

## SECOND DIVISION

[ G.R. No. 128750, January 18, 2001 ]

**CARQUELO OMANDAM AND ROSITO ITOM,<sup>[1]</sup> PETITIONERS, VS.  
COURT OF APPEALS, BLAS TRABASAS AND AMPARO BONILLA,  
RESPONDENTS.**

### D E C I S I O N

**QUISUMBING, J.:**

This petition<sup>[2]</sup> for review seeks the reversal of the decision dated October 29, 1996, of the Court of Appeals in CA-G.R. CV No. 44442, reversing and setting aside the decision of the Regional Trial Court of Zamboanga Del Sur, Branch 23, dated November 15, 1996, and the resolution of the Court of Appeals dated February 21, 1997, denying the petitioners' motion for reconsideration.

On January 29, 1974, the Bureau of Lands in Pagadian City issued in favor of Camilo Lasola Homestead Patent No. IX-6-40 covering Lot No. 8736, with an area of 23,985 sq. m. in Sagrada, Tambulig, Zamboanga del Sur. On April 28, 1978, the Register of Deeds issued Original Certificate of Title (OCT) No. P-22-690 in his name.

On April 28, 1983, respondent Blas Trabasas bought the land from a Dolores Sayson who claimed she was the owner of said land. In 1984, Trabasas discovered that petitioners Carquelo Omandam and Rosito Itom had occupied the land. Meanwhile, on July 19, 1987, Omandam protested Lasola's homestead patent before the Bureau of Lands and prayed for cancellation of the OCT. Upon Sayson's advice, Trabasas repurchased the land from Lasola, who executed a deed of sale dated September 24, 1987. On August 9, 1989, Trabasas acquired a new transfer certificate of title.

On April 16, 1990, spouses Blas Trabasas and Amparo Bonilla filed a complaint against petitioners for recovery of possession and/or ownership of the land with the Regional Trial Court of Zamboanga del Sur. They alleged that they were the true and registered owners of the land and Omandam and Itom should vacate it.

Petitioners answered that they purchased the land from one Godofredo Sela who had been in possession for almost twenty years.

After the parties were duly heard, the Regional Trial Court issued its decision on November 15, 1993 declaring that neither respondents herein nor their predecessors-in-interest were ever in possession of the land. Citing *Director of Lands vs. Court of Appeals*, 17 SCRA 71 (1966), *Director of Lands vs. Abanilla*, 124 SCRA 358 (1983) and *Padre vs. Court of Appeals*, 214 SCRA 446 (1992), the trial court disposed:

WHEREFORE, finding that the plaintiffs have no equitable right to the possession of the land under litigation, judgment is hereby rendered in

favor of the defendants and against the plaintiff-

1) Finding the defendants to have equitable right to the possession of the land in litigation.

2) Ordering the plaintiffs to reconvey the title of the land under litigation in the name of the plaintiffs to the defendants within 30 days from the date this decision becomes final and executory, and upon their failure to so comply, ordering the Clerk of Court to execute in behalf of the plaintiffs the necessary deed of conveyance over the said land in favor of the defendants which deed would be considered sufficient to authorize the Register of Deeds of Zamboanga del Sur, Pagadian City, to cause the cancellation of the Torrens Certificate of Title in the names of the plaintiffs, and in lieu thereof, to issue another in the common names of the defendants.

SO ORDERED.<sup>[3]</sup>

Private respondents appealed to the Court of Appeals. Pending the appeal, the Department of Environment and Natural Resources (DENR) - Region IX dismissed Omandam's protest previously filed with the Bureau of Lands.<sup>[4]</sup> It said that Omandam failed to prove that Lasola, respondents' predecessor-in-interest, committed fraud and misrepresentation in acquiring the patent, hence there is no ground for its revocation and cancellation of its corresponding title.

On October 29, 1996, the Court of Appeals reversed the trial court. It decided thus:

WHEREFORE, foregoing considered, the appealed decision is hereby REVERSED and SET ASIDE, a new one is hereby issued ordering defendants-appellees to vacate the subject land and surrender it to plaintiff -appellant.

