

THIRD DIVISION

[G.R. No. 123361, March 03, 1997]

TEOFILO CACHO, PETITIONER-APPELLANT, VS. COURT OF APPEALS, REPUBLIC OF THE PHILIPPINES, NATIONAL STEEL CORPORATION AND THE CITY OF ILIGAN, RESPONDENTS-APPELLEES.

DECISION

MELO, J.:

The late Doña Demetria Cacho applied for the registration of two parcels of land situated in what was then Lanao, Moro Province. Both parcels were within the limits of Military Reservation No. 43, known as "Camp Overton".

The petitions were docketed as GLRO Record No. 6908 & 6909 and were jointly tried and decided by Judge Jesse Jorge on December 10, 1912.

In the said decision, which was affirmed *in toto* by this Court in *Cacho vs. Government of the United States* (28 Phil. 616 [1914]) the trial court made the following pronouncements:

Re: Case No. 6908

The parcel object of Case No. 6908 is small. It was purchased by the applicant, Doña Demetria Cacho y Soriano from Gabriel Salzos. The title of Gabriel Salzos is founded on a deed of sale in his favor, executed and signed by a Moro woman named Alanga, who acted for her husband, a Moro named Dorondon. It appears that the husband of Alanga, Datto Dorondon is alive yet and before admitting this parcel to registration, it is ordered that a deed from Dorondon be presented, renouncing all his rights in the small parcel of land object of Case No. 6908. It is further ordered that the applicant present the corresponding deed from Datto Dorondon on or before March 30, 1913.

Re: Case No. 6909

The parcel of land claimed by the applicant in Case No. 6909 is the larger of two parcels and contains 37.87 hectares or more than 90 acres. This was purchased by the applicant from the Moro Datto Bunglay.

Datto Bunglay claims to have acquired part of it by inheritance from his uncle Datto Anandog who died without issue and the balance by his own possession and cultivation.

A tract of land 37 hectares in area, is larger than is cultivated by the Christian Filipinos. In the Zamboanga cadastral case of thousands of parcels now on trial before this court, the average size of the parcels is not above 3 or 4 hectares, and the court doubts very much if a Moro with

all his family could cultivate as extensive a parcel of land as the one in question.

The court therefore finds that the applicant Doña Demetria Cacho is owner of the portion of land occupied and planted by the deceased Datto Anandog in the southern part of the large parcel object of expediente No. 6909 only; and her application as to all the rest of the land solicited in said case is denied.

On the 8th day of December, the court was at Camp Overton and had another ocular inspection for the purpose of fixing the limits of the part cultivated by Datto Anandog. The court set stakes marking the N.E., S.E., & N.W. corners of the land found to have been cultivated by Anandog.

And it is ordered that the new survey be made in accordance with the points mentioned. It is further ordered that one half of the costs of the new survey be paid by the applicant and the other half by the Government of the United States.

Re: Cases 6908 & 6909

Final decision in these cases is reserved until the presentation of the said deed and the new plan.

On June 29, 1978, Teofilo Cacho, herein petitioner, as the son and sole heir of the late Doña Demetria Cacho, filed a petition for reconstitution of two original certificates of title under Republic Act 26, and docketed under the original GLRO Record No. 6908 and 6909.

The petition was opposed by herein respondents Republic of the Philippines, National Steel Corporation (NSC), and the City of Iligan.

Acting on the motion for judgment on demurrer to evidence filed by the Republic and the NSC, the lower court dismissed the petition because it found the evidence inadequate to show the prior existence of the titles sought to be restored. The same order stated further that the proper remedy was for the reconstitution of decrees since it is undisputed that in Cases No. 6908 and 6909, Decrees No. 10364 and 18969, respectively, were already issued. The same trial court specifically found that since the decrees had, in fact, been issued, the judgment of this Court in *Cacho vs. U.S., supra*, although by itself expressly dependent upon some conditions, must have indisputably become final.

