

THIRD DIVISION

[G.R. No. 139950, December 04, 2002]

**SPS. ANACLETO MAURICIO AND AVELINA CARIGMA,
PETITIONERS, VS. COURT OF APPEALS (FOURTEENTH
DIVISION), REPUBLIC OF THE PHILIPPINES AND HEIRS OF
ANTONINA OLIVEROS, HEIRS OF CRISTETA OLIVEROS, HEIRS OF
THE LATE EXEQUIEL OLIVEROS AND SEVERINA OLIVEROS, AND
HEIRS OF FILOMENA OLIVEROS, RESPONDENTS.**

DECISION

CORONA, J.:

Before us is a Petition for Review on Certiorari assailing the September 2, 1999 decision of the Court of Appeals affirming the decision of Branch 73 of the Regional Trial Court of Antipolo, Rizal,^[1] which found misrepresentations in petitioners' free patent application. The RTC ordered the cancellation of said free patent, consequently reverting the subject property to the mass of public domain.

The pertinent facts are as follows.

Spouses Sotero and Fausta Oliveros died in 1934 and 1935, respectively, leaving several parcels of land, one of which was an unregistered 43,378 square-meter lot, otherwise known as Lot 5473, the subject matter of the instant petition.

The spouses were survived by 5 children, namely, Filomeno, Severina, Antonina, Exequiel and Cristeta (predecessors of herein private respondents), who all inherited their parents' property *pro-indiviso*.

The heirs, however, failed to reach an agreement regarding the equitable partition of the subject lot because Filomeno had already appropriated the same for himself and his successors-in-interest.

While the siblings squabbled over the subject property, petitioner-spouses, who were strangers to the Oliveros family, filed an application for free patent over the subject property with Community Environment and Natural Resources Office (CENRO), Department of Environment and Natural Resources. Said lot was designated as Lot 5473, Cad. 29 Ext.

Pursuant to his application, petitioner Anacleto Mauricio made the following statements under oath:

"4. The land described and applied for is not claimed or occupied by any other person but is a public land which was first occupied and cultivated by Applicant on January, 1945. I entered upon and began cultivation of the same on the _____ day of _____ and since that date I have continuously cultivated the land, and have made thereon the following improvements -----

"xxx xxx xxx

"9. The land has been continuously occupied and cultivated by me or my said ancestor since the date of entry thereon as above stated, except during the following periods when the land was not occupied for the reason stated: n/a

"10. The land applied for is now occupied and cultivated by me and to the best of my knowledge, information, and belief, it is otherwise unreserved and appropriated and is non-mineral, agricultural public land, contains no valuable deposits of guano, coal, or slats, and is more valuable for agriculture than for forestry or other purpose.

"xxx xxx xxx

"12. I understand that any applicant who willfully and knowingly submits false statements or executes false affidavit in connection with his application shall be deemed guilty or (sic) perjury and punished accordingly, and that any person who, not being qualified to apply for public land, files an application or induces or permits another to file it in his behalf shall be punished by a fine of not more than five thousand pesos and by imprisonment for not more than five years, or both, an (sic) in addition thereto his application shall be jejected (sic) or cancelled and all amounts paid on account thereof forfeited to the Government, he shall not be entitled to apply for any public land in the Philippines."^[2]

Meanwhile, the heirs of Filomeno were also looking for ways by which they could confirm their imperfect title over Lot 5473. To this end, Filomeno's heirs requested for an advance plan of the subject lot with CENRO. This prompted the CENRO land management officer to cause the reinvestigation of the authenticity of petitioner's application and the examination of the Oliveros' adverse claim.

Upon investigation, it was discovered that Lot 5473 was occupied by and in the possession of private respondents (Oliveros heirs) through a certain David de la Rosa who had been serving the former for the past 15 years. In the course of the same investigation, it was disclosed that, contrary to petitioner Anacleto Mauricio's claim that his predecessors-in-interest occupied the subject property from 1921 to 1975 and that he occupied the same from 1975 onwards, petitioner Anacleto Mauricio himself admitted that "the land (was) presently occupied by the Heirs of Filomeno Oliveros and that he had no actual occupation of the land."

On November 20, 1992, Free Patent No. 045802-92-1448 over Lot No. 5473 was issued in favor of petitioners notwithstanding the adverse recommendation of the land investigator. The latter was against the processing of petitioner's patent application pending the resolution of the apparent misrepresentations committed by petitioners. On the basis of said free patent, the Marikina Register of Deeds issued Original Certificate of Title No. P-750 on January 7, 1993.

Thereafter, the Solicitor General, on instance of the private respondents, solicited the advice of the DENR regarding the propriety of initiating reversion proceedings for the annulment and cancellation of petitioners' free patent and title over Lot No. 5473 on the ground of misrepresentation.

After ocular inspection and investigation, the DENR favorably recommended the filing of reversion proceedings.

On April 13, 1993, the Republic of the Philippines, through the Solicitor General, filed a "Complaint for Reversion and Cancellation of Title" against petitioners and the Marikina Register of Deeds.

The heirs and successors-in-interest of the spouses Oliveros, herein private respondents, were allowed to intervene in the court proceedings.

