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just a shameful and shameless crime. Rape in itself is a nauseating crime that deserves the condemnation of all decent persons who recognize that a woman's cherished chastity is hers alone to surrender at her own free will, and whoever violates this norm descends to the level of the odious beast. But the act becomes doubly repulsive where the outrage is perpetrated on one's own flesh and blood for the culprit is further reduced to a level lower than the lowly animal and forfeits all respect otherwise due him as a human being.

WHEREFORE, the Decision of the trial court finding accused-appellant MELANDRO NICOLAS *y* FAVELLA guilty of two (2) counts of statutory rape and of simple rape, and sentencing him to suffer the penalty of *reclusion perpetua* in each of the three (3) crimes is *AFFIRMED*. He is further ordered to pay his victim Shellome Nicolas *y* Dalisay ₱50,000.00 or a total of ₱150,000.00 as civil indemnity in addition to the ₱150,000.00 for moral damages and ₱75,000.00 for exemplary damages in the three (3) cases, and the costs as earlier decreed by the trial court.

SO ORDERED.

Mendoza, Quisumbing, Buena, and *De Leon, Jr., JJ.,* concur.

THIRD DIVISION

[G.R. No. 112567. February 7, 2000]

THE DIRECTOR, LANDS MANAGEMENT BUREAU, *petitioner, vs.* **COURT OF APPEALS and AQUILINO L. CARIÑO,** *respondents.*

SYNOPSIS

In 1975, private respondent, Aquilino Cariño, filed with the then Branch I, Court of First Instance of Laguna, a petition for

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registration of a sugar land with an area of forty three thousand six hundred fourteen (43,614) square meters, more or less, situated in Barrio Sala, Cabuyao, Laguna. Private respondent declared that the subject land was originally owned by his mother who died on February 15, 1911, and later administered by him in behalf of his five brothers and sisters after the death of their father in 1934. In 1949, private respondent and his brother, Severino, became co-owners by virtue of an extra-judicial partition. On July 26, 1963, through another deed of extra-judicial settlement, sole ownership of the land was adjudicated to private respondent. The trial court granted private respondent's petition. Petitioner, Director, Lands Management Bureau, as lone oppositor, went to the Court of Appeals which affirmed the decision appealed from. Hence, the present petition. Petitioner contended that the appellate court erred in not finding that private respondent has not submitted proof of his fee simple title or proof of possession in the manner and for the length of time required by the law to justify confirmation of an imperfect title.

The Supreme Court upheld the contention of petitioner. According to the Court, private respondent had not produced a single muniment of title to substantiate his claim of ownership. The Court stressed that in order that a petition for registration may prosper and the petitioners may savor the benefit resulting from the issuance of a certificate of title for the land petitioned for, the burden is upon him to show that he and/or his predecessor-in-interest has been in open, continuous, exclusive, and adverse possession and occupation of the land sought for registration for at least (30) years immediately preceding the filing of the petition for confirmation of title. In the case at bar, private respondent can only trace his own possession of subject parcel of land to the year 1949, when the same was adjudicated to him by virtue of an extra-judicial settlement and partition. Assuming that such partition was truly effected, private respondent has possessed the property thus partitioned for only twenty-six (26) years as of 1975 when he filed his petition for registration thereof. To bridge the gap, he proceeded to tack his possession to what he theorized upon as possession of the same land by his parents. However, other than his unilateral assertion, private respondent had not introduced sufficient evidence to substantiate his allegation that his mother possessed the land in question prior to 1911. The Court considered private respondent's assertion unavailing and insufficient because they are general

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statements, which are mere conclusions of law and not factual proof of possession.

SYLLABUS

1. **CIVIL LAW; LAND REGISTRATION; UNDER THE LAND REGISTRATION ACT, HE WHO ALLEGES IN HIS PETITION OR APPLICATION, OWNERSHIP IN FEE SIMPLE, MUST PRESENT MUNIMENTS OF TITLE SINCE SPANISH TIMES.**— The petition for land registration at bar is under the Land Registration Act. Pursuant to said Act, he who alleges in his petition or application, ownership in fee simple, must present muniments of title since the Spanish times, such as a *titulo real* or royal grant, a *concession especial* or special grant, a *composicion con el estado* or adjustment title, or a *titulo de compra* or title through purchase; and '*informacion possessoria*' or 'possessory information title,' which would become a *'titulo gratuito'* or a gratuitous title.

