

## FIRST DIVISION

[ G.R. No. 157988, December 11, 2013 ]

**REPUBLIC OF THE PHILIPPINES–BUREAU OF FOREST DEVELOPMENT, PETITIONER, VS. VICENTE ROXAS AND THE REGISTER OF DEEDS OF ORIENTAL MINDORO, RESPONDENTS.**

[G.R. No. 160640]

**PROVIDENT TREE FARMS, INC., PETITIONER, VS. VICENTE ROXAS AND THE REGISTER OF DEEDS OF ORIENTAL MINDORO, RESPONDENTS.**

### D E C I S I O N

**LEONARDO-DE CASTRO, J.:**

Before Us are consolidated Petitions for Review on *Certiorari* under Rule 45 of the Rules of Court: (1) G.R. No. 157988, filed by petitioner Republic of the Philippines (Republic), represented by the Bureau of Forest Development (BFD),<sup>[1]</sup> and (2) G.R. No. 160640, filed by petitioner Provident Tree Farms, Inc. (PTFI), both against respondents Vicente Roxas (Roxas) and the Register of Deeds (ROD) of Oriental Mindoro, assailing the joint Decision<sup>[2]</sup> dated April 21, 2003 of the Court of Appeals in CA-G.R. CV No. 44926, which, in turn, affirmed the Decision<sup>[3]</sup> dated February 10, 1994 of the Regional Trial Court (RTC), Branch 39 of Oriental Mindoro, in Civil Case No. R-3110. The RTC dismissed the Complaint for Cancellation of Title and/or Reversion filed by petitioner Republic against respondents Roxas and the ROD of Oriental Mindoro. Petitioner PTFI was an intervenor in Civil Case No. R-3110, as a lessee of petitioner Republic.

At the crux of the controversy is Lot No. 1-GSS-569 (subject property), located in San Teodoro, Oriental Mindoro, with an area of 6.2820 hectares, and covered by Original Certificate of Title (OCT) No. P-5885<sup>[4]</sup> issued on July 21, 1965 by respondent ROD in respondent Roxas's name.

The controversy arose from the following facts:

On February 5, 1941, then President Manuel L. Quezon (Quezon) issued Proclamation No. 678,<sup>[5]</sup> converting forest land measuring around 928 hectares, situated in San Teodoro, Oriental Mindoro, described on Bureau of Forestry Map No. F. R.-110, as Matchwood Forest Reserve. The Matchwood Forest Reserve was placed under the administration and control of the Bureau of Forestry, "which shall have the authority to regulate the use and occupancy of this reserve, and the cutting, collection and removal of timber and other forest products therein in accordance with the Forest Law and Regulations."<sup>[6]</sup> For the foregoing purpose, President Quezon withdrew the 928 hectares of forest land constituting the Matchwood Forest

Reserve from entry, sale, or settlement, subject to private rights, if there be any.

Petitioner Republic, through the Department of Agriculture and Natural Resources (DANR), entered into Matchwood Plantation Lease Agreement No. 1 with petitioner PTFI on May 12, 1965, wherein petitioner Republic leased the entire Matchwood Forest Reserve to petitioner PTFI for a period of 25 years, which would expire on June 30, 1990.

In the meantime, respondent Roxas filed with the Bureau of Lands<sup>[7]</sup> on December 29, 1959 Homestead Application No. 9-5122, covering a parcel of land he initially identified as Lot No. 4, SA-22657, located at Paspasin, San Teodoro, Oriental Mindoro. Following the report and recommendation<sup>[8]</sup> of Land Inspector (LI) Domingo Q. Fernandez (Fernandez), Officer-in-Charge (OIC) Jesus B. Toledo (Toledo), for and by the authority of the Director of Lands, issued an Order dated September 20, 1961 amending respondent Roxas's Homestead Application No. 9-5122, to wit:

It having been found upon investigation conducted by a representative of this Office that the land actually occupied by the applicant is Lot No. 1, SA-22657 Amd., and not Lot No. 4 of the same subdivision as applied for, and it appearing in the records of this Office that the land actually occupied is free from claims and conflicts, the above-noted application is hereby amended to cover Lot No. 1, SA-22657 Amd., and as thus amended, shall continue to be given due course.<sup>[9]</sup>

OIC Toledo subsequently issued another Order dated September 27, 1961 which approved respondent Roxas's Homestead Application No. 9-5122 and recorded the same as Homestead Entry No. 9-4143.<sup>[10]</sup> Thereafter, respondent Roxas executed a Notice of Intention to Make Final Proof, which was posted on September 23, 1963.<sup>[11]</sup> Respondent Roxas personally testified before LI Fernandez on October 25, 1963 to finally prove his residence and cultivation of the subject property.

