Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, Third Division, issued a Resolution dated **December 6, 2021**, *which reads as follows:*

"G.R. No. 248788 (Felipe Paloma, represented by his heirs, namely: Cleofe Paloma-Rivera, et al., *Petitioner,* **v. Sps. Antero Bongbong and Rosario Bongbong et al.,** *Respondents.***)** – This is a Petition for Review on *Certiorari* (Petition) from the Decision[1] dated 24 April 2019 and the Resolution[2] dated 04 July 2019 by the Court of Appeals (CA) in CA-G.R. CEB CV No. 06590. The CA reversed and set aside the Decision[3] dated 31 July 2017 of Branch 17, Regional Trial Court (RTC) of Palompon, Leyte in Civil Case No. PN-0363, which ordered the cancellation of Patent No. 083740-11028 and Original Certificate of Title (OCT) No. 62993.

Antecedents

The case involves a land dispute between relatives over a parcel of lot described as Lot 9236.

Petitioner Felipe Paloma (Paloma) alleged that Lot 9236 was part of the parcel of land he owns known as Psu-152476 situated in Palompon, Leyte, with an area of Twenty Thousand Five Hundred Ninety-Eight (20,598) square meters. After the cadastral survey of Palompon, Leyte, the land covered by Psu-152476 was subdivided and denominated as Cadastral Lot Nos. 5600 and 9236. Paloma claimed that he has acquired imperfect title over Lot 9236, having been in continuous, uninterrupted, and adverse possession and occupation thereof for more than sixty (60) years since 1946. In support of his claim of possession and occupation in the concept of an owner, Paloma presented a certification issued by the *Barangay* Chairman of Brgy. San Juan, Palompon, Leyte; the Fishpond Lease Agreement (FLA) No. 2778 covering Lot 9236 issued by the Department of Environment and Natural Resources (DENR) in his favor on 07 June 1983; and tax declaration

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[1] *Rollo*, pp. 21-31. Penned by Associate Justice Gabriel T. Ingles, with Associate Justices Edward B. Contreras, and Dorothy P. Montejo-Gonzaga, concurring.

[2] *Id.* at 32-33.

[3] *Id.* at 41-59. Penned by Executive Judge Mario O. Quinit.

over the subject lot.[4]

Issue arose when Paloma found out that Lot 9236 was awarded to respondents Spouses Antero Bongbong and Rosario Bongbong (Sps. Bongbong) by virtue of Patent No. 083740-11028, pursuant to which OCT No. P-62993 was issued in the latter's name. Efforts to settle the dispute before the *barangay* proved futile. Hence, upon issuance of the Certification to File Action, Paloma filed the Complaint[5] for Cancellation/Annulment of OCT No. P-62993 and Patent No. 083740-11028, or, Reconveyance, and Damages against Sps. Bongbong, the Provincial Environment and Natural Resources Officer, and the Register of Deeds of Leyte before the RTC.[6]

In their Answer, Sps. Bongbong denied the material allegations of the complaint and prayed for its dismissal on the following grounds: (i) failure to implead Paloma's wife as an indispensable party, (ii) non-compliance with the rule on *barangay* conciliation, and (iii) lack of cause of action since Paloma was not the real party-in-interest. Sps. Bongbong claimed that based on a resurvey done at their instance, Lot 9236 forms part of the parcel of land denominated as Lot 1050, which they bought sometime in 1984 from the heirs of one Ignacio Corro.[7]

Ruling of the RTC

The RTC initially dismissed the complaint on the procedural grounds raised by Sps. Bongbong,[8] but reinstated the same upon reconsideration.

In the Decision[9] dated 31 July 2017, the RTC ruled in favor of Paloma. The dispositive portion reads:

> **WHEREFORE**, premises considered, judgment is hereby rendered as follows:
>
> 1. Annulling/Cancelling Patent No. 083740-11028 and Katibayan ng Orihinal na Titulo Blg. 62993 for being void having been obtained through fraud and misrepresentation; and
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> 2. Awarding plaintiffs attorney's fees and litigation expenses in the amount of P50,000.00.
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> **SO ORDERED**.[10]

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4 *Id.* at 22.
5 *Id.* at 34-40.
6 *Id.*
7 *Id.*
8 Resolution dated 21 December 2009.
9 *Rollo*, pp. 41-59. Penned by Executive Judge Mario O. Quinit.
10 *Id.* at 58.

