

THIRD DIVISION

[G.R. No. 177392, November 26, 2012]

PAZ DEL ROSARIO, PETITIONER, VS. FELIX H. LIMCAOCO, Z. ROJAS AND BROS., REPUBLIC OF THE PHILIPPINES, AND REGISTER OF DEEDS OF TAGAYTAY CITY, RESPONDENTS.

[G.R. NO. 177421]

LUDIVINA LANTIN-ROJAS, LEANDRITO L. ROJAS, ROSEMARIE T. ROJAS, LEURENCIO L. ROJAS, MA. STELLA ROJAS, TERESITA ROJAS, JOCELYN ROJAS, VIRGINIA SALCEDO ROJAS, BAILIA ROJAS-FOJAS, EULOGIA ROJAS-CORPUS, VIRGILIO ROJAS, ELIZABETH ROJAS, THERESA V. ROJAS-PERALTA, MANUELITA V. ROJAS, HONORIO V. ROJAS, SYLVIA ROJAS, AND MARIA R. JOCO-SHIRANI, IN SUBSTITUTION OF Z. ROJAS AND BROS., PETITIONERS, VS. THE REPUBLIC OF THE PHILIPPINES, REPRESENTED BY THE DIRECTOR OF LANDS, PAZ DEL ROSARIO, AND FELIX LIMCAOCO, RESPONDENTS.

DECISION

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ABAD, J.:

These cases refer to various claims over a vast parcel of land in Tagaytay, the ownership of which had been previously awarded in a land registration proceeding but no decree of registration has as yet been issued pursuant to such award.

The Facts and the Case

Three different claims on a 12.5-hectare of land in Maitim II, Tagaytay City, Cavite, brought about these cases. Paz Del Rosario (Del Rosario) contends that in 1976 she bought the land from the Amulong family which had been in peaceful and continuous possession of the same since time immemorial. Del Rosario presented a copy of the February 27, 1976 *Kasulatan ng Bilihang Tuluyan* that evidences the sale. Felix H. Limcaoco (Limcaoco), the other claimant, alleges that he bought the same land from one Eugenio Flores as shown by a February 13, 1976 Deed of Absolute Sale. Finally, Z. Rojas and Bros., the third claimant, claims that the spouses Honorio and Maria Rojas bought the land as early as 1932 from the spouses Petrona Amulong and Agapito Acosta.

Upon learning that the government issued a free patent in Limcaoco's favor, on June 7, 1977 Del Rosario filed a complaint for reconveyance against him before the Tagaytay Regional Trial Court (RTC) in Civil Case TG-411. Later, Z. Rojas and Bros., a partnership, filed a complaint-in-intervention in the case, pointing out that the

spouses Rojas had donated the subject land to their children, who in turn had applied for the registration of the property in their names with the then Court of First Instance (CFI) of Cavite which rendered a Decision on April 17, 1941, granting the application. The Court of Appeals (CA) affirmed the CFI Decision on December 29, 1942.

On September 15, 1981 Z. Rojas and Bros. also filed a petition with the Bureau of Lands for the cancellation of Limcaoco's Free Patent 578173 and Original Certificate of Title (OCT) OP-165. After hearing, the Director of Lands recommended the cancellation of the subject Free Patent and OCT, which recommendation the Ministry of Natural Resources approved. On February 27, 1984 the Republic of the Philippines filed, through the Bureau of Lands, a complaint for the cancellation of Free Patent 578173 and OCT OP-165 before the Tagaytay RTC in Civil Case TG-796 in which Z. Rojas and Bros. again filed a complaint-in-intervention. Civil Cases TG-411 and TG-796 were eventually consolidated and jointly tried.

On October 17, 1997 the RTC rendered a decision, declaring Z. Rojas and Bros. as the true and lawful owner of the subject land, annulling Limcaoco's Free Patent and OCT, and ruling that Del Rosario merely acquired a possessory right of tenancy over the land. Meanwhile, on May 25, 2000 Z. Rojas and Bros. was dissolved and was substituted by the Rojas heirs.^[1] The court granted the motion for substitution on July 19, 2000. The appeals brought before the CA were joined and docketed as CA-G.R. CV 76599.

On April 28, 2006 the CA rendered a decision holding that, while the Rojas heirs appear to have a just title over the property, the partnership of Z. Rojas and Bros., which had a separate and distinct personality, did not. The CA further held that its determination is without prejudice to the claim of the individual Rojas heirs over the property and to pending or future proceedings leading to the grant of such claim. The appellate court, however, affirmed the rest of the RTC Decision. Del Rosario and the Rojas heirs appealed to this Court in G.R. 177392 and G.R. 177421, respectively.

The Issue Presented

The sole issue in these cases is whether or not the CA committed error in declaring the Rojas heirs, rather than Del Rosario or Z. Rojas and Bros., substituted by the same heirs, the true and lawful owner of the subject Tagaytay City land.

The Ruling of the Court

Del Rosario mainly claims that she was a purchaser for value and in good faith, having bought the land from the Amulong sisters and their husbands as evidenced by the Kasulatan ng Bilihang Tuluyan dated February 27, 1976.

But, when Miguela Amulong, one of Josefa's daughters, took the witness stand, she testified as follows:

- Q: Your father or mother, Josefa Garcia and Luis Amulong, had no tax declaration over this property, is it not?
A: I do not know, sir.

x x x x

Q: Do you know that properties owned by people in Tagaytay or anywhere else has the so-called tax declaration in order to pay realty taxes to the city or in any place where it is situated?

A: I do not know because **we have no property, sir.**

Q: And what did you sell in that exhibit "A" if you have no right?

A: **Only our right to farm, our tenancy right, sir.**^[2]
(Emphasis supplied)

Based on the above testimony, the RTC ruled that Del Rosario merely acquired the Amulongs' tenancy rights. But, as the CA noted, this ruling contradicts the RTC's order in the dispositive portion of its decision that ordered Del Rosario to surrender the possession of the property to Z. Rojas and Bros. As the appellate court pointed out, if tenancy really existed, then the surrender of the property to the alleged rightful owner would not be proper because tenants are entitled to security of tenure.^[3]

Tenancy cannot be simply presumed. To exist, it must have the following elements: (1) the parties are the landowner and the tenant; (2) the subject matter of the relationship is agricultural land; (3) there is consent between the parties; (4) the purpose of the relationship is to bring about agricultural production; (5) there is personal cultivation on the part of the tenant; and (6) the harvest is shared between the landowner and the tenant.^[4] Here, it appears from the records that the Amulongs did not enter into an agricultural lease with the owner. They cultivated the land at their own expense and for their own benefit and never shared the produce of the land with anyone.

What Del Rosario actually bought from the Amulongs was, therefore, merely the right of possession, consistent with the facts claimed by the Rojas heirs. In a letter dated February 2, 1982 the Bureau of Lands directed an investigation on the different claims on that vast land in Tagaytay. The Director of Lands found that before the Japanese occupation, the Rojas children appointed Remigio Garcia as caretaker of the subject property. When he died, his daughter, Josefa Garcia, wife of Luis Amulong, took over the property. Josefa then employed her daughters and their husbands to work in the farm. On February 27, 1976 the Amulongs sold the property to Del Rosario for P100,000.00, without the consent and knowledge of the Rojas.^[5]

The Director of Lands' investigation further revealed that the spouses Honorio Rojas and Maria Sipriaso bought the property in controversy from the Amulong family on July 16, 1932. On that same day, they transferred the property to their six children by way of donation. On August 14, 1939 the Rojas children filed a petition for registration and confirmation of title over the property before the CFI of Cavite in Land Registration Case 309, G.L.R.O. Record 51353. On April 17, 1941 the land registration court rendered a decision, declaring the registration of the parcel of land in favor of the Rojas. The CA thereafter affirmed the registration on December 29, 1942 in G.R. 9120, and from there, no more appeal was ever made.

Consequently, on February 10, 1943 the land registration court issued an Order,

directing the Judicial Land Title Division of the Department of Justice to cause the preparation and issuance of the appropriate decree over the subject property for the Rojas children. When Manuel Rojas, however, was incarcerated by the Japanese during World War II, the documents pertaining to the Tagaytay land were confiscated from him. Still, the Rojas family continued paying the real estate taxes on the property which they had been doing since 1940. Sometime in December 1949 they formed a partnership named Z. Rojas and Brothers and contributed the subject parcel of land to constitute the partnership's capital.

It is indubitable that the April 17, 1941 CFI Decision in the land registration case granting the Rojas family's application, the December 29, 1942 CA Decision affirming that grant, and the February 10, 1943 CFI Order in the land registration case all prove the Rojas family's ownership of the land. Still, the CA regarded these documents as private and that their due execution and authenticity need first be established before they can be admitted in evidence.

Notably, the contested documents are court decisions and orders, which are undoubtedly public in character.^[6] As public documents, their due execution and authenticity need not be proved to make them admissible in evidence.^[7] Their existence may be evidenced by an official publication or by a copy attested by the officer having the legal custody of the record.^[8] Here, the copies of the assailed court issuances were attested by Mr. Leon Barrera, the then Cavite CFI Deputy Clerk of Court. The only reason the CA regarded those court orders as private was that they were not reconstituted after the original court records had been destroyed in a fire.^[9]

But reconstitution cannot apply where, as in the land registration action in question, the trial had already ended and the court had indeed already decided.^[10] Reconstitution of judicial records under Act 3110^[11] are undertaken after they have been lost only with respect to pending proceedings where the subject case had not yet been decided. It does not apply to closed and decided cases.^[12]

And even assuming that the subject documents may be regarded as private in character,^[13] the Rojas family presented Mr. Barrera, the retired Cavite CFI Deputy Clerk of Court, who established by his testimony and various supporting papers, the due execution and authenticity of the documents in question.^[14] Thus:

Q: Do you know if a decision was ever rendered in the case by the Court of First Instance of Cavite?

A: There was a decision rendered in year 1941.

Q: Now, I would like to show to you a document which appears to be a decision in **Case Number 309, Zosimo Rojas, et al. versus Hammon Buch, et al.** Will you inform the Court what relation has this to the decision that you have mentioned a while ago?

A: **This is a copy of that decision, sir.**

Q: Now, I noticed that at the last page thereof, there is a signature appearing above the printed name Leon Barrera, who is described or identified as Deputy Clerk of Court. Could you tell us whose signature is that?