

THIRD DIVISION

[G.R. No. 187186, June 06, 2018]

**ALICIA C. GALINDEZ, PETITIONER, V. SALVACION FIRMALAN;
THE HON. OFFICE OF THE PRESIDENT THROUGH THE HON.
OFFICE OF THE EXECUTIVE SECRETARY; AND THE REGIONAL
EXECUTIVE DIRECTOR, DENR-REGION IV, RESPONDENT.**

D E C I S I O N

LEONEN, J.:

Findings of fact by the Director of Lands shall be conclusive when approved by the Department of Environment and Natural Resources Secretary and supported by substantial evidence.

This resolves the Petition for Review on Certiorari^[1] filed by Alicia C. Galindez (Alicia) assailing the Court of Appeals November 27, 2008 Decision^[2] and March 13, 2009 Resolution^[3] in CA-G.R. SP No. 95114, which upheld the Office of the President's January 31, 2006 Decision^[4] in O.P. Case No. 05-D-118.

On May 16, 1949, Salvacion Firmalan (Firmalan) filed an application with the Bureau of Lands for a 150-m² parcel of land in Barrio Capaclan, Romblon, Romblon. Her application was docketed as Miscellaneous Sales Application (MSA) No. V-7861.^[5]

The District Land Office reported that the vacant lot which Firmalan applied for was suited for residential purposes and recommended the approval of her application.^[6]

On February 23, 1950, the Chief of the Public Land Division directed the District Land Office to re-appraise the lot covered by Firmalan's application. Records showed that no action was taken on the order for reappraisal of Firmalan's application.^[7]

On April 25, 1967, or almost 18 years after filing her first application, Firmalan filed another application. Her second application was for Lot No. 915 Cad-311-D in Romblon Cadastre and was docketed as MSA No. (V-6) 23. Lot No. 915 had an area of 325 m² and included the 150-m² lot subject of Firmalan's first application.^[8]

The Acting District Land Officer recommended the approval of Firmalan's second application.^[9]

Alicia filed a protest to Firmalan's second application. She claimed that from November 1951, she and her family had been in constant possession of a portion of the 325-m² lot covered by Firmalan's second application. She also claimed that she had built a house and planted coconut trees on the lot which Firmalan applied for.^[10]

Alicia stated that on February 20, 1964, she filed an application over the lot occupied by her family and that her application was docketed as MSA No. (V-6) 44.
[11]

On June 23, 1968, the Acting District Land Officer requested that all actions on Firmalan's second application be held in abeyance due to the protest filed against it.
[12] The Director of Lands then ordered the Regional Land Director to conduct a formal investigation on the matter.
[13]

On July 11, 1978, Land Inspector Mabini Fabreo (Inspector Fabreo) reported to the Director of Lands that after conducting an ocular inspection and investigation, he discovered that the lot covered by Firmalan's second application was occupied by Firmalan and Felipe Gaa, Sr. (Gaa), with the lot equally divided between them. Inspector Fabreo recommended that the area occupied by Gaa be excluded from Firmalan's application.
[14]

On March 20, 1981, Inspector Fabreo submitted a second report
[15] where he corrected his earlier statement that Firmalan occupied the lot covered by her second application. He clarified that when he made his ocular inspection, it was Elmer Galindez (Elmer), son of Alicia,
[16] he saw occupying the lot beside Gaa, not Firmalan.
[17]

On May 5, 1982, Firmalan filed a complaint for forcible entry against Elmer. This was docketed as Civil Case No. 110 before the Municipal Trial Court of Romblon, Romblon.
[18]

On February 1, 1984, the Municipal Trial Court
[19] dismissed the complaint and declared that it was only the Bureau of Lands that could determine who between Firmalan and Elmer had the better right over the disputed lot:

On the decisional rules and jurisprudence of our Supreme Court already cited, this Court is legally powerless really to determine as to who is entitled or as to who has the right to occupy the lot in question – this, according to It, is committed to the Bureau of Lands.

FOR ALL THE FOREGOING, this Court hereby orders this case DISMISSED. Let a copy of this decision be also furnished the Bureau of Lands with the suggestion that the applications of the parties be determined as soon as possible. Without pronouncement as to costs.

