

SPECIAL FIRST DIVISION

[G.R. NO. 166645, January 23, 2007]

VICENTE D. HERCE, JR., PETITIONER, VS. MUNICIPALITY OF CABUYAO, LAGUNA AND JOSE B. CARPENA, RESPONDENTS.

RESOLUTION

YNARES-SANTIAGO, J.:

For resolution is the *Motion for Reconsideration* filed by petitioner Vicente D. Herce, Jr. of the Decision dated November 11, 2005, the dispositive portion of which states:

WHEREFORE, the petition is DENIED. The validity of Decree No. 4244 issued on March 3, 1991 in favor of respondent Municipality of Cabuy[a]o, Laguna is AFFIRMED, whereas Decree No. N-216115 and Original Certificate of Title No. 0-2099, issued in the name of petitioner Herce, are declared NULL and VOID.

SO ORDERED.

In denying the petition, we held that:

[I]t is clear that Decree No. 4244 issued in favor of the respondent municipality in 1911 has become indefeasible; as such, petitioner is now barred from claiming the subject land. Although the municipality's claim of ownership is based on the entry in the Ordinary Decree Book, LRC (CLR) Rec. No. 6763, showing that Decree No. 4244 was issued on March 3, 1911 and that Lot I Plan II-2719 was one of the six parcels of land previously applied for registration by the Municipality of Cabuyao in LRC (GLRO) Record No. 6763, being a public document, the Ordinary Decree Book is *prima facie* proof of the entries appearing therein. x x x

x x x x

In the absence of evidence to the contrary, the Ordinary Decree Book, LRC (CLR) Rec. No. 6763, showing that Decree No. 4244 was issued on March 3, 1911, is presumed to have been regularly issued by the accountable public officers who enjoy the legal presumption of regularity in the performance of their functions. Thus, the proceedings that led to the issuance of Decree No. 4244 in favor of the Municipality of Cabuyao cannot be overturned without any countervailing proof to the contrary. x x x

x x x x

Accordingly, the decree of registration issued by the LRA on January 28,

1997 in favor of petitioner, followed by the issuance of OCT No. O-2099, pertaining to the same parcel of land covered by Decree No. 4244, has no legal basis and should be nullified.

In his *Motion for Reconsideration*, petitioner principally claimed that the entries in the Ordinary Decree Book of the Land Registration Authority (LRA) did not categorically state that the property covered by Decree No. N-216115 and OCT No. O-2099 was included in Decree No. 4244. As such, the title issued in his favor could not be declared void, because it had not been shown by competent proof that the lot covered thereby was included in Decree No. 4244.

Petitioner thus prayed that: (a) The parcel of land identified as Lot Plan II-2719-A and Cadastral Lot No. 3484 be declared as not included in Decree No. 4244 issued in favor of the Municipality of Cabuyao; (b) The Municipality of Cabuyao be declared as having been barred by laches from recovering the title and ownership over the subject property; (c) Jose B. Carpena should be declared as having been barred by laches from asserting ownership over the subject property; and (d) Decree No. N-216115 and OCT No. O-2099 issued in favor of petitioner should be declared as valid. In the alternative, petitioner prayed that the assailed Decision be partially reconsidered by remanding the case to the trial court for the determination of whether the property subject of litigation was included in Decree No. 4244 issued in favor of the Municipality of Cabuyao. If found to be included, then OCT No. O-2099 and Decree No. N-216115 issued in favor of petitioner should be declared as void.

In its *Opposition/Comment* to petitioner's *Motion for Reconsideration*, respondents maintained that Lot 1, Plan II-2719-A, the property subject of litigation, was included in Decree No. 4244 issued in the name of the Municipality of Cabuyao, as shown by the following pieces of evidence, to wit:

(a) Survey Plan conducted by the Bureau of Lands with notation at the bottom portion indicating that Decree No. 4244 was issued in favor of the Municipality of Cabuyao on March 3, 1911 over the Lot 1, Plan II-2719-A;

(b) Certification issued by Mr. Teodoro Bonifacio, then Administrator of the Land Registration Authority, stating that Plan SWO-25706 (II-2719-A) was presented as evidence in the "Carpena case;"

(c) Entries in the Ordinary Decree Book of the LRA;

(d) LRA Report dated December 2, 1980 narrating the history of the subject property; and

(e) Survey Plan over Lot 3484.

The motion is partially granted.

The inherent power of a court to amend and control its processes and orders includes the right to reverse itself if only to make its findings and conclusions conformable to law and justice. Every court has the power and the corresponding duty to review, amend or reverse its findings and conclusions whenever its attention is seasonably called to any error or defect that it may have committed.

We have given the assailed Decision as well as the parties' respective evidence and