

SECOND DIVISION

[G.R. No. 179181, November 18, 2013]

**ROMAN CATHOLIC ARCHBISHOP OF MANILA, PETITIONER, VS.
CRESENCIA STA. TERESA RAMOS, ASSISTED BY HER HUSBAND,
PONCIANO FRANCISCO, RESPONDENT.**

D E C I S I O N

BRION, J.:

We resolve in this petition for review on *certiorari*^[1] under Rule 45 of the Rules of Court the challenge to the April 10, 2007 decision^[2] and the August 9, 2007 resolution^[3] of the Court of Appeals (CA) in CA-G.R. CV No. 84646. This CA decision affirmed, with modification, the January 17, 2005 decision^[4] of the Regional Trial Court, Branch 156 of Pasig City (*RTC*), in LRC Case No. N-5811 that denied the application for confirmation and registration of title filed by the petitioner, Roman Catholic Archbishop of Manila (*RCAM*).

The Factual Antecedents

At the core of the controversy in the present petition are two parcels of land - **Lot 1** with an area of 34 square meters and **Lot 2** with an area of 760 square meters - covered by amended Plan PSU-223919^[5] (*property*), both located in what used to be Barrio Bagumbayan, Taguig, Rizal.

On September 15, 1966, the RCAM filed before the RTC, (then Court of First Instance of Rizal, Branch 11), acting as a land registration court, an application for registration of title^[6] (*application*) of property, pursuant to Commonwealth Act (C.A.) No. 141 (the Public Land Act).^[7] On October 4, 1974, the RCAM amended its application^[8] by reducing Lot 2 to 760 square meters (from 1,832 square meters).

In its amended application, the RCAM claimed that it owned the property; that it acquired the property during the Spanish time; and that since then, it has been in open, public, continuous and peaceful possession of it in the concept of an owner. It added that to the best of its knowledge and belief, no mortgage or encumbrance of any kind affects the property, and that no person has any claim, legal or equitable, on the property.

The RCAM attached the following documents to support its application: amended plan Psu-223919; technical description of Lots 1 and 2;^[9] surveyor's certificate;^[10] and Tax Declaration No. 9551 issued on September 6, 1966.^[11]

On May 22, 1992, the Republic of the Philippines (*Republic*), through the Director of Lands, filed an opposition^[12] to the application. The Republic claimed that the

property is part of the public domain and cannot be subject to private appropriation.

On August 18, 1992, respondent Cresencia Sta. Teresa Ramos, through her husband Ponciano Francisco, filed her opposition^[13] to the RCAM's application. She alleged that the property formed part of the entire property that her family owns and has continuously possessed and occupied from the time of her grandparents, during the Spanish time, up to the present.

Cresencia submitted the following documents,^[14] among others, to support her requested confirmation of imperfect title:

- 1.) the death certificates of Cipriano Sta. Teresa and Eulogia Sta. Teresa Vda. de Ramos (Cresencia's parents);
- 2.) her marriage certificate;
- 3.) their children's birth certificates;
- 4.) certificates of ownership covering two bancas;
- 5.) photographs of these two bancas with her youngest child while standing on the property and showing the location of the RCAM's church relative to the location of the property;
- 6.) photographs of a pile of gravel and sand (allegedly for their gravel and sand business) on the property;
- 7.) photographs of the RCAM's "bahay ni Maria" standing on the property;
- 8.) a photograph of the plaque awarded to Ponciano by ESSO Standard Philippines as sole dealer of its gasoline products in Bagumbayan, Taguig, Rizal;
- 9.) a photograph of their "La Compania Refreshment Store" standing on their titled lot adjacent to the property;
- 10.) a photograph of the certificate of dealership given to Ponciano by a Tobacco company for his dealership in Bagumbayan, Taguig, Rizal; and
- 11.) the registration certificate for their family's sheet manufacturing business situated in Bagumbayan, Taguig,^[15] Rizal.

The RCAM presented in evidence the following documents, in addition to those already on record:^[16] tax declarations issued in its name in 1948, 1973, 1981, 1990, 1993, and 1999;^[17] the certified true copy of Original Certificate of Title No. 0082 covering the lot in the name of Garcia, which adjoins the property on the south; and the affidavit of Garcia confirming the RCAM's ownership of the property.^[18] It likewise submitted several testimonial evidence to corroborate its ownership and claim of possession of the property.

The ruling of the RTC

In its decision of January 17, 2005,^[19] the RTC denied the RCAM's application for registration of title. The RTC held that the RCAM failed to prove actual possession and ownership of the property applied for. The RTC pointed out that the RCAM's only overt act on the property that could be regarded as evidence of actual possession was its construction of the "bahay ni Maria" in 1991. Even this act,

according to the RTC, did not sufficiently satisfy the actual possession requirement of the law as the RCAM did not show how and in what manner it possessed the property prior to 1991. The RCAM's tax declarations were also inconclusive since they failed to prove actual possession.

In contrast, the numerous businesses allegedly conducted by Cresencia and her family on the property, the various pieces of documentary evidence that she presented, and the testimony of the RCAM's own witnesses convinced the RTC that she and her family actually possessed the property in the manner and for the period required by law.

This notwithstanding, the RTC refused to order the issuance of the title in Cresencia's name. The RTC held that Cresencia failed to include in her opposition a prayer for issuance of title.

The RCAM assailed the RTC's decision before the CA.

The CA ruling

In its April 10, 2007 decision,^[20] the CA affirmed with modification the RTC's January 17, 2005 ruling. The CA confirmed Cresencia's incomplete and imperfect title to the property, subject to her compliance with the requisites for registration of title.

The CA agreed with the RTC that the totality of the evidence on record unquestionably showed that Cresencia was the actual possessor and occupant, in the concept of an owner, of the disputed property. The CA held that Cresencia's use of the property since the Spanish time (through her predecessors-in-interest), as confirmed by the RCAM's witnesses, clearly demonstrated her dominion over the property. Thus, while she failed to register the property in her name or declare it for taxation purposes as pointed out by the RCAM, the CA did not consider this non-declaration significant to defeat her claim. To the CA, Cresencia merely tolerated the RCAM's temporary use of the property for lack of any urgent need for it and only acted to protect her right when the RCAM applied for registration in its name. Thus, the CA declared that Cresencia correctly waited until her possession was disturbed before she took action to vindicate her right.

The CA similarly disregarded the additional tax declarations that the RCAM presented in support of its application. The CA pointed out that these documents hardly proved the RCAM's alleged ownership of or right to possess the property as it failed to prove actual possession. Lastly, the CA held that it was bound by the findings of facts and the conclusions arrived at by the RTC as they were amply supported by the evidence.

The RCAM filed the present petition after the CA denied its motion for reconsideration.^[21]

Assignment of Errors

The RCAM argues before us that the CA erred and gravely abused its discretion in:

1. confirming the incomplete and imperfect title of the oppositor when the magnitude of the parties' evidence shows that the oppositors merely had pretended possession that could not ripen into ownership;
2. failing to consider that the RCAM had continuous, open and notorious possession of the property in the concept of an owner for a period of thirty (30) years prior to the filing of the application; and
3. confirming the oppositor's incomplete and imperfect title despite her failure to comply with the substantial and procedural requirements of the Public Land Act.

The Issue

In sum, the core issue for our resolution is who - between the RCAM and Cresencia - is entitled to the benefits of C.A. No. 141 and Presidential Decree (P.D.) No. 1529 for confirmation and registration of imperfect title.

The Court's Ruling

Preliminary considerations: nature of the issues; factual-issue-bar rule

In her comment,^[23] Cresencia primarily points out that the present petition essentially questions the CA's appreciation of the evidence and the credibility of the witnesses who attested to her actual, public and notorious possession of the property. She argues that these are questions of fact that are not proper for a Rule 45 petition. In addition, the findings of the RTC were well supported by the evidence, had been affirmed by the CA, and are thus binding on this Court.

We are not entirely convinced of the merits of what Cresencia pointed out.

The settled rule is that the jurisdiction of this Court over petitions for review on *certiorari* is limited to the review of questions of law and not of fact. "A question of law exists when the doubt or controversy concerns the correct application of law or jurisprudence to a certain set of facts; or when the issue does not call for an examination of the probative value of the evidence presented, the truth or falsehood of the facts being admitted. A question of fact exists when a doubt or difference arises as to the truth or falsehood of facts or when the query invites calibration of the whole evidence x x x as well as their relation to each other and to the whole, and the probability of the situation."^[24]

An examination of the RCAM's issues shows that the claimed errors indeed primarily question the sufficiency of the evidence supporting the lower courts' conclusion that Cresencia, and not the RCAM, had been in possession of the property in the manner

and for the period required by law. When the presented question centers on the sufficiency of the evidence, it is a question of fact^[25] and is barred in a Rule 45 petition.

Nevertheless, jurisprudence recognizes certain exceptions to the settled rule. When the lower courts grossly misunderstood the facts and circumstances that, when correctly appreciated, would warrant a different conclusion, a review of the lower courts' findings may be made.^[26] This, in our view, is the exact situation in the case as our discussions below will show.

Moreover, the RCAM also questions the propriety of the CA's confirmation of Cresencia's title over the property although she was not the applicant and was merely the oppositor in the present confirmation and registration proceedings. Stated in question form - was the CA justified under the law and jurisprudence in its confirmation of the oppositor's title over the property? This, in part, is a question of law as it concerns the correct application of law or jurisprudence to recognized facts.

Hence, we find it imperative to resolve the petition on the merits.

Requirements for confirmation and registration of imperfect and incomplete title under C.A. No. 141 and P.D. No. 1529

C.A. No. 141 governs the classification and disposition of lands of the public domain. Section 11 of C.A. No. 141 provides, as one of the modes of disposing public lands that are suitable for agriculture, the "confirmation of imperfect or incomplete titles." Section 48, on the other hand, enumerates those who are considered to have acquired an imperfect or incomplete title over public lands and, therefore, entitled to confirmation and registration under the Land Registration Act.

The RCAM did not specify the particular provision of C.A. No. 141 under which it anchored its application for confirmation and registration of title. Nevertheless, the allegations in its application and amended application readily show that it based its claim of imperfect title under Section 48(b) of C.A. No. 141. As amended by P.D. No. 1073 on January 25, 1977, Section 48(b) of C.A. No. 141 currently provides:

Section 48. The following described citizens of the Philippines, occupying lands of the public domain or claiming to own any such lands or an interest therein, but whose titles have not been perfected or completed, may apply to the Court of First Instance [now Regional Trial Court] of the province where the land is located for confirmation of their claims and the issuance of a certificate of title therefor, under the Land Registration Act, to wit:

x x x x

(b) Those who by themselves or through their predecessors-in-interest have been in open, continuous, exclusive, and notorious possession and occupation of agricultural lands of