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SECOND DIVISION

[G.R. No. 183916. April 25, 2012]

SPOUSES NICANOR MAGNO and CARIDAD MAGNO, *petitioners, vs.* **HEIRS OF PABLO PARULAN, represented by EMILIANO PARULAN, DEPARTMENT OF AGRARIAN REFORM, BALIUAG, BULACAN, OFFICE OF THE REGISTER OF DEEDS OF GUIGUINTO, BULACAN,** *respondents.*

SYLLABUS

1. **LABOR AND SOCIAL LEGISLATION; COMPREHENSIVE AGRARIAN REFORM LAW; DEPARTMENT OF AGRARIAN REFORM (DAR); UNDER DAR ADMINISTRATIVE ORDER NO. 02, SERIES OF 1994, EMANCIPATION PATENTS MAY BE CANCELLED BY THE PROVINCIAL AGRARIAN REFORM ADJUDICATOR (PARAD) OR THE DEPARTMENT OF AGRARIAN ADJUDICATION BOARD (DARAB) FOR VIOLATIONS OF AGRARIAN LAWS, RULES AND REGULATIONS.—** Under DAR Administrative Order No. 02, Series of 1994, emancipation patents may be cancelled by the PARAD or the DARAB for violations of agrarian laws, rules and regulations. The same administrative order further states that "administrative corrections may include non-identification of spouse, correction of civil status, corrections of technical descriptions and other matters related to agrarian reform"; and that the DARAB's decision "may include cancellation of registered EP/CLOA, reimbursement of lease rental as amortization to ARBs, reallocation of the land to qualified beneficiary, perpetual disqualification to become an ARB, and other ancillary matters related to the cancellation of the EP or CLOA."

2. **ID.; ID.; SINCE THE DAR'S ISSUANCE OF AN EMANCIPATION PATENT AND THE CORRESPONDING ORIGINAL CERTIFICATE OF TITLE (OCT) COVERING THE CONTESTED LOT CARRIES WITH IT A PRESUMPTION OF REGULARITY, THE PETITION TO CORRECT/CANCEL AN EMANCIPATION PATENT CAN**

PROSPER ONLY IF PETITIONERS ARE ABLE TO PRESENT SUBSTANTIAL EVIDENCE THAT A PORTION OF THEIR LOT WAS ERRONEOUSLY COVERED BY PATENT.— The DAR's issuance of an Emancipation Patent and the corresponding OCT covering the contested lot carries with it a presumption of regularity. The Petition to correct/ cancel Pablo's Emancipation Patent can prosper only if petitioners are able to present substantial evidence that a portion of their lot was erroneously covered by the patent. Substantial evidence refers to such relevant evidence as a reasonable mind might accept as adequate to support a conclusion. As correctly held by the DARAB and the CA, petitioners have failed to adduce substantial evidence to establish that the contested lot was part of their property.

3. ID.; ID.; EVIDENCE PRESENTED BY PETITIONERS ARE INSUFFICIENT TO CONTROVERT THE ACCURACY OF THE TECHNICAL DESCRIPTION OF THE LAND PROPERLY COVERED BY THE SUBJECT EMANCIPATION PATENT/ORIGINAL CERTIFICATE OF TITLE (EP/OCT); PETITIONERS SHOULD HAVE PRESENTED EXPERT WITNESSES OR INITIATED A RELOCATION SURVEY OF THE SUBJECT LOT TO ESTABLISH THE ALLEGED ERRORS IN THE TECHNICAL DESCRIPTION OF THE SUBJECT EMANCIPATION PATENT.— We therefore affirm the CA ruling that the evidence presented by petitioners was insufficient to controvert the accuracy of the technical description of the land properly covered by the subject EP/OCT. As pointed out by the DARAB, petitioners should have presented expert witnesses or initiated a relocation survey of Lot 1306 to establish the alleged errors in the technical description of the subject EP.

APPEARANCES OF COUNSEL

Villacorta and Associates Law Office for petitioners.
Arellano Law Firm for private respondents.

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D E C I S I O N

SERENO, *J.*:

For resolution is a Petition for Review under Rule 45 assailing the 16 April 2008 Decision of the Court of Appeals (CA) in CA-G.R. SP No. 100781,[1] which affirmed the dismissal by the Department of Agrarian Reform Adjudication Board (DARAB) of the petitioners' Petition for Correction and/or Cancellation of the Original Certificate of Title issued in the name of private respondents' predecessor-in-interest. Also assailed in this petition is the CA Resolution dated 17 July 2008, which denied petitioners' Motion for Reconsideration.

