

## THIRD DIVISION

[ G.R. No. 106763, May 09, 2001 ]

**REPUBLIC OF THE PHILIPPINES, PETITIONER, VS. THE  
HONORABLE COURT OF APPEALS, HEIRS OF MARCELA  
FRANCISCO, NAMELY: ROSARIO BERNARDO AND PACIFICO  
BERNARDO; HEIRS OF JUANA FRANCISCO NAMELY:  
BUENAVENTURA CRISOSTOMO, ANDRES CRISOSTOMO,  
FELICITAS CRISOSTOMO; HEIRS OF BRIGIDA FRANCISCO,  
NAMELY: LIWANAG JAVIER, EUDOSIA JAVIER, ANAPURA  
JAVIER, AURORA JAVIER, DOMINADOR JAVIER AND FRANKLIN  
JAVIER; AND THE REGISTER OF DEEDS OF CAVITE,  
RESPONDENTS.**

### DECISION

**GONZAGA-REYES, J.:**

This is a petition for review of the decision<sup>[1]</sup> of the Court of Appeals dismissing the petition to annul the decision of the Court of First Instance (CFI) of Cavite, Branch III,<sup>[2]</sup> in Reg. Case No. N-440, LRC Rec. No. 26961. This case stems from proceedings to annul a 1965 decision of the said land registration court which adjudicated to private respondents certain parcels of land.

The antecedents are as follows: On April 22, 1964, the Municipality of Bacoar, Cavite, represented by its Mayor, Pablo G. Sarino, sold Lot Nos. 317, 318, 330 and 356, Psu-164199, with an approximate combined area of 3.1437 hectares, located at Barrio Salinas,<sup>[3]</sup> in the said municipality, to private respondents' predecessors-in-interest for P188.20 pursuant to Act No. 3312<sup>[4]</sup> and Municipal Resolution No. 89 as amended by Resolution No. 289. Prior to the sale, private respondents' predecessor-in-interest, Brigida Francisco, had been in possession of the subject lot and paid the real estate taxes thereon as early as 1907. On October 27, 1964, private respondents filed an application for land registration before the above-mentioned CFI of Cavite, covering the aforesaid lots, docketed as LRC Case No. N-440, LRC Record No. N-26961. On August 4, 1965, a decision was rendered adjudicating to the applicants, herein private respondents, the subject parcels of land, as follows:

"WHEREFORE, this Court, confirming its previous order of general default, hereby adjudges and decrees lots 356, 318, 319 and 330 of plain AP-1377, AP-1378, AP-1379 and AP-1380, respectively, situated in the barrio of Salinas, municipality of Bacoar, province of Cavite, free from any liens and encumbrances to applicants, jointly and equally in undivided shares, in the following manners:

1. to MARCELA FRANCISCO, widow – 1/3 undivided share.
2. to the HEIRS OF JUANA FRANCISCO, namely: