, favoring Javier and granting her Application for Registration of the subject property. The dispositive portion the MTC Decision reads:

> WHEREFORE, premises considered the court hereby rendered (sic) judgment confirming title of the applicant over the real property denominated as Lot of the original survey plan, Lot 30162-B of the subdivision plan, CSd-04-014340-D, being a portion of Lot 30162, Cad-688-D, Cainta-Taytay Cadastre.
>
> Upon finality of this decision the corresponding decree of registration be issued in the name of Neptuna G. Javier, of legal age, and residing at Rizal Avenue cor. B. Pag-asa St., Bgy. San Juan, Taytay, Rizal.
>
> Send copies of this decision of the office of the Land Registration Authority, Office of the Solicitor General and to the applicants (sic) through her counsel.[26]

The Republic, through the OSG, filed a Notice of Appeal[27] with the Court of Appeals dated 6 November 2000 on the Decision of the MTC, docketed as CA-G.R. CV No. 69190. The Republic made the following assignment of errors in its Petition:

> I. THE TRIAL COURT ERRED IN FINDING THAT THE APPELLEE HAS ESTABLISHED OWNERSHIP OVER THE SUBJECT PROPERTY FOR THE PERIOD REQUIRED BY LAW.
>
> II. THE TRIAL COURT ERRED IN NOT FINDING THAT THE APPELLEE FAILED TO OVERTHROW THE PRESUMPTION THAT SUBJECT PROPERTY FORMS PART OF THE PUBLIC DOMAIN.[28]

The Republic argued that the testimonies of Javier and Quinto hardly established that Javier and her predecessor-in-interest,

---

[25] *Id.* at 180-188.

[26] *Id.* at 188.

[27] *Id.* at 189.

[28] CA *rollo*, p. 32.

Supreme Court E-Library

Catalina, have occupied the subject property openly, continuously, exclusively, and under a claim of title since 12 June 1945 or earlier. Likewise, the tax declarations submitted as evidence by Javier were not conclusive proof of ownership. Since Javier failed to prove her possession of the subject property in the concept of an owner for the required length of time, the subject property remained to be that of the State under the Regalian Doctrine.

On 27 September 2007, the Court of Appeals promulgated its Decision,[29] again ruling in Javier's favor, and finding that:

> In fine, [Javier's] evidence conclusively establish the following: a) that she acquired the parcel of land being applied for original registration by inheritance from her aunt Catalina Javier; b) that her possession thereof, tacked with that of her predecessors-in-interest, is open, continuous, adverse against the whole world, in the concept of owner and under a *bona fide* claim of ownership for no less than fifty (50) years; c) that the subject property is not part of any forest nor of any aerial, military or naval reservations of the government, d) that said property is not encumbered or otherwise mortgaged in favor of any person and/or entity, and e) that the subject property belongs to [Javier] and she possesses a perfect title thereto which may be confirmed and registered to her name under the provisions of Presidential Decree (PD) 1529, otherwise known as the Property Registration Decree.[30]

Hence, the appellate court decreed:

> WHEREFORE, in view of the foregoing, the assailed decision of the MTC of Taytay, Rizal dated October 16, 2000 in Land Registration Case No. 99-0012 is hereby AFFIRMED *IN TOTO*.[31]

The Republic presently comes before this Court *via* the instant Petition, raising the sole issue of whether the Court of Appeals, in its Decision dated 27 September 2007, erred in affirming the

---

[29] *Rollo*, pp. 27-33.

[30] *Id.* at 32-33.

[31] *Id.* at 33.

Supreme Court E-Library

MTC Decision dated 16 October 2000, granting Javier's Application for Registration of the subject property.

In its Petition,[32] the Republic insists that Javier and Quinto failed to testify on specific acts that would support Javier's allegation of exclusive, open, continuous, and adverse possession of the subject property in the concept of an owner since 12 June 1945 or earlier. The assertion of Javier and Quinto that Javier and her predecessor-in-interest, Catalina, own the subject property is a conclusion of law rather than evidence of the fact of ownership. Possession of the subject property by Catalina, then Javier, can only be characterized as casual cultivation of the same. The CFI Decision dated 24 November 1967 in Civil Case No. 6046 and the Deed of Partition dated 31 December 1974 executed by Catalina's heirs do not, by themselves, prove ownership of the subject property. Moreover, Javier has not been able to positively establish that the subject property is alienable and disposable.

In her Comment,[33] Javier questions the propriety of the instant Petition for Review, since it raises a question of fact.[34] Under Rule 45 of the Revised Rules of Court, this Court is not a trier of facts. Javier also maintains that she has presented sufficient evidence to warrant the registration of her title to the subject property under Section 14 of the Property Registration Decree, and the Court of Appeals did not commit any reversible error in its assailed Decision dated 27 September 2007.