The RTC found that Paloma, having been in possession of the property for more than fifty (50) years – from 1949 to the date the issuance of the OCT No. 62993 on July 2007, acquired the title to the property by operation of law under the principle of acquisitive prescription. It likewise declared that Sps. Bongbong did not meet the requirement of possession for the issuance of a patent as they had never been in possession of Lot 9236. Based on the tax declaration and deed of sale presented by Sps. Bongbong, the parcel of land they bought was Lot 1050, which was separate and distinct from Lot 9236. In rejecting the claim of Sps. Bongbong that Lot 9236 was part of Lot 1050, the RTC considered, among others, the testimony of Director Ramon Unay, Regional Director of DENR Land Management Services, that Lot 9236 was part of Psu 152476, which was approved by the Director of Lands on 07 June 1956. Consequently, Patent No. 083740-11028 and OCT No. 62993 acquired by Sps. Bongbong were declared void since the issuance thereof were attended with fraud, illegality, and misrepresentation.[11]

Ruling of the CA

Sps. Bongbong appealed before the CA arguing that (1) no evidence of fraud and misrepresentation on the issuance of the patent and title was presented; (2) the applicable law is the Public Land Act or Commonwealth Act No. 141, not the Civil Code, as the possession of Paloma and his predecessors-in-interest from 1949 was short of the required period of adverse possession which must commence on or before 12 June 1945; and (3) the case was properly one of reversion, the property being public land, thus, the State was the real party-in-interest.[12]

The CA reversed the RTC in the Assailed Decision, the dispositive portion of which reads:

> **WHEREFORE**, the instant appeal is **GRANTED**, the Decision dated 31 July 2017 of the Regional Trial Court, 8th Judicial Region, Br. 17, Palompon, Leyte, in Civil Case No. PN-0363 is **REVERSED** and **SET ASIDE**. The complaint in Civil Case No. PN-0363 is **dismissed**.
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> **SO ORDERED**.[13]

The CA agreed with Sps. Bongbong that Paloma was not the proper party to seek the annulment of the patent and title over Lot 9236. It ratiocinated that "[t]he State, being the grantor of the patent and thru the

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[11] *Id.* at 53-58.
[12] *Id.* at 122-123.
[13] *Id.* at 127.

Office of the Solicitor General (OSG), has the sole authority to recover the subject property from spouses appellant and have the same reverted to the public domain."[14] The CA further ruled that despite Paloma's proven actual possession and occupation of Lot 9236 since 1946, reconveyance was not proper because FLA No. 2778, which was the source of rights of Paloma, was already inexistent at the time the complaint was filed having expired on 31 December 2007.[15]

Paloma moved for reconsideration, which the CA denied in the Assailed Resolution.

Aggrieved, Paloma filed the present Petition.

Issues

The Petition submits the following issues for the consideration of the Court:

1. Whether the CA erred in ruling that a fraudulently acquired free patent may only be assailed by the government in an action for reversion; and

2. Whether the CA erred in ruling that reconveyance is not proper due to the loss of Paloma's right to use the subject property upon the expiration of the FLA.

Ruling of the Court

The complaint sufficiently pleads an action for cancellation of free patent and title, not reversion

Paloma argues that the CA erred in ruling that the proper party to assail the validity of Patent No. 083740- 11028 and OCT No. P-62993 is the State considering that the allegations in the complaint constitute an ordinary civil action for declaration of nullity of free patent and certificate of title, not an action for reversion. To support his theory, Paloma cites the case of *Heirs of Kionisala v. Heirs of Dacut*[16] *(Heirs of Kionisala)*.

