



Republic of the Philippines  
**Supreme Court**  
 Manila

**FIRST DIVISION**

**CONSTANTINO Y. BELIZARIO,\***  
 Petitioner,

**G.R. No. 231001**

Present:

- versus -

**PERALTA, C.J., Chairperson,**  
**CAGUIOA,**  
**CARANDANG,**  
**ZALAMEDA, and**  
**GAERLAN, JJ.**

**DEPARTMENT OF**  
**ENVIRONMENT AND**  
**NATURAL RESOURCES and**  
**THE REGISTRY OF DEEDS OF**  
**NASUGBU, BATANGAS,**  
 Respondents.

Promulgated:

**MAR 24 2021** *with initials*

X-----X

**RESOLUTION**

**CAGUIOA, J.:**

Before the Court is a Petition for Review on *Certiorari*<sup>1</sup> (Petition) under Rule 45 of the Rules of Court (Rules) assailing the Decision<sup>2</sup> dated January 13, 2017 and Resolution<sup>3</sup> dated March 27, 2017 of the Court of Appeals<sup>4</sup> (CA) in CA-G.R. SP No. 141450. The CA Decision denied the Rule 65 petition for *certiorari* filed by petitioner Constantino Belizario (petitioner) and affirmed the Orders dated June 28, 2011,<sup>5</sup> March 19, 2012,<sup>6</sup> and May 20, 2015<sup>7</sup> of the Regional Trial Court of Balayan, Batangas, Branch 10 (RTC), in Civil Case Nos. 373 and 653, entitled “*Republic of the Philippines v. Ayala y Cia, et al.*” and “*Republic of the Philippines v. Enrique Zobel, et al.*,” respectively, while the CA Resolution denied petitioner’s motion for reconsideration.

\* Also “Belizaro” in some parts of the *rollo*.

<sup>1</sup> *Rollo*, pp. 29-61, excluding Annexes.

<sup>2</sup> *Id.* at 63-76. Penned by Associate Justice Ricardo R. Rosario (now a Member of the Court), with Associate Justices Edwin D. Sorongon and Marie Christine Azcarraga-Jacob concurring.

<sup>3</sup> *Id.* at 78.

<sup>4</sup> Sixteenth Division and Former Sixteenth Division.

<sup>5</sup> *CA rollo*, pp. 40-42. Penned by Presiding Judge Cristino E. Judit.

<sup>6</sup> *Id.* at 43-46. Penned by Presiding Judge Cristino E. Judit.

<sup>7</sup> *Id.* at 47. Penned by Presiding Judge Cristino E. Judit.

### *The Facts*

The CA Decision narrates the antecedents as follows:

On [May 12, 1960], the Republic of the Philippines (Republic) filed a complaint for annulment of titles against Ayala y Cia, Alfonso Zobel, Antonio Dizon, Lucia Dizon, Ruben Dizon, Adelaida Reyes, Consolacion D. Degollacion, Artemio Dizon and Zenaida Dizon (Ayalas) before the Court of First [Instance] of Batangas (CFI), docketed as Civil Case No. 373.

The Republic alleged that the various titles of the Ayalas illegally included portions of the territorial waters and lands of the public domain when they caused the survey and preparation of a composite plan of Hacienda Calatagan that increased [the] original area from 9,652.583 hectares (the land area covered by [Transfer Certificate of Title (TCT)] No. 722) to 12,000 hectares.

On [June 2, 1962], the CFI of Batangas rendered its decision (CFI Decision) and [its] dispositive portion reads:

WHEREFORE, judgment is hereby rendered as follows:

(a) Declaring as null and void Transfer Certificate of Title No. T-9550 (or Exhibit "24") of the Register of Deeds of the Province of Batangas and other subdivision titles issued in favor of Ayala y Cia and/or Hacienda de [Calatagan] over the areas outside its private land covered by TCT No. 722, which, including the lots in [TCT No.] T-9550 (lots 360, 362, 363 and 182), are hereby reverted to public dominion.

