



Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Third Division, issued a Resolution dated **January 16, 2023**, which reads as follows:*

“G.R. No. 262232 [UDK 17660] (Heirs of Eugenia Peralta and Pablo Gingco, represented by Antonio Peralta, Rufino Gingco, and Teresita Gingco Santos, Petitioners v. Heirs of Tomas Cruz, et al., Respondents).—
The Court resolves to:

- (1) **GRANT** petitioners’ motion for extension of thirty (30) days from the expiration of the reglementary period within which to file a petition for review on *certiorari*;
- (2) **NOTE** petitioners’ Urgent *Ex-Parte* Manifestation/Motion dated June 29, 2022, informing the Court that petitioners filed their motions for extension of time to file petition through registered mail, and **GRANT** their prayer for additional thirty (30) days from June 29, 2022 within which to file said petition;
- (3) **NOTE** the Letter dated June 29, 2022 of Atty. Eric T. Calderon, counsel for petitioners, submitting the payment of PHP 5,030.00 for docket and other lawful fees, in compliance with Section 3, Rule 45 of the 2019 Amended Rules of Court; and
- (4) **INFORM** petitioners that they or their authorized representative may claim from the Cash Disbursement and Collection Division of this Court the excess payment of the prescribed legal fees in the amount of PHP 500.00 under O.R. No. 343328 dated August 18, 2022.

Acting on the petition for review on *certiorari* assailing the Decision and Resolution dated December 14, 2021 and May 31, 2022, respectively, of the Court of Appeals, Manila, in CA-G.R. CV No. 115406, the Court further resolves to **DENY** the petition for failure to sufficiently show that the appellate court committed any reversible error in the challenged decision and resolution as to warrant the exercise by this Court of its discretionary appellate jurisdiction.

Before this Court is a Petition for Review on *Certiorari*¹ filed by the Heirs of Eugenia Peralta (Eugenia) and Pablo Gingco, represented by Antonio Peralta, Rufino Gingco, and Teresita Gingco Santos (petitioners), assailing the Decision² and the Resolution³ of the Court of Appeals (CA), which affirmed the Decision⁴ rendered by Branch 11 of the Regional Trial Court of Malolos City, Bulacan, and which denied the motion for reconsideration,⁵ respectively, in CA-G.R. CV No. 115406.

The Petition is bereft of merit.

Prefatorily, the factual findings of the trial courts, especially when affirmed by the Court of Appeals, are generally binding and conclusive on this Court.⁶ While this rule admits of exceptions, none of them obtain in the case at bench.

Following its extensive review of the records of the case, the CA ruled that the disputed properties were held and occupied by respondents and their predecessors-in-interest publicly, adversely, and uninterruptedly in the concept of an owner for more than 50 years or as early as 1949, prior to the time of Eugenia's application for a free patent, which was issued in 1977.⁷

Moreover, the findings of the Department of Environment and Natural Resources (DENR) unequivocally state that respondents' open and continuous possession of the subject properties was duly established and that Eugenia had committed fraud and misrepresentation when she applied for a free patent despite failing to comply with the 30-year mandatory requirement of possession and cultivation. At this juncture, it bears stressing that the "factual findings of administrative bodies charged with their specific field of expertise are afforded great weight by the courts, and in the absence of substantial showing that such findings were made from an erroneous estimation of the evidence presented, they are conclusive, and in the interest of stability of the governmental structure, should not be disturbed."⁸

The evidence on record likewise reveals that the tax declarations in the names of respondents covering the subject properties namely, Tax Declaration Nos. 2006-19012-00473, 2006-19012-00474, and 2006-19012-

¹ *Rollo*, pp. 67-95 and 110-123.

² *Id.* at 8-21. The December 14, 2021 Decision was penned by Associate Justice Ramon A. Cruz, with the concurrence of Associate Justices Ruben Reynaldo G. Roxas and Angelene Mary W. Quimpo-Sale.

³ *Id.* at 30-31 and 132-133. Dated May 31, 2022.

⁴ *Id.* at 134-147. This Decision dated March 30, 2020 in Civil Case No. 341-M-2009 was rendered by Presiding Judge Felizardo S. Montero, Jr.

⁵ *Id.* at 22-27.

⁶ See *Fegarido v. Alcantara*, G.R. No. 240066, June 13, 2022 [Per J. Leonen, Second Division] at 5. This pinpoint citation refers to a copy of this Decision uploaded to the Supreme Court website.

⁷ *Rollo*, pp. 18-19.

⁸ See *Begay vs. Office of the Special Investigation – Bangko Sentral ng Pilipinas*, G.R. No. 237664, August 3, 2022. [Per J. Hernando, First Division] at 10-11. This pinpoint citation refers to this Decision uploaded to the Supreme Court website.

00475, span several decades.⁹ In *Heirs of Alido v. Campano*,¹⁰ the Court elucidated—

....

Although tax declarations or realty tax payment of property are not conclusive evidence of ownership, nevertheless, they are good *indicia* of possession in the concept of owner, for no one in his right mind would be paying taxes for a property that is not in his actual or constructive possession. They constitute at least proof that the holder has a claim of title over the property. The voluntary declaration of a piece of property for taxation purposes manifests not only one's sincere and honest desire to obtain title to the property and announces his adverse claim against the State and all other interested parties, but also the intention to contribute needed revenues to the Government. Such an act strengthens one's *bona fide* claim of acquisition of ownership.¹¹

Respondents' tax declarations, coupled with their actual possession of the subject properties, strengthen their "*bona fide* claim of acquisition of ownership."¹²

By the same token, petitioners' invocation of the presumption of regularity in the DENR's performance of official duty in issuing Free Patent IV-4 and the subsequent OCT¹³ No. RP-4408 (P-12912) in Eugenia's name barely holds water.¹⁴

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.¹⁵ On this score, the Court echoes with affirmation the following ratiocination of the CA:

The presumption of regularity in the performance of duty or official functions does not apply in this case because the subject properties had ceased to become public alienable land, so it was not within the jurisdiction of the DENR to issue the free patent. Its issuance to [petitioners] is void not only as to the existence of fraud in their application, but more so because the subject properties are no longer under the jurisdiction of the Bureau of Lands (now Land Management Bureau).

⁹ *Rollo*, pp. 9-10.

¹⁰ G.R. No. 226065, July 29, 2019 [Per J. Reyes, Jr., Second Division] at 8-9. This pinpoint citation refers to a copy of this Decision uploaded to the Supreme Court website.

¹¹ *Id.*

¹² *Id.*

¹³ Original Certificate of Title.

¹⁴ *Rollo* pp. 69-70.

¹⁵ See *Heirs of Spouses Suyam vs. Heirs of Julaton*, 854 Phil 183, 198 (2019). [Per J. Caguioa, Second Division].

Being null and void, Free Patent No. IV-4 and OCT No. RP-4408 (P-12912) produced no legal effect.¹⁶

All told, the factual findings made by the courts *a quo* and the DENR support respondents' claim that they and their predecessors-in-interest have openly, publicly, adversely, and continuously possessed the subject properties in the concept of an owner for more than 50 years or as early as 1949, prior to the time of Eugenia's application for a free patent. Applying the provisions of the Public Land Act, the said properties were thus segregated from the public domain, leaving the DENR with no authority to issue Free Patent No. IV-4 in her favor. Accordingly, Free Patent No. IV-4 as well as OCT No. RP-4408 (P-12912) issued pursuant thereto are null and void.

WHEREFORE, the Petition for Review on *Certiorari* is hereby **DENIED**. The Decision dated December 14, 2021 and the Resolution dated May 31, 2022 of the Court of Appeals in CA-G.R. CV No. 115406 are **AFFIRMED**.

SO ORDERED."

By authority of the Court:

Misael Domingo C. Battung III
MISAEAL DOMINGO C. BATTUNG III
Division Clerk of Court *JB 2/28/23*

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The Presiding Judge
REGIONAL TRIAL COURT
Branch 11, Malolos City
3000 Bulacan
(Civil Case No. 341-M-2009)

G.R. No. 262232

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¹⁶ *Rollo*, pp. 19-20.