

## THIRD DIVISION

[ G.R. No. 105912, June 28, 1999 ]

**SPOUSES TEOFILO C. VILLARICO AND MAXIMA A. FAUSTINO,  
PETITIONERS, VS. HONORABLE COURT OF APPEALS, REPUBLIC  
OF THE PHILIPPINES AND MARCOS CAMARGO, RESPONDENTS.**

### D E C I S I O N

**PURISIMA, J.:**

This is a petition for review on *certiorari* of the decision of the Court of Appeals<sup>[1]</sup> in CA-G.R. CV No. 22608, affirming the decision of Branch 22 of the Regional Trial Court, Malolos, Bulacan, which dismissed the application for confirmation of title in LRC Case No. 604-V-77.

The facts that matter are as follows:

On May 31, 1977, an application for confirmation of title was filed by the spouses, Teofilo Villarico and Maxima Villarico, over a 1,834 square meter parcel of land in Ubihan, Meycauayan, Bulacan, docketed as LRC Case No. 604-V-77 before the then court of First Instance of Bulacan. Among others, applicants alleged that they are the absolute owners of subject property, having bought the same from the spouses, Segundo Villarico (*Teofilo's father*) and Mercedes Cardenas, that they and their predecessors-in-interest have been in actual, open, adverse and continuous possession thereof for more than thirty (30) years, that they are not aware of any mortgage or encumbrance thereon nor of any person having an estate or interest therein, and that the land involve is not within the forest zone or government reservation.

The application for land registration at bar was opposed by Marcos Camargo, who claims to be the real owner thereof.<sup>[2]</sup> The Government interposed its opposition, through the Director of Forestry (*now Director of Forest Management*), averring that the land in question is part of the public domain, within the unclassified area in Meycauayan, Bulacan per LC Map No. 637 dated March 1, 1927 of the Bureau of Forest Management and consequently, not available for private appropriation.

On May 23, 1989, the trial court of origin dismissed the case, ratiocinating thus:

*"It is well settled in this jurisdiction that a certificate of title is void when it covers property of the public domain classified as forest or timber and mineral lands. Any title thus issued on non-disposable lots, even in the hands of an innocent purchaser for value, should be cancelled (Lepanto Consolidated Mining vs. Dumyang, L-31666, April 30, 1979). There being no concrete evidence presented in this case that the property in question was ever acquired by the applicants or by the private oppositor (as attested to by the proceedings of B.L. Claim No. 38 (N) before the*

*Bureau of Lands) or by their respective predecessors-in-interest either by composition of title or by any other means for the acquisition of public lands, the property in question must be held to be part of the public domain, especially so that the private parties had not presented any Certification from the Bureau of Forestry attesting to the fact that the subject property is no longer within the unclassified region of Meycauayan, Bulacan. Thus, if the land in question still forms part of the public forest, then, possession thereof, however long, cannot convert it into private property as it is within the exclusive jurisdiction of the Bureau of Forestry and beyond the power and jurisdiction of the cadastral court to register under the Torrens System (Republic vs. Court of Appeals, 89 SCRA 648).*

WHEREFORE, premises considered, let this case be, as it is hereby DISMISSED.

No pronouncement as to costs.

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

Therefrom, petitioners appealed to the Court of Appeals, which came out with a judgment of affirmance on June 26, 1992. Respondent court affirmed the findings of facts below, holding that subject parcel of land is within the public domain not available for private appropriation.

Undaunted, petitioners found their way to this court via the present petition for review on *certiorari*; placing reliance on the assignment of errors, that:

#### I

THE HONORABLE COURT OF APPEALS ERRED IN SUSTAINING THE FINDINGS OF THE TRIAL COURT THAT BEFORE 1948 THERE WAS NO DOCUMENTATION IN FAVOR OF EITHER PARTIES.

#### II

THE HONORABLE COURT OF APPEALS ERRED IN SUSTAINING THE FINDING OF THE TRIAL COURT THAT BUENAVENTURA VILLARICO APPARENTLY DIED PRIOR TO 1914.

#### III

THE HONORABLE COURT OF APPEALS ERRED IN SUSTAINING THE FINDING OF THE TRIAL COURT THAT TAX DECLARATION NO. 3912 IN THE NAME OF BUENAVENTURA VILLARICO COULD HAVE BEEN CONTRIVED SENSING THAT A CONFLICT OVER THE PROPERTY IN THE NEAR FUTURE WAS INEVITABLE.

#### IV

THE HONORABLE COURT OF APPEALS ERRED IN SUSTAINING THE FINDING OF THE TRIAL COURT THAT THERE IS NO CONCRETE EVIDENCE