In *Heirs of Kionisala,* respondents therein filed a complaint for declaration of nullity of titles, reconveyance, and damages against

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[14] *Id.* at 124-125.
[15] *Id.* at 126.
[16] 428 Phil. 249-266 (2002), G.R. No. 147379, 27 February 2002 [Per J. Bellosillo].

petitioners claiming absolute ownership of the disputed property prior to the issuance of the corresponding free patents and certificates of title in favor of petitioners. The RTC dismissed the complaint upon a finding that the cause of action was one for reversion, and thus, the State was the real party-in-interest. Ruling on the propriety of the dismissal of the complaint, the Court affirmed the reinstatement of the complaint and held that the respondents were the real parties-in-interest in light of their allegations which sufficiently pleaded an action for declaration of nullity of free patents and certificates of title:

> **At the core of the instant petition is the issue of sufficiency of the complaint filed by private respondents**. Verily, does the complaint allege an action for reversion which private respondents would have no right to file or institute? Or does the complaint state a cause of action for declaration of nullity of the free patents and certificates of title for Lot 1015 and Lot 1017, or alternatively a cause of action for reconveyance of these two lots? Has the cause of action, if any, prescribed? And does the certificate of non-forum shopping substantially comply with the standard requirement?
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> *First.* **The test of the sufficiency of the facts to constitute a cause of action is whether admitting the facts alleged the court could render a valid judgment upon the same in accordance with the prayer of the complaint. In answering this query, only the facts asserted in the complaint must be taken into account without modification although with reasonable inferences therefrom**.
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> Applying the test to the case at bar, we rule that the complaint does not allege an action for reversion which private respondents would obviously have no right to initiate, but that it sufficiently states either a cause of action for declaration of nullity of free patents and certificates of title over Lot 1015 and Lot 1017 or alternatively a cause of action for reconveyance of these two pieces of realty, wherein in either case private respondents are the real parties in interest.
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> **An ordinary civil action for declaration of nullity of free patents and certificates of title is not the same as an action for reversion. The difference between them lies in the allegations as to the character of ownership of the realty whose title is sought to be nullified.** In an action for reversion, the pertinent allegations in the complaint would admit State ownership of the disputed land. Hence in *Gabila v. Barriga* where the plaintiff in his complaint admits that he has no right to demand the cancellation or amendment of the defendant's title because even if the title were canceled or amended the ownership of the land embraced therein or of the portion affected by the amendment would revert to the public domain, we ruled that the action was for reversion and that the only person or entity entitled to relief would be the Director of Lands.
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> **On the other hand, a cause of action for declaration of nullity of free patent and certificate of title would require allegations of the plaintiff's ownership of the contested lot prior to the issuance of such**

> **free patent and certificate of title as well as the defendant's fraud or mistake, as the case may be, in successfully obtaining these documents of title over the parcel of land claimed by plaintiff.** In such a case, the nullity arises strictly not from the fraud or deceit but from the fact that the land is beyond the jurisdiction of the Bureau of Lands to bestow and whatever patent or certificate of title obtained therefor is consequently void *ab initio*. The real party in interest is not the State but the plaintiff who alleges a pre-existing right of ownership over the parcel of land in question even before the grant of title to the defendant. xxx (Emphasis supplied.)

Simply stated, where the complaint for declaration of nullity of free patent and certificate of title alleges (1) the plaintiff's ownership of the contested lot prior to the issuance of such free patent and certificate of title, and (2) the defendant's fraud or mistake in successfully obtaining these documents of title, the complaint cannot be dismissed outright on the ground that the State, not the plaintiff, is the real party-in-interest.

Here, the Complaint states that "[f]or more than sixty (60) years or since 1946, plaintiff [Paloma] have long been in uninterrupted, continuous and adverse possession and occupation of a parcel of land known as Psu-152476,"[17] and that Paloma secured tax declarations over the same. It was further alleged that "[t]he acquisition of the private defendants [Sps. Bongbong] of the title known as OCT No. P-62993 and Patent under Patent No. 083740-11028 was obtained through fraud, illegality and misrepresentation,"[18] the subject property being a private land by virtue of Paloma's possession of the same for more than fifty (50) years. Thus, assuming that the foregoing allegations are true, the pleadings in the complaint are sufficient for an ordinary civil action for declaration of nullity of free patent and certificate of title, consistent with *Heirs of Kionisala.*

Possession did not ipso jure convert Lot 9236 to private land

While Paloma sufficiently pleaded his alleged ownership and ground for the declaration of nullity of Patent No. 083740- 11028 and OCT No. P-62993, it does not mean that he was able to prove his ownership over the subject property. To be clear, We only accepted the allegations as true in order to determine the sufficiency of the statement of cause of action.

Notably, in *Heirs of Kionisala,*[19] the Court clarified that petitioners therein may prove during trial on the merits that the disputed property is not private property and not owned by the respondent, thus:

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[17] *Rollo*, p. 35.
[18] *Id.* at 36.
[19] 428 Phil. 249-266 (2002), G.R. No. 147379, 27 February 2002 [Per J. Bellosillo].

> In sum, the grounds relied upon in petitioners' desire to dismiss the complaint of private respondents in Civil Case No. 95-312 cannot be impressed with merit. By this decision, however, we are not foreclosing the presentation of evidence during trial on the merits that Lot 1015 and Lot 1017 are not private property and that private respondents are not truly the owners thereof. This and other issues on the merits must follow where the preponderant evidence lies.

In this case, Paloma asseverates that he is the owner of the subject lot prior to the issuance of the free patent and title in favor of Sps. Bongbong by virtue of his continuous and adverse possession thereof in the concept of an owner for more than sixty (60) years or since 1946. He claims that in view of such possession, Lot 9236 has been separated from public land and has become private land. As such, the DENR no longer had jurisdiction over the land, and the consequent issuance of the free patent is void.

The contention must be rejected.

Indeed, a free patent and title issued over a private land is null and void as elucidated in *Heirs of Santiago v. Heirs of Santiago*[20] *(Heirs of Santiago)*:

> The settled rule is that a free patent issued over a private land is null and void, and produces no legal effects whatsoever. Private ownership of land — as when there is a *prima facie* proof of ownership like a duly registered possessory information or a clear showing of open, continuous, exclusive, and notorious possession, by present or previous occupants — is not affected by the issuance of a free patent over the same land, because the Public Land law applies only to lands of the public domain. The Director of Lands has no authority to grant free patent to lands that have ceased to be public in character and have passed to private ownership. Consequently, a certificate of title issued pursuant to a homestead patent partakes of the nature of a certificate issued in a judicial proceeding only if the land covered by it is really a part of the disposable land of the public domain.

Likewise settled is the rule that alienable public land held by a possessor, personally or through his predecessors-in-interest, openly, continuously, and exclusively **for the prescribed statutory period** is converted to private property by the mere lapse or completion of said period, *ipso jure*.[21]

Thus, the Court in *Heirs of Santiago* ruled that the disputed property was private land in view of the open, continuous, exclusive, and notorious possession and occupation of the land by respondents and their

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[20] 452 Phil. 238-254 (2003), G.R. No. 151440, 17 June 2003 [Per J. Ynares-Santiago].

[21] *Heirs of Amarante v. Court of Appeals*, 264 Phil. 174-198 (1990), G.R. No. 76386, 21 May 1990 [Per J. Feliciano] citing *Director of Lands v. Intermediate Appellate Court*, 230 Phil. 590-615 (1986), G.R. No. 73002, 29 December 1986 [Per J. Narvasa].

predecessors-in-interests prior to 1926, and accordingly nullified the free patent and title covering the same, to wit:

> **Considering the open, continuous, exclusive and notorious possession and occupation of the land by respondents and their predecessors-in-interests, they are deemed to have acquired, by operation of law, a right to a government grant without the necessity of a certificate of title being issued. The land was thus segregated from the public domain and the director of lands had no authority to issue a patent.** Hence, the free patent covering Lot 2344, a private land, and the certificate of title issued pursuant thereto, are void.
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> xxx
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> Respondents' claim of ownership over Lot 2344-C and Lot 2344-A is fully substantiated. Their open, continuous, exclusive, and notorious possession of Lot 2344-C in the concept of owners for more than seventy years supports their contention that the lot was inherited by Mariano from her grandmother Marta, who in turn inherited the lot from her parents. This fact was also corroborated by respondents' witnesses who declared that the house where Marta and Mariano's family resided was already existing in the disputed portion of Lot 2344 even when they were still children. xxx (Emphasis supplied.)

This was reiterated in *Melendres v. Catambay*[22] *(Melendres)*, where the Court, in an action for annulment of deed of absolute sale and reconveyance, ruled on the nullity of the free patent issued to respondents and ordered the cancellation of the titles emanating therefrom in view of the private character of the land by virtue of the actual, public, open, adverse, and continuous possession of the disputed property by petitioners in the concept of an owner since the 1940s.

