

## SECOND DIVISION

[ G.R. No. 141031, August 31, 2004 ]

**TRINIDAD DIAZ-ENRIQUEZ, PETITIONER, VS. REPUBLIC OF THE PHILIPPINES, RESPONDENT.**

### DECISION

**CALLEJO, SR., J.:**

This is a petition for review on certiorari under Rule 45 of the Rules of Court, as amended, of the Decision<sup>[1]</sup> of the Court of Appeals dated January 7, 1999 which reversed the Order<sup>[2]</sup> of the Regional Trial Court (RTC), Naic, Cavite, Branch 15, promulgated on March 22, 1996, in LRC Case No. NC-455. The trial court granted the application for registration of a parcel of land situated at Barrio Zapang, Ternate, Cavite, filed by the petitioner pursuant to Act No. 496, as amended by Presidential Decree (P.D.) No. 1529.

The facts as culled from the records of the case show that on April 19, 1975, by virtue of an extrajudicial partition with absolute sale, the petitioner bought from Ricardo Pereña, Remedios Pereña-Panganiban and Celsa Resplandor, two parcels of land: one was located at the Sitios of Culit and Cay-Santol, Barrio Zapang, Ternate, Cavite, and the other at Sitio Malauyas, Barrio Pinagsanghan, Maragondon, Cavite.<sup>[3]</sup>

On December 11, 1992, the petitioner filed an application for the registration of Lot 277 (Portion C) Cads. 617-D, described in Plan Swo-04-001079-D,<sup>[4]</sup> with an area of 6,917 square meters before the RTC of Naic, Cavite, Branch 15. The case was docketed as LRC Case No. NC-455.

The petitioner also filed five other applications for land registration before the same court, docketed as LRC Nos. NC-453, 454, 456, 457, and 458. She averred that the six applications involved parcels of land adjacent and contiguous to one another; that they were located in the same area and municipality; and that they were covered by one and the same deed of conveyance executed by the previous owners, the extrajudicial partition with absolute sale.

On November 16, 1993, the respondent Republic of the Philippines, represented by the Director of Lands, through the Office of the Solicitor General (OSG), opposed the application on the following grounds:

- (1) that neither the applicant nor her predecessors-in-interest have been in open, continuous, exclusive and notorious possession and occupation of the land in question since June 12, 1945 or prior thereto (Sec. 48 [b], C.A. 141, as amended by P.D. 1073); (2) that the muniments of title and/or tax declarations and tax payments receipts of the applicant, if any, attached or alleged in the application, do not constitute competent

and sufficient evidence of a bona fide acquisition of the lands applied for or of its open, continuous, exclusive and notorious possession in the concept of an owner since June 12, 1945, or prior thereto...; (3) that the claim of ownership in fee simple on the basis of a Spanish title or grant can no longer be availed of by the applicant who has failed to file an appropriate application for registration within the period of six (6) months from February 16, 1976, as required by Presidential Decree No. 892...; (4) that the parcels applied for are portions of the public domain belonging to the Republic of the Philippines, not subject to private appropriation.<sup>[5]</sup>

For failure of the Solicitor General or any of its representatives to appear notwithstanding notice, the court *a quo* issued an Order of General Default on March 15, 1994.<sup>[6]</sup>

While the case was pending, the petitioner sold the subject property to Dr. Rebecca E. Panlilio on September 1, 1994<sup>[7]</sup> who, in turn, consigned it to Puerto Azul Land, Inc. (PALI) on October 27, 1994 by virtue of a Deed of Absolute Sale.<sup>[8]</sup> PALI filed a Motion for the Substitution dated October 28, 1994 which was granted by the court *a quo* in its Order<sup>[9]</sup> dated March 24, 1995.

The PALI presented Engr. Angel R. Salvacion, a geodetic engineer of the company, as its sole witness. His testimony was offered to prove the applicant's ownership and possession of the subject property for the number of years required by law. Engr. Salvacion claimed that he was employed by the PALI and that he had been the general overseer of the subject property since 1993.<sup>[10]</sup> He declared that the land was currently in the possession of PALI whose employees resided therein. He also testified that the previous owners had planted mango and bamboo trees on the property, while PALI had constructed some buildings and small houses therein.<sup>[11]</sup>

On May 12, 1995, a Motion to Set Aside Order of General Default was filed by Remedios Pereña-Panganiban and Celsa Resplandor-Aure. An Opposition/Application for Registration was further filed by the same parties on July 20, 1995,<sup>[12]</sup> claiming that the extrajudicial partition with absolute sale was void *ab initio* on the ground of vitiated consent. The parties withdrew the same in a Motion dated February 2, 1996.

