Supreme Court E-Library

SECOND DIVISION

[G.R. No. 70594. October 10, 1986]

REPUBLIC OF THE PHILIPPINES, *petitioner, vs.* **THE HON. INTERMEDIATE APPELLATE COURT and FELICIANA RODRIGUEZ,** *respondents.*

SYLLABUS

1. **CIVIL LAW; PUBLIC LAND ACT; PRESENTATION OF THE BLUE PRINT COPIES OF THE TRACING CLOTH PLAN; MAY BE SUFFICIENT TO JUSTIFY THE REGISTRATION AND CONFIRMATION OF TITLE.—** In the case at bar, private respondent asserts in her comment that it is not entirely correct for the petitioner to say that she merely presented the blue print copies of their tracing cloth plan because she in fact attached the original thereof in the application for registration as Annex "A" and is deemed part thereof. Such assertion was confirmed by the Intermediate Appellate Court which ruled that although the blue print copies of the plan were the only ones offered in evidence, the original tracing cloth plan was available to the Court for comparison and consideration. Furthermore, the lands applied for are covered by public land surveys that bear the approval and certification of the Director of Lands aside from the amplification of applicant's documentary exhibits by the testimonies of two witnesses as to the areas, location and boundaries thereof. The fact that the lower court finds the evidence of the applicant sufficient to justify the registration and confirmation of her titles and did not find it necessary to avail of the original tracing cloth plan from the Land Registration Commission for purposes of comparison, should not militate against the rights of the applicant. Such is especially true in this case where no clear, strong, convincing and more preponderant proof has been shown by the oppositor to overcome the correctness of said plans which were found both by the lower court and the Court of Appeals as conclusive proofs of the descriptions and identities of the parcels of land contained therein.

2. **ID.; ID.; PEACEFUL, CONTINUOUS AND ADVERSE POSSESSION; ESTABLISHED IN CASE AT BAR.—** In its

Supreme Court E-Library

findings, the Court of Appeals correctly stated that: "Again, we are constrained to pronounce said argument as without merit. It is admitted that the applicant and her predecessor-in-interest have been in possession of the subject parcels of land, only, it is alleged that it was not in the manner required under Section 49(b) of the Public Land Act, as amended. Suffice it to state that they took occupancy of the lands since the year 1925, developed and cultivated them, and planted them to sugarcane, rice and corn. They enjoyed the fruits thereof, and used the lands. They declared them in their names for taxation purposes, and paid taxes therefor to the government. In other words, applicant's occupation, together with that of her predecessors, was not only continuous, open and exclusive, but was also accompanied with the exercise of dominical acts, such as, *jus utendi, jus fruendi* and *jus possidendi.* While it is true that tax declarations and tax receipts do not constitute evidence of ownership, but when these are accompanied by actual possession, they became strong and convincing proofs of the desire and intention to own the land. We are more than convinced that the possession of the applicant and her predecessors was under a bonafide claim of ownership."

3. **REMEDIAL LAW; EVIDENCE; FINDINGS OF FACT OF THE COURT OF APPEALS; RULE.—** It is well settled that the findings of facts of the Court of Appeals (now Intermediate Appellate Court) are conclusive on the parties and on this Court, unless they fall under any of the enumerated exceptions (*Sakay v. Sandiganbayan,* G.R. Nos. 66497-98, July 10, 1986).

APPEARANCES OF COUNSEL

The Solicitor General for petitioner.
Ricardo T. Diaz for private respondent.

D E C I S I O N

PARAS, *J.*:

This is a petition for review on *certiorari* filed by the Republic of the Philippines through the Solicitor-General, to set aside the decision dated March 29, 1985 of the Intermediate Appellate Court which affirmed the decision dated August 13, 1980 of

Supreme Court E-Library

the Court of First Instance of Batangas confirming private respondent's title to four (4) parcels of land situated in Barrio Bolbok, Municipality of Tuy, province of Batangas. (*Rollo*, p. 22).

An application for the registration in her name of four (4) parcels of land, all situated in Barrio Bolboc, Municipality of Tuy, Province of Batangas was filed by Feliciana Rodriguez, married to Bartolome Frontera and a resident of Ermita Street, Balayan, Batangas. After due publication and posting, the application was called for initial hearing. No one opposed the application except the Fiscal, representing the Bureau of Lands.

The evidence shows that subject lands originally belonged to spouses Fortunato Rodriguez and Rosa Verganza who had been in possession thereof since 1929. Said spouses subsequently died and were represented by their legitimate children Feliciana and Maria in Civil Case No. 114, "*Andrea Rodriguez, et al., plaintiffs v. Nazaria Rodriguez, et al., defendants.*" Later Maria who also died, was represented by her heirs in said case. Thereafter, the parties entered into a compromise agreement and subject four (4) parcels of land with their corresponding sugar quotas were allocated to herein applicant in the court decision dated June 7, 1954. The applicant has possessed those parcels of land since then up to the present, devoting the same to sugar cane, palay and corn, with benefits directly accruing to the applicant. The possession of applicant tacked to that of her predecessors-in-interest, which have always been open, peaceful, continuous, adverse against the whole world and in the concept of owner, is for more than fifty (50) years. It is also borne by the records that these parcels of land are declared for taxation purposes in the name of applicant and have not been mortgaged or encumbered nor delinquent in the payment of taxes. (Decision of the Court of Appeals, *Rollo*, pp. 41-42).