The settled rule is that the jurisdiction of this Court over petitions for review on *certiorari* under Rule 45 of the Rules of Court is limited to reviewing errors of law, not of fact.[35] A question of law exists when the doubt or difference arises as to what the law is on a certain set of facts as distinguished

---

[32] *Id.* at 9-26.

[33] *Id* at 48-62.

[34] ***Factual Issue Bar Rule***–The petition filed before the Supreme Court under Rule 45 of the Rules of Court shall raise only questions of law which must be distinctly set forth.

[35] *Rodrin v. Government Service Insurance System*, G.R. No. 162837, 28 July 2008, 560 SCRA 166, 175.

Supreme Court E-Library

from a question of fact which occurs when the doubt or difference arises as to the truth or falsehood of the alleged facts.[36] Where the petition makes no mention of any law that was wrongly interpreted or applied by the lower court despite the requirement under Rule 45 that questions of law raised must be "distinctly set forth," there is no basis for the petition.[37]

The Petition at bar is essentially grounded on the argument that there is insufficient evidence to support Javier's possession of the subject property in the manner and for the period required by law, as to entitle her to the registration of her title to the said property. It is basic that where it is the sufficiency of evidence that is being questioned, it is a question of fact.[38] It is not the function of this Court to analyze or weigh evidence all over again, unless there is a showing that the findings of the lower court are totally devoid of support or are glaringly erroneous as to constitute palpable error or grave abuse of discretion.[39]

A careful study of the records shows no cogent reason to fault the finding of the MTC, as sustained by the Court of Appeals, that Javier was able to sufficiently establish her title to the subject property, which she is entitled to register under Section 14(1) of the Property Registration Decree.

Section 14 (1) of the Property Registration Decree provides:

SEC. 14. *Who may apply.* — The following persons may file in the proper Court of First Instance [now Regional Trial Court] an application for registration of title to land, whether personally or through their duly authorized representatives:

---

[36] *Cebu Women's Club v. De la Victoria*, 384 Phil. 264, 269 (2000).

[37] *Changco v. Court of Appeals*, 429 Phil. 336, 342 (2002).

[38] *Land Bank of the Philippines v. Court of Appeals*, 416 Phil. 774, 781 (2001).

[39] *FGU Insurance Corporation v. Court of Appeals*, G.R. No. 137775, 31 March 2005, 454 SCRA 337, 349.

Supreme Court E-Library

(1) Those who by themselves or through their predecessors-in-interest have been in open, continuous, exclusive and notorious possession and occupation of alienable and disposable lands of the public domain under a *bona fide* claim of ownership since June 12, 1945, or earlier.

The afore-quoted provision lays down the following requisites for registration of title thereunder: (1) that the property in question is alienable and disposable land of the public domain; (2) that the applicants by themselves or through their predecessors-in-interest have been in open, continuous, exclusive and notorious possession and occupation; and (3) that such possession is under a *bona fide* claim of ownership since 12 June 1945 or earlier.[40] Javier was able to comply with all these requirements.

The assertion of the Republic that the subject property is not alienable and disposable is belied by the evidence on record.

To prove that the land subject of an application for registration is alienable, an applicant must establish the existence of a positive act of the government, such as a presidential proclamation or an executive order; an administrative action; **investigation reports of Bureau of Lands investigators**; and a legislative act or statute.[41] In this case, the CENRO Report,[42] issued by Special Land Investigator Romeo C. Cadano, confirms that the subject property falls **within the alienable and disposable zone** as established under Land Classification Project No. 5-A, per L.C. Map No. 639, which was **certified and released on 11 March 1987**; and that the same was neither covered by any public land application nor embraced by any administrative title. Said CENRO Report enjoys the presumption of regularity,[43]

---

[40] *Republic of the Philippines v. Court of Appeals*, G.R. No. 144057, 17 January 2005, 448 SCRA 442, 448.

[41] *Republic of the Philippines v. Court of Appeals*, 440 Phil. 697, 710-711 (2002).

[42] Records, p. 98.

[43] Rules of Court, Rule 131, Section 3. *Disputable presumptions.*— The following presumptions are satisfactory if uncontradicted, but may be contradicted and overcome by other evidence:

Supreme Court E-Library

having been executed in the performance of an official duty. The Republic has not been able to refute the said Report.

In addition, Javier's Approved Plan[44] contains the statement that the subject property is within the alienable and disposable area of the public domain as Project No. 5-A, L.C. Map No. 639, certified on 11 March 1987; and that the same property is outside any civil or military reservation, per Certification of Rogelio Andrada of the Bureau of Forestry Division dated 10 February 1998.

