REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, Second Division, issued a Resolution dated **03 March 2021** *which reads as follows*:

"G.R. No. 240271 (Ireneo R. Maitem, substituted by his heirs, namely: Victoriana Maitem, Eduardo T. Maitem, Josefina M. Nuñez, Rainero T. Maitem, Rosalindo T. Maitem, Noniluna M. Bautista, Isagani T. Maitem, Jansan T. Maitem, Ivic T. Maitem, and Reynaldo T. Maitem v. Dorotea B. Cabrera, substituted by her heirs, namely: Salvador T. Bertulfo, Lourdes C. Lopina, Gabriel B. Cabrera, and Ande John C. Cabrera; Community Environment and Natural Resources Office, Department of Environment and Natural Resources (DENR), Southern Leyte; Register of Deeds of Southern Leyte; and Provincial Assessor of Southern Leyte). — This resolves the Petition for Review on *Certiorari*[1] under Rule 45 of the Rules of Court assailing the Court of Appeals' (CA) January 31, 2017 Decision[2] and May 24, 2018 Resolution[3] in CA-G.R. CV. No. 04242. The CA affirmed and modified the Regional Trial Court's (RTC) November 2, 2011 Decision[4] in Civil Case No. R-3428 denying Juan Rodas' heirs' (Rodas heirs) complaint for reconveyance, quieting of title, and cancellation of Original Certificate of Title (OCT) No. 38632, Transfer Certificate of Title (TCT) No. T-8423 and ARP No. 08022-00767.

ANTECEDENTS

The dispute revolves around a 559 square-meter property, allegedly part of Lot 1544 (designated as Lot 5144 after the cadastral survey) and should

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1 *Rollo*, pp. 4-23.
2 *Id.* at 124-136; penned by Associate Justice Geraldine C. Fiel-Macaraig, with the concurrence of Associate Justices Edgardo L. Delos Santos (now a Member of this Court) and Edward B. Contreras.
3 *Id.* at 145-147
4 *Id.* at 63-78.

have been registered under OCT No. 38623[5] in favor of Rodas heirs. However, the disputed property was erroneously included in OCT No. 38632[6] issued in favor of Venancio Tillo's heirs (Tillo heirs) covering Lot 1522 (designated as Lot 5122 after the conduct of the cadastral survey). OCT No. 38632 was cancelled on August 20, 2002, when TCT No. T-8423[7] was issued in favor of Venancio Tillo's granddaughter, Dorotea B. Cabrera (Cabrera). Spouses Juan and Gregoria Rodas' (Spouses Rodas) son Ireneo Maitem (Ireneo) is the lone petitioner in this case.

The facts, as culled from the records, are summarized as follows:

Spouses Rodas allegedly acquired a 3,458 square-meter parcel of land situated in San Roque, Macrohon, Southern Leyte.[8] Rodas heirs claimed that Gregoria occupied the property in the concept of an owner, and in 1951, her daughter-in-law, Narcisa Rodas, also occupied the same property. Since then, several improvements were introduced, including coconut trees, artesian well, and residential houses.[9] In 1994, Ireneo purportedly constructed a house and a store[10] in the disputed property and started to live there in 1995 with his family.[11] In 1995, Ireneo and his siblings allowed Ireneo Magsinulog and Dominador Arayan to construct their own houses on the land and collected rentals from them.[12]

On August 1, 1996, the government granted free patents covering Lot 5144 (formerly Lot 1544) with an area of 2,899 square meters[13] and Lot 5122 (formerly Lot 1522) with an area of 15,732 square meters[14] in favor of Rodas heirs and Tillo heirs, respectively. The free patents were based on the cadastral survey conducted in 1979. Consequently, the Register of Deeds issued OCT No. 38623 in the name of *Heirs of Juan Rodas, represented by Ireneo Maitem,* and OCT No. 38632 in the name of *Heirs of Venancio Tillo, represented by Dorotea B. Cabrera.*

Sometime in 2003,[15] Ireneo learned through a relocation survey conducted by Tillo heirs that a portion of Lot 1544 was registered as part of OCT No. 38632 covering Lot 1522/5122. Tillo heirs acknowledged the erroneous inclusion of a portion of Lot 1544 in the registration of Lot 1522/5122, but Cabrera disagreed and claimed full ownership over the 559 square-meter property.[16] Cabrera even complained to the *barangay* that Ireneo

