

## THIRD DIVISION

[ G.R. NO. 141007, September 13, 2005 ]

**ADORACION REYES BAUTISTA, LIBRADA REYES VDA. DE PONCIANO, ESTELA REYES QUIAMBAO, MARCELO REYES, JR., JOSE SINO, LEONILA SINO AND DOMINADOR SINO, PETITIONERS, VS. CELIA REYES POBLETE, MELENCIO REYES POBLETE, ELVIRA REYES POBLETE, JULIA REYES POBLETE, AND REMEDIOS POBLETE TORIO, RESPONDENTS.**

### DECISION

**CORONA, J.**

Before us is a petition for review assailing the decision<sup>[1]</sup> dated January 7, 1999 of the Court of Appeals:

WHEREFORE, the judgment herein appealed from is hereby **REVERSED**, and the lower court is hereby directed to issue a decree of registration over Lot No. 1243 in favor of the applicants.

SO ORDERED.<sup>[2]</sup>

This controversy stems from a petition for the registration, filed by private respondents, of a 6.2556 hectare parcel of land identified as Lot 1243.

In their application, private respondents, the successors-in-interest of Socorro Reyes vda. de Poblete (Socorro), claimed that Lot 1243 was donated by Marcelo Reyes Sr. (Marcelo Sr.) to Socorro, his daughter by a second marriage; that the cadastral survey of Lot 1243 had been undertaken primarily for and in the name of Socorro; that they purchased the same land from their parents Socorro and Juan Poblete; and that they and their predecessors in interest have been in open, continuous, peaceful and notorious possession of the subject lot in the concept of owner for more than 50 years. Thus, they prayed that the land be registered in their names as co-owners.

Petitioners, Marcelo Sr.'s children by his third marriage, opposed said application alleging that Lot 1243 had been acquired by the deceased Marcelo Reyes, Sr. by purchase from a certain Juan Aranda. Hence, said lot should be awarded to them as their father's lawful heirs.

In the course of the proceedings, private respondents presented three witnesses, namely, Socorro Reyes Poblete, Pantaleon Garcia Ancero and Cecilia Poblete. The material portions of their testimonies were summarized by the appellate court as follows:

SOCORRO REYES VDA. DE POBLETE, an octogenarian, testified that Lot No. 1243 was given to her by her father, **Marcelo Reyes, Sr.** in 1932, by

way of a deed of donation which was destroyed when her house was burned.

Her father was married twice. By his first marriage, he had two daughters, **Candida** and **Carmen**. By his second marriage, he also had two daughters, **Socorro** and **Henerosa**, who is already dead. He had other children, who are the oppositors in this case. Her father had given her sisters **Candida** and **Carmen** other parcels of land also. The oppositors Sinos (or Seno) were given five carabaos and financial support.

She had Lot No. 1243 planted to sugar cane and palay, and had the same surveyed by the Bureau of Lands in her name (Exh. "F"). She also had it tax declared in her name (Exh. "G") and had been paying the taxes thereon until she sold it to her children, the petitioners herein (Exh. "I"). She did not have the land registered at once because she thought that it first had to be tax declared.

**PANTALEON GARCIA ANCERO** testified that he was working in Lot No. 1243 since 1942 or 1943 first as a tenant of Socorro Reyes and thereafter of petitioner **Celia Poblete**. The latter sold the property two years ago to a Chinaman, and he was paid P700,000.00.

Of the oppositors, he knows only Marcelo Reyes, Jr. who was a candidate for councilor and asked his help in the election campaign, and Dominador Seno who went to the field he was cultivating twice to get a share of the harvest.

**CELIA POBLETE** testified that on August 10, 1983, she and her sisters bought Lot No. 1243 for P39,000.00 from her mother, who acquired it more than fifty years before from her father **Marcelo Reyes, Sr.** She brought the deed of sale to the Provincial Capitol and had the tax declaration transferred to her and her and her sisters' names (Exh. "J"), and they have been paying the real estate tax since then (Exh. "K"). Their mother and they have been in possession of the property for 60 years already.

The oppositors are half brothers and sisters of her mother, and they had good relations before. The oppositors knew about the exclusive possession of Lot No. 1243 by their mother, because they lived only some 150 meters away and saw their mother harvesting the fruits of the land. They sometimes even asked her for some of the harvest of the land but they never made a claim on it.

The applicants sold the property to Winthrop Corporation for P20 million, of which P3 million has been paid, and the balance to be paid upon registration of the land.<sup>[3]</sup>

To buttress their claim over Lot 1243, private respondents ventured to prove that it was Marcelo Sr.'s practice to give all his children by each of his three wives similar gifts of land; that pursuant to this practice, Marcelo Sr. gave a six-hectare lot to his daughters by the first marriage, Candida and Carmen Reyes; that Lot 1243

measuring 6.25 hectares was given to his daughter by a second marriage, private respondents' mother Socorro; that another six-hectare lot was given to his children by a third marriage, petitioners Adoracion B. Bautista, Librada R. Ponciano, Estela R. Quiambao and Marcelo Reyes, Jr.; and finally, Marcelo Sr. gave five carabaos and financial support to his illegitimate children, petitioners Jose, Leonila and Dominador, all surnamed Sino.

Private respondents failed to present the deed of donation by which Marcelo Sr. allegedly gave Lot 1243 to Socorro, claiming that the deed was burned when fire razed their house sometime in 1980. Thus, the trial court dismissed the petition for registration.

On appeal, the Court of Appeals considered private respondents' contention that even if the donation may have been invalid, the same could still serve as basis for acquisitive prescription. Consequently, the appellate court reversed the trial court's decision and ordered the issuance of a decree of registration over Lot 1243 in favor of private respondents. Hence, this petition.

Perusal of the records reveals that Socorro Reyes was already in physical possession of Lot 1243 as early as 1934, even before the death of Marcelo Sr., and had the land planted to sugarcane and palay. Socorro filed her application as claimant of Lot 1243 with the Bureau of Lands way back in 1940 when the latter conducted a cadastral survey. This was evidenced by the Cadastral Cost Register bearing on record that Socorro paid the amount of P4.24, the owner's proportionate cost for the cadastral survey of Lot 1243.

Socorro's claim in Cad. 285, Carmona Cadastre, Case 2 was approved on August 5, 1941. The following year, she had the land tenanted by a certain Pantaleon Ancero.

In 1948, Socorro registered Lot 1243 in her name under tax declaration no. 1430 and, thereafter, religiously paid the real estate tax on the property.

On August 1, 1983, Socorro sold Lot 1243 to her children, the private respondents.

On October 27, 1983, private respondents obtained a Declaration of Real Property in their favor under PD 464 otherwise known as The Real Property Tax Code.

Finally, on August 28, 1991, private respondents filed a Petition for Registration of Title to Lot 1243 before the lower court in order to perfect the sale of the lot to Winthrop Realty Corporation for P20,694,600.

Petitioners insist that Socorro expressly and impliedly recognized their rights as her co-heirs when she was entrusted with the management of the land in 1934; that the harvest had always been divided among the heirs, with petitioner Dominador Sino representing the others in getting their respective shares; that there was a demand for partition but it did not push through because the land was tenanted.

However, other than the bare allegation of *cestui que trust*, petitioners failed to present proof of their claim. There was no evidence showing that Socorro managed Lot 1243 on behalf of Marcelo Sr.'s heirs, including petitioners.

Furthermore, petitioner Marcelo Jr. admitted that Lot 1243 was the only property left