Thus, petitioner filed an omnibus motion for leave of court to file and to admit amended petition, but this was denied. Petitioner elevated the matter to this Court (docketed as *Teofilo Cacho vs. Hon. Manindiara P. Mangotara*, G.R. No. 85495) but we resolved to remand the case to the lower court, ordering the latter to accept the amended petition and to hear it as one for re-issuance of decrees under the following guidelines:

Considering the doctrines in *Sta. Ana vs. Menla*, 1 SCRA 1297 (1961) and *Heirs of Cristobal Marcos vs. de Banuvar*, 25 SCRA 315 (1968), and the lower court findings that the decrees had in fact been issued, the omnibus motion should have been heard as a motion to re-issue the decrees in order to have a basis for the issuance of the titles and the respondents being heard in their opposition.

Considering the foregoing, we resolve to order the lower court to accept the amended petition subject to the private respondents being given the opportunity to answer and to present their defenses. The evidence already on record shall be allowed to stand but opportunity to controvert existing evidence shall be given the parties.

(p. 59, *Rollo*.)

Thus, the lower court accepted the amended petition and heard it as one for re-issuance of the decrees.

In their "Consolidated Answer and/or Opposition" to the amended petition, respondents Republic of the Philippines and NSC raised the defenses that the petition suffered from jurisdictional infirmities; that petitioner was not the real party in interest; that petitioner was guilty of laches; that Demetria Cacho was not the registered owner of the subject parcels of land; that no decrees covering the properties were ever issued in the name of Demetria Cacho; and that the issuance of the decrees was dubious and irregular.

On June 9, 1993, the lower court (RTC-City of Iligan, Branch 1) rendered its decision decreeing the reconstitution and re-issuance of Decrees No. 10364 and 18969. The pertinent portion of the said decision reads:

The third issue is whether sufficient legal and factual basis exist for the issuance of the subject decrees.

This Court has already ruled that Decrees Nos. 10364 and 18959 were issued in these LRC Cases Nos. 6908 and 6909, respectively, and that the issuance of the decrees presupposed a prior judgment that had already become final. Oppositors never disputed the cited pronouncements and therefore these should now be considered final and conclusive

In fine, the Land Registration Commission (now) National Land Titles and Deeds Registration Administration (NALTDRA), through its then Acting Commissioner Santiago M. Kapunan, its Deputy Clerk of Court III, the Head Geodetic Engineer, and the Chief of Registration, all certified that according to the Record Book of Decrees for Ordinary Land Registration Case, Decree No. 18969 was issued in GLRO Record No. 6909 and Decree No. 10364 was issued in GLRO Record No. 6908. (Exhibits "C", "D", "E" and "M").

In the manifestation submitted by the then Acting LRC Commissioner Santiago Kapunan in compliance with an order of this Court, confirmed that the proceedings undertaken by the LRC in the original petition for reconstitution have been regularly and properly done based on existing records; that Decrees 10364 and 18969 have been issued and recorded in LRC's Record Book of Decrees; that the plan and technical description of the lots involved were found to be correct, approved by the LRC and transmitted to this Court, (Exh. "M").

On Record also is the decision in the Military Reservation Nos. 43 and 63 in which this Court affirmed the issuance of Decrees Nos. 10364 and 18969 in the name of Demetria Cacho.

Moreover, the testimony by way of deposition of one Ricardo A. Arandilla, Deputy Clerk of Court of the LRC which identified and validated the report of the LRC to this Court on the present petition, (Exh. "M"), shows that the decrees registry of the LRC had recorded the fact and date of issuance of Decrees No. 10364 and 18969 in GLRO Rec. No. 6908 and 6909 and the approval of the plans and corresponding technical descriptions of the lots involved in the aforesaid record numbers and decrees (Exh. "T").

