

FIRST DIVISION

[G.R. No. 231001, March 24, 2021]

**CONSTANTINO Y. BELIZARIO,* PETITIONER, VS. DEPARTMENT
OF ENVIRONMENT AND NATURAL RESOURCES AND THE
REGISTRY OF DEEDS OF NASUGBU, BATANGAS, RESPONDENTS.**

R E S O L U T I O N

CAGUIOA, J:

Before the Court is a Petition for Review on *Certiorari*^[1] (Petition) under Rule 45 of the Rules of Court (Rules) assailing the Decision^[2] dated January 13, 2017 and Resolution^[3] dated March 27, 2017 of the Court of Appeals^[4] (CA) in CA-G.R. SP No. 141450. The CA Decision denied the Rule 65 petition for *certiorari* filed by petitioner Constantino Belizario (petitioner) and affirmed the Orders dated June 28, 2011,^[5] March 19, 2012,^[6] and May 20, 2015^[7] of the Regional Trial Court of Balayan, Batangas, Branch 10 (RTC), in Civil Case Nos. 373 and 653, entitled "*Republic of the Philippines v. Ayala y Cia, et al.*" and "*Republic of the Philippines v. Enrique Zobel, et al.*" respectively, while the CA Resolution denied petitioner's motion for reconsideration.

The Facts

The CA Decision narrates the antecedents as follows:

On [May 12, 1960], the Republic of the Philippines (Republic) filed a complaint for annulment of titles against Ayala y Cia, Alfonso Zobel, Antonio Dizon, Lucia Dizon, Ruben Dizon, Adelaida Reyes, Consolacion D. Degollacion, Artemio Dizon and Zenaida Dizon (Ayalas) before the Court of First [Instance] of Batangas (CFI), docketed as Civil Case No. 373.

The Republic alleged that the various titles of the Ayalas illegally included portions of the territorial waters and lands of the public domain when they caused the survey and preparation of a composite plan of Hacienda Calatagan that increased [the] original area from 9,652.583 hectares (the land area covered by [Transfer Certificate of Title (TCT)] No. 722) to 12,000 hectares.

On [June 2, 1962], the CFI of Batangas rendered its decision (CFI Decision) and [its] dispositive portion reads:

WHEREFORE, judgment is hereby rendered as follows:

(a) Declaring as null and void Transfer Certificate of Title No. T-9550 (or Exhibit "24") of the Register of Deeds of the Province of Batangas and other subdivision titles issued in favor of Ayala y Cia and/or Hacienda de [Calatagan] over the areas outside its private land covered by TCT No. 722, which, including the lots in [TCT No.] T-9550 (lots 360, 362, 363 and 182), are hereby reverted to public dominion.

In *Republic of the Philippines v. Ayala y Cia*, docketed as G.R. No. L-20950, dated [May 31, 1965], the Supreme Court affirmed with modification the CFI Decision. The modification of said decision, however, had no bearing at all on the issues of the annulment of the certificates of title and the reversion of illegally registered lands to the public domain. The High Court found that the excess area outside the private land of the Ayala[s] as stated in their titles usurped 2,000 hectares consisting of portions of the territorial sea, the foreshore, the beach, and navigable waters properly belonging to the public domain.

Twenty-[t]hree years after the Supreme Court rendered its decision in G.R. No. L-20950, the execution of the annulment and reversion portions of the CFI [D]ecision was still incomplete. Accordingly, in [*Republic v. Delos Angeles*], docketed as G.R. No. L-30420, dated [March 25, 1988], the Supreme Court directed its Clerk of Court to issue the writ in Civil Case No. 373, and said:

Contrary to respondent Zobel's assertion, the 1965 final judgment in favor of the Republic declared as null and void, not only TCT No. 9550, but also "other subdivision titles" issued over the expanded areas outside the private land of Hacienda Calatagan covered by TCT No. 722. As shown at the outset, after respondents ordered subdivision of the Hacienda Calatagan which enable[d] them to acquire titles to and "illegally absorb" the subdivided lots which were outside the hacienda's perimeter, they converted the same into fishponds and sold them to third parties. But as the Court stressed in the 1965 judgment and time and again in other cases, "it is an elementary principle of law that said areas not being capable of registration, their inclusion in a certificate of title does not convert the same into properties of private ownership or confer title on the registrant."

x x x x

This final 1965 judgment reverting to public dominion all public lands unlawfully titled by respondent Zobel and Ayala and/or Hacienda Calatagan is now beyond question, review or reversal by any court, although as sadly shown hereinabove, respondents' tactics and technical maneuvers have all these 23 long years thwarted its execution and the Republic's recovery of the lands and waters of the public domain.

In a resolution, dated [November 16, 2006], the Supreme Court directed the RTC to proceed with the immediate execution of the CFI Decision. On [December 17, 2007], Judge Austria of the RTC issued an order directing the Department of Environment and Natural Resources (DENR) to create a Technical Working Committee (TWC) to conduct another relocation survey of the property covered by TCT No. 722 or the Hacienda Calatagan. The purpose of the relocation survey was to fulfill the execution proceedings of the CFI Decision.

On [May 20, 2008], a survey order was issued by the Regional Executive Director of the DENR creating three x x x survey teams and one x x x information and education campaign (IEC) team to conduct the survey and information dissemination on the said relocation survey.