On May 22, 1997, the Antipolo Regional Trial Court rendered its decision, the dispositive portion of which states:

"In the case before this court it is uncontroverted in the testimony of Inspector Romeo Cadano regarding defendant's admission of his false entry in the application he stated in page 5 and 6 T.S.N. December 20, 1993 that 'he just said that he was not the actual occupant of the land.' This testimony was never impeached nor much less assailed by defendant Anacleto Mauricio because he never took the stand to deny or controverted the testimony of Cadano. This fact clearly admits and shows that there was indeed misrepresentation in the application for free patent of Anacleto Mauricio for he said in his application that he was the occupant of the land at the time of the application. This was denied and the denial was reported in evidence at the time he filed his application for Free Patent on August 15, 1992. He was not the occupant of the property. He failed to comply of (sic) the mandatory requirement of continued possession before a free patent could issue. The taxes paid by the defendant on the land in question was only in 1992, the year when he applied for Free Patent as shown in the Tax Receipt and the declaration he presented belies defendant's claims of continues (sic) occupation of the land. It has already been stated by our Supreme Court that tax receipts or realty payments are not conclusive evidence of possession or ownership (*Director of Lands vs. IAC*, 194 SCRA 743 [1991]). That this will become strong evidence only when accompanied by proof of actual possession of the property (*Heirs of Juan Oclarit vs. CA*, 233 SCRA 239 [1994]). Intervenors Antonina Oliveros, et al., also filed their memorandum but defendant Anacleto Mauricio did not file any memorandum.

"WHEREFORE, the fact that there was misrepresentation in the Free Patent Application of Anacleto Mauricio when he said that he has been in possession of the land for a long time, when in fact, he was not in possession of the said land, this Court therefore hereby orders the Register of Deeds of Rizal, Marikina Branch, that Free Patent No. 045802-1448 and O.C.T. P-750 be cancelled and that the subject property covered by the same be reverted to the mass of public domain.

"The defendant Anacleto Mauricio is hereby also ordered to deliver or surrender the owners (sic) duplicate copy of said OCT P-750 to the Register of Deeds of Marikina, Metro Manila, within ten (10) days from finality of this decision and if he fails to do so within the required period, the Register of Deeds is hereby authorized to cancel the original copy of said OCT P-750. Without pronouncement as to costs.

"SO ORDERED."^[3]

Petitioners filed an appeal before the Court of Appeals, but the same was dismissed for lack of merit.

Thus, the instant petition wherein petitioners allege the following:

"THE RESPONDENT COURT COMMITTED GRAVE ABUSE OF DISCRETION IN ITS APPRECIATION OF FACTS WHEN IT CONCLUDED FROM THE TESTIMONY OF LAND INVESTIGATOR MILA LEANDER THAT 'THERE WERE OTHER CLAIMANTS TO LOT NO. 5473 AT THE TIME MAURICIO APPLIED FOR A FREE PATENT'; AND THAT THIS 'ESTABLISHES THE FACT THAT MAURICIO PERJURED HIMSELF WHEN IN HIS APPLICATION FOR FREE PATENT HE STATED UNDER OATH THAT THE LAND DESCRIBED AND APPLIED FOR IS NOT CLAIMED OR OCCUPIED BY ANY OTHER PERSON,' WHEREIN (sic) FACT IT IS UNDISPUTED FROM THE TESTIMONY OF MILA LEANDER THAT THE LAND BEING CLAIMED BY THE OLIVEROS IS A DIFFERENT LAND FROM THAT BEING CLAIMED BY THE PETITIONERS."^[4]

It is quite obvious from the foregoing assignment of error that petitioners imputed grave abuse of discretion on the part of the Court of Appeals because of the latter's supposed misappreciation and erroneous assessment of factual evidence. This would require the review and re-evaluation of the same factual findings made by the trial court as affirmed by the appellate court. Time and again, the Court has ruled that a review of the factual findings of the lower courts is not a function that is normally undertaken in petitions for review on certiorari under Rule 45 of the Rules of Court. But while the jurisdiction of the Supreme Court in petitions for review under said rule is limited to reviewing only errors of law, not of fact, an exception to the rule is when the factual findings complained of are so totally devoid of support from the evidence on record that the assailed judgment is based on a misapprehension of facts. Such being the claim of herein petitioners, we shall delve into the issue raised by them to give way to substantial justice.

Petitioners insist that there was no misrepresentation on their part because the lot being claimed by private respondents, Lot No. 5473, is different from the land covered by their free patent and subsequently by OCT-750. Petitioners claim that they were able to controvert all evidence presented by the government with the testimony of their witness, Mila Leander, a land investigator of the DENR. Petitioners cite the testimony of Leander under cross-examination as follows:

"COUNSEL FOR PLAINTIFF:

Miss Witness may I refer you in the last paragraph of the report you made on April 13, 1993 marked as Exhibit '12' by the defendant. Could you read before this Honorable Court the conclusion and recommendation that you had?

"A: In view of the foregoing, it is respectfully recommended that a relocation survey be conducted in order to ascertain the claim of the heirs of Filomeno A. Oliveros based on Tax Declaration No. 01-04669 in the name of Sotero Oliveros.

"Q: Could you explain to the Honorable Court what do you mean