In *Republic of the Philippines v. Ayala y Cia*, docketed as G.R. No. L-20950, dated [May 31, 1965], the Supreme Court affirmed with modification the CFI Decision. The modification of said decision, however, had no bearing at all on the issues of the annulment of the certificates of title and the reversion of illegally registered lands to the public domain. The High Court found that the excess area outside the private land of the Ayala[s] as stated in their titles usurped 2,000 hectares consisting of portions of the territorial sea, the foreshore, the beach, and navigable waters properly belonging to the public domain.

Twenty-[t]hree years after the Supreme Court rendered its decision in G.R. No. L-20950, the execution of the annulment and reversion portions of the CFI [D]ecision was still incomplete. Accordingly, in [*Republic v. Delos Angeles*], docketed as G.R. No. L-30420, dated [March 25, 1988], the Supreme Court directed its Clerk of Court to issue the writ in Civil Case No. 373, and said:

Contrary to respondent Zobel's assertion, the 1965 final judgment in favor of the Republic declared as null and void, not only TCT No. 9550, but also "other subdivision titles" issued over the expanded areas outside the private land of Hacienda Calatagan covered by TCT No. 722. As shown at the outset, after respondents ordered subdivision



of the Hacienda Calatagan which enable[d] them to acquire titles to and “illegally absorb” the subdivided lots which were outside the hacienda’s perimeter, they converted the same into fishponds and sold them to third parties. But as the Court stressed in the 1965 judgment and time and again in other cases, “it is an elementary principle of law that said areas not being capable of registration, their inclusion in a certificate of title does not convert the same into properties of private ownership or confer title on the registrant.”

x x x x

This final 1965 judgment reverting to public dominion all public lands unlawfully titled by respondent Zobel and Ayala and/or Hacienda Calatagan is now beyond question, review or reversal by any court, although as sadly shown hereinabove, respondents’ tactics and technical maneuvers have all these 23 long years thwarted its execution and the Republic’s recovery of the lands and waters of the public domain.

In a resolution, dated [November 16, 2006], the Supreme Court directed the RTC to proceed with the immediate execution of the CFI Decision. On [December 17, 2007], Judge Austria of the RTC issued an order directing the Department of Environment and Natural Resources (DENR) to create a Technical Working Committee (TWC) to conduct another relocation survey of the property covered by TCT No. 722 or the Hacienda Calatagan. The purpose of the relocation survey was to fulfill the execution proceedings of the CFI Decision.

On [May 20, 2008], a survey order was issued by the Regional Executive Director of the DENR creating three x x x survey teams and one x x x information and education campaign (IEC) team to conduct the survey and information dissemination on the said relocation survey.

Sadly, despite the clear directive of the Supreme Court, dilatory tactics prevented the execution of its 1965 decision. Thus, in a Resolution dated [October 6, 2008], the Court, in [*Republic v. Delos Angeles*], with G.R. Nos. L-26112 and L-30240, consistently affirmed the following: (1) the nullification of all subdivision titles that were issued in favor of Ayala y Cia and/or Hacienda Calatagan (and/or its successors-in-interest) over the areas outside its private land covered by TCT No. 722; and (2) the declaration that all lands or areas covered by these nullified titles are reverted to the public domain. It is also emphasized that TCT No. T-9550, which was derived from TCT No. 722, was merely cited as one of the derivative titles that must be cancelled. The cancellation of all the affected derivative titles and their reversion to the State must still be completed. The Supreme Court also stressed therein that:

“[x x x] its fallo is sufficiently complete for purposes of execution and has all the data required for its implementation; the titles to be cancelled and the properties they cover – all sufficiently described in the decision – are matters of official record. One only needs to: look, with meticulous care, at the official records with the concerned Register of Deeds to find out the various derivative titles of TCT No. 722; examine, also with meticulous care, the



records of the Director of x x x Lands (or its successor offices, the Land Management Bureau and/or Surveys Division of the Department of Environment and Natural Resources Regional Office) to compare the approved plan for TCT No. 722 and the approved subdivision plan for the derivative titles – Psd-27941; and finally, consolidate the findings into an integral whole, to arrive at the derivative titles that should be nullified for reversion to the State. The relocation survey we previously ordered, now directed by Judge Austria, can best achieve these desired results. We stress however that the relocation survey is but a tool to prevent any possible error that may result in the execution of the CFI [D]ecision; it cannot and should not be regarded as an opening for another round of litigation on the issues definitely settled a long time ago.”

Meanwhile, on September 17, 1987, petitioner Constantino Y. Belizar[i]o (petitioner) purchased a 24,961[-]square meter parcel of land in Calatagan, Batangas (subject land) from the Ministry of Agrarian Reform, now the Department of Agrarian Reform (DAR). Consequently, TCT No. T-51621 was issued in his name over the subject land.

On [July 12, 2011], petitioner received an Order of the RTC, dated [June 28, 2011], directing the cancellation of his TCT No. T-51621. Based on the TWC’s report, it was found that the subject land was a derivative title of TCT No. 722 which must be cancelled.

According to petitioner, he attempted to conduct a title trace-back to determine the mother title of TCT No. T-51621. He approached the Register of Deeds, Land Registration Authority and Land Management Bureau to conduct his research. His investigation, however, was unsuccessful due to the unavailability of the titles.

On [August 9, 2011], petitioner filed a Motion to Exclude before the RTC arguing chiefly that his TCT No. T-51621 was not derived from TCT No. 722, hence, it could not be cancelled. On [November 16, 2011], petitioner testified and presented evidence in the RTC.

In the assailed [O]rder dated [March 19, 2012], the RTC denied petitioner’s motion. After considering the evidence presented by the parties, it found that petitioner failed to produce sufficient evidence to prove that his land was not included in the excess area of TCT No. 722. The RTC also held that petitioner did not satisfactorily overthrow the findings of the TWC.

On [April 20, 2012], petitioner filed a motion for reconsideration against the said RTC [O]rder. He was again allowed to present evidence to support his allegations,

In the assailed [May 20, 2015] [O]rder, the RTC denied petitioner’s motion for reconsideration. It held that no substantial arguments had been raised by petitioner and that the issues raised by petitioner had been discussed in its previous [O]rder.

[Thus, petitioner filed a Rule 65 *certiorari* petition before the CA.]<sup>8</sup>

<sup>8</sup> Rollo, pp. 63-67. Citations omitted.

*Ruling of the CA*

The CA in its Decision<sup>9</sup> dated January 13, 2017 denied the *certiorari* petition of petitioner. The dispositive portion thereof states:

**WHEREFORE**, the petition is **DENIED**. The [June 28, 2011], [March 19, 2012] and [May 20, 2015] Orders of Branch 10, Regional Trial Court of Balayan, Batangas are **AFFIRMED in toto**.

**SO ORDERED.**<sup>10</sup>

Petitioner filed a motion for reconsideration with the CA, which the CA denied in its Resolution<sup>11</sup> dated March 27, 2017.

Hence the present Petition. Respondents filed their Comment<sup>12</sup> dated December 18, 2018. Petitioner filed his Reply to the Comment<sup>13</sup> dated June 13, 2019.

*The Issue*

The Petition raises one main issue: whether the CA committed reversible errors when it failed to consider that: (i) since petitioner was never a party to the reversion cases pending before Branch 10 of RTC Balayan, Batangas [namely, *Republic of the Philippines v. Ayala y Cia, et al.* and *Republic of the Philippines v. Enrique Zobel, et al.* (*Ayala y Cia* and *Zobel* cases) docketed as Civil Case Nos. 373 and 653], the Republic should have instituted a separate and direct reversion case against petitioner; (ii) the Decision in the *Ayala y Cia* and *Zobel* cases does not bind petitioner; (iii) the cancellation of petitioner's TCT No. T-51621 was done without the benefit of an actual ground survey; and (iv) petitioner is an innocent purchaser for value of alienable and disposable land since the Department of Agrarian Reform (DAR) sold the subject land to him.<sup>14</sup>

*The Court's Ruling*

The Petition fails to convince the Court that the CA erred in finding that the RTC did not act with grave abuse of discretion amounting to lack or excess of jurisdiction.

The matters stated in the Petition have been raised by petitioner before the CA, and the CA has resoundingly rejected petitioner's arguments.

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<sup>9</sup> Supra note 2.

<sup>10</sup> Id. at 75.

<sup>11</sup> Supra note 3.

<sup>12</sup> Id. at 170-187.

<sup>13</sup> Id. at 192-209.

<sup>14</sup> See id. at 45-46.



As to sub-issues (i) and (ii), the Court quotes with approval the following pronouncements of the CA:

Here, petitioner insists that he was denied due process because his title was cancelled even though he was not a party to the reversion case instituted by the [Office of the Solicitor General (OSG)]. The argument, however, must fail. A reversion suit seeks to nullify a void title. A void title does not enjoy indefeasibility under the Torrens [s]ystem. As stated in the recent case of *Republic v. Hachero*,<sup>15</sup> notwithstanding the fact that the original certificate of title based on a patent had been cancelled and another certificate of title [is] issued in the names of the grantee[s] heirs, a void title may still be reverted back to the [S]tate.

Fittingly, as the RTC determined that petitioner's subject land came from the vast tract of land improperly acquired by the Ayalas in the excess area of Hacienda Calatagan, then the reversion suit may affect the same. A fortiori, the subject land originated from the excess area of TCT No. 722 or Hacienda Calatagan, registered under the name of the Ayalas, the original parties in Civil Case No. 373. Necessarily, as petitioner was the grantee and successor of a portion of the Hacienda Calatagan's excess land, then he is bound by the execution of Civil Case No. 373.<sup>16</sup>

Also, the RTC Orders being assailed by petitioner were issued in the execution proceedings of the CFI Decision in Civil Case No. 373, a case involving reversion of lands of the public domain.<sup>17</sup>

In *Hsi Pin Liu, et al. v. Republic*<sup>18</sup> (*His Pin Liu*), petitioners therein sought the annulment of the Order (Challenged Order) of the RTC of Davao City, Branch 8, cancelling the derivative titles issued in their favor. Said petitioners were not original parties to the petition for cancellation of the free patents issued to spouses Gaspar wherein the decision, ordering the cancellation of the free patents and certificates of title issued in favor of spouses Gaspar and the reversion of the lands covered thereby to the government, was promulgated. Said decision had already become final and executory when the Republic sought through a motion the cancellation of the certificates of title issued in favor of petitioners therein on the ground that said certificates were derivative titles of the cancelled free patents and certificates of title issued to spouses Gaspar. The Court in *Hsi Pin Liu* pronounced:

While the RTC Decision does not expressly include the cancellation of certificates of title subsequently derived and issued from the original certificates of title in the names of spouses Gaspar, the reversion of the subject lots to the government or the public domain cannot be fully effected without the cancellation of such derivative titles.

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<sup>15</sup> G.R. No. 200973, May 20, 2016, 791 SCRA 352.

<sup>16</sup> *Rollo*, p. 71.

<sup>17</sup> See *id.* at 70.

<sup>18</sup> G.R. No. 231100, January 15, 2020 (Unsigned Resolution).

Petitioners are not being deprived of their property without due process of law. Petitioners ultimately derive their rights over the subject lots from patents and original certificates of title obtained by and issued to spouses Gaspar. Since the patents and certificates of title of spouses Gaspar had been declared void due to fraud and misrepresentation and ordered cancelled, they had no right over the subject lots which they could have transferred to their immediate transferees and the latter in turn had no right which they could have transferred to their respective transferees, including petitioners. Since their predecessors-in-interest had no right over the subject lots to transfer to petitioners, the latter cannot be deprived of a right, even if it involves property, which does not exist.