2. **ID.; ID.; ID.; PRIVATE RESPONDENT HAS NOT PRODUCED A SINGLE MUNIMENT OF TITLE TO SUBSTANTIATE HIS CLAIM OF OWNERSHIP.**— In the case under consideration, the private respondents (petitioner below) has not produced a single muniment of title to substantiate his claim of ownership. The Court has therefore no other recourse, but to dismiss private respondent's petition for the registration of subject land under Act 496. Anyway, even if considered as petition for confirmation of imperfect title under the Public Land Act (CA No. 141), as amended, private respondent's petition would meet the same fate. For insufficiency of evidence, its denial is inevitable. The evidence adduced by the private respondent is not enough to prove his possession of subject lot in concept of owner, in the manner and for the number of years required by law for the confirmation of imperfect title.

3. **ID.; ID.; ID.; A PETITIONER IN A LAND REGISTRATION CASE MUST PROVE THE FACTS AND CIRCUMSTANCES EVIDENCING HIS ALLEGED OWNERSHIP OF THE LAND APPLIED FOR; GENERAL STATEMENTS, WHICH ARE MERE CONCLUSIONS OF LAW AND NOT FACTUAL PROOF OF POSSESSION ARE UNAVAILING AND CANNOT SUFFICE.**— In order that a petition for registration of land may prosper and the petitioners may savor the benefit resulting from the issuance of certificate of title for the land petitioned for,

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the burden is upon him (petitioner) to show that he and/or his predecessor-in-interest has been in open, continuous, exclusive, and adverse possession and occupation of the land sought for registration, for at least thirty (30) years immediately preceding the filing of the petition for confirmation of title. In the case under consideration, private respondent can only trace his own possession of subject parcel of land to the year 1949, when the same was adjudicated to him by virtue of an extra-judicial settlement and partition. Assuming that such a partition was truly effected, the private respondent has possessed the property thus partitioned for only twenty-six (26) years as of 1975, when he filed his petition for the registration thereof. To bridge the gap, he proceeded to tack his possession to what he theorized upon as possession of the same land by his parents. However, other than his unilateral assertion, private respondent has not introduced sufficient evidence to substantiate his allegation that his late mother possessed the land in question even prior to 1911. Basic is the rule that the petitioner in a land registration case must prove the facts and circumstances evidencing his alleged ownership of the land applied for. General statements, which are mere conclusions of law and not factual proof of possession are unavailing and cannot suffice.

APPEARANCES OF COUNSEL

The Solicitor General for petitioner.
Agapito G. Carait for legal heirs of private respondent.
Jose B. Alvarez for private respondent.

D E C I S I O N

PURISIMA, *J.*:

At bar is a Petition for Review on *Certiorari* under Rule 45 of the Rules of Court, seeking to set aside the Decision of the Court of Appeals, dated November 11, 1993, in CA-G.R. No. 29218, which affirmed the Decision, dated February 5, 1990, of Branch XXIV, Regional Trial Court of Laguna, in LRC No. B-467, ordering the registration of Lot No. 6 in the name of the private respondent.

The facts that matter are as follows:

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On May 15, 1975, the private respondent, Aquilino Cariño, filed with the then Branch I, Court of First Instance of Laguna, a petition[1] for registration of Lot No. 6, a sugar land with an area of forty-three thousand six hundred fourteen (43,614) square meters, more or less, forming part of a bigger tract of land surveyed as Psu-108952 and situated in Barrio Sala, Cabuyao, Laguna.

Private respondent declared that subject land was originally owned by his mother, Teresa Lauchangco, who died on February 15, 1911,[2] and later administered by him in behalf of his five brothers and sisters, after the death of their father in 1934.[3]

In 1949, private respondent and his brother, Severino Cariño, became co-owners of Lot No. 6 by virtue of an extra-judicial partition of the land embraced in Plan Psu-108952, among the heirs of Teresa Lauchangco. On July 26, 1963, through another deed of extrajudicial settlement, sole ownership of Lot No. 6 was adjudicated to the private respondent.[4]

Pertinent report of the Land Investigator of the Bureau of Lands (now Bureau of Lands Management), disclosed:

"x x x x x x x x x

1. That the land subject for registration thru judicial confirmation of imperfect title is situated in the barrio of Sala, municipality of Cabuyao, province of Laguna as described on plan Psu-108952 and is identical to Lot No. 3015, Cad. 455-D, Cabuyao Cadastre; and that the same is agricultural in nature and the improvements found thereon are sugarcane, bamboo clumps, chico and mango trees and one house of the tenant made of light materials;

2. That the land subject for registration is outside any civil or military reservation, riverbed, park and watershed reservation and that same land is free from claim and conflict;

3. That said land is neither inside the relocation site earmarked for Metro Manila squatters nor any pasture lease; it is not covered by any

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[1] Original Records (O.R.), pp. 4-6.