It bears emphasizing, however, that **the *ipso jure* conversion of an alienable public land to private land by virtue of open, continuous, and exclusive possession must date back to 12 June 1945.** This legal fiction relates to the confirmation of imperfect or incomplete titles through judicial legalization which is governed by Section 48 of the Public Land Act, as amended by Republic Act (RA) No. 3872, which reads:

> SEC. 48. The following-described citizens of the Philippines, occupying lands of the public domain or claiming to own any such lands or an interest therein, but whose titles have not been perfected or completed, may apply to the Court of First Instance of the province where the land is located for confirmation of their claims and the issuance of a certificate of title therefor, under the Land Registration Act, to wit:
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> (a) Those who prior to the transfer of sovereignty from Spain to the United States have applied for the purchase, composition or other form of

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22 G.R. No. 198026, 28 November 2018 [Per J. Caguioa].

> grant of lands if the public domain under the laws and royal decrees then in force and have instituted and prosecuted the proceedings in connection therewith, but have, with or without default upon their part, or for any other cause, not received title therefor, if such applicants or grantees and their heirs have occupied and cultivated said lands continuously since the filing of their applications.
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> (b) Those who by themselves or through their predecessors-in-interest have been, **in continuous, exclusive, and notorious possession and occupation of agricultural lands of the public domain, under a bona fide claim of acquisition or ownership**, for at least thirty years immediately preceding the filing of the application for confirmation of title, except when prevented by war of force majeure. Those shall be **conclusively presumed to have performed all the conditions essential to a government grant and shall be entitled to a certificate of title under the provisions of this chapter**.
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> (c) Members of the national cultural minorities who by themselves or through their predecessors-in-interest have been in open, continuous, exclusive and notorious possession and occupation of lands of the public domain suitable to agriculture, whether disposable or not, under a bona fide claim of ownership for at least 30 years shall be entitled to the rights granted in sub-section (b) hereof. (Emphasis supplied.)

Section 48 (b), the provision relevant to this case, has been further amended by Section 4 of Presidential Decree (PD) No. 1073, which reads:

> SECTION 4. The provisions of Section 48(b) and Section 48(c), Chapter VIII of the Public Land Act are hereby amended in the sense that these provisions shall apply only to alienable and disposable lands of the public domain which have been in open, continuous, exclusive and notorious possession and occupation by the applicant himself or thru his predecessor-in-interest, under a *bona fide* claim of acquisition of ownership, **since June 12, 1945**. (Emphasis and underscoring supplied.)

Clearly, for the conclusive presumption under Section 48(b) to apply, the period of possession should have been on or before 12 June 1945. **Without satisfying the requisite character and period of possession — possession and occupation that is open, continuous, exclusive, and notorious since 12 June 1945, or earlier — the land cannot be considered *ipso jure* converted to private property even upon the subsequent declaration of it as alienable and disposable.**[23] Notably, even under Section 14 (1) of PD No. 1529 or the Property Registration Decree, the open, continuous, exclusive, and notorious possession and occupation of alienable and disposable lands of the public domain under a *bona fide* claim of ownership must be since 12 June 1945, or earlier. Meanwhile, the acquisitive prescription under the Civil Code in relation to Section 14(2) of PD No. 1529 applies only to private lands, which includes patrimonial lands

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[23] *See Heirs of Malabanan v. Republic*, 717 Phil. 141-209 (2013), G.R. No. 179987, 03 September 2013 [Per J. Bersamin].

or lands of the public domain subsequently classified or declared as no longer intended for public use or for the development of national wealth.[24] In the case of acquisitive prescription, proof that the land has already been converted to private ownership prior to the requisite acquisitive prescriptive period is a condition *sine qua non* in observance of the law (Article 1113, Civil Code) that property of the State not patrimonial in character shall not be the object of prescription.[25]

From the foregoing, while both the RTC and the CA found that Paloma has been in possession of Lot 9236 prior to the issuance of the free patent, Paloma's possession does not satisfy the requirement under the Public Land Act, as amended. Thus, even if it is true that Paloma has been in open, continuous, and adverse possession of the Lot 9236 since 1946, his possession did not automatically convert the subject property to private land since the period of possession for the *ipso jure* conversion should be from 12 June 1945, or earlier. Verily, Paloma cannot benefit from the legal fiction of private ownership created under Section 48 (b).