IT IS SO ORDERED.
[20] (Emphasis in the original)

On March 11, 1985, after receiving testimonies and documentary evidence from the parties, Supervising Land Examiner Dionico F. Gabay (Examiner Gabay) of the Bureau of Lands submitted a report
[21] where he wrote that there was no dispute as regards the area occupied by Gaa.
[22] Nonetheless, Examiner Gabay opined that between Firmalan and Alicia, Firmalan had the superior right over the lot in question because she was the rightful applicant, while Alicia obtained possession of the lot through trickery and willful defiance of the law.
[23]

Examiner Gabay then recommended that the portion occupied by Gaa be segregated from the area subject of the conflicting claims between Firmalan and Elmer, and for

Firmalan's claims and that of Alicia, through Elmer, to be resolved.^[24] His report was elevated to the Department of Environment and Natural Resources.^[25]

On August 27, 1990,^[26] the Department of Environment and Natural Resources Regional Executive Director (the Regional Executive Director) concluded that Firmalan filed her miscellaneous sales application over the disputed portion of Lot No. 915 earlier than Alicia. The Regional Executive Director upheld Firmalan's right to acquire the portion of Lot No. 915, reasoning out that Firmalan's first application on May 16, 1949 was given due course even if records showed that no subsequent actions were taken. On the other hand, Alicia was informed that the lot which she was applying for was already covered by a subsisting application. The Regional Executive Director emphasized that a claim of actual ownership, no matter how long an occupant has possessed a public land, will never ripen into ownership since public land can only be acquired under the provisions of the Public Land Act.^[27]

Alicia moved for the reconsideration of the Regional Executive Director's August 27, 1990 Order, but her motion was denied in the subsequent Regional Executive Director's November 15, 1991 Order.^[28]

Alicia then appealed her case before the Department of Environment and Natural Resources, but on June 29, 1998,^[29] the Department of Environment and Natural Resources Secretary affirmed the Regional Executive Director's Orders.

The dispositive portion of the Department of Environment and Natural Resources June 29, 1998 Decision read:

WHEREFORE, Miscellaneous Lease Application No. (IV-A-9) 35 of Alicia Galindez is hereby, as it is ordered REJECTED and whatever amount paid on account thereof is forfeited in favor of the Government. Alicia Galindez and/or Elmer Galindez is/are hereby ordered to vacate the premises. The Miscellaneous Lease Application No. V-1612 of Felipe Gaa, Sr. is ordered REINSTATED and given due course. The Miscellaneous Sales Application No. . . . V-7861 of Salvacion Firmalan is ordered REJECTED and her other Miscellaneous Sales Application No. (V-6) 23 is ordered amended to cover the other half-portion of Lot 915 and is hereby given due course. Both applications, the M.L.A. V-1612 of Felipe Gaa, Sr. and M.S.A. No. (V-6) 23 of Salvacion Firmalan are subject to the road-right-of-way as suggested by the Department of Public Works and Highways.^[30]

Alicia moved for the reconsideration of this Decision, but on March 28, 2005,^[31] the Department of Environment and Natural Resources Secretary denied her motion.

On April 19, 2005,^[32] Alicia appealed the Department of Environment and Natural Resources' decisions before the Office of the President.

On January 31, 2006, the Office of the President denied the appeal and affirmed the Department of Environment and Natural Resources' decisions.^[33]

The Office of the President brushed aside Alicia's claim that she was denied due process. It noted that she was represented by counsel during the proceedings and that she was able to present her evidence during the hearings.^[34]

The Office of the President then upheld the findings of fact of the Department of Environment and Natural Resources and of its field officers that Firmalan filed her application over Lot No. 915 ahead of Alicia.^[35] The *fallo* of the Office of the President's Decision read:

WHEREFORE, in view of all the foregoing, the instant appeal is hereby **DENIED**. Accordingly, the appealed Decisions of the Department of Environment and Natural Resources are hereby **AFFIRMED**.^[36]
(Emphasis in the original)

Alicia moved for the reconsideration of the Office of the President's January 31, 2006 Decision, but on June 1, 2006,^[37] the Office of the President denied her motion for reconsideration.