[2] Direct Examination of Aquilino Cariño, August 23, 1977; O.R., p. 36.

[3] *Id.*, pp. 40-41.

[4] *Id.*, p. 36.

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existing public land application and no patent or title has been issued therefor;

4. That the herein petitioner has been in continuous, open and exclusive possession of the land who acquired the same thru inheritance from his deceased mother, Teresa Lauchangco as mentioned on the Extra-judicial partition dated July 26, 1963 which applicant requested that said instrument will be presented on the hearing of this case; and that said land is also declared for taxation purposes under Tax Declaration No. 6359 in the name of the petitioner;

x x x x x x x x x"[5]

With the private respondent as lone witness for his petition, and the Director of Lands as the only oppositor, the proceedings below ended. On February 5, 1990, on the basis of the evidence on record, the trial court granted private respondent's petition, disposing thus:

"WHEREFORE, the Court hereby orders and declares the registration and confirmation of title to one (1) parcel of land identified as Lot 6, plan Psu-108952, identical to Cadastral Lot No. 3015, Cad. 455-D, Cabuyao Cadastre, situated in the barrio of Sala, municipality of Cabuyao, province of Laguna, containing an area of FORTY THREE THOUSAND SIX HUNDRED FOURTEEN (43,614) Square Meters, more or less, in favor of applicant AQUILINO L. CARIÑO, married to Francisca Alomia, of legal age, Filipino, with residence and postal address at Biñan, Laguna.

After this decision shall have become final, let an order for the issuance of decree of registration be issued.

SO ORDERED."[6]

From the aforesaid decision, petitioner (as oppositor) went to the Court of Appeals, which, on November 11, 1993, affirmed the decision appealed from.

Undaunted, petitioner found his way to this Court via the present Petition; theorizing that:

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[5] Original Records, p. 26.

[6] O.R., p. 54.

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I

THE COURT OF APPEALS ERRED IN NOT FINDING THAT PRIVATE RESPONDENT HAS NOT SUBMITTED PROOF OF HIS FEE SIMPLE TITLE OR PROOF OF POSSESSION IN THE MANNER AND FOR THE LENGTH OF TIME REQUIRED BY THE LAW TO JUSTIFY CONFIRMATION OF AN IMPERFECT TITLE.

II.

THE COURT OF APPEALS ERRED IN NOT DECLARING THAT PRIVATE RESPONDENT HAS NOT OVERTHROWN THE PRESUMPTION THAT THE LAND IS A PORTION OF THE PUBLIC DOMAIN BELONGING TO THE REPUBLIC OF THE PHILIPPINES.[7]

The Petition is impressed with merit.

The petition for land registration[8] at bar is under the Land Registration Act.[9] Pursuant to said Act, he who alleges in his petition or application, ownership in fee simple, must present muniments of title since the Spanish times, such as a *titulo real* or royal grant, a *concession especial* or special grant, a *composicion con el estado* or adjustment title, or a *titulo de compra* or title through purchase; and *'informacion possessoria'* or 'possessory information title,' which would become a *'titulo gratuito'* or a gratuitous title.[10]

In the case under consideration, the private respondents (petitioner below) has not produced a single muniment of title to substantiate his claim of ownership.[11] The Court has therefore no other recourse, but to dismiss private respondent's petition for the registration of subject land under Act 496.

Anyway, even if considered as petition for confirmation of imperfect title under the Public Land Act (CA No. 141), as amended, private respondent's petition would meet the same fate. For insufficiency of evidence, its denial is inevitable. The evidence

[7] Petition, *Rollo*, p. 12.

[8] O.R., p. 4.

[9] Act No. 496.

[10] *Javellana vs. Court of Appeals*, G.R. No. L-40353, December 13, 1999.

[11] Tsn., p. 10, Cross-examination of Aquilino Cariño, August 23, 1977.

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adduced by the private respondent is not enough to prove his possession of subject lot in concept of owner, in the manner and for the number of years required by law for the confirmation of imperfect title.