Considering that Paloma's claim of ownership is hinged on his possession of Lot 9236 since 1946 or 1949, and he presented no other proof of private ownership, the subject property is presumed to form part of the public domain prior to the issuance of Patent No. 083740-11028 and OCT No. P-62993. Such presumption flows from the Regalian Doctrine where all lands not appearing to be clearly under private ownership are presumed to belong to the State.[26] Moreover, the fact that Paloma has an FLA over Lot 9236 supports the conclusion that the subject property was indeed a public land prior to the issuance of the free patent.[27] As such, the argument that the free patent is void for being outside the jurisdiction of the DENR must fail.

Notwithstanding the foregoing, the RTC correctly nullified Patent No. 083740-11028 and OCT No. P-62993.

Patent No. 083740- 11028 is void for failure of Sps. Bongbong to comply with the requirements for the issuance of a free patent

Under the Section 44[28] of the Public Land Act, as amended by

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[24] *Id.*

[25] *Id.*

[26] *Id.*

[27] *Spouses Morandarte v. Court of Appeals,* 479 Phil. 870-888 (2004), G.R. No. 123586, 12 August 2004 [Per J. Austria-Martinez].

[28] Section 44. Any natural-born citizen of the Philippines who is not the owner of more than twelve (12) hectares and who, for at least thirty (30) years prior to the effectivity of this amendatory Act [15 April 1990], has continuously occupied and cultivated, either by himself or through his predecessors-in-interest a tract or tracts of agricultural public lands subject to disposition, who shall have paid the real estate tax thereon while the same has not been occupied by any person shall be entitled, under the

Republic Act (RA) No. 6940, an applicant for a free patent must satisfy the following requirements: (1) the applicant must be a natural-born citizen of the Philippines; (2) the applicant must not own more than 12 hectares of land; (3) the applicant or his or her predecessor-in-interest must have continuously occupied and cultivated the land; (4) **the continuous occupation and cultivation must be for a period of at least 30 years before 15 April 1990** (date of effectivity of RA No. 6940) and (5) payment of real estate taxes on the land while it has not been occupied by other persons.[29]

Here, the RTC found that Paloma has been in possession of Lot 9236 since 1949 or prior to the issuance of the free patent in favor of Sps. Bongbong in 2007. It likewise found that Lot 1050, which was the parcel of land purchased by Sps. Bongbong, is separate and distinct from Lot 9236.

The Court sustains these factual findings. Factual findings of the trial court will not be disturbed on appeal, unless the trial court has overlooked or ignored some fact or circumstance of sufficient weight or significance, which, if considered, would alter the result of the case.[30] Markedly, such factual findings were not contradicted by the CA. The appellate court recognized Paloma's possession of Lot 9236 since 1946 as evidenced by the Ordinary Fishpond Permit F-1558-H issued on 06 February 1952 and FLA No. 2278.

Evidently, with the established possession of Paloma since 1946, Sps. Bongbong could not have satisfied the fourth requirement for the application for free patent, *i.e.,* the continuous occupation and cultivation for a period of at least 30 years before 15 April 1990. Under Section 91 of the Public Land Act, omission of facts or false statements on the material facts set forth in the application for patent shall *ipso facto* produce the cancellation of the concession, title, or permit granted. As such, the RTC correctly cancelled Patent No. 083740-11028 and OCT No. P-62993 since Sps. Bongbong is clearly not entitled to the free patent.

True, it has been held that a free patent fraudulently acquired, and the certificate of title issued pursuant to the same may only be assailed by the government in an action for reversion pursuant to Section 101 of the Public Land Act.[31] Nonetheless, the cancellation of free patent even without the participation of the State, through the Solicitor General, is not without precedent.

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provisions of this Chapter, to have a free patent issued to him for such tract or tracts of such land not to exceed twelve (12) hectares.

[29] *Taar v. Lawan*, G.R. No. 190922, 11 October 2017 [Per J. Leonen].

