

SECOND DIVISION

[G.R. No. 189803, March 14, 2018]

**REPUBLIC OF THE PHILIPPINES, REPRESENTED BY THE
DIRECTOR OF THE LAND MANAGEMENT BUREAU (LMB),
PETITIONER, VS. FILEMON SAROMO, RESPONDENT.**

DECISION

CAGUIOA, J:

Before the Court is a petition for review on *certiorari*^[1] (Petition) under Rule 45 of the Rules of Court assailing the Decision^[2] dated June 30, 2009 (Decision) of the Court of Appeals^[3] (CA) in CA-G.R. CV. No. 87801, denying the appeal of the petitioner Republic of the Philippines (Republic) and affirming the Decision^[4] dated October 24, 2005 of the Regional Trial Court of Balayan, Batangas, Branch 9 (RTC) in Civil Case No. 3929. The RTC Decision dismissed the reversion and cancellation of title complaint filed by the Republic against respondent Filemon Saromo (Saromo). The Petition also assails the Resolution^[5] dated October 12, 2009 of the CA denying the motion for reconsideration filed by the Republic.

The Facts and Antecedent Proceedings

As culled from the CA Decision, the facts are as follows:

On September 25, 1980, Geodetic Engineer Francisco C. Guevarra surveyed the land subject of this case for x x x Filemon Saromo. Engineer Guevarra then prepared Survey Plan No. PSU-4-A-004479 (Exhibit "A"). At the bottom left hand portion of the plan is a NOTE that states: "This survey is formerly a portion of China Sea. This survey is inside **unclassified public forest land** and is apparently inside the area covered by Proclamation No. 1801 dated November 10, 1978. This survey is within 100.00 meters strip along the shore line. This survey was endorsed by the District Land Officer D.L.O. No. (IV-A-1), Batangas City dated December 11, 1980." The survey plan of the subject lot includes the salvage zone.

On September 30, 1980, Survey Plan No. PSU-4-A-004479 was submitted to Region IV-A for approval.

On December 11, 1980, the survey plan was endorsed by the District Land Officer, Batangas City and on the following day, December 12, 1980, the plan was approved by Flor U. Pelayo, Officer-in-Charge.

On December 24, 1980, Saromo, then fifty ^[50] years old, executed an Application for Free Patent (Exh. "N"), covering the subject property,

which he filed with the Bureau of Lands, District Land Office No. IV-A-1 in Batangas City. The application stated among others that the land is an agricultural public land covered by Survey No. PSU-4-A-004479, containing an area of forty five thousand eight hundred eight (45,808) square meters and that Saromo first occupied and cultivated the land by himself in 1944 (Exh. "N-2" and. "N-3").

x x x x

On the same date, Saromo executed an affidavit (Exh. "4"), stating that he is the holder of Free Patent Application No. (IV-A-1) 15603 and that he holds himself responsible for any liability, whether civil and/or criminal that may arise if the land has already been adjudicated as private property and/or the corresponding certificate of title had in fact been issued and for any statement he had made therein that may be found untrue or false.

On January 24, 1981, Saromo executed an affidavit (Exh. ["3"]) in support of a Notice of Application for Free Patent stating that said Notice of Application for Free Patent (which was not signed by the Director of Lands) was posted on the bulletin board of the barrio where the land is situated and at the door of the municipal building on December 24, 1980 until the 24th day of January 1981.

On March 4, 1981, Alberto A. Aguilar executed an investigation report (Exh. "P") stating that on January 14, 1981, he went to and examined the land applied for by Saromo; that the land applied for is inside agricultural area under proposed Project No. 31 LC Map 225. While the certified true copy of said investigation report submitted by the Republic mentions "LC Map 225", the xerox copy of the same investigation report offered in evidence by Saromo as "Exhibit 26", contains an insertion of the number ["235"] above the words LC Map 225.

On May 18, 1981, Jaime Juanillo, District Land Officer, issued an Order (Exh. "O") approving the application for free patent of Saromo and ordering the issuance of Patent No. 17522 in his favor. The Order stated that the land applied for has been classified as alienable and disposable; the investigation conducted by Land Investigation/Inspector Alberto A. Aguilar revealed that the land applied for has been occupied and cultivated by the applicant himself and/or his predecessors[-]in[-]interest since July 4, 1926 or prior thereto.

On May 26, 1981, Original Certificate of Title No. P-331 (Exh. "C") was issued in the name of Filemon Saromo by Deputy Register of Deeds for the Province of Batangas, Gregorio C. Sembrano.

On October 16, 1981, a certain Luis Mendoza filed with the Bureau of Lands a protest against the Free Patent awarded to Saromo. The investigation was not terminated because of the resignation of the investigator from the Bureau and his departure for the United States. (Exh. "B"; p. 21, TSN, April 5, 2002, Atty. Rogelio Mandar)

On September 6, 1999, the Director of Lands issued Special Order No. 99-99 creating an investigation team headed by Atty. Rogelio C. Mandar to verify and determine the legality of the issuance of Free Patent No. 17522, now OCT No. P-331, in the name of Saromo covering the subject parcel of land identified as Lot No. 3, Plan PSU-4-A-004479, containing an area of forty five thousand eight hundred eight (45,808) square meters (Exhs. "B"; pp. 6-7, TSN, April 15, 2002, Atty. Mandar). The investigation team found from the documents gathered that:

a) the subject lot covered by Free Patent No. 17522 in the name of Saromo, identified and described under Plan PSU-4-A-004479, was not alienable and disposable at the time of the issuance thereof, as it was found upon investigation to be "inside unclassified public forest and covered by Proclamation No. 1801 declaring the whole of Batangas Coastline as tourist zone (Exh. "B", p. 2)

b) the issuance of Free Patent No. 17522 in the name of Saromo was highly improper and irregular, and Free Patent No. 17522 and the corresponding OCT N[o]. P-331 issued to Saromo is null and void *ab initio* and the land covered must be reverted to the State. x x x

x x x (O)n September 19, 2001, the Republic filed this case for Reversion/Cancellation of Title before the [RTC].

