

FOURTH DIVISION

[CA-G.R. CV No. 99449, November 19, 2014]

SERVILLANO DELA CRUZ, APPLICANT-APPELLEE, VS. THE DIRECTOR OF LANDS, OPPOSITOR-APPELLANT. D E C I S I O N

CARANDANG, J.:

The instant appeal seeks to annul and set aside the Decision dated June 17, 1994 of the Regional Trial Court Branch 39 of Lingayen, Pangasinan in L.R.C Case No. N-3903 which granted the Application for Registration of Title filed by Servillano Dela Cruz covering a parcel of land described in Plan Psu-132804 (subject parcel of land).

The facts are as follows:

On October 23, 1992, appellee Servillano Dela Cruz filed before the Regional Trial Court of Lingayen, Pangasinan, an application for registration of land title over a parcel of land described in Plan Psu-132804, situated in Binmaley, Pangasinan, containing an area of Three Hundred Sixty One (361) square meters.^[1]

Appellee alleged, *inter alia*, that he is the owner in fee simple of the subject land with improvements thereon; that it was last assessed for taxation purposes at Three Thousand Nine Hundred Eighty Pesos (P3,980.00) Philippine Currency; that he has no knowledge of any mortgage or encumbrance of any kind affecting said parcel of land; that he has acquired title over it through sale; and that he presently occupies said property.^[2]

In support of his allegations, appellee attached the following documents to his application;

- I. Tracing Cloth Plan;
- II. Two (2) copies of the Blue Print Plan;
- III. Three (3) copies of the Technical Description;
- IV. Three (3) copies of the Surveyor's Certificate;
- V. Four (4) copies of the Certificate of Assessment^[3]

On January 17, 1994, Perfecto D. Daroy, the Land Investigator/Inspector, and Tomas S. Reyes, the CENR Officer of the Department of Environment and Natural Resources (DENR) Community Environment and Natural Resources Office (CENRO), issued a report stating that the subject land is within the alienable and disposable land under Project No. 38, LC Map 698, approved on November 21, 1927.^[4]

Pre-trial and trial on the merits ensued. On June 17, 1994, the trial court rendered

the appealed Decision, the dispositive portion of which states:

"WHEREFORE, the application is granted and the Court hereby orders the registration of the parcel of land described in Plan Psu-132804 under Act No. 46 as amended by P.D. 1529 to the persons named hereunder with one-tenth (1/10) share each, to wit:

LILIA DELA CRUZ married to Inocencio Perez and resident of the United States of America;

REV. FR. AGRIPINO DELA CRUZ, single and a resident of Binmaley, Pangasinan;

MARCELINA DELA CRUZ, married to Perry Raymundo and a resident of Binmaley, Pangasinan;

CRISTETO DELA CRUZ, married to Perry Raymundo and a resident of Binamaley, Pangasinan;

GLORY DELA CRUZ, married to Ernesto Estrada and a resident of Binmaley, Pangasinan;

NICASIO DELA CRUZ, single and a resident of the United States of America;

MARCELO DELA CRUZ, single and a resident of Binmaley, Pangasinan;

CATALINA DELA CRUZ, married to Raymund Platon and a resident of Binmaley, Pangasinan;

SERVILLANO DELA CRUZ, JR., single and a resident of United States of America; and

ARCELI DELA CRUZ, single and a resident of the United States of America.

Pro-indiviso; That the one-half conjugal share of the deceased Francisca Estrada is subject to the payment of estate and inheritance taxes as provided by law.

After this Decision becomes final, let an Order for Issuance of Decree issue.

SO ORDERED."^[5]

A copy of the Decision was received by the Office of the Solicitor General (OSG) on 21 May 2012. On 4 June 2012, the OSG filed the Notice of Appeal from the Decision.

ISSUES