Section 48(b) of Commonwealth Act No. 141,[12] as amended by R.A. No. 1942 and R.A. No. 3872, the law prevailing at the time the Petition of private respondent was filed on May 15, 1975, provides:

"Sec. 48. The following described citizens of the Philippines, occupying lands of the public domain or claiming to own any such lands or an interest therein, but whose titles have not been perfected or completed, may apply to the Court of First Instance of the province where the land is located for confirmation of their claim and the issuance of title therefor, under the Land Registration Act, to wit:

x x x x x x x x x

(b) Those who by themselves or through their predecessors-in-interest have been in open, continuous, exclusive, and notorious possession and occupation of agricultural lands of the public domain, under a bona fide claim of acquisition or ownership, ***for at least thirty years*** immediately preceding the filing of the application for confirmation of title except when prevented by war or force majeure. These shall be conclusively presumed to have performed all the conditions essential to a Government grant and shall be entitled to a certificate of title under the provisions of this chapter." (Italics supplied)

Possession of public lands, however long, never confers title upon the possessor, unless the occupant can prove possession or occupation of the same under claim of ownership for the required period to constitute a grant from the State.[13]

Notwithstanding absence of opposition from the government, the petitioner in land registration cases is not relieved of the burden of proving the imperfect right or title sought to be confirmed. In *Director of Lands vs. Agustin,*[14] this Court stressed that:

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[12] Further amended by P.D. No. 1073, issued on January 25, 1977.

[13] *Republic vs. Vera,* 120 SCRA 210, p. 218, citing *Director of Lands vs. Reyes*, 68 SCRA 177, 195.

[14] 42 Phil. 227.

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"x x x The petitioner is not necessarily entitled to have the land registered under the Torrens system simply because no one appears to oppose his title and to oppose the registration of his land. He must show, even though there is no opposition, to the satisfaction of the court, that he is the absolute owner, in fee simple. Courts are not justified in registering property under the Torrens system, simply because there is no opposition offered. Courts may, even in the absence of any opposition, deny the registration of the land under the Torrens system, upon the ground that the facts presented did not show that petitioner is the owner, in fee simple, of the land which he is attempting to have registered."[15]

There is thus an imperative necessity of the most rigorous scrutiny before imperfect titles over public agricultural lands may be granted judicial recognition.[16]

The underlying principle is that all lands that were not acquired from the government, either by purchase or by grant, belong to the state as part of the public domain. As enunciated in *Republic vs. Lee*:[17]

"x x x Both under the 1935 and the present Constitutions, the conservation no less than the utilization of the natural resources is ordained. There would be a failure to abide by its command if the judiciary does not scrutinize with care applications to private ownership of real estate. To be granted, they must be grounded in well-nigh incontrovertible evidence. Where, as in this case, no such proof would be forthcoming, there is no justification for viewing such claim with favor. It is a basic assumption of our polity that lands of whatever classification belong to the state. Unless alienated in accordance with law, it retains its right over the same as dominus. x x x"[18]

In order that a petition for registration of land may prosper and the petitioners may savor the benefit resulting from the issuance of certificate of title for the land petitioned for, the burden is upon him (petitioner) to show that he and/or his predecessor-in-interest has been in open, continuous, exclusive, and adverse possession

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[15] *Ibid.*

[16] *Republic vs. Marcos*, 52 SCRA 238, pp. 244-245.

[17] *Republic vs. Lee,* 197 SCRA 13, p. 20, citing *Santiago vs. de los Santos,* 61 SCRA 146.

[18] *Ibid.*

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and occupation of the land sought for registration, for at least thirty (30) years immediately preceding the filing of the petition for confirmation of title.[19]

In the case under consideration, private respondent can only trace his own possession of subject parcel of land to the year 1949, when the same was adjudicated to him by virtue of an extra-judicial settlement and partition. Assuming that such a partition was truly effected, the private respondent has possessed the property thus partitioned for only twenty-six (26) years as of 1975, when he filed his petition for the registration thereof. To bridge the gap, he proceeded to tack his possession to what he theorized upon as possession of the same land by his parents. However, other than his unilateral assertion, private respondent has not introduced sufficient evidence to substantiate his allegation that his late mother possessed the land in question even prior to 1911.