Alicia filed an appeal^[38] before the Court of Appeals.

On November 27, 2008, the Court of Appeals^[39] denied her appeal and upheld the decision of the Office of the President.

The Court of Appeals found that Firmalan filed her application over Lot No. 915 ahead of Alicia. It held that Firmalan's failure to occupy the lot should not be taken against her because she did so in compliance with the terms of the miscellaneous sales application.^[40]

The Court of Appeals indicated that Alicia's lengthy possession of the disputed lot could not be taken in her favor and could not vest her with preferential status on her application because it violated the terms of the miscellaneous sales application.^[41]

The *fallo* of the Court of Appeals November 27, 2008 Decision read:

WHEREFORE, the petition is denied and the decision of the Office of the President is affirmed.

SO ORDERED.^[42] (Emphasis in the original)

Alicia moved for the reconsideration of this decision, but her motion was denied in the Court of Appeals March 13, 2009 Resolution.^[43]

On May 4, 2009, Alicia filed a Petition for Review on Certiorari before this Court.^[44]

Petitioner Alicia does not deny that respondent Firmalan filed a miscellaneous sales application over a portion of Lot No. 915 on May 16, 1949, but she insists that the application was treated as if it was never filed because the lot had not yet been surveyed or appraised, and the order for its appraisal was not complied with.^[45]

Petitioner asserts that her family has freely and openly occupied the lot as early as November 1, 1950 and has declared it for taxation purposes in 1956. Furthermore, on February 20, 1964, as the true occupants of the lot, petitioner even filed a miscellaneous sales application over a portion of Lot No. 915 with the Bureau of Lands.^[46]

Petitioner also maintains that respondent's daughter admitted that respondent and her family entered the disputed lot and fenced it after her mother filed an

application, thereby violating the terms of the miscellaneous sales application.^[47]

Petitioner concedes to also violating the miscellaneous sales application when she and her family entered the lot before their application was approved. Nonetheless, she contends that between respondent, who admitted occupying the lot at one time, and herself, who possessed the same continuously for more than 50 years, her application should have been given preference over that of respondent's.^[48]

Petitioner likewise draws attention to her long years of continued and uninterrupted stay over the disputed lot and states that as its actual occupant, she should have been given preferential status, as mandated by the Public Land Act.^[49]

Petitioner accuses respondent of applying for as many lots as she could, regardless of whether there were actual occupants on the lots being applied for and of having "unlawful support from some elements in the Bureau of Lands and the [Department of Environment and Natural Resources]."^[50] Hence, their support led to the approval of her applications.^[51]

In her Comment,^[52] respondent stresses that the Department of Environment and Natural Resources, the Office of the President, and the Court of Appeals made unanimous factual findings that she adhered to the terms of her miscellaneous sales application. She points out that the administrative bodies and the Court of Appeals all ruled that petitioner acted in bad faith when she occupied the disputed lot; hence, her possession of the lot will not ripen into ownership.^[53]

In her Reply,^[54] petitioner underscores that the conclusion contained in the Bureau of Lands Report submitted by Examiner Gabay—that respondent never entered into or possessed the lot—contradicts the testimony of respondent's own daughter. She avers that the testimony of respondent's daughter was mentioned in Examiner Gabay's report, yet he still concluded that respondent never occupied the disputed lot, showing his undeniable bias in Firmalan's favor.^[55]

Petitioner repeats that as the long-time occupant of the lot, she has a preferential status over it.^[56]

The sole issue for this Court's resolution is whether or not petitioner Alicia Galindez's application should have been given preference over respondent Salvacion Firmalan's application, in light of the former's long-time possession of the disputed lot.

The Petition must fail.

I

Commonwealth Act No. 141, or the Public Land Act, enumerates the ways in which the State may dispose of agricultural lands:

Section 11. Public lands suitable for agricultural purposes can be disposed of only as follows, and not otherwise:

- (1) For homestead settlement;
- (2) By sale;
- (3) By lease;
- (4) By confirmation of imperfect or incomplete titles: