

THIRD DIVISION

[G.R. No. 195026, February 22, 2016]

**CENTRAL MINDANAO UNIVERSITY, REPRESENTED BY ITS
PRESIDENT, DR. MARIA LUISA R. SOLIVEN, PETITIONER, VS.
REPUBLIC OF THE PHILIPPINES, REPRESENTED BY THE
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES,
RESPONDENT.**

D E C I S I O N

PERALTA, J.:

For this Court's resolution is a petition for review on *certiorari* dated January 14, 2011 filed by petitioner Central Mindanao University (CMU), seeking to reverse and set aside the Decision^[1] dated December 30, 2010 of the Court of Appeals (CA), which annulled the Decision^[2] dated December 22, 1971, the Amended Decision^[3] dated October 7, 1972 and the Second Amended Decision^[4] dated September 12, 1974 rendered by the then Court of First Instance (CFI), 15th Judicial District, Branch II of Bukidnon and annulled the Decrees No. N-154065, N-154066 and N-154067 issued in favor of petitioner and the Original Certificate of Title (OCT) No. 0-160, OCT No. 0-161 and OCT No. 0-162 registered in petitioner's name on January 29, 1975.

The facts follow:

Petitioner Central Mindanao University (CMU) is an agricultural educational institution owned and run by the State established by virtue of Republic Act No. 4498.^[5] It is represented by its President, Dr. Maria Luisa R. Soliven in accordance with CMU Board of Regents Resolution No. 02, s. 2011.^[6]

The subjects of the controversy are two parcels of land situated at Musuan, Maramag, Bukidnon identified as "Sheet 1, Lot 1 of Ir-1031-D" consisting of 20,619,175 square meters, and "Sheet 2, Lot 2 of Ir-1031-D" consisting of 13,391,795 square meters, more or less.^[7]

In 1946, CMU took possession of the subject parcels of land and started construction for the school site upon the confirmation of the Secretary of Public Instruction.^[8] However, during the final survey in 1952, CMU discovered that there were several adverse claimants, holders, possessors and occupants of the portions of lots identified as school sites.^[9]

On January 16, 1958, upon the recommendation of the Secretary of Agriculture and Natural Resources and pursuant to the provisions of Section 83^[10] of Commonwealth Act (C.A.) No. 141, otherwise known as *Public Land Act*, President

Carlos P. Garcia issued Proclamation No. 476^[11] which reserved certain portions of the public domain in Musuan, Maramag, Bukidnon for petitioner CMU's (formerly Mindanao Agricultural College) site purposes.^[12] The said parcels of land were withdrawn from sale or settlement and reserved for CMU's school site purposes, "subject to private rights, if any there be."

In a letter dated October 27, 1960, the Director of Lands Zoilo Castrillo formally requested the Secretary of Agriculture and Natural Resources that he be authorized under Section 87 of C.A. No. 141, to file in the CFI of Bukidnon an application for the compulsory registration of the parcels of land reserved by President Garcia under Proclamation No. 476 as CMU's school site purposes.^[13]

In the first indorsement dated November 9, 1960, the Office of the Secretary of Agriculture and Natural Resources, through its Undersecretary Salvador F. Cunanan, forwarded to the Executive Secretary a recommendation that the Director of Lands be authorized to file the said application.^[14]

Thereafter, the Office of the President, through the Assistant Executive Secretary Enrique C. Quema, in the second indorsement dated December 12, 1960, authorized and directed the Director of Lands to file the necessary petition in the CFI of Bukidnon for the compulsory registration of the parcels of land reserved for CMU.^[15]

Department Legal Counsel Alejandro V. Recto, in the indorsement dated December 28, 1960, communicated the said directive and authority granted to the Director of Lands to file the application for compulsory registration.^[16]

On January 31, 1961, the Director of Lands filed a petition with the then Court of First Instance of Bukidnon for the settlement and adjudication of the title of the parcels of land reserved in favor of CMU, and for the determination of the rights of adverse claimants in relation to the reservation of the land.^[17]

The cadastral court, in its Decision dated December 22, 1971 in Land Registration Case Cadastral Rec. No. 414, declared that the subject parcels of land as public land included in the reservation for CMU, and be registered in its name, except for specified portions adjudicated to other persons.^[18] The court also gave the other 18 claimants an opportunity to acquire full ownership in the subject parcels of land.^[19] Hence, the court reduced the claim of CMU to 3,041 hectares of total land area.^[20] The dispositive portion of the decision reads:

In view of the foregoing considerations, judgment is hereby rendered declaring Lot No. 1 containing an approximate area of 20,619,175 square meters and Lot No. 2 containing an area of 13,391,795 square meters, both situated in the barrio of Musuan, municipality of Maramag, Bukidnon, as described in the survey plans and technical descriptions approved by the Director of Lands as IR-1031-D, marked as Exhibits "D" and "D-I" of the Central Mindanao University, as public land included in the reservation in favor of said University by virtue of Proclamation No. 476, series of 1958, of the President of the Philippines, which may be

registered in its name, except such portions hereinbelow specified which are adjudicated in favor of the following:

1. Venancio Olohoy, married, and Esmeralda Lauga, married to Julio Sagde, both of legal ages and residents of Valencia, Bukidnon- 17.75 hectares of Lot No.1 as shown in the survey plan (Exh. "D");
2. Martina Songkit, of legal age, married to Martin Binanos and resident of Maramag, Bukidnon - 3 hectares of Lot No. 2 as shown in the plan Exh. "D-I";
3. Pablo Saldivar, widower, of legal age and resident of Dologon, Maramag, Bukidnon- 12 hectares of Lot No. 2 as indicated in the survey plan Exh. "D-I" above- mentioned;
4. Fernando Bungcas, married to Feliciano Gayonan and resident of Dologon, Maramag- 6 hectares of Lot No. 2;
5. Cerilo Salicubay, married to Valentina Bento, and Virginia Salicubay, married to Ricardo Tunasan, both of legal ages and residents of Panalsalan, Maramag, Bukidnon, share and share alike, - 4 hectares of Lot No. 2
6. Rosita Lupiahan, of legal age, married to Simplicio Alba and resident of Maramag, Bukidnon - 4 hectares of Lot No. 2.

The areas herein adjudicated to the above-named private individuals should be surveyed and each lot given a separate number with their corresponding technical descriptions.

Considering, however, that the Court rejected most of the claim due to the dubious nature of the occupation of the claimants prior to the take-over by the College, now University, in 1946 but most of them remained on the land up to the present time, in order to avoid possible injustice and in line with the national objective of providing land for the landless, it is hereby recommended that the claimants enumerated hereunder who filed answers and presented evidence which, nevertheless, was found short of the requirements for a decree of registration, be given the opportunity to acquire full ownership thereof through a homestead, or free patent application if they are landless persons, otherwise by means of a sales application if they are already owners of other pieces of real estate, after a corresponding amendment of the Executive Proclamation through the avenues allowed by law. The following claimants may be considered for that purpose, namely:

1. Geronimo Aniceto and his sister Francisca Aniceto- 12 hectares of Lot No. 2;
2. Bonifacio Aniceto- 6 hectares of Lot No. 2;
3. Julita Aniceto- 12 hectares of Lot No. 2;
4. Maximo Nulo- 5 hectares of Lot No. 2;
5. Magno Sepada- 3 hectares of Lot No. 1;
6. Eulogio Guimba- 12 hectares of Lot No. 2;
7. Mario Baguhin and his wife, Treponia Dagoplo 18 hectares of Lot No. 2;
8. Aniceto Nayawan- 12 hectares of Lot No. 2;
9. Eduardo Saloay-ay- 13 hectares of Lot No. 2;
10. Arcadio Belmis and his wife Beatriz Lauga- 24 hectares of Lot No. 1;

11. Vitaliano Lauga- 24 hectares of Lot No. 1;
12. Procopio Abellar- 12 hectares of Lot No. 1;
13. Rufino Dador- 12 hectares of Lot No. 1;
14. Roque Larayan- 12 hectares of Lot No. 1;
15. Benito Lutad- 12 hectares of Lot No. 1;
16. Juliana Pasamonte- 11 hectares of Lot No. 1;
17. Tirso Pimentel- 19 hectares of Lot No. 1; and
18. Dativa P. Velez- 18 hectares of Lot No. 1.

Should the above recommendation be given due course, it is further suggested that those claimants included in the said recommendation who are now occupying portions of Lot No. 2 situated above the university grounds on the hillside which they have already denuded, should be transferred to the lower portions of the land near or along the Pulangi river in order to enable the University to reforest the hillside to protect the watershed of its irrigation system and water supply.

After this decision become final and the portions adjudicated to private persons have been segregated and their corresponding technical descriptions provided, the order of the issuance of the corresponding decree and the certificates of title shall be issued.

SO ORDERED.^[21]

Upon the submission of the parties of the compromise agreement through a Joint Manifestation, the cadastral court rendered its Amended Decision dated October 7, 1972 adjudicating in full ownership of some portions of the subject lots to the 29 groups of claimants.^[22] A portion of the *fallo* of the amended decision reads:

WHEREFORE, pursuant to the evidence presented and the compromise agreement submitted by the parties, the decision rendered by this Court on December 22, 1971 is hereby AMENDED and another one entered ADJUDICATING in full ownership to the claimants hereinbelow specified the following portions of the lots in questions, to wit:

x x x x

The remaining portions of Lots 1 and 2 not otherwise adjudicated to any of the above-named private claimants are hereby ADJUDICATED in full ownership to the Central Mindanao State University. It is hereby directed that the different portions of Lots 1 and 2 hereinabove granted to private claimants must [be segregated] by a competent surveyor and given their technical descriptions and corresponding lot numbers for purposes of the issuance of certificates of title in their favor.

It is, however, ordered that the area adjacent and around or near the watersheds or sources of Lot No. 2 adjudicated to any of the private claimants specified in the foregoing paragraph may be replaced or substituted to the Central Mindanao State University with other areas of equal extent in either Lot 1 or 2, should said University desire to do so in

order to protect and conserve the watersheds.

The findings and resolutions made by the Court in its original decision not affected by the amendments incorporated elsewhere herein shall stand.

The petition from relief from judgment presented by Lucio Butad which the Court finds without merit is hereby denied.

Once the decision becomes final and the subdivision directed in the preceding paragraph has been accomplished, the order for the issuance of the corresponding decree of registration and the certificates of title in favor of each and every adjudicatee shall likewise issue.

SO ORDERED.^[23]

Based on the Order made by the court that those portions of the private claimants in the area adjacent and around, or near the watersheds of Lot No. 2 may be replaced or substituted by CMU with areas of equal extent, the 16 grantees entered into an agreement with CMU for the replacement of the areas adjudicated to them with those outside the watershed vicinity or beyond the area necessary for the proper development, administration, supervision and utilization of the portion adjudicated to CMU.^[24]

Thereafter, the cadastral court, in its second amendment of the Decision dated September 12, 1974, ordered that the specific portions of the subject lots be adjudicated to the 33 claimants as indicated in their agreement.^[25] It also awarded to CMU Lot 1-S (18,531,671 square meters), Lot 2-A (10,001 square meters), and Lot 2-Q (12,266,524 square meters).^[26] On January 25, 1975, the court issued Decrees No. N-154065, N-154066, and N-154067 in favor of CMU.^[27] Consequently, OCT Nos. 0-160, 0-161 and 0-162 were registered in the name of CMU on January 29, 1975.^[28] The decretal portion of the decision reads:

WHEREFORE, finding said manifestation and agreement of the parties in order, the dispositive portions of the amended decision rendered by this Court on October 7, 1972 aforementioned is further amended such that the lots specified hereunder and more particularly indicated in the revised plans and technical descriptions above-mentioned are hereby adjudicated as follows:

1. To Roque Larayan, Lot 1-A with an area of 120.001 square meters;
2. To Fernanda Bungcas, Lot 1-B with an area of 60.00 square meters;
3. To Tirso Pimentel, Lot 1-C with an area of 190.000 square meters;
4. To Juliana Pasamonte, Lot 1-D with an area of 109.999 square meters;
5. To Dativa Velez, Lot 1-E with an area of 180.00 square meters;