

THIRD DIVISION

[G.R. No. 103949, June 17, 1999]

**THE DIRECTOR OF LANDS, PETITIONER, VS. COURT OF APPEALS,
MONICO RIVERA AND ESTRELLA NOTA, RESPONDENTS.**

D E C I S I O N

GONZAGA-REYES, J.:

This petition for review under Rule 45 of the Rules of Court seeks a reversal of the decision of the Court of Appeals in C. A. G. R. No. CV No. 30607 which affirmed the decision of the Regional Trial Court, Branch 12, Ligao, Albay, in Cadastral Case No. N-11-LV, LRC Rec. No. N-554 involving Lot No. 10704, Cadastral Survey of Oas, Albay.

Cadastral Case No. N-11-LV is a cadastral proceeding for the Oas Cadastre filed by the petitioner Director of Lands before the Regional Trial Court, Ligao, Albay. Lot No. 10704 contains an area of 68,179 square meters, and is partly cocal and corn land, situated at Cagmanaba, Oas, Albay bounded on the North, South and West by Burias Pass and on the East by Lot 10976.

When the case was called for initial hearing, nobody offered any opposition; whereupon an order of general default against the whole world was issued. Claimant was allowed to present his evidence. The court held:

"Lot 10704 is one of the uncontested lots. It is a parcel of land partly cocal and corn land situated at Cagmanaba, Oas, Albay containing an area of 68,179 square meters bounded on the North, South and West by Burias Pass and on the East by Lot 10976. Originally the land was owned by Eliseo Rivera who began possessing and occupying the same in the concept of owner openly, continuously, adversely, notoriously and exclusively since 1926. He planted corn in the vacant spaces and some coconut seedlings which later bore fruit. Sometime on January 7, 1928, the Spouses Ignacio Almazar and Gregoria Rivera purchased the land from him (Exh. 2). The land now was declared in the name of Gregoria Rivera under Tax Declaration No. 18333 (Exh. 3). There was another re-assessment under Tax Declaration No. 7968 (Exh. 3-A). They continued planting corn. On May 22, 1971, claimant herein and his wife purchased the land from Gregoria Rivera (Exh. 1). She caused the land to be declared in her name under Tax Declaration No. 10641 (Exh. 4). There was another re-assessment under Tax Declaration No. 10403 (Exh. 4-A). There was a house which they constructed as their abode. They continued planting corn and harvested about 10 to 15 sacks of ears of corn. They shelled the ears of corn and sold the same to the market for their own livelihood. Meanwhile, on the coconut trees they harvest about 50 to 100 nuts every 45 days for family consumption.

The land was surveyed in the name of the herein claimant per certification of the CENRO (Exh. 5). The cadastral survey costs in the amount of P101.70 had been paid under Official Receipt No. 2155546 (Exh. 6). Likewise, all taxes have been paid up to the current year (Exh. 7)."^[1]

Finding that the claimant, together with his predecessor-in-interest, has "satisfactorily possessed and occupied the land in the concept of owner openly, continuously, adversely, notoriously and exclusively since 1926, very much earlier to June 12, 1945," the court ordered the registration and confirmation of Lot 10704 in the name of the Spouses Monico Rivera and Estrella Nota.

The Director of Lands appealed to the Court of Appeals, alleging that the finding of the trial court that claimants-appellees and their predecessor-in-interest have possessed Lot 10704 since 1926 is not sufficiently supported by the evidence. The appellant contended that the earliest tax declaration presented by appellee took effect only in 1949 and that there is no evidence that Gregoria Rivera declared the same in her name for tax purposes during her alleged occupancy.

The Court of Appeals affirmed the judgment appealed from. It ruled:

"There is competent evidence to prove that the lot in question was originally owned or claimed to be owned by Eliseo Rivera. Sometime in 1928, the spouses Ignacio Almazar and Gregoria Rivera purchased said lot from Eliseo Rivera. This is evidenced by a notarial deed of absolute sale (Exh. 2). The land was declared in the name of Gregoria Rivera under Tax Declaration No. 1833 (Exh. 3). This tax declaration was superseded by Tax Declaration No. 7968 (Exh. 3-A). On May 22, 1971, appellee and his wife Estrella Nota purchased the land from Gregoria Rivera (Exh. 1). From then on, the appellee and his wife continued to possess the lot in question in the concept of owner."^[2]

The appellate court held that appellee was competent to testify with regard to the possession of lot in question, and the finding of the trial court involving the credibility of witnesses carries great weight on appeal.

Motion for reconsideration of the above-mentioned decision having been denied, the Director of Lands has brought the instant petition, essentially raising the same arguments in the Court of Appeals to the effect that the tax declarations presented by appellees do not prove their allegation of possession by their predecessor-in-interest since 1926; the earliest tax declaration took effect only in 1949 and claimant Monico Rivera was not competent to testify as to the possession of his vendor since 1926 as he had no personal knowledge thereof.

Claimant-appellee himself filed Answer/Comment and relies on the decisions of the trial court and the Court of Appeals to bolster his claim of title to the lot in question.

We find no merit in the appeal.

The petitioner assigns as error the finding of the respondent court that spouses Monico Rivera and Estrella Nota have a registrable title to the lot in question and ordering registration of such title.