[The Republic], in its Complaint, alleged that the subject lot covered by OCT No. P-331 is inside the unclassified forest [land] and also inside the area covered by Proclamation No. 1801 dated November 10, 1978 declaring the land as Tourist Zones and Marine Preserve under the administration and control of the Philippine Tourism Industry. It further alleged that upon ocular inspection, it was ascertained that the land is situated along the coastline of Brgy. Balibago and that since it is part of the shore, it concluded that the subject lot is part of the public dominion and therefore, cannot be titled in the name of private person.

On the other hand, (Saromo), in his Answer, denied the allegations of [the Republic] and countered that the subject land is disposable and alienable the same being an agricultural land suited for cultivation and plantation of fruit bearing trees at the time the free patent was issued to him. He claimed that he is the owner of the subject lot in fee simple by virtue of OCT No. [P-]331 and Free Patent No. 17522, which was lawfully issued to him by the Lands Management Bureau (formerly, Bureau of Lands).^[6]

Ruling of the RTC

The RTC rendered a Decision^[7] dated October 24, 2005 in favor of Saromo, the dispositive portion of which states:

WHEREFORE, premises considered, the instant complaint is hereby **DISMISSED** for lack of merit.

No pronouncement as to the costs.

SO ORDERED.^[8]

The RTC relied heavily on the testimony of Engr. Francisco Guevara^[9] (Engr. Guevara), who testified that the note appearing on the survey plan indicated "past and present annotations" placed by the office of the Bureau of Lands and that the "land is no longer a forest land and it belongs to what was alienated and disposed by the [then] Bureau of Lands and therefore, it is suited for plantation, cultivation[.]"^[10]

The RTC also stated that the then Bureau of Lands verified the truthfulness of the information given by Saromo before it approved the free patent application; and the fact that the free patent was issued to Saromo only confirmed his statement in his application that the subject land was alienable and disposable, being agricultural land.^[11] The RTC concluded that the findings of the field investigator of the then Bureau of Lands as to the nature of the subject land after conducting his ocular inspection at the time of the application for free patent should be given more weight since that is the foremost issue to be considered by the concerned agency before granting the application for free patent.^[12] The RTC found that the Republic failed to overturn the presumption of regularity in the performance of the official function of the employee of the then Bureau of Lands who approved the free patent.^[13]

Regarding the issue that the subject land is covered by Proclamation No. 1801,^[14] the RTC stated that it "was so explicit in enumerating the areas covered by the said law and it shows that the subject property was not one of those listed therein."^[15] According to the RTC, there is, likewise, nothing in the law which provides that those covered thereby is inalienable and non-disposable because the law declares certain islands, coves and peninsulas in the Philippines as Tourist Zones and Marine Reserve under the administration and control of the Philippine Tourism Authority (PTA).^[16]

The RTC concluded that the subject land is well within the purview of a public land which is alienable and disposable, and the patent title issued to Saromo is not tainted with any irregularity as claimed by the Republic.^[17]

The Republic filed a motion for reconsideration, which was opposed by Saromo. The RTC denied the motion in its Resolution dated April 24, 2006.^[18]

The Republic appealed the RTC Decision to the CA.

Ruling of the CA

The CA in its Decision^[19] dated June 30, 2009 denied the appeal of the Republic. The dispositive portion thereof states:

IN THE LIGHT OF ALL THE FOREGOING, the appeal is hereby **DENIED**. The decision dated 24 October 2005 of the Regional Trial Court of Balayan, Batangas, Branch 9, in Civil Case No. 3929 is hereby **AFFIRMED**.

No costs.

SO ORDERED.^[20]

The CA also relied on the testimony of Engr. Guevara, who was the person who prepared the survey plan referred to above, to the effect that the subject land is an agricultural land and, therefore, alienable and disposable.^[21] The CA noted the explanation of Engr. Guevara on the meaning of "unclassified public forest land" annotated on the survey plan to the effect that since the subject land is "capable of being cultivated and planted with trees, vegetables and other plantation done by any occupants," it follows that the same is already alienable and disposable.^[22] Thus, the CA ruled that the Republic failed to prove its cause of action by preponderance of evidence.^[23]

The CA further noted that Saromo complied with all the necessary requirements for the issuance of a free patent and he relied on the knowledge and expertise of the District Land Office, which is tasked to manage and issue patents pursuant to existing laws.^[24] The CA determined that the Republic failed to prove the fraud and misrepresentation that Saromo allegedly committed.^[25]

The Republic filed a motion for reconsideration, which was opposed by Saromo and denied by the CA in its Resolution dated October 12, 2009.^[26]

Hence, the instant Petition. Saromo filed his Comment^[27] dated March 9, 2010.

The Issues

The Petition raises the following issues:

1. Whether the CA erred on a question of law in upholding that the subject land is alienable and disposable at the time of issuance of free patent title to Saromo.
2. Whether the CA erred in not applying Section 91 of the Public Land Act on fraud and misrepresentation and in disregarding the attendant fraud and misrepresentation of Saromo in his free patent application.
3. Whether the CA erred in applying the presumption of regularity in the performance of official duties of the officer who issued Saromo's free patent.
4. Whether the principle of Regalian doctrine applies in the present case.^[28]

The Court's Ruling

The Petition is impressed with merit.

While the Republic seeks the reversal of the finding of both the CA and the RTC that the subject land is alienable and disposable via a question of law issue, it actually seeks a review by the Court of their factual findings. The Court cannot make the