On 17 January 1972, petitioner spouses Nicanor and Caridad Magno (petitioners) bought a 1.5520 hectare (or 15,520 sq. m.) riceland at Biñang 1st, Bocaue, Bulacan from Emilia de Guzman (Emilia), as evidenced by a notarized Deed of Sale.[2] According to the Deed of Sale, the purchased lot is covered by Tax Declaration No. 2386 and is bounded by lots owned by the following persons: in the north, by Apolonio Santos; in the east, by Apolonio Santos and Eleuterio Santiago; in the south, by Eleuterio Santiago; and in the west, by Apolonio Santos. Petitioners further allege that the purchased lot is also described in the year 2000 Tax Declaration/Property Index Number 020-04-006-03-010[3] in the name of Emilia de Guzman, with the following boundaries: lots 1468 and 1469 in the north; Lots 1303 and 1304 in the south; Lot 1306 in the east; and Lot 1301 in the west.

The property was enclosed within concrete posts and barbed wires when it was sold to petitioners. From the time of purchase, they occupied the lot without interruption and devoted it to rice

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[1] The assailed Court of Appeals (CA) Fifth Division Decision was penned by Justice Andres B. Reyes, Jr. and concurred in by Justices Jose C. Mendoza (now a Member of this Court) and Arturo G. Tayag, *rollo*, pp. 35-45.

[2] *Rollo*, pp. 82-83.

[3] *Id.* at 81.

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cultivation. In 1995, they filed before the Department of Environment and Natural Resources (DENR) an Application for Free Patent, as well as a Petition with the Community Environment and Natural Resources Office (CENRO) to rectify the Cadastral Survey of Lot 1306, Cad 332, Bocaue Cadastre, for the purpose of excluding a portion of their land from Lot 1306-B, which was then being claimed by Pedro Lazaro's heirs.

Subsequently, petitioners' tenant and hired laborers were prevented from working on the subject land by Emiliano Parulan (Emiliano), son of Pablo Parulan (Pablo), whose heirs are named respondents herein. Petitioners discovered that a 2,171 square meter portion of their land was included in the 5,677 square meter lot registered under Original Certificate of Title (OCT) No. T-048-EP (EP No. 189669)[4] issued in the name of Pablo on 17 December 1999 and registered with the Register of Deeds on 5 January 2000.

Petitioners referred the matter to the Provincial Agrarian Reform Office (PARO) Legal Officer I of Baliuag, Bulacan, Homer Abraham, Jr. The latter issued a Report and Recommendation[5] dated 26 October 2000 to Miguel Mendoza, the Officer-in-Charge (OIC) of PARO, Baliuag, Bulacan, recommending the filing by the Magno spouses of a necessary petition for cancellation/correction of Pablo's Emancipation Patent (EP) before the DARAB.

Hence, on 15 December 2000, petitioners filed with the Provincial Agrarian Reform Adjudicator (PARAD) of Bulacan a Petition[6] for Correction of OCT No. T-048-EP, (EP No. 189669) issued in the name of Pablo Parulan. Apart from the Deed of Sale and the two Tax Declarations, petitioners adduced as documentary evidence the questioned EP/OCT,[7] photographs

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[4] *Id.* at 84-85.

[5] *Id.* at 90-91.

[6] The petition was docketed as DARAB Case No. 12275 (Regular Case No. R-03-02-2318-00).

[7] *Rollo*, pp. 84-85.

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of the property,[8] as well as the Report and Recommendation of PARO Legal Officer I Abraham.

Presented by petitioners as witnesses during the hearing before the PARAD were Cynthia Mariano (Mariano), an Agrarian Reform Program Technologist (ARPT) of Bocaue, Bulacan; and Fe Jacinto (Jacinto), the Municipal Agrarian Reform Officer (MARO) of the same area. Mariano testified that she had been instructed by Jacinto to conduct an investigation of petitioners' landholding. On 3 May 2000, she, together with *Barangay* Agrarian Reform Committee (BARC) Chairperson Ricardo Benedicto, conducted an ocular inspection of the lot, with farmers from adjacent lots as witnesses. She thereafter prepared a report, which stated that the subject lot was fenced and that the actual tiller was Renato de Guzman. Renato informed her that his father, Mariano de Guzman, was the original tenant of the land; and that the adjacent lot outside the fenced lot was being tilled by Emiliano Parulan. According to ARPT Mariano, her ocular inspection yielded the finding that since 1976, the subject lot which has an area of 2,162 sq. m., had actually been tilled by Renato de Guzman, who had been paying lease rentals to spouses Nicanor and Caridad Magno. MARO Jacinto testified by identifying the report she had prepared on the matter.