Sadly, despite the clear directive of the Supreme Court, dilatory tactics prevented the execution of its 1965 decision. Thus, in a Resolution dated [October 6, 2008], the Court, in [*Republic v. Delos Angeles*], with G.R. Nos. L-26112 and L-30240, consistently affirmed the following; (1) the nullification of all subdivision titles that were issued in favor of Ayala y Cia and/or Hacienda Calatagan (and/or its successors-in-interest) over the areas outside its private land covered by TCT No. 722; and (2) the declaration that all lands or areas covered by these nullified titles are reverted to the public domain. It is also emphasized that TCT No. T-9550, which was derived from TCT No. 722, was merely cited as one of the derivative titles that must be cancelled. The cancellation of all the affected derivative titles and their reversion to the State must still be completed. The Supreme Court also stressed therein that:

"[x x x] its fallo is sufficiently complete for purposes of execution and has all the data required for its implementation; the titles to be cancelled and the properties they cover – all sufficiently described in the decision – are matters of official record. One only needs to: look, with meticulous care, at the official records with the concerned Register of Deeds to find out the various derivative titles of TCT No. 722; examine, also with meticulous care, the records of the Director of x x x Lands (or its successor offices, the Land Management Bureau and/or Surveys Division of the Department of Environment and Natural Resources Regional Office) to compare the approved plan for TCT No. 722 and the approved subdivision plan for the derivative titles – Psd-27941; and finally, consolidate the findings into an integral whole, to arrive at the derivative titles that should be nullified for reversion to the State. The relocation survey we previously ordered, now directed by Judge Austria, can best achieve these desired results. We stress however that the relocation survey is but a tool to prevent any possible error that may result in the execution of the CFI [D]ecision; it cannot and should not be

regarded as an opening for another round of litigation on the issues definitely settled a long time ago."

Meanwhile, on September 17, 1987, petitioner Constantino Y. Belizar[i]o (petitioner) purchased a 24,961[-]square meter parcel of land in Calatagan, Batangas (subject land) from the Ministry of Agrarian Reform, now the Department of Agrarian Reform (DAR). Consequently, TCT No. T-51621 was issued in his name over the subject land.

On [July 12, 2011], petitioner received an Order of the RTC, dated [June 28, 2011], directing the cancellation of his TCT No. T-51621. Based on the TWC's report, it was found that the subject land was a derivative title of TCT No. 722 which must be cancelled.

According to petitioner, he attempted to conduct a title trace-back to determine the mother title of TCT No. T-51621. He approached the Register of Deeds, Land Registration Authority and Land Management Bureau to conduct his research. His investigation, however, was unsuccessful due to the unavailability of the titles.

On [August 9, 2011], petitioner filed a Motion to Exclude before the RTC arguing chiefly that his TCT No. T-51621 was not derived from TCT No. 722, hence, it could not be cancelled. On [November 16, 2011], petitioner testified and presented evidence in the RTC.

In the assailed [O]rder dated [March 19, 2012], the RTC denied petitioner's motion. After considering the evidence presented by the parties, it found that petitioner failed to produce sufficient evidence to prove that his land was not included in the excess area of TCT No. 722. The RTC also held that petitioner did not satisfactorily overthrow the findings of the TWC.

On [April 20, 2012], petitioner filed a motion for reconsideration against the said RTC [O]rder. He was again allowed to present evidence to support his allegations,

In the assailed [May 20, 2015] [O]rder, the RTC denied petitioner's motion for reconsideration. It held that no substantial arguments had been raised by petitioner and that the issues raised by petitioner had been discussed in its previous [O]rder.

[Thus, petitioner filed a Rule 65 *certiorari* petition before the CA.][8]

Ruling of the CA

The CA in its Decision[9] dated January 13, 2017 denied the *certiorari* petition of petitioner. The dispositive portion thereof states:

WHEREFORE, the petition is **DENIED**. The [June 28, 2011], [March 19, 2012] and [May 20, 2015] Orders of Branch 10, Regional Trial Court of Balayan, Batangas are **AFFIRMED in toto**.

SO ORDERED.^[10]

Petitioner filed a motion for reconsideration with the CA, which the CA denied in its Resolution^[11] dated March 27, 2017.

Hence the present Petition. Respondents filed their Comment^[12] dated December 18, 2018. Petitioner filed his Reply to the Comment^[13] dated June 13, 2019.

The Issue

The Petition raises one main issue: whether the CA committed reversible errors when it failed to consider that: (i) since petitioner was never a party to the reversion cases pending before Branch 10 of RTC Balayan, Batangas [namely, *Republic of the Philippines v. Ayala y Cia, et al.* and *Republic of the Philippines v. Enrique Zobel, et al.* (*Ayala y Cia* and *Zobel* cases) docketed as Civil Case Nos. 373 and 653], the Republic should have instituted a separate and direct reversion case against petitioner; (ii) the Decision in the *Ayala y Cia* and *Zobel* cases does not bind petitioner; (iii) the cancellation of petitioner's TCT No. T-51621 was done without the benefit of an actual ground survey; and (iv) petitioner is an innocent purchaser for value of alienable and disposable land since the Department of Agrarian Reform (DAR) sold the subject land to him.^[14]

The Court's Ruling

The Petition fails to convince the Court that the CA erred in finding that the RTC did not act with grave abuse of discretion amounting to lack or excess of jurisdiction.

The matters stated in the Petition have been raised by petitioner before the CA, and the CA has resoundingly rejected petitioner's arguments.

As to sub-issues (i) and (ii), the Court quotes with approval the following pronouncements of the CA:

Here, petitioner insists that he was denied due process because his title was cancelled even though he was not a party to the reversion case instituted by the [Office of the Solicitor General (OSG)]. The argument, however, must fail. A reversion suit seeks to nullify a void title. A void title does not enjoy indefeasibility under the Torrens [s]ystem. As stated in the recent case of *Republic v. Hachero*,^[15] notwithstanding the fact that the original certificate of title based on a patent had been cancelled and another certificate of title [is] issued in the names of the grantee[s] heirs, a void title may still be reverted back to the [S]tate.