



Republic of the Philippines  
Supreme Court  
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated January 19, 2021 which reads as follows:*

**“G.R. No. 239421 - (NENITA G. BONDOC, petitioner v. ABELARDO M. MARTIN, respondent).** – Assailed in this petition for review on *certiorari*<sup>1</sup> is the November 27, 2017 Decision<sup>2</sup> of the Court of Appeals (CA) in CA-G.R. SP No. 145662, affirming the Decision<sup>3</sup> dated May 13, 2015 and the Resolution<sup>4</sup> dated April 20, 2016 of the Office of the President (OP) in O.P. Case No. 13-C-059. The Decision and the Resolution of the OP in turn, affirmed the Decision<sup>5</sup> of the Office of the Secretary of Department of Environment and Natural Resources (DENR) declaring Nenita G. Bondoc’s (petitioner) application for free patent as null and void *ab initio* and affirmed the Order of the Regional Executive Director of Region III of the DENR, which granted the protest of Abelardo M. Martin (respondent).

*Factual Antecedents*

This case stemmed from the protest filed by respondent against the Free Patent Application No. 035419-327 with an assigned Free Patent Entry No. 035419-06-1839 leading to the issuance of Original Certificate of Title (OCT) No. 12607 in the name of petitioner covering Lot No. 612, Cad. 380-D, situated in San Isidro, Sta. Ana, Pampanga, with an area of 14,094 square meters.<sup>6</sup>

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<sup>1</sup> *Rollo*, pp. 8-33.

<sup>2</sup> *Id.* at 73-83; penned by Associate Justice Ramon Paul L. Hernando (now a Member of this Court), with Acting Presiding Justice Remedios A. Salazar-Fernando and Associate Justice Mario V. Lopez (now a Member of this Court), concurring.

<sup>3</sup> *Id.* at 55-56.

<sup>4</sup> *Id.* at 57-58.

<sup>5</sup> *Id.* at 46-54.

<sup>6</sup> *Id.* at 46.

Petitioner alleged that the subject property was acquired by Eladio C. Garcia (Eladio), her predecessor-in-interest, from the late Dr. German C. Garcia thru a Deed of Absolute Sale executed on October 17, 1950. Tax Declaration No. 1954 in the name of Dr. German Garcia was eventually canceled and a new Tax Declaration No. 3177 was issued in Eladio's name. Several revisions were imposed which led to the issuance of Tax Declaration No. A-18004-0057-A in Eladio's name. After Eladio passed away, his surviving heirs, namely: Henry T. Garcia, Sonia G. Cajandab, Linda G. Alfonso and petitioner, extra judicially settled his estate in 2005, including the subject property. By reason of the settlement, the Tax Declaration in the name of Eladio was canceled and a new Tax Declaration No. A-18004-1012 was issued in petitioner's name. She then applied for a Free Patent before the DENR Office at San Fernando, Pampanga. On March 2, 2006, Free Patent No. 035419-06-1839 (OCT No. 12607) was registered and issued in petitioner's name.<sup>7</sup>

For his part, respondent asserted that he is the owner and actual possessor of the land in dispute. He declared that it was originally owned and occupied by Santiago Balatnat Garcia who died in 1950. In 1975, his compulsory heirs namely: Ernesto, Carmelino, Evangeline, Iluminada and Avelino, adjudicated the property among themselves. On February 13, 1979, Ernesto, Carmelino, Evangeline and Avelino waived all their rights and interests in favor of their sister, Illuminada Garcia Tiqui. Thereafter, Illuminada transferred her ownership over the land to Magdalena Martin Francisco, who sold the same on September 18, 1990 to her sister-in-law, Aida M. Martin (Aida).<sup>8</sup>

In 1992, Aida sold the property to respondent, who occupied the subject land since then up to the present time in open, adverse, exclusive and notorious occupation and cultivation in the concept of an owner. Respondent claimed that in all these years he never heard from petitioner that she owns the property. It was only until he was summoned by the Barangay Captain upon petitioner's complaint that he found out that the latter was issued a Free Patent in 2006 covering the disputed lot. In his protest, respondent argued that he should be awarded the Free Patent. He further asserted that the petitioner's Free Patent was tainted with fraud.<sup>9</sup>

The Regional Executive Director Ricardo L. Calderon of the DENR Region III issued an Order<sup>10</sup> dated January 13, 2012, as follows:

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<sup>7</sup> Id. at 48.

<sup>8</sup> Id.

<sup>9</sup> Id.

<sup>10</sup> Id. at 36-45.

WHEREFORE, the foregoing premises considered, the Protest filed by the Protestant is hereby SUSTAINED. The Protestant may now file a case of declaration of nullity of patent and certificate of title to the regular courts.

SO ORDERED.<sup>11</sup>

Dissatisfied with the above ruling, petitioner appealed before the DENR Secretary.

On February 18, 2013, Atty. Anselmo C. Abungan, OIC-Assistant Secretary for Legal Affairs of the DENR-Quezon City rendered a Decision,<sup>12</sup> thus:

WHEREFORE, premises carefully considered, the instant appeal is hereby DENIED for utter lack of merit. The appealed Order dated 13 January 2012 issued by the Regional Executive Director, DENR Region-III, San Fernando City, Pampanga is hereby AFFIRMED with the following MODIFICATIONS:

1) In accordance with Section 91 of Commonwealth Act No. 141, as amended, appellants Free Patent No. 035419-06-1839 is hereby DECLARED NULL AND VOID *ab initio* for being contrary to law.

2) It is further DECLARED that there is no further impediment to the filing by the appellee of an action for reconveyance and annulment of appellant's Original Certificate of Title (O.C.T.) No. 12607 before the regular courts.

SO ORDERED.

Petitioner appealed before the OP. In a Decision<sup>13</sup> dated May 13, 2015, the OP affirmed the Decision of the Office of the Secretary of the DENR, to wit:

WHEREFORE, the decision appealed is hereby AFFIRMED.

SO ORDERED.<sup>14</sup>

Petitioner filed a motion for reconsideration, however, the motion was denied in a Resolution<sup>15</sup> dated April 20, 2016.

Aggrieved, petitioner filed a petition for review before the CA.

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<sup>11</sup> Id. at 44.

<sup>12</sup> Id. at 46-54.

<sup>13</sup> Id. at 55.

<sup>14</sup> Id.

<sup>15</sup> Id. at 57-58.

On November 27, 2017, the CA promulgated the assailed Decision<sup>16</sup> in favor respondent, the dispositive portion of which reads:

WHEREFORE, the appeal is hereby DENIED. The May 13, 2015 Decision and April 20, 2016 Resolution of the Office of the President in O.P. Case No. 13-C-059 is hereby AFFIRMED.

SO ORDERED.<sup>17</sup>

Petitioner's motion for reconsideration was likewise denied by the CA.

Hence, this petition.

Essentially, the issue is whether the CA erred in affirming the OP, declaring Free Patent No. 035419-06-1839 as null and void for having been obtained through fraud, and in not finding that the subject of respondent's protest is different from the property covered by petitioner's free patent.

### **Ruling of the Court**

We deny the petition.

A petition for review on *certiorari* under Rule 45 expressly requires that the petition shall only raise questions of law which must be distinctly set forth. In the present petition, the issues raised by petitioner are factual in nature. The determination on the existence or non-existence of fraud is a factual matter that is beyond the scope of a petition for review on *certiorari*.<sup>18</sup> The rule admits of exceptions, which includes, but not limited to: (1) where the conclusion is a finding grounded entirely on speculation, surmise, and conjectures; (2) where the inference made is manifestly mistaken; (3) where there is grave abuse of discretion; (4) where the judgment is based on misapprehension of facts; and (5) the findings of fact are premised on the absence of evidence and are contradicted by evidence on record.<sup>19</sup> Considering that petitioner failed to prove that this case falls under the exceptions, the Court is constrained to deny due course to the petition.

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<sup>16</sup> Id. at 73-83.

<sup>17</sup> Id. at 82.

<sup>18</sup> *Mendoza v. Valle*, 768 Phil. 539, 542 (2015)

<sup>19</sup> *Uyboco v. People*, 749 Phil. 987, 902 (2014).

Likewise, factual findings of administrative or quasi-judicial bodies, which are deemed to have acquired expertise in matters within their respective jurisdictions, are generally accorded not only respect but even finality, and bind the Court when supported by substantial evidence.<sup>20</sup> In this case, the DENR Office of the Secretary found that petitioner made representations in her public land application that are contrary to the facts on record. It declared that not only did petitioner submit a falsified extrajudicial settlement document, but she also falsely asserted in her free patent application that the subject property was not occupied by other persons. However, upon ocular inspection of the Regional Executive Director, it was revealed that respondent was in actual occupation of the subject property and cultivating the same.

It has been held that the findings of facts of the Director of Land (now the Regional Director) is conclusive in the absence of any showing that such decision was rendered in consequence of fraud, imposition or mistake, other than error of judgment in estimating the value or effect of evidence, regardless of whether or not it is consistent with the preponderance of evidence, so long as there is some evidence upon which the findings in question could be made.<sup>21</sup> Here, the Regional Executive Director found that petitioner made false statements in her free patent application. He noted that during the ocular inspection, respondent was seen occupying and cultivating the subject lot. Moreover, there were no improvements seen introduced by petitioner. According to the Regional Executive Director, the filing of an ejectment case by the petitioner against the respondent is a clear indication that the former is not in possession of the subject lot. Petitioner's failure to disclose in her free patent application that the land is occupied by other persons constitutes fraud and misrepresentation. Any false statement in an application for a public land shall *ipso facto* produce cancellation of the title granted.<sup>22</sup>

Section 91 of the Public Land Act provides the automatic cancellation of the applications filed on the ground of fraud and misrepresentation, thus:

Section 91. The statements made in the application shall be considered as essential conditions and parts of any concession, title, or permit issued on the basis of such application, and any false statements therein or omission of facts altering, changing, or modifying the consideration of the facts set forth in such statements, and any subsequent modification, alteration, or change of the

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<sup>20</sup> *Noblado, et al. v. Alfonso*, 773 Phil. 271, 279-280 (2015).

<sup>21</sup> *Sps. Tabino v. Tabino*, 740 Phil. 158, 171 (2014).

<sup>22</sup> *Rollo*, p. 42.

material facts set forth in the application shall *ipso facto* produce the cancellation of the concession, title, or permit granted. It shall be the duty of the Director of Lands, from time to time and whenever he may deem it advisable, to make the necessary investigations for the purpose of ascertaining whether the material facts set out in the application are true, or whether they continue to exist and are maintained and preserved in good faith, and for the purposes of such investigation, the Director of Lands is hereby empowered to issue *subpoenas* and *subpoenas duces tecum* and, if necessary, to obtain compulsory process from the courts. In every investigation made in accordance with this section, the existence of bad faith, fraud, concealment, or fraudulent and illegal modification of essential facts shall be presumed if the grantee or possessor of the land shall refuse or fail to obey a *subpoena* or *subpoena duces tecum* lawfully issued by the Director of Lands or his authorized delegates or agents, or shall refuse or fail to give direct and specific answers to pertinent questions, and on the basis of such presumption, an order of cancellation may issue without further proceedings.

Petitioner also argues that the property subject of the free patent and the property occupied by the respondent are different. However, we find no merit in her contention. As the CA correctly pointed out, questions on the identity of the disputed public land is a matter which requires a technical determination by the DENR. In this case, the DENR Office of the Secretary and the Regional Executive Director found that the property being claimed by petitioner and the one occupied by respondent is one and the same. Petitioner failed to prove her allegation that the subject property for patent application and the property claimed by the respondent are different.

Based on the foregoing, we find that the CA committed no reversible error in sustaining the OP Decision, which affirmed the Decision of the Office of the Secretary of the DENR, declaring petitioner's application for free patent as null and void *ab initio* and affirming the Order of the Regional Executive Director of Region III of the DENR, granting the protest of respondent against petitioner's free patent application.

**WHEREFORE**, the petition is **DENIED**. The Decision dated November 27, 2017 and the Resolution dated May 22, 2018 of the Court of Appeals in CA-G.R. SP No. 145662 are hereby **AFFIRMED**.

The respondent's compliance with the Resolution dated June 26, 2019, by submitting verified declaration of the signed comment pursuant to A.M. Nos. 10-3-7-SC and 11-9-4-SC is **DISPENSED WITH**.


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**SO ORDERED.”**

**By authority of the Court:**

  
**LIBRADA C. BUENA**  
Division Clerk of Court  
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by:

**MARIA TERESA B. SIBULO**  
Deputy Division Clerk of Court  
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