On the other hand, private respondents presented the *Kasunduan sa Pamumuwisan* between Pedro and Pablo;[9] Pablo's request for a survey of Pedro's land;[10] an endorsements to survey Pedro's property issued by ARPT Mariano,[11] MARO Jacinto[12] and PARO Linda Hermogino (Hermogino);[13] DAR Regional Director Renato Herrera's grant of Pablo's request for survey;[14]

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[8] *Id.* at 86-89.

[9] *Id.* at 109.

[10] *Id.* at 110.

[11] *Id.* at 111.

[12] *Id.* at 112.

[13] *Id.* at 113.

[14] *Id.* at 114.

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the Approved Subdivision Plan of Lot 1306, Cad 332, Bocaue Cadastre;[15] and the accompanying Lot Data Computation for the land of Pedro Lazaro[16] and Emilia de Guzman.[17]

Private respondents argued that the June 1973 *Kasunduan sa Pamumuwisan* between Pablo and Pedro Lazaro showed that the former was the agricultural lessee of the latter. In January 1999, Pablo requested the MARO for authority to survey the property of Pedro pursuant to his EP Application over the land he was then tenanting. On 1 February 1999, Bocaue ARPT Mariano reported to Bocaue MARO Jacinto that, based on the former's investigation/ocular inspection, Pedro's 15,178 sq. m. property was covered by the Operation Land Transfer under Presidential Decree 27. Since Pablo was the actual tiller of the land, the ARPT recommended the grant of a Survey Authority and Approval as requested. This recommendation was endorsed by MARO Jacinto to PARO Hermogino, who in turn endorsed it to DAR Regional Director Renato Herrera. Director Herrera granted Pablo's request for a survey pursuant to the latter's EP application.

As indicated in the resulting Approved Subdivision Plan (of Lot 1306, Cad 332 Bocaue Cadastre),[18] it was based on the Original Survey of Lot 1306 in May 1960. The Lot Data Computation accompanying the Subdivision Plan denominated Emilia's lot as Lot 1302 with an area of 9,604.82 sq. m.,[19] while that of Pedro was Lot 1306 with an area of 15,171.85 sq. m.[20] The Subdivision Plan also showed that Lot 1306 was subdivided into Lot 1306-A (or Lot 4557) containing an area of 7,601 sq. m.; Lot 1306-B (or Lot 4558) which had 5,677 sq. m.; and Lot 1306-C (or Lot 4559) with 1,900 sq. m. It appears

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[15] *Id.* at 97, 115-117.

[16] *Id.* at 120-121.

[17] *Id.* at 119.

[18] *Id.* at 97, 115-117.

[19] *Id.* at 119.

[20] *Id.* at 121.

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that Lot 1306-B or Lot 4558 was further subdivided into Lot 4558-A with an area of 2,162 sq. m. and Lot 4558-B with an area of 3,508 sq. m. The contested lot is Lot 4558-A. Clearly, private respondents argued, OCT No. T-048-EP(M), EP No. 189669, was properly issued to Pablo for his 5,677 sq. m. lot in Biñang, which encompassed the contested 2,162 sq. m. lot.

After the parties filed their respective pleadings with the attached Affidavits of witnesses and other evidence, the PARAD issued a Decision[21] dated 26 February 2003 granting the Petition. Relying on the Tax Declarations in the name of Emilia, the PARAD noted that Emilia had owned a 1.5 ha. riceland in Biñang 1st, which she sold to petitioners. Meanwhile, the Rice and Corn Production Survey and the report of ARPT Mariano showed that the contested lot was actually being tilled by Renato de Guzman, the son of Mariano de Guzman, who was the registered tenant of Emilia. Thus, the PARAD concluded that in the EP issued in favor of Pablo, there were technical errors that encroached upon petitioners' property. The dispositive portion of the PARAD Decision reads:

> WHEREFORE, premises considered, judgment is hereby rendered in the following manner:
>
> 1. Ordering the correction and cancellation of OCT No. T-048-EP in the name of Pablo Parulan;
> 2. Ordering the correction of the approved subdivision plan of Lot 1306; Cad. 322, Bocaue, Cadastre Cad-03-012347-AR;
> 3. Ordering the DAR to conduct the necessary subdivision survey of Lot 4558 in the presence of both party-claimants to coincide with the actual and real possession and status of actual claimants of the two adjacent lots;
> 4. Ordering the Register of Deeds of Guiginto, Bulacan, to effect the correction and cancellation of EP No. 048 and register of the correct EP that will be issued by the DAR covering the corrected lot.
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> All other claims and counter claims by the parties are hereby dismissed for lack of merit.
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> SO ORDERED.