[30] *Esguerra v. Spouses Ignacio*, G.R. Nos. 216597 & 216668, 26 August 2020 [Per J. Gesmundo].

[31] *Lorzano v. Tabayag, Jr.*, 681 Phil. 39-58 (2012), G.R. No. 189647, 06 February 2012 [Per J. Reyes].

In *Baguio v. Heirs of Abello*,[32] a case involving an action for the nullity of free patents and titles issued over foreshore lands, the Court affirmed the ruling of the CA ordering the cancellation of the free patents therein:

> The Court is not unaware of the requirement in Section 101 of the Public Land Act that all actions for the reversion to the Government of lands of the public domain or improvements thereon be instituted by the Solicitor General or the officer acting in his stead. Suffice it to say that the appellate court's decision does not bar the Solicitor General from filing a reversion suit, for it stopped short of explicitly decreeing the reversion of the disputed parcel back to the public domain. The CA even ordered that the Office of the Solicitor General be furnished a copy of the assailed decision. Furthermore, **there is precedent for the adjudication of title to land in favor of the government even in the absence of a reversion suit. In *Manotok IV, et al. v. Heirs of Homer L. Barque*,** which involved real property under the Friar Lands system, the Court reviewed the decision of the appellate court in an appeal from a decision of the Land Registration Authority in an administrative reconstitution proceeding. **Finding doubts as to the veracity of the certificates of title presented by the parties, the Court ordered the parties to present evidence of their titles and ultimately adjudged the disputed land in favor of the government (which was not a party to the case) after finding that none of the parties were able to prove that they were able to comply with the requisites for a valid disposition of land under the Friar Lands Act.** xxx (Emphasis supplied.)

The Court also nullified the free patent and title of petitioners in the case of *Jaucian v. De Joras*[33] *(Jaucian)* upon a finding that the requirements under Section 44 of the Public Land Act, as amended, were not met. Notably, the Court did not award the disputed lot to respondents therein since they have not established their own compliance with Section 44.

In the recent case of *Heirs of Latoja v. Heirs of Latoja*,[34] We affirmed the cancellation of the title of the respondent therein in view of the false statements in the application for free patent. The Court rejected the respondent's invocation of Section 101 of the Public Land Act and declared that a land titled by virtue of a fraudulent and defective free patent may be reconveyed to the rightful owner by an action for reconveyance instituted by the latter.

Here, while the Court affirms the annulment of the free patent and title issued to Sps. Bongbong as discussed above, We cannot order reconveyance since Paloma's ownership of Lot 9236 has not been established. In an action for reconveyance, the plaintiff must allege and prove (1) his ownership of the land in dispute, and (2) the defendant's erroneous, fraudulent or wrongful

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[32] G.R. Nos. 192956 & 193032, 24 July 2019 [Per J. A.B. Reyes, Jr.].
[33] G.R. No. 221928, 05 September 2018 [Per J. Carpio].
[34] G.R. No. 195500, 17 March 2021 [Per J. Hernando].

registration of the property.[35] In this case, however, Paloma cannot claim ownership of Lot 9236 under Section 48(b) of the Public Land Act, as amended, which requires possession since 1945. There is likewise no allegation or proof of compliance with Section 44 of the said law, from which Paloma could have based his ownership.

WHEREFORE, premises considered, the petition is hereby **GRANTED.** The Decision dated 24 April 2019 and the Resolution dated 04 July 2019 by the Court of Appeals in CA-G.R. CEB CV No. 06590 dismissing the Civil Case No. PN-0363 is **REVERSED** and **SET ASIDE**. Accordingly, the Decision dated 31 July 2017 of Branch 17, Regional Trial Court of Palompon, Leyte in Civil Case No. PN-0363 is hereby **REINSTATED** in so far as it annuls/cancels Patent No. 083740-11028 and Katibayan ng Orihinal na Titulo Blg. 62993.

SO ORDERED."

By authority of the Court:

MISAEL DOMINGO C. BATTUNG III
Division Clerk of Court

Atty. Jasper M. Lucero
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[35] *Leoveras v. Valdez*, 667 Phil. 190-207 (2011), G.R. No. 169985, 15 June 2011 [Per J. Brion].