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5 *Id.* at 45.
6 *Id.* at 36.
7 *Id.* at 38.
8 *Id.* at 28.
9 *Id.* at 8.
10 *Id.* at 28.
11 *Id.* at 8.
12 *Id.* at 8.
13 *Id.* at 45.
14 *Id.* at 36.
15 *Id.* at 66.
16 *Id.* at 28-29.

constructed his house on her land without permission.[17] The parties failed to reconcile; hence, a Certification to File Action[18] was issued.[19]

On May 24, 2005, Rodas heirs filed a complaint for reconveyance, quieting of title, and cancellation of OCT No. 38632, TCT No. T-8423 and ARP No. 08022-00767 with preliminary injunction and damages,[20] before the RTC. Rodas heirs presented several witnesses and submitted Tax Declarations (TDs) in Juan Rodas' name to prove their claim of ownership over the disputed property. Cabrera also presented several witnesses and submitted the survey of Lot 5122, OCT No. 38632, and TDs in Venancio Tillo's name and her name to prove ownership over the land.

On November 2, 2011, the RTC rendered its decision in favor of Tillo heirs. Although the RTC described the witnesses' testimonies and enumerated the documentary evidence submitted by the parties in its decision, it ruled that it cannot allow Rodas heirs to adduce evidence to prove their ownership over the 559 square-meter property because they failed to properly identify the property in their complaint. The relevant portion of the Decision,[21] reads:

> Lot No. 5122 and Lot No. 5144 are adjacent lots found in San Roque, Macrohon, Southern Leyte. Each lot is distinct from the other. The lot number once assigned to a piece of land situated in a particular place in the country, the lot number attaches to the lot forever. The plaintiffs identified Lot No. 5144 as the subject matter of the complaint. They cannot be awarded any property outside or other than Lot No. 5144. What plaintiffs should have done was to amend their complaint accordingly at the proper time, this, the plaintiffs failed to do so.
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> Going back to the questions mentioned earlier, it is the opinion of the Court that the answer to both questions is in the negative. That the plaintiffs cannot be allowed to adduce evidence to prove a fact not alleged in the complaint and that the plaintiffs cannot be awarded ownership over the property not alleged in the complaint.
>
> **WHEREFORE, JUDGMENT** is hereby rendered in favor of the **DEFENDANTS** ordering the plaintiffs to respect the right of the defendants over Lot No. 5122. The defendants are further ordered to remove any improvements they may have introduced inside Lot No. 5122.
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> **SO ORDERED.**[22]

Aggrieved, Rodas heirs appealed the case with the CA. Acting on the appeal, the CA disagreed with the RTC and observed that the disputed property was properly identified in the complaint. Nevertheless, Rodas heirs failed to prove their ownership over the 559 square-meter property alleged to have been registered under OCT No. 38632. The CA affirmed the RTC's

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17 See Dorotea Cabrera's letter dated January 2, 2003, *id.* at 46.
18 *Rollo*, p. 47.
19 *Id.* at 40.
20 *Id. at* 26-34.
21 *Supra* note 4.
22 *Supra* at 78.

ruling in denying the complaint filed by Rodas heirs but ordered that the improvements they introduced in Lot 5122 should not be removed since Cabrera failed to seek the recovery of the land. The decretal portion of the CA's January 31, 2017 Decision,[23] reads:

> **WHEREFORE,** the appeal is **DENIED.** The 2 November 2011 Decision of the Regional Trial Court, Branch 24, Maasin City, Southern Leyte, in Civil Case No. R-3428 is **AFFIRMED** with **MODIFICATION** to the effect that the order to plaintiff-appellants to remove the improvements introduced to Lot No. 5122 is **DELETED.**
>
> **SO ORDERED.**[24]

Rodas heirs sought reconsideration, but the CA denied it in a Resolution[25] dated May 24, 2018. Hence, this recourse by Ireneo, asking for the reconveyance of the disputed property in favor of Rodas heirs.

Ireneo asserts that they (Rodas heirs) were able to establish their ownership over the 559 square-meter land based on succession and adverse possession since they have been in open, public, and adverse possession of the property in the concept of an owner since 1906, as shown by their payment of real estate taxes in favor of the government.[26] He claims that the CA erred in not recognizing the mistake in the cadastral survey, which resulted in the inclusion of the disputed property to Lot 1522 and eventually in the registration under OCT No. 38632.[27] Lastly, he insists that the disputed property has become private property after the grant of the patent. As such, it is a proper subject of reconveyance.