Furthermore, the LLDA, through its General Manager, Atty. Mendoza, subsequently issued a Certification[45] dated 8 September 2000, contradicting its earlier position that the subject property is alienable because the said property, being below the reglementary lake elevation, formed part of the bed of Laguna Lake. The 8 September 2000 Certification of the LLDA reads:

> This is to certify that Lot Number 30162-B, Cad 688-D, located in Barangay Sitio, Tabing Ilog, Sta. Ana, Taytay, Rizal, containing an area of Twelve Thousand Nine Hundred Three (12,903) square meters in the name of DRA. NEPTUNA G. JAVIER **is above the reglementary 12.50 meter elevation** as referred to LLDA datum of 10.0 m below the Mean Lower Low Water (MLLW) elevation at Manila Bay. The contour elevation of the subject lot ranges from 14.10 meters to 14.15 meters referred to the said datum per results of the verification survey conducted on 25 August 2000 by our Engineering and Construction Division.
>
> This certification is issued per request of DRA. NEPTUNA G. JAVIER for land titling purposes.[46] (Emphasis ours.)

The evidence on record likewise supports the fact that Javier, together with her predecessor-in-interest, Catalina, occupied

---

x x x x x x x x x

(m) That official duty has been regularly performed.

[44] Records, p. 27.

[45] *Id.* at 52.

[46] *Id*.

Supreme Court E-Library

the subject property in the concept of an owner since 12 June 1945 or earlier.

Javier herself and her nephew, Quinto, testified as to the uninterrupted possession of the subject property by Catalina since 1907, followed by Javier in 1974. When Catalina came to live with Javier and the latter's family in 1940, Javier came to know that Catalina already owned the subject property. By Quinto's personal knowledge, Javier possessed and owned the subject property after inheriting the same from Catalina. The institution of Civil Case No. 6046 and execution of the Deed of Partition dated 31 December 1974 demonstrated that other persons, *i.e.*, Catalina's other heirs, recognized ownership of the subject property by Catalina, and later on, by Javier.

Catalina declared the subject property in her name for real property tax purposes even **before 1945 –** clearly, prior to 12 June 1945. Although tax declarations or realty tax payments of property are not conclusive evidence of ownership, nevertheless, they are good *indicia* of possession in the concept of an owner, for no one in his right mind would be paying taxes for a property that is not in his actual or at least constructive possession. They constitute at least proof that the holder has a claim of title over the property. The voluntary declaration of a piece of property for taxation purposes manifests not only one's sincere and honest desire to obtain title to the property and announces his adverse claim against the State and all other interested parties, but also the intention to contribute needed revenues to the Government. Such an act strengthens one's bona fide claim of acquisition of ownership.[47]

Finally, per the CENRO Report[48] dated 9 June 2000, the subject property is not covered by any public land application or embraced by any administrative title. The Report[49] dated

---

[47] *Republic of the Philippines v. Court of Appeals*, 328 Phil. 238, 248 (1996).

[48] Records, p. 125.

[49] *Id.* at 104.

Supreme Court E-Library

8 November 1999 of the Office of the Provincial Engineer of Rizal, through Zoning Inspector II Helen L. Espinas, likewise affirmed that there were no provincial projects that would be affected by the registration of the subject property in Javier's name.

To reiterate, findings of fact of the trial court, especially when affirmed by the Court of Appeals, are binding and conclusive on the Supreme Court.[50] The totality of evidence on record, duly considered by both the MTC and the Court of Appeals, bears out Javier's claim of open, continuous, exclusive, and notorious possession and occupation of alienable and disposable land of the public domain under a *bona fide* claim of ownership since 12 June 1945, or earlier. This entitles Javier to the registration of her title to the subject property under Section 14(1) of the Property Registration Decree. The basic essence of justice is to give what one deserves without compromising the affluent mandates of the law. Where one who seeks remedy was able to validate her averments in the context of the applicable decree, this Court is left with no option but to grant what is being sought.

WHEREFORE, premises considered, the instant Petition is hereby *DENIED*. The Decision of the Court of Appeals dated 27 September 2007 is *AFFIRMED*. No pronouncement as to costs.

SO ORDERED.

Carpio Morales,[**] *Velasco, Jr., Nachura,* and *Peralta, JJ.,* concur.

---

[50] *Pua v. Court of Appeals*, 398 Phil. 1064, 1077 (2000).

[**] Per Special Order No. 679, dated 3 August 2009, signed by Chief Justice Reynato S. Puno designating Associate Justice Conchita Carpio Morales to replace Associate Justice Consuelo Ynares-Santiago, who is on official leave.