Basic is the rule that the petitioner in a land registration case must prove the facts and circumstances evidencing his alleged ownership of the land applied for. General statements, which are mere conclusions of law and not factual proof of possession are unavailing and cannot suffice.[20]

From the relevant documentary evidence, it can be gleaned that the earliest tax declaration covering Lot No. 6 was Tax Declaration No. 3214 issued in 1949 under the names of the private respondent and his brother, Severino Cariño. The same was followed by Tax Declaration No. 1921 issued in 1969 declaring an assessed value of Five Thousand Two Hundred Thirty-three (₱5,233.00) Pesos and Tax Declaration No. 6359 issued in 1974 in the name of private respondent, declaring an assessment of Twenty-One Thousand Seven Hundred Seventy (₱21,770.00) Pesos.[21]

It bears stressing that the Exhibit "E" referred to in the decision below as the tax declaration for subject land under the names of the parents of herein private respondent does not appear to have

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[19] *Javellana vs. Court of Appeals*, G.R. No. L-40353, December 13, 1999.

[20] *Republic vs. Court of Appeals*, 167 SCRA 150, p. 156.

[21] O.R., pp. 34 and 41.

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any sustainable basis. Said Exhibit "E" shows that it is Tax Declaration 1921 for Lot No. 6 in the name of private respondent and not in the name of his parents.[22]

The rule that findings of fact by the trial court and the Court of Appeals are binding upon this Court is not without exceptions. Where, as in this case, pertinent records belie the findings by the lower courts that subject land was declared for taxation purposes in the name of private respondent's predecessor-in-interest, such findings have to be disregarded by this Court. In *Republic vs. Court of Appeals,*[23] the Court ratiocinated thus:

" 'This case represents an instance where the findings of the lower court overlooked certain facts of substance and value that if considered would affect the result of the case (People v. Royeras, 130 SCRA 259) and when it appears that the appellate court based its judgment on a misapprehension of facts (Carolina Industries, Inc. v. CMS Stock Brokerage, Inc., et al., 97 SCRA 734; Moran, Jr. v. Court of Appeals, 133 SCRA 88; Director of Lands v. Funtillar, et al., G.R. No. 68533, May 3, 1986). This case therefore is an exception to the general rule that the findings of facts of the Court of Appeals are final and conclusive and cannot be reviewed on appeal to this Court.'

and —

'x x x in the interest of substantial justice this Court is not prevented from considering such a pivotal factual matter that had been overlooked by the Courts below. The Supreme Court is clothed with ample authority to review palpable errors not assigned as such if it finds that their consideration is necessary in arriving at a just decision.' "[24]

Verily, the Court of Appeals just adopted entirely the findings of the trial court. Had it examined the original records of the case, the said court could have verified that the land involved was never declared for taxation purposes by the parents of the private respondent. Tax receipts and tax declarations are not

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[22] O.R., p. 41.

[23] 167 SCRA 150, p. 155.

[24] *Id.*, p. 155, citing *Carabot v. Court of Appeals,* 145 SCRA 368, 377-378; *Perez v. Court of Appeals,* 127 SCRA 636; *Vda. De Javellana v. Court of Appeals,* 123 SCRA 799; and *Fegurin v. NLRC,* 120 SCRA 910.

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incontrovertible evidence of ownership. They are mere *indicia* of claim of ownership.[25] In *Director of Lands vs. Santiago*:[26]

"x x x if it is true that the original owner and possessor, Generosa Santiago, had been in possession since 1925, why were the subject lands declared for taxation purposes for the first time only in 1968, and in the names of Garcia and Obdin? For although tax receipts and declarations of ownership for taxation purposes are not incontrovertible evidence of ownership, they constitute at least proof that the holder had a claim of title over the property."[27]

As stressed by the Solicitor General, the contention of private respondent that his mother had been in possession of subject land even prior to 1911 is self-serving, hearsay, and inadmissible in evidence. The phrase "adverse, continuous, open, public, peaceful and in concept of owner," by which characteristics private respondent describes his possession and that of his parents, are mere conclusions of law requiring evidentiary support and substantiation. The burden of proof is on the private respondent, as applicant, to prove by clear, positive and convincing evidence that the alleged possession of his parents was of the nature and duration required by law. His bare allegations without more, do not amount to preponderant evidence that would shift the burden of proof to the oppositor.[28]

In a case,[29] this Court set aside the decisions of the trial court and the Court of Appeals for the registration of a parcel of land in the name of the applicant, pursuant to Section 48 (b) of the Public Land Law; holding as follows:

"Based on the foregoing, it is incumbent upon private respondent to prove that the alleged twenty year or more possession of the spouses Urbano Diaz and Bernarda Vinluan which supposedly formed part of the thirty (30) year period prior to the filing of the application, was

[25] *Director of Lands vs. Santiago,* 160 SCRA 186, p. 194, citing *Director of Lands vs. Reyes*, 68 SCRA 177; *Director of Lands vs. Intermediate Appellate Court*, 219 SCRA 339, p. 348.