For their part, Cabrera's heirs justify that the CA's decision was not based on a misapprehension of facts and that it did not overlook relevant facts since its findings are based on the evidence on record.[28] Specifically, the TDs presented do not conform to the area claimed by Rodas heirs but refer to Lot 1544 covered by OCT No. 38623. Thus, Rodas heirs were only able to establish possession of Lot 1544, not ownership over the disputed property, which is part of OCT No. 38632.[29] Additionally, since the disputed property is registered to Cabrera, Rodas heirs cannot acquire it by prescription.[30] Regarding the alleged mistake in the cadastral survey, Cabrera's heirs contend that a relocation survey is unnecessary for applying for a free patent. The approval of the technical description of both lots before the grant of the patents shows that the two lots did not overlap. Finally, reconveyance is not proper in this case following this Court's ruling in *De Leon v. De Leon-Reyes.*[31]

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23 *Id.* at 124-136.
24 *Id.* at 135.
25 *Id.* at 145-147.
26 *Id.* at 13-15.
27 *Id.* at 16-18.
28 *Id.* at 169.
29 *Id.* at 170-171.
30 *Id.* at 171-172.
31 785 Phil. 832 (2016).

RULING

The petition lacks merit.

Time and again, this Court has emphasized that it is not a trier of facts and it will only entertain questions of law in petitions filed under Rule 45 of the Rules of Court. Absent any showing that the findings of the lower courts are baseless or erroneous as to constitute palpable error or grave abuse of discretion, the Court will refrain from analyzing and weighing the evidence all over again.[32] Here, Ireneo takes exception to the rule and alleges that the RTC and CA's respective decisions were based on a misapprehension of facts. He claims that the CA manifestly overlooked undisputed relevant facts, which would justify a different conclusion to warrant judicial review.[33] Ireneo is severely mistaken. The Court holds that the CA did not misapprehend relevant facts to justify a deviation from its findings.

Rodas heirs failed to prove ownership over the disputed property.

To successfully maintain an action to recover the ownership of real property, the person who claims a better right to it must prove two things: *first*, the identity of the land claimed, and *second*, his title to it.[34] Here, the CA held that Rodas heirs properly identified the 559 square-meter property that sought to be reconveyed. Cabrera's heirs did not question the CA's finding that the disputed property was adequately identified in the complaint; hence, this matter is already binding upon them. As to the second requisite, we find that Rodas heirs failed to prove their ownership over the disputed property.

Tax declarations and receipts are good indicia of possession and ownership because "no one in his [or her] right mind would be paying taxes for a property that is not in his [or her] actual, or at the least, constructive, possession."[35] Nevertheless, TDs and receipts alone are not conclusive evidence of ownership or the right to possess the land.[36] More so, if the TDs and receipts themselves do not identify the property with particularity, as in this case.

We note that the TDs for the years 1906 to 1980 issued in Juan Rodas' name specified that the area of the property is 912 square meters, but the metes and bounds were not described. It was only after the cadastral survey in 1979, when Rodas heirs' property was designated as Lot 5144 that the identity of the lot was ascertained, and its area was increased to 2,899 square meters. This was aptly observed by the CA:

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32 See *Abobon v. Abobon*, 692 Phil. 530, 543 (2012).
33 *Rollo*, p. 12.
34 See CIVIL CODE, Art. 434. See also *Ibot v. Heirs of Francisco Tayco*, 757 Phil. 441, 450 (2015).
35 *Republic v. Sps. Go*, 815 Phil. 306, 320 (2017), citing *Republic v. Gielczyk*, 720 Phil. 385, 397 (2013).
36 *Republic v. Gielczyk*, *id.* at 405.

> A thorough examination of the TDs only establish that appellants, through their predecessors-in-interest, **possessed a parcel of land with an area of 912 sq. m. from 1906 to 1980. From the description found on the TDs, it can be gleaned that the property was located in the relative vicinity of what are currently designated as Lots 5144 and 5122. Prior to the cadastral survey, the TDs did not identify the property with particularity. It was only afterwards when the property claimed by appellants was designated as Lot 5144 that the identity of the lot could be ascertained. Beginning 1983, the area claimed by appellants also increased to 2,899 sq. m.**
>
> Given these observations, it is crystal clear that appellants' TDs do not establish their claim over the subject property. **Prior to the cadastral survey conducted in 1979, the TDs could have pertained to either a portion of Lot 1544, or a portion of Lot 5122, since the lots were adjacent to each other.** However, **after the cadastral survey was conducted, the TDs definitely pertained to Lot 5144.** It is also relevant to point out that appellees presented their own set of TDs pertaining to their possession of Lot 5122.[37] (Emphases supplied; citations omitted.)

