

THIRD DIVISION

[G.R. No. 95815, March 10, 1999]

SERVANDO MANGAHAS, PETITIONER, VS. THE HON. COURT OF APPEALS AND SPOUSES SIMEON AND LEONORA CAYME, RESPONDENTS.

DECISION

PURISIMA, J.:

This is a petition for review on *certiorari* under Rule 45 of the Revised Rules of Court seeking to nullify the decision of the Court of Appeals^[1] dated May 25, 1990^[2] and the Court of Appeals' Resolution of October 12, 1990,^[3] denying petitioner's motion for reconsideration.

From the records on hand, the antecedent facts that matter can be culled as follows:

Since April 1955,^[4] the spouses, Severo S. Rodil and Caridad S. Rodil, occupied and possessed the subject property,^[5] which is an agricultural land with an area of 15.0871 hectares.^[6] On February 1, 1971, they sold the said piece of land to the spouses, Pablo Simeon and Leonora Cayme, for Seven Thousand (P7,000.00) Pesos, as evidenced by the affidavit^[7] executed by the former in favor of the latter in the presence of the herein petitioner, Servando Mangahas.^[8] During the trial below, the lower court gave credence to the evidence on record that it was the herein petitioner himself who approached the buyer and offered to sell subject parcel of land and he was also the one who received said consideration of P7,000.00.

On the same day, the private respondents filed with the Bureau of Lands a Free Patent application for the same land in dispute, which application was approved on August 27, 1975 by the Bureau of Lands under Free Patent No. 576411.^[9] Pursuant thereto, the Register of Deeds in Mamburao, Occidental Mindoro issued the corresponding Original Certificate of Title No. P-6924.^[10]

Records show that before the sale, the spouses Rodil had already applied for subject tract of land with the Bureau of Lands which application was not acted upon even until the aforesaid sale. It was also shown that petitioner, Servando Mangahas, had been in possession thereof by virtue of the agreement between him and the spouses Rodil, allowing him (*petitioner*) to occupy and cultivate the said parcel of land.^[11] For allowing him to occupy and cultivate the same, petitioner Servando Mangahas paid the amount of P7,000.00 to the Rodils, as mentioned in the "Kasulatan ng Pagtanggap ng Salapi"^[12] Twelve (12) hectares of the property were then developed into a fishpond, two (2) hectares planted to rice and one (1) hectare used as "tumana" with a house erected thereon.

Petitioner was permitted by the private respondents to continue possessing and working on the same land, even after the sale, upon the request of the private respondents themselves because they were then busy in their palay business. Private respondents did not get any share in the fruits or harvest of the land except on one occasion, when the petitioner gave them one-half (1/2) "tiklis" (*big basket*) of "tilapia". However, the private respondents had long before demanded from the petitioner the return of the premises in question but the latter refused to vacate the place. Private respondents tolerated petitioner's possession until February 5, 1985, when they commenced the present action for recovery of ownership and the possession of real property, docketed as Civil Case No. R-528 before Branch 45 of the Regional Trial Court in San Jose, Occidental Mindoro.

Petitioner theorized that he entered into the possession of the land under controversy, sometime in 1969, by virtue of a prior sale he inked with the spouses Rodil on December 7, 1969, and since then, he has been in continuous occupation and possession *in concepto de dueño* up to the present, enjoying the fruits thereof to the exclusion of all others, his right thereto being evidenced by the "*Kasulatan ng Pagtanggap ng Salapi*" dated December 7, 1969. Petitioner denied having offered the same land for sale to the private respondents or ever receiving the amount of P7,000.00, the consideration of the alleged sale of February 1, 1971.^[13] He further averred that respondent Leonora Cayme misled the Bureau of Lands into granting her a Free Patent for subject parcel of land on the basis of a "Deed of Relinquishment of Rights", supposedly executed by Severo Rodil, and to which document the signature of petitioner as a witness was procured through fraud, deceit and misrepresentation.^[14]

In due time, the parties went to trial which culminated in the rendition by the court *a quo* of its decision of November 14, 1986, in favor of the plaintiffs (*now the private respondents*), disposing as follows:

"WHEREFORE, premises considered, judgment is hereby rendered:

(a) Declaring the plaintiffs to be the absolute and registered owners of the land in question covered by and described in OCT No. P-6924 (Free Patent NO. 576411) of the Office of the Register of Deeds for the Province of Occidental Mindoro;

(b) Ordering defendant and all persons claiming under him to remove their respective houses constructed thereon, and to deliver the possession of the land in question together with all the improvements thereon unto the plaintiffs;

(c) Ordering the defendant to pay the plaintiffs the sum of P5, 000. 00 as and for attorney's fees; and

(d) Ordering the defendant to pay the costs of suit.

SO ORDERED."^[15]

With the denial^[16] of his Motion for Reconsideration and/or New Trial, petitioner seasonably appealed to the Court of Appeals which came out with a judgment of

affirmance on May 25, 1990.^[17]

The issues posited by petitioner boil down to:

I. WHETHER THE LOWER COURT ERRED IN NOT HOLDING THAT THE LAND IN QUESTION IS NO LONGER PART OF THE PUBLIC DOMAIN FOR THE REASON THAT DEFENDANT IS ALREADY, BY OPERATION OF LAW, THE OWNER THEREOF BY VIRTUE OF A GOVERNMENT GRANT IN ACCORDANCE WITH THE LAW AND EXISTING JURISPRUDENCE.

II. WHETHER THE LOWER COURT ERRED IN NOT FINDING PLAINTIFF LEONORA CAYME GUILTY OF FRAUD AND MISREPRESENTATION IN SECURING FREE PATENT NO. 576411 FROM THE BUREAU OF LANDS.

The first issue is mainly predicated on the theory that the petitioner acquired ownership of the disputed land by acquisitive prescription. Petitioner theorized that with the length of possession of his predecessors-in-interest, the spouses Rodil, tacked to his own possession, the total period of possession in his favor would suffice to vest in him the ownership of the property under the law on prescription.^[18] So also, citing the early case of *Cariño vs. Insular Government*^[19] up to and including the more recent cases of *The Director of Lands vs. Bengzon, et al.*^[20] and *The Director of Lands vs. Manila Electric Company, et al.*^[21], petitioner stressed that by prescription, he became the owner of subject property *ipso jure*, which land became a private property by operation of law, and had been withdrawn and segregated from the alienable and disposable part of the public domain. Consequently, the Bureau of Lands had no authority to issue the Free Patent in question, which was then null and void;^[22] petitioner argued.

The factual milieu obtaining with respect to the petition under scrutiny has rendered petitioner's reliance on the applicability of the aforestated principles misplaced. In disposing of the issue, the Court of Appeals opined:

"xxx Even if we were to disregard the need for a proper application, Article 1138 of the Civil Code provides,

'In the computation of time necessary for prescription the following rules shall be observed:

(1) The present possessor may complete the period necessary for prescription by tacking his possession to that of his grantor or predecessor in interest x x x.'

"The defendant-appellant's grantor or predecessor in interest (Severo Rodil) took possession of the property, subject matter of the litigation, on April 1955 (Exhibit 'F' for the plaintiff-appellees and exhibit "5" for the defendant). Since the complaint in the case at bar was filed on February 25, 1985,^[23] the requirement of at least thirty years continuous possession has not been complied with even if We were to tack Rodil's period of possession. xxx"^[24]

As found by the lower court below, petitioner had admitted,^[25] contrary to his disclaimer, that the possession of the spouses Rodil, from whom he traces the origin