

FIRST DIVISION

[G.R. No. 119288, August 18, 1997]

**REPUBLIC OF THE PHILIPPINES, REPRESENTED BY THE
DIRECTOR OF LANDS, PETITIONER, VS. HON. COURT OF
APPEALS AND JOSEFA GACOT, RESPONDENTS.**

R E S O L U T I O N

VITUG, J.:

The Republic of the Philippines, represented by the Director of Lands, prays in the instant petition for review on certiorari for the annulment of the decision, dated 22 February 1995, of the Court of Appeals affirming the 12th August 1993 judgment of the Regional Trial Court of Palawan (Branch 50-Puerto Princesa) which has adjudicated Lot No. 5367 in Cadastral Case No. 13, GLRO Cadastral Record No. 1133, to herein private respondent, now deceased Josefa Gacot, the claimant in the cadastral case.

The antecedents are amply summarized in the appealed decision of the Court of Appeals, viz:

"The entire lot 5367 is being claimed by Josefa Gacot as per answer she filed on June 7, 1971. It appears from the record that the lot is located in Barangay Los Angeles, Magsaysay, Palawan but the area was not indicated. It also appeared that Ceferino Sabenacio is her co-owner.

"This case was set for hearing on August 9, 1990 and the petitioner was represented by Assistant Provincial Prosecutor Reynaldo Guayco and Rogelio Paglinawan, Community Environment and Natural Resources Officer (CENRO) of Puerto Princesa City while the claimant appeared without counsel. In view thereof, the hearing was reset to August 13, 1990. Before the scheduled hearing on August 13, 1990, the Court received a report from the Land Registration Authority calling the Court's attention of the decision rendered by Judge Lorenzo Garlitos on October 20, 1950 declaring this lot as property of the Republic of the Philippines. Despite this declaration however, the petitioner nor the government did not bar the claimant from filing her answer, possessing and occupying the lot and in fact accepted her tax payments and issuing her tax declaration on the same.

"The claimant presented herself as witness as well as her son, Vicente Dantic, Jr. The witnesses testified that Josefa Gacot was married to Vicente Dantic, Sr. in 1940 and were in actual possession of the property for more than 30 years, having bought the same from Cipriana Dantic-Llanera as per deed of sale dated April 22, 1955 in Cuyono dialect (Exhibit `1 and 1-A). Since she acquired the property from Cipriana Llanera, she continued her occupation and introduced improvements

thereon as well as declared Lot 5367 for taxation purposes in her name (Exhibit 2) and paid the corresponding taxes thereon up to the present time (Exhibit 3). That claimant is now a widow and has 5 children namely, Hernando Dantic, Antero Dantic, Felipe Dantic, Fe Dantic and Vicente Dantic, Jr.

"Cipriano Sabenacio, the alleged co-owner of claimant Josefa Gacot appeared in Court and manifested that he is waiving his claim over Lot 5367 in favor of Josefa Gacot who is in actual possession of the property as he is only a boundary owner.

"After the presentation of claimant and her son, they offered their exhibits and rested their case. Thereafter, the petitioner thru counsel manifested that it is not presenting controverting evidence and is submitting the case for resolution."^[1]

On 05 September 1990, the trial court rendered judgment adjudicating Lot No. 5367 to Josefa Gacot, thus -

"WHEREFORE, this Court finds the claim of Josefa Gacot Dantic to be in order. Accordingly, Lot 5367 is hereby adjudicated to Josefa Gacot-Dantic, widow and a resident of Barangay Los Angeles, Magsaysay, Palawan with all the improvements thereon, subject to the estate tax as provided by law."

"SO ORDERED."^[2]

The Republic, through the Solicitor General, elevated the case to the Court of Appeals.

During the pendency of the appeal, the Office of the Solicitor General was able to verify that Lot 5367 was earlier declared to be the property of the Republic in a decision rendered by Judge Lorenzo Garlitos on 20 October 1950 following an order of general default. The Solicitor General thus filed a motion with the appellate court to have the case reopened and remanded to the court a quo to allow the Republic of the Philippines to present the decision of Judge Garlitos. In its resolution, dated 26 December 1991, the Court of Appeals granted the motion.

What transpired thereafter was narrated by the trial court in its 12th August 1993 decision; viz:

"This case was set for hearing several times for the government to present its evidence and for the parties to submit their respective memorandum in support of their respective stand on the matter. The claimant submitted her memorandum while the government represented by the Assistant Provincial Prosecutor assigned to this sala has not presented any witness to support the government's claim, neither has he submitted any memorandum to support the government's stand on this matter.

"With the foregoing development, the Court is of the opinion that the subsequent application or claim of Josefa Gacot-Dantic on Lot 5367 which

became part of the public domain where her occupation thereto having been open to the whole world, public and notorious in the concept of an owner since 38 years ago was well taken and therefore entitled to the lawful adjudication of Lot 5367 in her name. Besides, the government represented by the Assistant Provincial Prosecutor and the Community Environment and Natural Resources Officer (CENRO) for Puerto Princesa City and Cuyo, Palawan have not made any protest nor interposed any objection on the claim of Josefa Gacot during the hearings. Neither was there a manifestation of protest or claim of government use coming from the municipal officials of Magsaysay, Palawan despite notice sent to them of the cadastral hearing. And the sad part was that the government had accepted without any protest all the taxes due the property paid by the claimant religiously. This is not to say that this order has been considered in the previous decision of this Court which is hereunder quoted as follows:

"x x x

x x x

x x x

"With this finding of the Court, it is its considered opinion and so holds, that there is no reason to disturb its previous decision aforequoted."^[3]

An appeal was taken by the Republic from the decision of the trial court. In its now assailed decision of 22 February 1995, the Court of Appeals affirmed in toto the judgment of the trial court. The appellate court ratiocinated:

"In its brief, the Office of the Solicitor General claims that 'records of the re-hearing show that on October 20, 1950, an order was, indeed, issued by Judge Lorenzo C. Garlitos of the Court of First Instance of Palawan, 7th Judicial District, declaring that Lot No. 5367 was among lots declared as property of the Republic of the Philippines.' (p. 3, Appellant's Brief; p. 19, Rec.) It now invokes Republic Act No. 931, approved on June 30, 1953 and Republic Act No. 2061, which took effect on June 30, 1958, both laws setting the time limits for the filing of applications, among other things, for the reopening of judicial proceedings on certain lands which were declared public land. Under R.A. 2061, the time for filing an application shall not extend beyond December 31, 1968. Thus, petitioner-appellant argues that since claimant-appellee Josefa Gacot filed her answer only on 07 June 1971, the court a quo did not acquire jurisdiction over the instant claim since she did not file her answer within the period fixed by R.A. No. 2061.

"This would be true, if the Order dated 20 October 1950 of Judge Lorenzo Garlitos declaring Lot No. 5367 as property of the Republic of the Philippines, was presented as evidence in the rehearing of this case. Unfortunately, the Republic of the Philippines failed to offer as its exhibit the said order. There is no basis for the appellant, therefore, to invoke R.A. 2061, to support its claim that claimant-appellee Josefa Gacot filed her answer beyond the period fixed by said law and therefore the court a quo did not acquire jurisdiction over the case.

"Precisely, the purpose of the rehearing was to enable the Republic of