Notably, Cabrera and her predecessors-in-interest also paid the real estate taxes on the disputed property, which was identified as part of Lot 5122. Thus, Rodas heirs cannot rely on the TDs before the grant of the free patent because the metes and bounds of the 912 square-meter property were not specified. After the grant, the TDs become insignificant because the property was already determined as part of Lot 5122.

Contrary to Ireneo's assertion,[38] the CA addressed the alleged mistake in the cadastral survey. The relevant discussion of the CA, follows:

> **This Court is aware of appellants' claim that a mistake was made during the cadastral survey** since it erroneously included the subject property in the technical description of Lot 5122, instead of Lot 5144. x x x.
>
> However, it is noteworthy that **appellants were not passive spectators insofar as the subsequent titling over Lot 5144 is concerned.** They do not dispute appellee's assertion that appellant Ireneo successfully applied for a free patent over Lot 5144, and was issued OCT No. 38623 in 1996. **Thus, in terms of which property the appellants actually possessed and are entitled to, the proverbial ship has already sailed, with appellant Ireneo at the helm.**[39] (Emphases supplied; citations omitted.)

Apparently, the CA took note of Rodas heirs' claim that there was a mistake in the cadastral survey to point out that, assuming there was one, Rodas heirs already missed their opportunity to question it. Rodas heirs, through Ireneo, had necessarily ascertained the identity of the property they claim the ownership of, when they applied for a free patent since one of the requisites for the grant is possession throughout a certain number of years. They cannot now assail the cadastral survey, which was the very basis of their application, to support their current claim over a different parcel of land. To

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37 *Rollo*, p. 129.
38 *Id.* at 16.
39 *Id.* at 130.

be sure, Ireneo applied for a free patent with the knowledge and acquiescence of the other heirs. Hence, after the grant, the Register of Deeds issued OCT No. 38623 in the name of *Heirs of Juan Rodas, represented by Ireneo Maitem.* In any case, the supposed mistake in the cadastral survey was not established.

The Court cannot give credence to the testimony of Enriqueta Tillo (Enriqueta), Venancio Tillo (Venancio), and Epifania Galgo (Epifania), who tried to describe the boundary between Lot 1544 and Lot 1522 without any other supporting evidence. The oft-repeated rule is that in civil cases, a party who alleges a fact has the burden of proving it by a preponderance of evidence or greater weight of credible evidence.[40] Unsubstantiated allegations are bare allegations[41] unworthy of the Court's consideration.

Enriqueta testified on cross-examination that her father told her that Juan Rodas is the owner of the land in the south of Tillo's land.[42] She also testified that the boundary of Tillo's land is up to the mango tree beside the jackfruit tree, near Cabrera's house. Meanwhile, Venancio testified that Tillo's land is adjacent to the Rodas family's land and that the boundary landmark is the house of Gabriel Cabrera.[43] Epifania confirmed that the lands of Rodas and Tillo are adjacent to each other with the boundary landmark of two coconut trees existing sometime in 1950; however, the trees are no longer existing at present because Gabriel Cabrera constructed his house in that portion.[44] We agree with the CA that these testimonies are intrinsically unpersuasive because of the unreliability of human memory to identify the specific boundaries that existed several decades ago.[45] Without any other evidence supporting their claim, the witnesses' testimonies are bare allegations that have no probative value.

Taken together, Rodas heirs failed to prove their ownership over the disputed property. The TDs, which they mainly relied on, did not correspond to the property, and the testimonies of the witnesses did not substantiate the alleged mistake in the cadastral survey.

Action for reconveyance will not prosper when the disputed property is public land.

Section 11[46] of Commonwealth Act No. 141, otherwise known as "The Public Land Act," provides two modes of disposing of public lands through

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40 *Dra. Dela Llana v. Biong*, 722 Phil. 743, 757 (2013).
41 *Id.*
42 *Rollo*, p. 67.
43 *Id.* at 67.
44 *Id.* at 49-50 and 68.
45 *Id.* 131.
46 SEC. 11. Public lands suitable for agricultural purposes can be disposed of only as follows, and not otherwise:

x x x x

4. By confirmation of imperfect or incomplete titles:
   (a) By judicial legalization
   (b) By administrative legalization (free patent).

confirmation of imperfect or incomplete title—judicial legalization and administrative legalization, or the grant of free patents. Both modes require continuous occupation and cultivation by the applicant or by their predecessors-in-interest for a certain period.[47] The main difference is that in judicial legalization, the applicant already holds an imperfect title to agricultural land of the public domain after occupying it since June 12, 1945, or earlier, while in administrative legalization, the applicant does not claim the land as his or her private property. Instead, the applicant acknowledges that the land is part of the public domain.[48] In other words, the applicant for the grant of free patent recognizes that the land covered by the application belongs to the government.

