

THIRD DIVISION

[G.R. No. 146825, June 29, 2004]

**REYNOSA VALTE, PETITIONER, VS. THE COURT OF APPEALS,
PEDRO MENDOZA AND JOSE GONZALES, RESPONDENTS.**

DECISION

CARPIO MORALES, J.:

Petitioner filed an Application for Free Patent^[1] dated July 6, 1978 before the Bureau of Lands District Office, Region III-2 at Cabanatuan City which was docketed as Application No. 12409. The application covered a parcel of land in Lupao, Nueva Ecija "[i]dentical to Lot No. **1035-B** of Plan Csd-03-000514-D" alleged to contain an area of 7 hectares, 22 ares and 55 centares.

In the application, petitioner stated that, inter alia, the land was first occupied and cultivated in May 1941 by her father Policarpio Valte who died on February 10, 1963.

To the application was attached a July 6, 1978 Joint Affidavit^[2] executed by Procopio Vallega and herein respondent Pedro Mendoza declaring:

1. That we personally know [herein petitioner] Reynosa Valte who has filed Free Patent Application No. 2409 for a tract of land located in the Municipality of Lupao, Province of N. Ecija;
2. That we are actual residents of the said municipality of Lupao, Nueva Ecija and we know the land applied for very well;
3. That the said applicant has continuously occupied and cultivated the land himself and/or thru his predecessor's-in-interest since July 4, 1945, or prior thereto and it is free from claims and conflicts;
4. That we are not related to the applicant either by consanguinity or by affinity and we are not personally interested in the land applied for;
5. That to the best of our knowledge, belief and information, the applicant is a natural born citizen of the Philippines and is not the owner of more than twenty four (24) hectares of land in the Philippines.

It appears that a Sinumpaang Salaysay^[3] of petitioner's mother, Miguela dela Fuente, was subsequently submitted in support of the application. The *Sinumpaang Salaysay* which was executed on September 12, 1978 reads:

SINUMPAANG SALAYSAY

AKO si MIGUELA DELA FUENTE, 86 na taong gulang, Pilipino, biyuda ni Policarpio Valte, at kasalukuyang nakatira sa 1826 Kalimbasa, Sta. Cruz, Manila, matapos na ako ay sumumpa nang ayon sa umiiral na batas, ay malaya at kusang loob akong nagsaysay ng gaya ng mga sumusunod;

Na, nang taong 1941, buwan ng Mayo, ako at ang namatay kong asawa na si Policarpio Valte, ay nakabili ng 3 lagay na bahagi ng palayang lupa na kung pagsama-samahin ay may parisukat na mahigit na 7 hectaryas at nasa baryo ng San Isidro, Lupao, Nueva Esiha;

Na, ang isang lagay na may parisukat na 2 hectaryas humigit-kumulang ay nabili namin sa mag-asawang Francisco Maglaya at Maxima Benitez, ang ikalawang lagay na may parisukat na kulang na 2 hectarya ay nabili namin sa mag-asawang Nemesio Jacalan at Trinidad, Marta at ang ikatlong lagay ay parisukat na mahigit na 3 at kalahating hectaryas at ito ay nabili naman namin kay Laureano Pariñas at bawat lagay ay pawang bahagi ng **Lote bilang 1035** ng sukat-cadaastro bilang 144 ng Lupao, Nueva Esiha;

Na, ang mga kasulatan ng bilihan namin nina Francisco Maglaya at Maxima Benitez at Laureano Pariñas ay kapua nawala nuong panahon ng digmaan maliban sa kasulatan ng bilihan namin sa mag-asawang Nemesio Jacalan at Mata Trinidad na hindi nawala;

Na, matapos naming nabili ang nabang[g]it na 3 lagay na lupa nang taong 1941, ay inakupahan na naming at nagsimula na kaming gumawa sa lupa at pagkatapos ng digmaan ay ipinagpatuloy naming muli ang paggawa tuloy binayaran namin ang kaukulang bayad sa buis patuloy hanggang sa kasalukuyan sa ilalim ng Tax Declaration bilang 645, 646 at 647 sa pangalan ng aking asawa na si Policarpio Valte na namatay sa Manila nong ika 10 ng Febrero, 1963;

Na, bagaman at nuon pang taong 1964 ko ipinaubaya sa aking anak na si Reynosa Valte ang pangangasiwa sa pagpapagawa sa nasabing lupa ay ginawa ko ngayon ang salaysay na ito upang sa pamamagitan ng kasulatang ito ay siyang magsilbing kasulatan ng paglilipat at pagsasalin ko ng buo kong karapatan sa lupa sa nasabi kong anak na si Reynosa Valte, may sapat na gulang, dalaga at naninirahan din sa 1826 Kalimbasa, Sta. Cruz, Manila;

Ang nasabing lupa na isinasalin at inililipat ko kay Reynosa ay walang gusot, walang pananagutang utang kangino man at ang salinan at lipatan ng karapatang ito ay walang kuwartang kabayaran sa akin kundi ito ay dahil at alang-alang lamang sa pagmamahal at mabuting paglilingkod sa akin ng aking anak na si Reynosa;

Sa katunayan ng lahat gaya ng matutunghayan sa gawing itaas nito ako ay lumagda ng aking pangalan ngayong ika 12 ng Setyembre, 1978, ditto sa Lunsod ng Cabanatuan. (Emphasis and underscoring supplied)

By Order of December 28, 1978, the then Director of Lands Ramon M. Casanova noting, inter alia, the report of Land Investigator Celedonio P. Bacena that petitioner

herself and/or through her predecessor-in-interest occupied and cultivated the lot applied for since 1945, approved petitioner's application covering **Lot No. 1035-B** alleged to contain an area of 7.2293 hectares. A free patent was subsequently issued by the Register of Deeds for Nueva Ecija on January 16, 1979 in the name of petitioner. The Technical Descriptions of Lot No. 1035-B, Csd-03-000514-D is reflected in the title which therein notes that the lot is **identical to Lot 2391, portion of Lot 1035-B, Csd 144** and is covered by I.P.A. No. (III-2) 12409.