The lower court, finding that the foregoing facts were sufficiently established not only by the testimony of applicant but also of two disinterested witnesses, who were all cross-examined by the Fiscal, decreed the registration of aforesaid parcels of land in favor of applicant. (Decision of the Court of First Instance of Batangas, Branch VII; *Rollo*, p. 38).

Supreme Court E-Library

On appeal by the Director of Lands, the Intermediate Appellate Court affirmed the decision of the lower court *in toto*. (Decision, Court of Appeals, *Rollo*, p. 46).

Hence this petition.

Petitioner contends that the lower court erred in confirming applicant's alleged title to the subject lands on the basis of mere blue print copies of the survey plans thereof, and thus were not indubitably identified and that the Intermediate Appellate Court in confirming applicant's alleged title, misapprehended the facts, the latter not having met the legal requirements as to the nature of possession leading to a registerable title, and the length thereof. (Petition, *Rollo*, p. 26).

Citing the case of *Director of Lands v. Reyes* (68 SCRA 188-189, November 28, 1975) the Solicitor-General opines that the best evidence to identify the lands in question would be the original copies of the duly approved tracing cloth plans thereof, no less. (*Ibid.*, p. 27)

It is noteworthy, however, that there is no analogy of facts in the aforesaid case and the case at bar. In the former, the subjects of registration were vast tracts of uncultivated, mountainous and thickly forested lands admittedly within the military reservation of Fort Magsaysay. At the outset, there was no conclusive evidence showing that any original tracing cloth plan was ever submitted by the applicants. On the contrary, of the two blue prints of two survey plans supposedly presented by the applicants, one was not formally offered in evidence while the other, although submitted, lacked the approval of the Director of Lands. In the same manner, in the case of *Aguillon v. Director of Lands*, cited in aforesaid case, the plans were made long before the presentation of the petition for registration by private surveyors who had not been authorized by the Director of Lands or the Governor General to make surveys for the registration of property in the Land Court. (17 Phil. 507; December 16, 1910).

On the other hand, in the case at bar, private respondent asserts in her comment (*Rollo*, p. 101) that it is not entirely

Supreme Court E-Library

correct for the petitioner to say that she merely presented the blue print copies of their tracing cloth plan because she in fact attached the original thereof in the application for registration as Annex "A" and is deemed part thereof. Such assertion was confirmed by the Intermediate Appellate Court which ruled that although the blue print copies of the plan were the only ones offered in evidence, the original tracing cloth plan was available to the Court for comparison and consideration. (Decision, Court of Appeals, *Rollo*, p. 43). Furthermore, the lands applied for are covered by public land surveys that bear the approval and certification of the Director of Lands aside from the amplification of applicant's documentary exhibits by the testimonies of two witnesses as to the areas, location and boundaries thereof. (*Ibid.*)

The fact that the lower court finds the evidence of the applicant sufficient to justify the registration and confirmation of her titles and did not find it necessary to avail of the original tracing cloth plan from the Land Registration Commission for purposes of comparison (Petition, *Rollo*, p. 29), should not militate against the rights of the applicant. Such is especially true in this case where no clear, strong, convincing and more preponderant proof has been shown by the oppositor to overcome the correctness of said plans which were found both by the lower court and the Court of Appeals as conclusive proofs of the descriptions and identities of the parcels of land contained therein. (Decision, Court of Appeals, *Rollo*, p. 43).

It is therefore clearly evident that the rulings in the above-cited cases are not applicable to the case at bar.

As to the second assignment of error, petitioner's contention, that the testimonies of private respondent and her witnesses that her possession and that of her late father were "peaceful, continuous, adverse against the whole world, and in the concept of owner," are mere conclusions of law which do not meet the requirements of Section 48 of the Public Land Act (Commonwealth Act No. 141, as amended), (*Rollo*, p. 32), is untenable.

Supreme Court E-Library

In its findings, the Court of Appeals correctly stated that:

"Again, we are constrained to pronounce said argument as without merit. It is admitted that the applicant and her predecessor-in-interest have been in possession of the subject parcels of land, only, it is alleged that it was not in the manner required under Section 49(b) of the Public Land Act, as amended. Suffice it to state that they took occupancy of the lands since the year 1925, developed and cultivated them, and planted them to sugarcane, rice and corn. They enjoyed the fruits thereof, and used the lands. They declared them in their names for taxation purposes, and paid taxes therefor to the government. In other words, applicant's occupation, together with that of her predecessors, was not only continuous, open and exclusive, but was also accompanied with the exercise of dominical acts, such as, *jus utendi, jus fruendi* and *jus possidendi*. While it is true that tax declarations and tax receipts do not constitute evidence of ownership, but when these are accompanied by actual possession, they became strong and convincing proofs of the desire and intention to own the land. We are more than convinced that the possession of the applicant and her predecessors was under a bonafide claim of ownership." (*Rollo*, pp. 45-46).

It is well settled that the findings of facts of the Court of Appeals (now Intermediate Appellate Court) are conclusive on the parties and on this Court, unless they fall under any of the enumerated exceptions (*Sakay v. Sandiganbayan*, G.R. Nos. 66497-98, July 10, 1986). As this case does not fall under any of the exceptions, there appears to be no reason to disturb the findings of the lower court as affirmed by the Intermediate Appellate Court.

PREMISES CONSIDERED, the decision of the Intermediate Appellate Court is hereby AFFIRMED.

SO ORDERED.

Feria (Chairman), Fernan, Alampay, and *Gutierrez, Jr., JJ.*, concur.