After trial, the court *a quo* granted the application for registration in an Order dated March 22, 1996, the dispositive portion of which reads:

WHEREFORE, pursuant to Act No. 496, as amended by P.D. 1529, the application for registration of the parcel of land identified as Lot 277 (Portion C) situated at Barrio Zapang, Municipality of Ternate, Province of Cavite, is hereby granted. Applicant's title is confirmed. The Land Registration Commission is hereby directed to issue the decree of registration and the original certificate of title. Upon its finality, the Clerk of Court is directed to furnish the Land Registration Commissioner a certified copy of this judgment.

SO ORDERED.<sup>[13]</sup>

The court *a quo* ruled that the predecessors-in-interest of PALI were able to prove open and continuous possession and title over the land so as to segregate it from the mass of public land.

The Republic of the Philippines appealed the case to the Court of Appeals, contending that the court *a quo* erred in granting the application despite lack of proof that the land sought to be registered was the same land described in the application and the lack of documents submitted in support thereof. In addition, it asseverated that PALI failed to prove by competent evidence that it had a registrable title to the property subject of the application.

For failing to file a reply brief within the reglementary period, the case was deemed submitted for decision by the CA.<sup>[14]</sup> Disposing of the appeal, the CA ruled thereon on January 7, 1999 and reversed the decision of the RTC. The *falla* of the decision reads:

**WHEREFORE,** the Order herein appealed from is hereby **REVERSED**, and the application for registration in LRC Case No. 455 of the court *a quo* is hereby **DISMISSED**.

SO ORDERED.<sup>[15]</sup>

Forthwith, the petitioner filed a Motion for Reconsideration<sup>[16]</sup> of the decision which was denied by the CA in a Resolution dated December 14, 1999.

Hence, this petition.

The petitioner avers that the following errors were committed by the appellate court:

## I

THE HONORABLE COURT OF APPEALS COMMITTED GRAVE ERROR IN HOLDING THAT THE PARCEL OF LAND SOUGHT TO BE REGISTERED IS NOT THE SAME OR PART OF THE LAND PURCHASED BY PETITIONER FROM THE PEREÑAS DESPITE THE VERY CLEAR AND CONVINCING EVIDENCE TO THE CONTRARY.

## II

THE HONORABLE COURT OF APPEALS GRIEVOUSLY ERRED IN HOLDING THAT PETITIONER FAILED TO PROVE THAT IT AND ITS PREDECESSORS-IN-INTEREST WERE IN OPEN, CONTINUOUS, EXCLUSIVE AND NOTORIOUS POSSESSION OF THE SUBJECT PARCEL OF LAND DESPITE THE NUMEROUS AND DOCUMENTARY AND TESTIMONIAL EVIDENCE ADDUCED BY PETITIONER.<sup>[17]</sup>

In its Comment on the petition, the respondent Republic of the Philippines, through the OSG, avers that the petitioner is not the real party-in-interest to file the petition, having been substituted by PALI in the trial court as party-applicant. The OSG contends that the petition should be dismissed not only on the said ground, but also on the ground that the appellate court did not commit any reversible error in so

ruling.

As culled from the pleadings of the parties, the issues are the following: (a) whether or not the petitioner is the real party-in-interest in the case at bar; (b) whether or not the parcel of land sought to be registered is the same or part of the land purchased by the petitioner from the Pereñas heirs; and finally (c) whether or not the petitioner proved that she and her predecessors-in-interest were in open, continuous, exclusive and notorious possession of the subject parcel of land for the required number of years so as to render them the absolute owners thereof.

On the first issue, we rule that the petitioner is not the real party-in-interest since she sold the property subject of the application to PALI as early as October 27, 1994. The motion for substitution filed by the PALI was granted by the court *a quo* in its Order<sup>[18]</sup> dated March 24, 1995, thereby making it the party-applicant. The petitioner ceased to be a party in the trial court and in the CA. Under Rule 45 of the Rules of Court, as amended, a party aggrieved by the decision of the RTC or CA may file a petition for review on certiorari. In this case, the PALI was the plaintiff-appellee in the CA and the party aggrieved by the appellate court's adverse ruling. Hence, the proper party to file the petition in this case assailing the decision of the CA is PALI, and not the petitioner.