Original Certificate of Title (OCT) No. P-10119 covering Free Patent No. 586435 was thereupon issued to petitioner.

It appears that on November 29, 1982, herein respondents Jose Gonzales and Pedro Mendoza (who jointly executed the above-quoted Joint Affidavit along with Procopio Vallega in support of petitioner's application for free patent) filed a "Protest"^[4] to the grant of the free patent to petitioner on the ground of fraud. The protest was amended on March 30, 1983 alleging:

that the actual area of the lot which is the subject of the protest is seven and 2255/10,000 (7.2255) hectares, and

claimant claimant-protestant Mendoza is in actual possession and cultivation of an area of four (4) hectares, more or less,

claimant protestant Gonzales two (2) hectares, more or less, and

one PROCOPIO VALLEGA [the co-affiant of Mendoza in the Joint Affidavit] the rest of the area.

The Department of Environment and Natural Resources (DENR), by then Secretary Angel C. Alcala, by Decision of January 20, 1994,^[5] gave due course to and approved the protest of respondents and disposed as follows:

WHEREFORE, foregoing premises duly considered, the Regional Executive Director (RED) of DENR Region III is hereby directed to cause the REVERSION of the area covered by Original Certificate of Title (OCT) No. P-10119 of Reynosa Valte, through the Office of the Solicitor General in accordance with the pertinent provisions of Commonwealth Act (CA) No. 141, as amended. Claimants-Protestants Pedro Mendoza and Jose Gonzales and Procopio Vallega are hereby **ADJUDGED** to have the preferential right over the land in question pro rata to their area of actual occupation. Hence they are GIVEN SIXTY (60) DAYS from the termination of the reversion proceedings to FILE their respective appropriate public land applications. (Emphasis and underscoring supplied)

SO ORDERED.

Petitioner seasonably filed an appeal to the Office of the President which, by Decision of February 10, 1997,^[6] set aside the DENR January 20, 1994 decision and declared that there was patent failure of due process, the investigation conducted by the DENR investigator having been done *ex parte* without petitioner having been given an opportunity to be heard.

The Office of the President thus ordered the conduct of "another formal hearing and thorough investigation of the case."^[7]

Acting on the directive of the Office of the President, a pre-trial conference was held by the DENR at the Community Environment Regional Office in Muñoz, Nueva Ecija.

By Decision of March 11, 1999,^[8] the DENR, this time by then Secretary Antonio H. Cerillas, dismissed the protest of respondents in this wise:

After a careful review of the pertinent documents of this case, these Office rules in favor of Reynosa Valte. The evidence on record preponderates to the fact that Reynosa Valte has preferential rights over the controverted lot. In fact, as early as 1978, in the report of Land Investigator Celedonio P. Bacena, it was found that the controverted land has been occupied and cultivated by Reynosa Valte, and previously by her predecessors-in-interest since 1945. Herein protestants, Pedro Mendoza and Procopio Vallega, thru an affidavit dated July 6, 1978 supported Reynosa Valte's application for free patent over the controverted land and, under oath, confirmed that the latter has continuously occupied and cultivate the land since 1945 by herself and by her predecessors-in-interest. The aforestated joint-affidavit is a very convincing document to strengthen Reynosa Valte's assertions that, indeed, the protestants are tenants and that their rights on the controverted lot cannot rise higher than its source, that of Reynosa Valte.

In view of the foregoing, the Protest of Jose Gonzales and Pedro Mendoza against Free Patent Application No. (III-2) 120461 and Original Certificate of Title No. P-10119 in the name of Reynosa Valte is hereby dismissed for lack of merit. (Underscoring supplied)

Respondents appealed to the Office of the President which by Decision of April 26, 2000 ^[9] reversed that of the DENR.

In deciding the case, upon the issue of "who among [respondents] Mendoza and Gonzales and [petitioner] had actually cultivated and had prior possession of the land," the Office of the President held:

After going through the evidence presented by the parties, we find the protest of appellants to be credible. The positive testimony of their witnesses, namely the Barangay captain, the Barangay officials as well as neighbors, to the effect that appellee was hardly or never seen cultivating nor possessing the subject premises, cannot simply be disregarded. Rather, these testimonies should be accorded great weight and respect, as they come from individuals who could very well attest to the truth or falsity or appellee's claim that she was in "open, continuous, exclusive and peaceful" possession of the property in dispute.

The declaration of appellee[-herein petitioner] that she actually possessed the subject property and had cultivated the same, **despite her full knowledge that Mendoza and Gonzales were the actual possessors and occupants**, simply constitutes fraud as she failed to state this material fact in her application for free patent. Hence, the