

SECOND DIVISION

[**G.R. NOS. 129377 & 129399, February 22, 2007**
]

HEIRS OF WENCESLAO TABIA, SPOUSES ERLINDO MAMONONG AND VIRGINIA DE LUMBAN, HEIRS OF MANUEL SOMO AND FELICIDAD SOCORRO, SPOUSES NICANOR OSORIO AND MARIETTA DE LEON, SPOUSES MAXIMINO PEREZ AND JOVITA LADUB, HEIRS OF THE SPOUSES JUAN RABACA AND CRISTINA BADIOLA, JULIANA ANSAY, MACRA BADILLO, ROSALIA TINGA, RABIE AND HEIRS OF PEPING MERCADO AND CONCORDIA ABAYARI, PETITIONERS, VS. COURT OF APPEALS, ABRAHAM DELA CRUZ AND DIRECTOR OF LANDS ABELARDO PALAD, JR., RESPONDENTS.

D E C I S I O N

TINGA, J.:

Before this Court are two Petitions for Review^[1] both filed under Rule 45 of the Revised Rules of Court assailing the 29 November 1996 Decision,^[2] as well as the 4 June 1997 Resolution^[3] of the 8th Division of the Court of Appeals in CA-G.R. CV No. 39205, which affirmed the 31 August 1992 Order^[4] of the Regional Trial Court of Sta. Cruz, Laguna in Civil Case No. SC-2852 and denied reconsideration thereof, respectively.

On 16 April 1991, Francisco, Amparo, Rosita, Araceli and Teresita, all surnamed Tabia; Yolanda, Roynilo, Tomas, Jr., Domingo, Carlito and Augustus, all surnamed Añonuevo; Susan, Jojo, and Wilma, all surnamed Cacalda; and Danilo, Moises, Jr., Ramon and Roberto, all surnamed Paraiso (herein petitioners) filed a complaint, docketed as Civil Case No. SC-2852, for Annulment of Free Patent No. DENR IV-FP No. 00002P and Damages and/or Reconveyance of Title with the Regional Trial Court (RTC) of Laguna against Abraham dela Cruz (dela Cruz), representing the heirs of Antonina Rabie, and Abelardo G. Palad, Jr., Director of Lands.

The case arose from a Decision^[5] rendered by the Director of Lands on 1 February 1989 in B.L. Claim No. 288(n), the dispositive portion of which reads:

WHEREFORE, the claim of the Heirs of Wenceslao Tabia represented by Narciso Tabia, et al[.] is hereby dismissed and this case, dropped from the records. Within the period of sixty (60) days from finality hereof, the [petitioners] shall remove their improvements from the land and shall vacate the premises thereof. The Free Patent Application (Unnumbered) of Antonina Rabie, represented by Abraham dela Cruz, is hereby amended to exclude therefrom the portions occupied by the Provincial Road and Lumban Elementary School. As thus amended the same shall be given further due course.

SO ORDERED.^[6]

The subject matter of B.L. Claim No. 288(n) was Lot No. 1430 situated at Lumban, Laguna. It appears that on 21 October 1984, dela Cruz, in behalf of the heirs of the deceased Antonina Rabie, applied for a free patent with the Bureau of Lands (now Lands Management Bureau) covering said lot.^[7] Petitioners filed their respective protests and/or oppositions to said application, alleging ownership and possession for over 50 years, and lack of jurisdiction by the Bureau of Lands inasmuch as the subject property had become private land.^[8] An ocular inspection was conducted by the Bureau of Lands in the presence of all the parties claimants. Thereafter, the Director of the Bureau of Lands rendered the Decision quoted above.

Petitioners filed a motion for reconsideration but the same was denied by the Director of Lands in his Order, dated 27 June 1989.^[9] The matter was brought by petitioners to the Secretary of Agriculture and Natural Resources. The appeal, however, was dismissed by the Secretary in his Order of 27 December 1989, for failure of petitioners to file an appeal memorandum.^[10] Accordingly, Free Patent No. DENR IV-FP No. 00002P and Original Certificate of Title No. P-9927 were issued in favor of and in the name of dela Cruz on 26 October 1990.^[11]

In Civil Case No. SC-2852, petitioners accused the Director of Lands of unlawful conspiracy with dela Cruz and gross ignorance of the law in issuing the 1 February 1989 decision. They claimed that the decision was obtained through misrepresentation of facts and pursuant to a conspiracy for some unlawful and illegal consideration. They further claimed damages, attorneys' fees and litigation expenses.

Dela Cruz filed a Motion to Dismiss^[12] Civil Case No. SC-2852 on the following grounds: (1) lack of jurisdiction, and (2) bar by prior judgment. On the other hand, the Director of Lands, through the Office of the Solicitor General, filed an Answer.^[13] Petitioners filed a Motion for Admission of/and Opposition to Motion to Dismiss.^[14]

On 19 August 1991, the trial court resolved to deny the motion to dismiss.^[15] Meanwhile, dela Cruz filed a Reply^[16] to petitioner's Opposition to the Motion to Dismiss.

On 7 May 1992, dela Cruz filed a Motion for Reconsideration of the 19 August 1991 Order of the trial court.^[17] On 31 August 1992, the trial court granted reconsideration and dismissed the complaint.^[18]

The trial court noted the Director of Lands' exhaustive findings of fact and conclusions of law. It held that petitioners' failure to exploit the available administrative remedy of appeal to the Secretary of Agriculture and Natural Resources rendered the decision of the Director of Lands final and executory. Consequently, the filing of Civil Case No. SC-2852 was deemed premature for failure to exhaust administrative remedies. Further, the decision of the Director of Lands having become final, *res judicata* operated to preclude the trial court from assuming jurisdiction. The trial court further found that petitioners were precluded from

questioning the jurisdiction of the Director of Lands because they voluntarily submitted themselves to said jurisdiction by actively participating in B.L. Claim No. 288(n). Finally, it held that the decision of the Director of Lands was supported by substantial evidence.