Also, the well-settled doctrine is that indefeasibility of a title does not attach to titles issued pursuant to patents that have been secured by fraud or misrepresentation inasmuch as the registration of a patent under the Torrens system is not a mode of acquiring ownership and does not by itself vest title; but it merely confirms the registrant's already existing one. The certificates of title registered in the names of petitioners not being indefeasible can be ordered cancelled.

The CA was correct in invoking the residual authority of the RTC. As authorized by Section 6, Rule 135 of the Rules, the RTC may issue all auxiliary writs, processes and other means necessary to carry its jurisdiction into effect, and if the procedure to be followed in the exercise of such jurisdiction is not specifically pointed out by law or by the Rules, any suitable process or mode of proceeding may be adopted which appears conformable to the spirit of the said law or the Rule[s]. It cannot be denied that the Challenged Order was issued by the RTC to execute its Decision of April 20, 1999, specifically ordering the reversion of the subject lots to the government.<sup>19</sup>

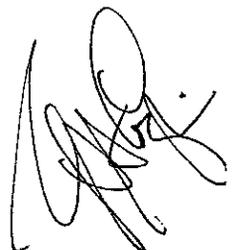
Unlike in *Hsi Pin Liu* where the RTC decision therein did not expressly include the cancellation of the derivative or subsequent titles emanating from the original certificates of title that were ordered to be cancelled, in the present case, the CFI Decision makes reference to "Transfer Certificate of Title No. T-9550 x x x of the Register of Deeds of the Province of Batangas and **other subdivision titles** issued in favor of Ayala y Cia and/or Hacienda de [Calatagan, being declared null and void, and] the areas outside its private land covered by TCT No. 722, which, including the lots in [TCT No.] T-9550 (lots 360, 362, 363 and 182), [were being] reverted to public dominion."<sup>20</sup> As found by both the RTC and CA, the certificate of title covering the subject land in petitioner's name is included in the "other subdivision titles" that must be cancelled to fully execute the CFI Decision. Based on the TWC's report, it was found out that the subject land was covered by a derivative title of TCT No. 722, which must be cancelled.<sup>21</sup>

Indeed, the assailed Orders of the RTC were issued pursuant to its residual authority conferred by the Rules to carry its jurisdiction into effect,

<sup>19</sup> Id. at 6-7. Citation omitted.

<sup>20</sup> *Rollo*, p. 64. Emphasis supplied.

<sup>21</sup> Id. at 66.



which includes execution of its judgments. Section 6, Rule 135 of the Rules provides:

SEC. 6. *Means to carry jurisdiction into effect.* — When by law jurisdiction is conferred on a court or judicial officer, all auxiliary writs, processes and other means necessary to carry it into effect may be employed by such court or officer; and if the procedure to be followed in the exercise of such jurisdiction is not specifically pointed out by law or by these rules, any suitable process or mode of proceeding may be adopted which appears conformable to the spirit of the said law or rules.

It must be recalled that the CFI Decision declared null and void TCT No. T-9550 and other subdivision titles issued in favor of *Ayala y Cia* and/or *Hacienda Calatagan*<sup>22</sup> over the areas outside the private land of said entities covered by TCT No. 722, which, including lots in TCT No. T-9550 (lots 360, 362, 363 and 182), were reverted to the public dominion.<sup>23</sup> Since the CFI Decision has not been fully executed, the RTC, which has jurisdiction to execute it, is authorized by the Rules to employ in the process all auxiliary writs, processes and other means necessary whether or not specifically pointed out by law or by the Rules.

On this point, the Court echoes the CA's apt description of the significance, and the court's duty in the execution, of a judgment, *viz.*:

It is almost trite to say that execution is the fruit and end of the suit and is the life of the law. A judgment, if left unexecuted, would be nothing but an empty victory for the prevailing party. Litigation must end sometime and somewhere. An effective and efficient administration of justice requires that once a judgment has become final, the winning party must not be deprived of the fruits of the verdict. Courts must, therefore, guard against any scheme calculated to bring about that result. Constituted as they are to put an end to controversies, courts should frown upon any attempt to prolong them.<sup>24</sup>

Regarding sub-issue (iii), this involves a factual review which is not generally allowed in a Rule 45 petition for *certiorari*. This is so because the Court is not a trier of facts and will not re-examine nor re-evaluate the evidence on record.<sup>25</sup> Also, well-settled is the rule that factual findings of the trial court, when affirmed by the CA, are generally final, binding and conclusive on the Court.<sup>26</sup> While there are numerous accepted exceptions to the general rule, none obtains here.

<sup>22</sup> *Hacienda de Calatagan* in some parts of the records.

<sup>23</sup> *Rollo*, p. 64.

<sup>24</sup> *Id.* at 75, quoting *Florentino v. Rivera*, 515 Phil. 494, 505 (2006).

<sup>25</sup> See *Cereno v. Court of Appeals*, G.R. No. 167366, September 26, 2012, 682 SCRA 18, 24-25.

<sup>26</sup> *Carbonell v. Carbonell-Mendes, etc.*, G.R. No. 205681, July 1, 2015, 761 SCRA 260, 269; see *Cereno v. Court of Appeals*, *id.* at 25.



The Court is not persuaded by petitioner's arguments to veer away from the factual findings of the RTC, which were upheld by the CA. Thus, the Court adopts these pronouncements of the CA:

To properly execute Civil Case No. 373, the RTC directed the DENR to create a TWC to conduct another relocation survey of the property covered by TCT No. 722 and to determine the excess area that must be reverted back to the State. The performance of the said relocation survey was sanctioned and supported by the Supreme Court itself [in *Republic v. Delos Angeles*<sup>27</sup>]. True to its mandate, on [May 20, 2008], a survey order was issued by the Regional Executive Director of the DENR creating three x x x survey teams and one x x x IEC team to conduct the survey and information dissemination on the said relocated survey. In due time, the TWC submitted its report to the RTC stating the lands covered by the excess area of Hacienda Calatagan.

Petitioner asserts that the DENR did not conduct an appropriate relocation survey of TCT No. 722 because it did not perform an actual ground survey. On the other hand, the OSG counters that the DENR fulfilled its mandate by dutifully creating a TWC with support teams and it conducted studies, research and investigation on the previous survey and perimeter plans on the said land and available records in the Register of Deeds.

Between the unsubstantial allegation of petitioner and the properly documented and investigated report of the DENR, the Court is inclined to favor the latter. Indisputably, the DENR is a government agency that specializes in the technical conduct of surveys to determine the proper boundaries of the land. In this case, the DENR deemed it fit to create one x x x TWC composed of three x x x survey teams and [one] IEC team to comply with the order of the RTC. These teams were tasked to conduct a meticulous and technical investigation to determine the excess areas of Hacienda Calatagan, which they successfully did in its report submitted before the RTC.

Even if We assume petitioner's position that the TWC did not conduct actual ground survey, it does not lessen the credibility of its report. It must be underscored that the report was based on the survey plans and perimeter surveys of Engr. Rufino Santiago, and not anymore on the flawed Psd-27941; and that the TWC researched and investigated available records in the Register of Deeds. The Supreme Court also recognized that the records of the [Office of the] Director of Lands or its successor offices under the DENR itself could be examined to determine the excess areas of TCT No. 722.

Indeed, as the agency specialized in the conduct of land surveys, the DENR is in the best position to determine which methods were the most effective and efficient ways to reveal the true boundaries of Hacienda Calatagan and its surrounding excess areas. It is a well-recognized rule that fact-finding investigations of the government enjoy the presumption of regularity in the performance of official duty. Petitioner's suspicions of incompetence and inadequate conduct of official function by the DENR are insufficient to overturn the authority of its technical report. Accordingly, the Court is of the view that the validity and

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<sup>27</sup> 588 Phil. 1003 (2008).

soundness of the TWC's report, from which the assailed RTC [O]rders were based, must be upheld.<sup>28</sup>

Indeed, petitioner has failed in his burden to overcome the presumption that the official duty of the DENR, the very government agency authorized to conduct land surveys, to create a TWC to conduct another relocation survey of the property covered by TCT No. 722 and to determine the excess areas that must be reverted back to the State, has been regularly performed pursuant to Section 3(m), Rule 131 of the Rules.

Anent sub-issue (iv), the CA rejected petitioner's arguments in this wise:

Petitioner asserts that as the subject land was acquired from the Republic, through DAR, in a registered sale, then it cannot be attacked. The argument holds no water. As earlier discussed, a void title acquired through fraud, misrepresentation or oversight cannot defeat the State's right to reacquire the same. Well-settled is the doctrine that the registration of a patent under the Torrens system does not by itself vest title; it merely confirms the registrant's already existing one. Verily, registration under the Torrens system is not a mode of acquiring ownership.

In the same vein, it has been held that the mistake or error of the officials or agents of the government cannot be invoked against the government with regard to property of the public domain. It has been said that the State cannot be estopped by the omission, mistake or error of its officials or agents. Consequently, despite purchasing the subject property from the Republic, petitioner's title may still be reacquired by the State if it is proven to be a part of public domain.

Moreover, it is understandable that the subject land was inadvertently sold to petitioner. The sale took place on [September 17, 1987] and, at that time, the CFI Decision in Civil Case No. 373 was not yet executed due to the dilatory tactics of the Ayalas and it could not be specifically determined which lands were included in [the] excess area of Hacienda Calatagan. Hence, the DAR could not be faulted if it erroneously transferred the subject land to petitioner. Nevertheless, estoppel shall not lie against the State and it may still reacquire a parcel of land of public domain.<sup>29</sup>

In *Republic v. Saromo*,<sup>30</sup> the Court reiterated the doctrine that reversion is warranted based on mistake or error on the part of government officials or agents, viz.:

In *Republic v. Hachero*, the Court observed:

Reversion is an action where the ultimate relief sought is to revert the land back to the government under the Regalian doctrine. Considering that the land subject of

<sup>28</sup> *Rollo*, pp. 73-75. Citations omitted.

<sup>29</sup> *Id.* at 72. Citations omitted.

<sup>30</sup> G.R. No. 189803, March 14, 2018, 858 SCRA 567.

the action originated from a grant by the government, its cancellation therefore is a matter between the grantor and the grantee. In *Republic v. Guerrero*, the Court gave a more general statement that "this remedy of reversion can only be availed of in cases of fraudulent or unlawful inclusion of the land in patents or certificates of title." Nonetheless, the Court recognized in *Republic v. Mangotara*, that there were instances when it granted reversion for reasons other than fraud:

x x x. In *Estate of the Late Jesus S. Yujuico v. Republic* (*Yujuico case*), reversion was defined as an action which seeks to restore public land fraudulently awarded and disposed of to private individuals or corporations to the mass of public domain. It bears to point out, though, that the Court also allowed the resort by the Government to actions for reversion to cancel titles that were void for reasons other than fraud, *i.e.*, violation by the grantee of a patent of the conditions imposed by law; and lack of jurisdiction of the Director of Lands to grant a patent covering inalienable forest land or portion of a river, **even when such grant was made through mere oversight.**  
x x x

In the case at bench, although the Republic's action for cancellation of patent and title and for reversion was not based on fraud or misrepresentation on the part of Hachero, his title could still be cancelled and the subject land reverted back to the State because the grant was made through mistake or oversight. x x x

The Court further observed in *Hachero*:

At any rate, it is a time-honored principle that the statute of limitations or the lapse of time does not run against the State. Jurisprudence also recognizes the State's immunity from estoppel as a result of the mistakes or errors of its officials and agents. These well[-]established principles apply in the case at bench. The Court in *Republic v. Roxas* elucidated:

x x x x

Be that as it may, **the mistake or error of the officials or agents** of the [Bureau of Lands] in this regard **cannot be invoked against the government** with regard to property of the public domain. It has been said that **the State cannot be estopped by the omission, mistake or error of its officials or agents.**

It is well-recognized that if a person obtains a title under the Public Land Act which includes, by oversight, lands which cannot be registered under the Torrens system,

or when the Director of Lands did not have jurisdiction over the same because it is a public domain, the grantee does not, by virtue of the said certificate of title alone, become the owner of the land or property illegally included. Otherwise stated, property of the public domain is incapable of registration and its inclusion in a title nullifies that title.

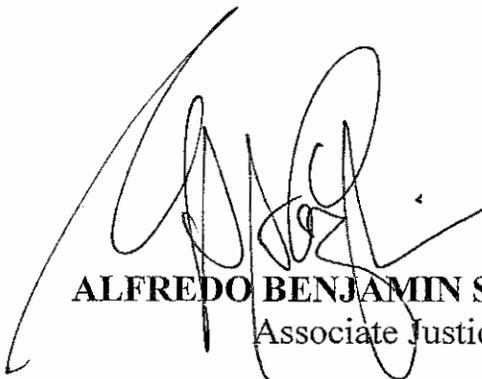
Since at the very least, the government officials concerned in the processing and approval of Saromo's free patent application erred or were mistaken in granting a free patent over unclassified public forest land, which could not be registered under the Torrens system and over which the Director of Lands had no jurisdiction, the free patent issued to Saromo ought to be cancelled. In the same vein, the Torrens title issued pursuant to the invalid free patent should likewise be cancelled.<sup>31</sup> (Emphasis in the original)

In the present case, the error or mistake of the DAR in selling the subject land to petitioner cannot be invoked against the government given the fact that reversion was granted in favor of the Republic due to the illegal registration of territorial waters and lands of the public domain in favor of the Ayalas and/or *Hacienda Calatagan* when the survey and preparation of a composite plan of *Hacienda Calatagan* resulted in the increase of its original area of 9,652.583 hectares as reflected in TCT No. 722 to 12,000 hectares.<sup>32</sup> The inclusion of areas in excess of the original area as reflected in TCT No. 722 in subsequent certificates of title did not vest any right of private ownership because, as mentioned in the CA Decision and confirmed by jurisprudence that it cited, registration of lands under the Torrens system is not a mode of acquiring ownership.<sup>33</sup>

Given the foregoing, the Court concludes that the CA committed no reversible errors in the assailed Decision and Resolution.

**WHEREFORE**, the Petition is **DENIED**. The Decision dated January 13, 2017 and Resolution dated March 27, 2017 of the Court of Appeals in CA-G.R. SP No. 141450 are **AFFIRMED**.

**SO ORDERED.**



**ALFREDO BENJAMIN S. CAGUIOA**  
Associate Justice

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<sup>31</sup> Id. at 598-601.

<sup>32</sup> *Rollo*, p. 64.

<sup>33</sup> Id. at 72.

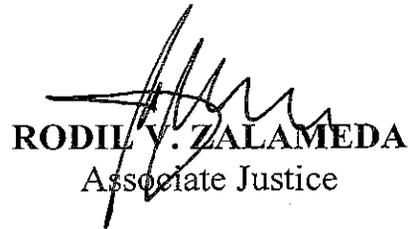
WE CONCUR:



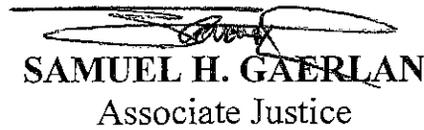
**DIOSDADO M. PERALTA**  
Chief Justice  
Chairperson



**ROSMARIE D. CARANDANG**  
Associate Justice



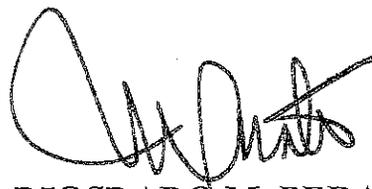
**RODIL V. ZALAMEDA**  
Associate Justice



**SAMUEL H. GAERLAN**  
Associate Justice

**CERTIFICATION**

Pursuant to Section 13, Article VIII of the Constitution, I certify that the conclusions in the above Resolution had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



**DIOSDADO M. PERALTA**  
Chief Justice

