

SECOND DIVISION

[G.R. NO. 148103, July 27, 2006]

**REPUBLIC OF THE PHILIPPINES/MACTAN-CEBU
INTERNATIONAL AIRPORT AUTHORITY, PETITIONER, VS. ROSA
BALTAZAR-RAMIREZ, RESPONDENT.**

D E C I S I O N

SANDOVAL-GUTIERREZ, J.:

For our resolution is the instant Petition for Review on Certiorari^[1] seeking to reverse the Decision^[2] dated May 8, 2001 of the Court of Appeals in CA-G.R. CV No. 56256, entitled "Rosa Baltazar-Ramirez, *appellant*, versus Republic of the Philippines, *appellee*."

The undisputed facts are:

On February 5, 1991, respondent Rosa Baltazar-Ramirez filed with the Regional Trial Court, Branch 27, Lapu-lapu City, a Complaint for Recovery of Hereditary Shares against herein petitioner, Republic of the Philippines, then represented by the Air Transportation Office, docketed as Civil Case No. 2390-L.

Respondent alleged in the complaint that petitioner purchased several lots in Lapu-lapu City, including Lot No. 902 and Lot No. 2350, with a combined area of 180,386 square meters, to be used for the construction of the Mactan-Cebu International Airport in Lapu-lapu City. The lots were owned by respondent's father, Gavino Baltazar, who died intestate on April 10, 1957.

Petitioner purchased the lots from the children of Gavino Baltazar, namely: Magdalena, Cirila, Bibiana, Anastacio, Isabel, Bernarda, Simeona, and Vidal, all surnamed Baltazar. The sale is evidenced by a Deed of Extra-Judicial Settlement of Estate and Sale dated August 21, 1957.

Respondent, the 9th and youngest among Gavino's children, did not participate in the execution of the Extra-Judicial Settlement of Estate and Sale. Not having sold her 1/9 share, with an area of 20,042.88 square meters, she has the right to acquire the same from petitioner Republic. Petitioner can readily give respondent this area because it is part of an unused portion from which her share of the 20,042.88 square meters can be taken.

In its answer, petitioner, through the Mactan-Cebu International Airport Authority, denied the material allegations of the complaint, claiming it has no knowledge whether respondent Rosa Baltazar-Ramirez is indeed Gavino's child; and that the ownership of the lots has long been vested in the government through prescription. After the sale in 1957, the government has been in actual and continuous possession of the lots in the concept of an owner for more than 30 years.