On 11 September 1992, petitioners filed with the trial court a Notice of Appeal to the Court of Appeals of the Order dated 31 August 1992.^[19] On 16 September 1992, the records of the case were ordered forwarded to the Court of Appeals.^[20]

On 29 November 1996, the Court of Appeals rendered a Decision affirming the Order of the trial court.^[21] The appellate court stressed the fact that the matters raised by petitioner in Civil Case No. SC-2852 were the same matters raised in their protests filed in B.L. Claim No. 288(n).

Petitioners filed a motion for reconsideration of the 29 November 1996 Decision of the Court of Appeals but the same was denied on 4 June 1997.^[22] Hence, petitioners filed the instant Petitions for Review.

The grounds relied upon by the trial court and the Court of Appeals in granting the Motion to Dismiss filed by dela Cruz in Civil Case No. SC-2852 were the following: (1) finality of the Director of Lands' findings of facts; (2) failure of petitioners to exhaust administrative remedies; and (3) *res judicata*. All the grounds relied upon by the trial court and the Court of Appeals are all meritorious.

Petitioners' foremost contention is anchored on the Director of Lands' alleged disregard of a supposedly undisputed factual matter, which is that Wenceslao Tabia and the predecessors-in-interest of petitioners, had been in open, continuous, exclusive, and notorious possession and occupation of Lot No. 1430 for a period of more than fifty (50) years, and by virtue of this possession, they are the owners of the said lot, to the exclusion of dela Cruz. It is on this basis that they seek the annulment of Free Patent No. DENR IV-FP No. 00002P which, it was alleged, was fraudulently issued to dela Cruz who misrepresented himself as the actual possessor of the land.

A determination of the validity of petitioners' claim necessitates a review of the factual findings of the Director of Lands. However, in petitions such as the one in the case at bar, pure questions of fact may not be the proper subject of appeal by certiorari under Rule 45 of the Revised Rules of Court as this mode of appeal is generally confined only to questions of law.^[23] Further, findings of the Director of Lands as to questions of fact shall be conclusive when approved by the Secretary of Agriculture and Natural Resources.^[24] In this case, the dismissal of petitioners' appeal with the Secretary of Agriculture and Natural Resources had the effect of rendering the decision of the Director of Lands final and executory.

The factual findings of the Director of Lands assume an even more conclusive character because they were affirmed by both the Regional Trial Court and the Court of Appeals. Their reliance on the factual findings of the Director of Lands is not without reason. By reason of his special knowledge and expertise over matters falling under his jurisdiction, he is in a better position to pass judgment thereon. Thus, his factual findings in that regard are generally accorded great respect, if not finality, by the courts, as long as they are supported by substantial evidence, even if

such evidence might not be overwhelming or even preponderant. It is not the task of an appellate court to weigh once more the evidence submitted before the administrative body and to substitute its own judgment for that of the administrative agency in respect of sufficiency of evidence.^[25]

Petitioners cannot fault the Director of Lands for not appreciating the Deeds of Sale^[26] allegedly executed by and between Glicerio Tabia (the immediate heir of Wenceslao Tabia) and the parents of dela Cruz for the reason that said documents were not presented in B.L. Claim No. 288(n). They presented said documents only in Civil Case No. SC-2852. Thus, the Director of Lands, in his Answer to the Complaint, denied petitioners' allegation to the effect that the parents of dela Cruz bought portions of Lot No. 1430 from Glicerio Tabia.^[27] Further, considering that the Deeds of Sale were allegedly dated 1951, there was no reason for their non-production or presentation in B.L. Claim No. 288(n). Failure to submit evidence could only mean that if produced, it would have been adverse to petitioners' case.^[28] If the inability to produce it was due to their counsel's negligence or omission, the same would bind petitioners.

It is worth mentioning that the bulk of the evidence presented in support of their protest to dela Cruz's application for free patent consisted mainly of the following documents: (1) tax declarations, the earliest of which is for the year 1945; (2) Deeds of Sale; (3) Deeds of Partition; and (4) Payment Receipts. The transactions evidenced by the Deeds of Sale, the earliest of which is dated 1958, show the chain of transfer from Glicerio Tabia to the predecessors-in-interest of petitioners. On this score, the Director of Lands ruled:

Wenceslao Tabia is neither a survey-claimant nor owner of the land in question and the same cannot form part of his estate which could be validly transmitted to his heirs by succession. The extra-judicial partition of the land, confirmatory deed of sale and deed of sale executed by the Heirs of Wenceslao Tabia are, therefore, null and void because they have not acquired any right to the land in question.

x x x

[Petitioners] anchored their right to, and interest in, the land by virtue of the sale executed by the heirs of Wenceslao Tabia and alleged continuous possession of their respective portions. As earlier mentioned, **Tabia was not the owner of the land in question and as such, he has nothing to transmit to his heirs. Corrorarily,[sic] his heirs has [sic] nothing to sell in favor of the [petitioners].**^[29] [Emphasis supplied.]

On the other hand, the conclusions of the Director of Lands were drawn from affidavits, public documents and records,^[30] as well as the results of the ocular inspection conducted.

On petitioners' failure to exhaust administrative remedies, the trial court aptly held that petitioners were, in effect, seeking a review of the decision of the Director of Lands which was the basis for the issuance of the free patent. Since what is being disputed is an action of an administrative agency, in consonance with the principle of exhaustion of administrative remedy, the concerned agency should be given the