[26] 160 SCRA 186.

[27] *Id.*, p. 194.

[28] *Republic vs. Lee,* 197 SCRA 13, p. 21.

[29] *Supra.*

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open, continuous, exclusive, notorious and in concept of owners. This burden, private respondent failed to discharge to the satisfaction of the Court. The bare assertion that the spouses Urbano Diaz and Bernarda Vinluan had been in possession of the property for more than twenty (20) years found in private respondent's declaration is hardly the 'well-nigh incontrovertible' evidence required in cases of this nature. Private respondent should have presented specific facts that would have shown the nature of such possession. x x x"[30]

In *Director of Lands vs. Datu*,[31] the application for confirmation of imperfect title was likewise denied on the basis of the following disquisition, to wit:

"We hold that applicants' nebulous evidence does not support their claim of open, continuous, exclusive and notorious occupation of Lot No. 2027-B en concepto de dueño. Although they claimed that they have possessed the land since 1950, they declared it for tax purposes only in 1972. It is not clear whether at the time they filed their application in 1973, the lot was still cogon land or already cultivated land.

They did not present as witness their predecessor, Peñaflor, to testify on his alleged possession of the land. They alleged in their application that they had tenants on the land. Not a single tenant was presented as witness to prove that the applicants had possessed the land as owners.

x x x *x x x* *x x x*

On the basis of applicants' insubstantial evidence, it cannot justifiably be concluded that they have an imperfect title that should be confirmed or that they had performed all the conditions essential to a Government grant of a portion of the public domain."[32]

Neither can private respondent seek refuge under P.D. No. 1073,[33] amending Section 48(b) of Commonwealth Act No. 141, under which law a certificate of title may issue to any occupant of a public land, who is a Filipino citizen, upon proof of open, continuous, exclusive, and notorious possession and occupation since June 12, 1945, or earlier. Failing to prove that his predecessors-in-interest occupied subject land under the conditions

[30] *Id.*, p. 21.

[31] 115 SCRA 25.

[32] *Id.*, p. 28.

[33] Issued on January 25, 1977.

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laid down by law, the private respondent could only establish his possession since 1949, four years later than June 12, 1945, as set by law.

The Court cannot apply here the *juris et de jure* presumption that the lot being claimed by the private respondent ceased to be a public land and has become private property.[34] To reiterate, under the Regalian doctrine all lands belong to the State.[35] Unless alienated in accordance with law, it retains its basic rights over the same as dominus.[36]

Private respondent having failed to come forward with muniments of title to reinforce his petition for registration under the Land Registration Act (Act 496), and to present convincing and positive proof of his open, continuous, exclusive and notorious occupation of Lot No. 6 *en concepto de dueño* for at least 30 years immediately preceding the filing of his petition,[37] the Court is of the opinion, and so finds, that subject Lot No. 6 surveyed under Psu-108952, forms part of the public domain not registrable in the name of private respondent.

WHEREFORE, the Petition is *GRANTED*; the Decision of the Court of Appeals, dated November 11, 1993, in CA-G.R. No. 29218 affirming the Decision, dated February 5, 1990, of Branch XXIV, Regional Trial Court of Laguna in LRC No. B-467, is *SET ASIDE*; and Lot No. 6, covered by and more particularly described in Psu-108952, is hereby declared a public land, under the administrative supervision and power of disposition of the Bureau of Lands Management. No pronouncement as to costs.

SO ORDERED.

Melo (Chairman), Vitug, Panganiban, and *Gonzaga-Reyes, JJ.*, concur.

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[34] *Republic vs. Sayo*, 191 SCRA 71, p. 74.

[35] *Lee Hong vs. David,* 48 SCRA 372; *Piñero vs. Director of Lands*, 57 SCRA 386.

[36] *Republic vs. Lee*, 197 SCRA 13, p. 20; citing *Santiago vs. de los Santos,* 61 SCRA 146.

[37] *Director of Lands vs. Datu, supra.*