One who has no right or interest to protect cannot invoke the jurisdiction of the court for it is jurisprudentially established that every action must be prosecuted or defended in the name of the real party-in-interest.<sup>[19]</sup> A *real party-in-interest* is one who stands to be benefited or injured by the judgment in the suit, or the party entitled to the avails of the suit.<sup>[20]</sup> Since the petitioner is not the real party-in-interest, the petition must forthwith be denied due course.

While the well-entrenched doctrine is that pure questions of fact may not be the subject of appeal by certiorari under Rule 45 of the 1997 Rules of Civil Procedure as this mode of appeal is generally restricted to questions of law,<sup>[21]</sup> such rule is not absolute. There are instances where the Court admits of certain exceptions, as when the factual findings of the CA are contrary to those of the trial court.<sup>[22]</sup>

In this case, the CA ruled that the parcel of land subject of the application is different from that sold to the petitioner under the extrajudicial partition with absolute sale, which was, thereafter, sold to PALI. The CA, likewise, ruled that the petitioner failed to prove its title over the property:

In its Appellant's Brief, the Republic, through the Solicitor General, argues first or (*sic*) all that parcel of land sought to be registered in this case is apparently different from the land allegedly purchased by the applicant Trinidad Diaz-Enriquez from the heirs of the deceased Spouses Eugenio and Margarita Pereña. Thus, the Solicitor General points out that

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“The parcel of land sought to be registered in this case is portion-C of Lot 277, Cads. 617-D consisting of Six Thousand Nine Hundred Seventeen (6,917) square meters (cf. Exh. “L”), and with the following boundaries:

NW – Lot 278, Cad-617-D-Psu-99442 (TCT No. T-75170) –  
TDE  
NE, SE – Cayapas River  
SW – Psd-86692, Lot 1-TCT No. T-77742 – TDE (Decreed) Lot  
472, Cads 617-D  
(cf. Exh. “M”)

On the other hand, the Extrajudicial Partition with Absolute Sale (Exh. I) executed by the Pereñas in favor of Enriquez shows that what was sold by the former to the latter were two parcels of land, more particularly described as follows:

“A parcel of land as shown on plan Psu-79250, L.R.C. Rec. No. \_\_\_, situated in the Barrio of Zapang, Municipality of Ternate, Province of Cavite. Bounded on the NE., along line 1-2 by property of Jose de Leon; on the SE., S., and NW., along lines 2-3-4-5-6-7-8-9-10-12-13-14-15-16-17-18-19-20-21-23-24-25-26-27-28 by public land; on the NW., and NE., along lines 28-29-30-31 and 31-1 by property of Carmen Puga (Lot 1, Psu-31389), x x x containing an area of ONE MILLION NINETY-SIX THOUSAND FOUR HUNDRED THIRTY-THREE (1,096,433) Square Meters.

“A parcel of land situated in Sitio Malauiyas, Barrio Pinagsanghan, Municipality of Maragondon, Province of Cavite. Bounded on the North by properties of Jose Anit, Anastacia Antazo, Vicente de Guiz and Rio Kay Apas; on the East by the properties of Jose de Guia, Sitio Llamado Murangdalig; on the South by Rio Palikpikan, Pasong Kalamyas, Mapuso, Kaylimit, Terreno Municipal de Ternate, on the West by the properties of Ambrosio Arca y Terreno Municipal de Ternate, containing an area of Eighty (80) Hectares assessed by Tax Declaration No. 16075 in the name of the late Jose C. Unas, predecessor-in-interest of Aurai Unas in the declaration of real property of the Municipality of Maragondon.”

As can be readily gleaned from the foregoing, the parcel of land sought to be registered in this case has a different area as well as different boundaries from either of the two parcels of land solely by the Pereñas to Enriquez. Considering, however, that appellee is supposed to be tracing its title to the subject parcel of land all the way up to the Pereñas, it is axiomatic that the same parcel of land should have been the subject of the successive sale transactions from the Pereñas down to appellee. Such is not the case here though, and neither has appellee offered any explanation for this discrepancy. Evidently, therefore, the lower court erred in granting appellee’s application for registration of title notwithstanding the paucity of evidence as to the actual identity of the parcel of land sought to be registered. (pp. 36-38, *Rollo*)

The explanation appears to lie in the fact that the lands sold by the Pereñas to Trinidad Diaz-Enriquez (Exh. “I”) were subsequently subdivided into six (6) lots, and a separate application for registration was filed for each lot. However, the hearing of the six applications,