In a letter dated July 12, 1965, assistant District Forester Luis G. Dacanay (Dacanay), Bureau of Forestry, DANR, informed the District Land Officer of Calapan, Oriental Mindoro, that "the subject-area designated as Lot No. 1, Gss-569, has been verified to be within the alienable and disposable land of Project 18 of San Teodoro, Oriental Mindoro, per B.F. Map LC-1110 certified as such on September 30, 1934."<sup>[12]</sup> Assistant District Forester Dacanay further wrote in the same letter that "[t]he said land is no longer within the administrative jurisdiction of the Bureau of Forestry, so that, its disposition in accordance with the Public Land Law does not adversely affect forestry interest anymore."<sup>[13]</sup>

The Director of Lands issued Homestead Patent No. 111598<sup>[14]</sup> to respondent Roxas on July 19, 1965, on the basis of which, respondent ROD issued OCT No. P-5885 in respondent Roxas's name on even date,<sup>[15]</sup> with the following technical description of the subject property:

Lot No. 1, Gss-569

Beginning at a point marked "1" of Lot 1, Gss-569, being N. 32-15 W.,

1396.63 m. from BBM No. 3, Cad-104, thence

S.36-38 W.,  
168.79m. to S.80-16 W., 46.02m. to point 3;  
point 2;  
S.33-22 W., S.77-05 W., 17.28m. to point 5;  
63.40m. to  
point 4;  
N.52.06 W., N.40-51 E., 417.50m. to point 7;  
137.92m. to  
point 6;  
S.54-25 E., S.24-20 W., 146.33m. to point 1;  
115.36m. to  
point 8;

point of beginning.

Containing an area of SIXTY[-]TWO THOUSAND EIGHT HUNDRED AND TWENTY (62,820) SQUARE METERS.

All points are marked on the ground as follows: points 3 & 4 by Stakes, and the rest by B.L. Cyl. Conc. Mons.

Bounded on the SE., along line 1-2 by Lot 2, Gss-569; on the S., along lines 2-3-4-5 by Road; on the SW., and NW., along lines 5-6-7 by Match Wood Forest Reservation; on the NE., along line 7-8 by Lot 4, Gss-569; and on the E., along line 8-1 by Lot 3, Gss-569.

Bearings true.

This lot was surveyed in accordance with law and existing regulations promulgated thereunder, by R.F. Javier, Public Land Surveyor, on October 5, 1959.

NOTE:

This lot is covered by H.A. No. 9-5122.<sup>[16]</sup>

On May 2, 1978, petitioner Republic, represented by the BFD, filed with the RTC a Complaint for Cancellation of Title and/or Reversion against respondents Roxas and the ROD over the subject property, docketed as Civil Case No. R-3110.<sup>[17]</sup>

Petitioner Republic alleged that the subject property was within the Matchwood Forest Reserve and could not be the subject of private appropriation and ownership; and possession of said property, no matter how long would not convert the same into private property. The Director of Lands could not dispose of the subject property under the provisions of Commonwealth Act No. 141, otherwise known as the Public Land Act, thus, OCT No. P-5885 issued in respondent Roxas's name was null and void *ab initio*. Petitioner Republic also averred that respondent Roxas acquired OCT No. P-5885 through fraud and misrepresentation, not only because the subject property was not capable of registration, but also because respondent Roxas was disqualified to acquire the same under the provisions of the Public Land Act, not

having exercised acts of possession in the manner and for the length of time required by law. The Director of Lands was only misled into approving respondent Roxas's application for homestead patent. Petitioner Republic additionally mentioned that the subject property, as part of the Matchwood Forest Reserve, was included in the lease agreement of petitioner Republic with petitioner PTFI.

In his Answer, respondent Roxas admitted applying for and acquiring a homestead patent over the subject property. Respondent Roxas, however, denied that the subject property was within the Matchwood Forest Reserve. To the contrary, the subject property was part and parcel of the Paspasin Group Settlement Subdivision, SA-22657, and had been the subject of investigation in accordance with law, rules, and regulations, as established by documentary evidence, *viz*:

1. LI Fernandez's letter dated February 28, 1961 addressed to the Director of Lands, Manila, reporting that Roxas was actually applying for Lot No. 1, not Lot No. 4, of the Paspasin Group Settlement Subdivision, SA-22657 Amd., and recommending that Roxas's application be corrected accordingly;<sup>[18]</sup>
2. OIC Toledo's Order dated September 27, 1961 approving Roxas's application for homestead patent;<sup>[19]</sup>
3. Roxas's Notice of Intention to Make Final Proof, together with his Affidavit that the said Notice was accordingly posted;<sup>[20]</sup>
4. Roxas's Final Proof Homestead Testimony of Applicant;<sup>[21]</sup>
5. Assistant District Forester Dacanay's letter dated July 12, 1965 to the District Land Officer of Calapan, Oriental Mindoro, verifying that Lot No. 1, GSS-569, was alienable and disposable;<sup>[22]</sup>
6. Blue Print Plan of Land Group Settlement Survey as surveyed for the Republic;<sup>[23]</sup>
7. Order dated July 19, 1965 of the Director of Lands approving Roxas's application for patent;<sup>[24]</sup>
8. The unsigned letter dated July 19, 1965 of Gabriel Sansano, Chief, Records Division, Bureau of Lands, to the ROD of Calapan, Oriental Mindoro, transmitting Roxas's Homestead Patent No. 111598 for the registration and issuance of Owner's Duplicate Certificate of Title in accordance with Section 122, Act No. 496;<sup>[25]</sup> and
9. OCT No. P-5885 in Roxas's name.<sup>[26]</sup>

Respondent Roxas maintained that OCT No. P-5885 had been legally and validly issued to him and that he had been in actual, open, and continuous possession of the subject property in the concept of an owner since 1959.

Respondent Roxas then prayed that judgment be rendered dismissing the Complaint of petitioner Republic; awarding damages to him in the amount of P500.00 and

attorney's fees in the amount of P2,000.00; and declaring OCT No. P-5885 free from all claims and conflicts.

Petitioner PTFI eventually filed a Complaint for Intervention on the ground that it was leasing the entire Matchwood Forest Reserve from petitioner Republic under Matchwood Plantation Lease Agreement No. 1 for a period of 25 years that would expire on June 30, 1990.<sup>[27]</sup>

The RTC granted the intervention of petitioner PTFI in an Order dated August 10, 1979.<sup>[28]</sup>

Subsequently, during the pendency of Civil Case No. R-3110 before the RTC, and considering the expiration of Lease Agreement No. 1 in 1990, petitioner PTFI entered into an Industrial Tree Plantation Lease Agreement<sup>[29]</sup> dated November 11, 1982 and Industrial Forest Plantation Management Agreement<sup>[30]</sup> dated November 24, 1982 with petitioner Republic, which extended the lease of petitioner PTFI of the Matchwood Forest Reserve until July 7, 2007.

To determine whether or not the subject property was within the Matchwood Forest Reserve, the RTC issued an Order dated June 23, 1983 creating a committee to conduct a relocation survey. The committee was composed of three competent government officials: (1) the District Land Officer of Calapan, Oriental Mindoro, as chairman; (2) Geodetic Engineer (Engr.) Narciso Mulles (Mulles) of the BFD; and (3) Geodetic Engineer Cresente Mendoza (Mendoza) of the Bureau of Lands, Calapan, Oriental Mindoro.<sup>[31]</sup> However, Engr. Mulles was assigned to Region V, Naga City, so no relocation survey was conducted. Thus, the RTC issued another Order dated March 15, 1984, creating a second relocation survey committee composed of District Forester Gregorio O. Nisperos (Nisperos) as team leader, with representatives of the District Land Office, respondent Roxas, and petitioner PTFI as members.<sup>[32]</sup>

The committee submitted to the RTC a Memorandum dated May 11, 1984, prepared by Engr. Mendoza, the representative of the Bureau of Lands, and countersigned by District Forester Nisperos, the team leader, presenting the results of the ocular inspection/survey work conducted by the committee from April 23 to 29, 1984 and the recommendations of the committee. Pertinent parts of the Memorandum read:

REMARKS: [W]e are submitting herewith the result of our ocular inspection/survey work undertaken during the period from April 23 to 29, 1984 in the presence of Engineer Cresente M. Mendoza, Bureau of Lands (B.L.) representative, Mr. Reynaldo Labay, Bureau of Forest Development (BFD) representative and Mr. Vicente Roxas, the defendant. Findings and other related informations gathered during the survey disclosed the following:

1. The titled land property claimed by Mr. Vicente Roxas (defendant) situated at Barangay Paspasin, San Teodoro, Oriental Mindoro which is subject of the complaint and inquiry covering an area of about 6.282 hectares is located inside the Matchwood Forest Reserve No. 1 under Presidential Proclamation No. 678 dated February 5, 1941 per F.R. 110 and leased to Provident Tree Farms, Inc.