[21] *Id.* at 143-153. The Decision was rendered by Provincial Adjudicator Toribio E. Ilao, Jr.

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Private respondents appealed[22] the PARAD Decision to the DARAB.

On 22 February 2007, the DARAB issued a Decision[23] reversing the PARAD, to wit:

> WHEREFORE, premises considered, the appealed decision dated February 26, 2003 is hereby REVERSED and SET ASIDE and a new Judgment rendered:
>
> 1. DISMISSING the instant petition for correction and/or cancellation of OCT No. T-048-EP (EP No. 189669) for lack of merit;
> 2. DECLARING the lot in question as part and parcel of lot 1306 as surveyed for Pablo Parulan ("Annex I");
> 3. MAINTAINING and AFFIRMING the validity and integrity of OCT No. T-048-EP (EP No. 189669) in the name of the late Pablo Parulan;
> 4. ORDERING petitioners-appellees to vacate the premises in question and surrender the possession and cultivation thereof to herein private respondent heirs of the late Pablo Parulan. Moreover, petitioners-appellees are likewise ordered to remove the fence they have constructed on the lot in question at their own expense.
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> SO ORDERED.

Petitioners filed a Motion for Reconsideration, but it was denied by the DARAB in its Resolution[24] dated 2 July 2007.

Undaunted, petitioners appealed the DARAB Decision and Resolution to the CA.

In its 16 April 2008 Decision,[25] the CA affirmed *in toto* the assailed Decision and Resolution of the DARAB.

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[22] Private respondents' appeal to the DARAB was docketed as DCN R-03-02-2318'00.

[23] The DARAB Decision was penned by Assistant Secretary/Vice Chairperson Augusto P. Quijano and concurred in by Nasser C. Pangandaman, Nestor R. Acosta and Narciso B. Nieto, *rollo*, pp. 64-72.

[24] *Rollo*, pp. 75-76.

[25] See note 1.

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Petitioners filed a Motion for Reconsideration, which the appellate court denied in its 17 July 2008 Resolution.[26] Hence, petitioners filed with this Court the present Petition for Review under Rule 45.

The issue for resolution is whether the CA committed reversible error in affirming the DARAB's dismissal of petitioners' Petition for Cancellation and/or Correction of OCT No. T-048-EP (EP No. 189969).

We deny the Petition.

Under DAR Administrative Order No. 02, Series of 1994, emancipation patents may be cancelled by the PARAD or the DARAB for violations of agrarian laws, rules and regulations.[27] The same administrative order further states that "administrative corrections may include non-identification of spouse, correction of civil status, corrections of technical descriptions and other matters related to agrarian reform;"[28] and that the DARAB's decision "may include cancellation of registered EP/CLOA, reimbursement of lease rental as amortization to ARBs, reallocation of the land to qualified beneficiary, perpetual disqualification to become an ARB, and other ancillary matters related to the cancellation of the EP or CLOA."[29]

However, the DAR's issuance of an Emancipation Patent and the corresponding OCT covering the contested lot carries with it a presumption of regularity.[30] The Petition to correct/cancel Pablo's Emancipation Patent can prosper only if petitioners are able to present substantial evidence that a portion of their

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[26] *Rollo*, p. 47.

[27] DAR Administrative Order No. 02, Series of 1994 [Rules Governing the Correction and Cancellation of Unregistered Emancipation Patents (EPs), and Certificates of Land Ownership Awards (CLOAs) due to Unlawful Acts and Omissions or Breach of Obligations of Agrarian Reform Beneficiaries (ARBs) and for Other Causes], Part IV, A.

[28] *Id.* at Part IV, C.

[29] *Id.* at Part IV, D.

[30] RULES OF COURT, Rule 131, Sec. 3 (m).

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lot was erroneously covered by the patent. Substantial evidence refers to such relevant evidence as a reasonable mind might accept as adequate to support a conclusion.[31]

As correctly held by the DARAB and the CA, petitioners have failed to adduce substantial evidence to establish that the contested lot was part of their property.