It is worthy to note that on cross-examination by Oppositors' counsel, Arandilla produced for scrutiny the LRC Registry Book of Ordinary Registration Cases, which contained therein the entries showing that Decree No. 10364 was issued on May 9, 1913 in Case No. 6908 and Decree No. 18969 was issued on July 7, 1915 in Case No. 6909. (Exhs. "T", "P" and "19").

From the foregoing environmental facts, the Court finds that the existence of the decrees have been established sufficiently and indubitably by the evidence submitted by the petitioner, and therefore, said amended petition has to be granted.

WHEREFORE, premises considered, judgment is hereby rendered as follows:

1. The amended petition is hereby granted and approved. Declaring Decrees No. 10364 and No. 18969 as reconstituted.
2. Ordering the National Land Titles and Deeds Registration Administration (NALTDRA), (formerly Land Registration Commission) to reissue Decrees No. 19364 and No. 16869 existing at the LRC Registry Book of Ordinary Registration Cases in the name of Demetria Cacho upon payment by the petitioner of the required legal fees.

SO ORDERED.

(pp. 62-65, *Rollo.*)

From the aforesaid decision, respondents appealed to the Court of Appeals.

The Republic of the Philippines and the National Steel Corporation in their joint brief assigned the following errors:

The lower court erred in granting appellee Teofilo Cacho's amended petition for reconstitution of decrees of registration purportedly issued in LRC Record Nos. 6908 and 6909. Notwithstanding that —

- I. The petition suffers from fatal jurisdictional infirmities;
- II. The Supreme Court declared in *Cacho v. Government of the United States*, 28 Phil. 616, that final decision in LRC Cases 6908 and 6909 had been reserved pending compliance by the applicant therein of certain conditions albeit, as of Date, No competent evidence exists showing compliance with the imposed conditions and/or the rendition of a "final judgment" and/or the issuance of decrees pursuant thereto;

III.The petition is barred by laches; and

IV.The petition is being prosecuted by a fictitious person and/or a party who does not have a lawful interest in the case.

(pp. 16-17, *Rollo.*)

Respondent City of Iligan, for its part, argued that the trial court erred:

1. In giving due course to "Teofilo Cacho's" petition for reconstitution of titles when the same is already barred by laches.
2. In granting the amended petition for reconstitution when there is no proof that Teofilo Cacho actually exists and is a real party in interest.
3. In granting the amended petition for reconstitution even in the absence of sufficient proof to the effect that land registration Decree Nos. 10364 & 18969 were indeed issued to Demetria Cacho.
4. In reopening the case despite the finality of the order dated 16 April 1979 dismissing the original petition for reconstitution of title.
5. In giving title to petitioner over a parcel of land already owned by appellant City of Iligan pursuant to Presidential Proclamation No. 469 (dated 4 October 1965) which ownership was affirmed by the Supreme Court on 26 February 1988 [*City of Iligan versus Director of Lands, et al.*, 158 SCRA 158].

(pp. 17-18, *Rollo.*)

The Court of Appeals sustained the validity of the proceedings below and brushed aside respondents' claim of jurisdictional infirmities. It also acknowledged the issuance and existence of the registration decrees in favor of Demetria Cacho, to wit:

As to the second issue, we can not do otherwise but hold that Decree Nos. 10364 and 18969 were issued in GLRO Record No. 6908 and GLRO Record No. 6909, on May 9, 1913 and July 8, 1915, respectively, according to the Record Book of Decrees for Ordinary Land Registration Case. Then Acting Commissioner of the Land Registration Commission Santiago M. Kapunan (now Justice of the Supreme Court), submitted a Manifestation, dated November 2, 1978, in compliance with an order at the lower court, confirming that the plan and technical description of the land involving both Lots 1 and 2 were correct, that said lots are decreed properties, and that all the proceedings undertaken by the LRC were regularly done based on existing records.

(pp. 49-50, *Rollo.*)

This notwithstanding, the Court of Appeals reversed the decision of the lower court and dismissed the petition for re-issuance of Decrees No. 10364 and 18969, with prejudice, for the following reasons: