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Republic of the Philippines
Supreme Court
Baguio City

FIRST DIVISION

N O T I C E

Sirs/Mesdames:

Please take notice that the Court, First Division, issued a Resolution dated **April 26, 2022** *which reads as follows:*

"UDK 16972 – Arnold Pulido represented by Editha Rivera, *petitioner*, ***versus*** **Heirs of Emilia• G. Lacsamana, namely, Joaquin Lacsamana, Lourdes Lacsamana, Emelito Lacsamana,•• Ferdinand Lacsamana, Jerry Lacsamana, Jeffrey Lacsamana,•• Margarita Elizabeth Galvez, Margarita Helena Galvez and Loida Jucutan, represented by Margarita Helen Lorna Galvez,••• ***respondents.***

Before the Court is a Rule 45 *certiorari* Petition[1] seeking the reversal of the Court of Appeals[2] (CA) Decision[3] dated July 8, 2020 and Resolution[4] dated March 4, 2021 in CA-G.R. CV No. 111525. The CA Decision denied the appeal of herein petitioner Arnold Pulido (Arnold) and affirmed the Regional Trial Court[5] (RTC) Decision dated June 18, 2018 in Civil Case No. 7380. The CA Resolution denied Arnold's Motion for Reconsideration. Prior to the filing of the Petition, Arnold filed a Motion for Extension.

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• Also appears as Emelia in some parts of the *rollo*.
•• Included as party in Motion for Extension, but not in the Petition.
••• Also, Margarita Helena Lorna Galvez in other parts of the *rollo*.
1 *Rollo*, pp. 29-46, excluding Annexes.
2 Sixth Division and Former Sixth Division.
3 *Rollo*, pp. 12-23, 51-65. Penned by Associate Justice Florencio M. Mamauag, Jr., with Associate Justices Ramon M. Bato, Jr. and Zenaida T. Galapate-Laguilles concurring.
4 Id. at 25-26, 48-49.
5 RTC, Branch 26, San Fernando City, La Union.

Basically, Arnold wants the Court to review the factual findings of the lower courts, which is not allowed under Rule 45 of the Rules of Court. Section 1, Rule 45 is clear: "The petition shall raise only questions of law which must be distinctly set forth." As observed by the Court in *Neri v. Yu*,[6]

> The Rules of Court require that only questions of law should be raised in petitions filed under Rule 45. This court is not a trier of facts. It will not entertain questions of fact as the factual findings of the appellate courts are "final, binding[,] or conclusive on the parties and upon this [c]ourt" when supported by substantial evidence. Factual findings of the appellate courts will not be reviewed nor disturbed on appeal to this court.[7]

Arnold's main argument that the RTC Decision was "not supported by facts and evidence as they were all insinuations and conjectures [and t]he allegation of fraud raised by the [r]espondents which is not supported by evidence is of no value and should not be given credence as one has to prove what he alleges"[8] entails a review of the factual findings of the RTC, which the CA affirmed. Clearly, Arnold's Petition is not sanctioned by Rule 45.

Also, the CA's affirmance of the RTC's findings and ruling is not tainted with reversible error, *viz.*:

> The trial court held that the acquisition of the free patent by [Arnold] over the subject property was tainted with fraud and misrepresentation as he was not in actual and material possession of the said property. As early as 1940s, Emilia [Lacsamana, respondents' predecessor,] had been declared as the owner of the subject property[,] Lot No. 12619[,] and that [respondents] have been in occupation and possession thereof and tilled the same continuously, publicly, adversely against any claimant and in the concept of owner up to the present. The fact of their possession has been attested to by [the owners of the adjacent properties]. The tax declarations of the adjoining lots also proved that Lot No. 12619 is owned by Emilia. [Arnold], on the other hand, has not proven that he was in actual possession of the subject property and in fact, had someone applied for free patent on his behalf. The trial court, thus, held that between [respondents] and [Arnold], the former ha[ve] better right over the subject property.
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6 G.R. No. 230831, September 5, 2018, 879 SCRA 611.
7 Id. at 619. Citations omitted.
8 *Rollo*, p. 39.

> It is undisputed that [Arnold] has never possessed, much more continuously cultivated the subject property. As aptly observed by the trial court, [Arnold] never came to court to testify and prove that he had always been in actual and material possession and occupation of the subject land prior to his application for free patent. Hence, it is abundantly clear that [Arnold] never cultivated the land.
>
> Upon the other hand, [respondents] have acquired the subject property by open, continuous and undisputed possession for more than thirty (30) years, making the same the private property of [respondents] even prior to [Arnold's] homestead patent application in 2004.
>
> Consequently, in the absence of proof that [Arnold] has ever resided in the municipality where the land is located and likewise, in the absence of evidence that he has continuously cultivated the land or a portion of it, the [CA] cannot but agree with the RTC when it decreed that [Arnold's] title over the subject property was procured through a fraudulently issued homestead patent.[9]

Indeed, the CA correctly applied the pertinent provisions of Commonwealth Act No. 141, otherwise known as the Public Land Act and jurisprudence, in affirming the nullity of the free patent fraudulently acquired by Arnold, *viz.*:

> According to Section 14 of the Public Land Act, no certificate of title shall be issued pursuant to a homestead patent application made under Section 13 unless **one-fifth of the land has been improved and cultivated by the applicant within no less than one and no more than five years from and after the date of the approval of the application**. The certificate shall issue only when the applicant shall prove that **he has resided continuously for at least one year in the municipality in which the land is located, or in a municipality adjacent to the same, and [he] has cultivated at least one-fifth of the land continuously since the approval of the application**[.]
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> x x x x
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> In *Republic v. Court of Appeals*, citing *Republic v. Mina*, the Supreme Court explained that a certificate of title that is void may be ordered canceled. And, a title will be considered void if it is procured through fraud, as when a person applies for registration of the land on the claim that he has been occupying and cultivating it. In the case of disposable public lands, **failure on the part of the grantee to comply with the conditions imposed by law is a ground for holding such title void**. The lapse of one (1) year

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[9] Id. at 57-62. Citation omitted.

> period within which a decree of title may be reopened [by reason of] fraud would not prevent the cancellation thereof for to hold that a title may become indefeasible by registration, even if such title had been secured through fraud or in violation of the law would be the height of absurdity. Registration should not be a shield of fraud in securing title.[10]

WHEREFORE, petitioner's motion for an extension of thirty (30) days within which to file a petition for review on *certiorari* is **GRANTED**, counted from the expiration of the reglementary period; however, the instant Petition is **DENIED**.

SO ORDERED." ***Gaerlan, J.,*** *on official leave.*

By authority of the Court:

LIBRADA C. BUENA
Division Clerk of Court

by:

MARIA TERESA B. SIBULO
Deputy Division Clerk of Court
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[10] Id. at 60-61. Citations omitted and emphasis in the original.