Petitioners claim that their predecessor-in-interest, Emilia, became the owner of the lot in question by virtue of acquisitive prescription. Acquisitive prescription requires public, peaceful, uninterrupted and adverse possession of the land in the concept of an owner.[32] To prove this, petitioners offered in evidence two tax declarations in the name of Emilia declaring her ownership of a 1.552 ha. riceland in Biñang 1st Bocaue, Bulacan for tax purposes.

However, the DARAB and the CA were not swayed by these tax declarations, and rightly so. As we held in *Republic v. dela Paz*,[33]

> Well settled is the rule that tax declarations and receipts are not conclusive evidence of ownership or of the right to possess land when not supported by any other evidence. The fact that the disputed property may have been declared for taxation purposes in the names of the applicants for registration or of their predecessors-in-interest does not necessarily prove ownership. They are merely indicia of a claim of ownership.

A further examination of the tax declarations further confirms their lack of probative value.

As observed by the CA, Tax Declaration No. 2386 for the year 1967, like the 1972 Deed of Sale between petitioners and Emilia, did not contain any technical description of the property. Hence, these documents fail to establish ownership over the contested lot by Emilia or petitioners.

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[31] *Ang Tibay v. The Court of Industrial Relations*, 69 Phil. 635 (1940).

[32] *Imuan v. Cereno*, G.R. No. 167995, 11 September 2009, 599 SCRA 423.

[33] G.R. No. 171631, 15 November 2010, 634 SCRA 610.

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On the other hand, the Tax Declaration for the year 2000 with Property Index Number 020-04-006-03-010 showed that petitioners' land is bound on the east by lot 1306. Hence, the DARAB logically concluded that lot 1306, of which the contested lot is a part of, is outside the boundaries of petitioners' land. Notably too, both the DARAB and the CA found it curious that the 2000 Tax Declaration was still in the name of Emilia, considering that petitioners were supposed to have bought the land from her 27 years ago. If petitioners exercise ownership over the land since 1972 when they purchased the same, it is they who should have been paying the realty tax thereon.

Also, we do not lose sight of the fact that the 2000 Tax Declaration was made only after the subject EP/OCT had already been issued. A mere tax declaration cannot defeat a certificate of title.[34]

Petitioners also presented ARPT Mariano and MARO Jacinto to prove their claim that they were the owners of the contested lot. However, as noted by the PARAD, ARPT Mariano's report relied only on the allegations of petitioners, and her ocular inspection was made in the absence of private respondents. Meanwhile, MARO Jacinto never verified ARPT Mariano's ocular inspection.

In contrast to the evidence adduced by petitioners, the EP/OCT they sought to impugn contained a technical description of the metes and bounds of Pablo's property. Moreover, that technical description was based on a 1999 Approved Subdivision Plan following the original May 1960 Cadastral Survey of Lot 1306, Cad 332, Bocaue Cadastre. The process by which this subdivision plan came into existence was also established by the documents showing the series of endorsements by the various government officials who acted on Pablo's application and request.

We therefore affirm the CA ruling that the evidence presented by petitioners was insufficient to controvert the accuracy of the technical description of the land properly covered by the subject

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[34] *Hemedes v. Court of Appeals*, 374 Phil. 692 (1999).

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EP/OCT. As pointed out by the DARAB, petitioners should have presented expert witnesses or initiated a relocation survey of Lot 1306 to establish the alleged errors in the technical description of the subject EP.

WHEREFORE, premises considered, the Petition is **DENIED** for lack of merit. The 16 April 2008 Decision and 17 July 2008 Resolution of the Court of Appeals in CA-G.R. SP No. 100781 are **AFFIRMED.**

SO ORDERED.

Carpio (Chairperson), Brion, Perez, and *Reyes, JJ.,* concur.

FIRST DIVISION

[G.R. No. 184528. April 25, 2012]

NILO OROPESA, *petitioner, vs.* **CIRILO OROPESA,** *respondent.*

SYLLABUS

1. REMEDIAL LAW; SPECIAL PROCEEDINGS; GUARDIANSHIP; NATURE AND PURPOSE.— In *Francisco v. Court of Appeals*, we laid out the nature and purpose of guardianship in the following wise: A guardianship is a trust relation of the most sacred character, in which one person, called a "guardian" acts for another called the "ward" whom the law regards as incapable of managing his own affairs. A guardianship is designed to further the ward's well-being, not that of the guardian. It is intended to preserve the ward's property, as well as to render any assistance that the ward may personally require. It has been stated that while custody involves immediate care and control, guardianship indicates not only those responsibilities, but those of one in *loco parentis* as well.