Cost against defendants-appellees.

SO ORDERED.<sup>[5]</sup>

The Court of Appeals declared that petitioners' collateral attack on the homestead title, to defeat private respondents' *accion publiciana*, was not sanctioned by law; that the patent and title of Camilo Lasola, private respondents' predecessor-in-interest, had already become indefeasible since April 28, 1977; and that petitioners' action for reconveyance in the nature of their protest with the Bureau of Lands and counterclaim in their answer to the complaint for recovery of possession, already prescribed.

Petitioners filed a motion for reconsideration which was denied on February 21, 1997. Hence, this petition for review. Petitioners make the following assignment of errors, alleging that the Court of Appeals erred in:

I. ...HOLDING THAT ONE OF THE UNDISPUTED FACTS IS THAT " On April 28, 1983, plaintiff bought the subject land from Dolores Sayson who presented herself to be the true owner of the subject land;

- II. ...HOLDING THAT ANOTHER UNDISPUTED FACT IS THAT "...sometime in 1984 plaintiff discovered that defendants had entered and had occupied the subject land. Upon instructions of Dolores Sayson, plaintiff approached Camilo Lasola and again bought the subject land, this time from Camilo Lasola;
- III. ...IGNORING THE FINDINGS OF THE REGIONAL TRIAL COURT WHICH THOROUGHLY DISCUSSED THE CIRCUMSTANCES THAT LED TO ITS CONCLUSION THAT THE PRIVATE RESPONDENTS AND CAMILO LASOLA HAD NO EQUITABLE POSSESSION ON THE SUBJECT LAND, WHICH LACK OF EQUITABLE POSSESSION MAKES SOME OF THE RECENT DECISIONS OF THE SUPREME COURT APPLICABLE TO THE CASE.<sup>[6]</sup>

In the first two assigned errors, petitioners apparently question findings of fact by the Court of Appeals while disputing the claim of possession by private respondents and their predecessors-in-interest. The appellate court had stated firstly that respondent Trabasas bought the subject land from Sayson who presented herself as the true owner, then secondly, that he bought the land from Lasola also. The first two issues, in our view, raise questions of fact. Well-entrenched is the rule that the Court's jurisdiction in a petition for review is limited to reviewing or revising errors of law allegedly committed by the appellate court. Findings of fact below are generally conclusive on the Court. It is not for the Court to weigh evidence all over again.<sup>[7]</sup> There are instances where the Court departs from this rule.<sup>[8]</sup> However, petitioners did not show that involved here is an exceptional instance. Hence, we need not tarry on the first two assignments.

In the third assignment of error, petitioners aver that public respondent erred in ignoring the trial court's finding that private respondents had no equitable possession of the subject land. Again, we are confronted with a question of fact. But petitioners claim the appellate court had disregarded or even contradicted our holdings in the cited cases of Director of Lands, Abanilla, and Padre.

In *Director of Lands vs. Court of Appeals*, 17 SCRA 71(1966), we ruled that a void title may be cancelled. A title over a disposable public land is void if its grantee failed to comply with the conditions imposed by law. In *Director of Lands vs. Abanilla*, 124 SCRA 358 (1983), we held that the indefeasibility of a *Torrens* Title cannot be used as a defense in an action for cancellation of title acquired through fraud. These two cases refer to actions for cancellation of title initiated by the government, through the Solicitor General, after a finding of fraud by the Department of Environment and Natural Resources. In *Padre vs. Court of Appeals*, 214 SCRA 446 (1992) we said that in an action for quieting of title, the court may determine incidentally the right to the possession thereof, in order to provide complete relief to the parties. The last case refers to determination of rightful possession in possessory actions.

Notwithstanding the formulation by the petitioners in the third assigned error, the real issue raised in this case involves the trial court's jurisdiction *vis-à-vis* administrative agencies. What is the effect of the trial court's decision in a possessory action on the order of Bureau of Lands regarding a homestead application and decision of the DENR on the protest over the homestead patent?