Here, Ireneo applied for a free patent over Lot 1544 instead of applying for its registration and confirmation with the trial court. On August 1, 1996, the free patent application was approved. Accordingly, the corresponding free patent and certificate of title denominated as "*Katibayan ng Orihinal na Titulo Blg.* 38623" was issued in the name of *Heirs of Juan Rodas, represented by Ireneo Maitem.*[49]

In *Sumail v. Judge of the Court First Instance of Cotabato*,[50] the Court held that Sumail formally acknowledged and recognized that the land covered by his application was a part of the public domain when he applied for a free patent. Also, in *Taar v. Lawan*,[51] petitioners acknowledged that the land covered by their application belonged to the government and formed part of the public domain when they chose to apply for free patents instead of judicial legalization. In the same manner, Rodas heirs formally acknowledged that Lot 1544 and the disputed property, which they thought was erroneously included in Lot 1522, belong to the government and still form part of the public domain when they applied for the free patent through Ireneo. That they have been in open, continuous, exclusive, and notorious possession and occupation of the disputed property in the concept of an owner is, therefore, negated by their application for free patent.

Likewise, Rodas heirs could not have acquired the disputed property through succession and prescription because the property of the State or any of its subdivisions not patrimonial in character cannot be the object of prescription.[52] Lands of public domain, absent any declaration that they are no longer intended for public use, are insusceptible to acquisition by prescription. Rodas heirs could not have acquired the disputed property through succession since their predecessors-in-interest did not acquire the property through prescription.

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47 See Sections 44 and 48 (b) of ("The Public Land Act.")
48 See *Taar v. Lawan*, 820 Phil. 26, 55 (2017); *De Leon v. De Leon-Reyes*, 785 Phil. 832, 840 (2016).
49 *Rollo*, p. 45.
50 96 Phil. 946 (1955).
51 *Supra.*
52 See CIVIL CODE, Art. 1113. See also *Heirs of Mario Malabanan v. Republic*, 605 Phil. 244, 274 (2009).

In *De Leon v. De Leon-Reyes*,[53] the Court clarified that the public character of the lands precludes the trial court from resolving the conflicting claims of the parties. As such, reconveyance is not the proper remedy when the public character of the land is recognized or when its private character was not established, thus:

> *Fourth*, **the remedy of reconveyance is only available to a landowner whose *private* property was erroneously or fraudulently registered in the name of another. It is not available when the subject property is *public land* because a private person, who is evidently not the landowner, would have no right to recover the property. It would simply revert to the public domain.**
>
> Thus, **reconveyance cannot be resorted to by a rival applicant to question the State's grant of free patent.** The exception to this rule is when a free patent was issued over private lands that are beyond the jurisdiction of the Director of Lands/DENR to dispose of.[54] (Emphases supplied; citations omitted.)

Indeed, there are instances when we allowed a private individual to bring an action for reconveyance of a parcel of land that was initially public and becomes private through the grant of a free patent.[55] The Court's ruling in *Lorzano v. Tabayag, Jr.*,[56] is instructive:

> A private individual may bring an action for reconveyance of a parcel of land even if the title thereof was issued through a free patent since such action does not aim or purport to re-open the registration proceeding and set aside the decree of registration, but only to show that the person who secured the registration of the questioned property is not the real owner thereof.
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> In *Roco, et al. v. Gimeda*, we stated that if a patent had already been issued through fraud or mistake and has been registered, the remedy of a party who has been injured by the fraudulent registration is an action for reconveyance, thus:
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> > It is to be noted that the petition does not seek for a reconsideration of the granting of the patent or of the decree issued in the registration proceeding. The purpose is not to annul the title but to have it conveyed to plaintiffs. Fraudulent statements were made in the application for the patent and no notice thereof was given to plaintiffs, nor knowledge of the petition known to the actual possessors and occupants of the property. The action is one based on fraud and under the law, it can be instituted within four years from the discovery of the fraud. (Art. 1146, Civil Code, as based on Section 3, paragraph 43 of Act No. 190.) It is to be noted that as the patent here has already been issued, the land has the character of registered property in accordance with the provisions of Section 122 of Act No. 496, as amended by Act No. 2332, and the remedy

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53 *Supra* note 31.
54 *Id.* at 852.
55 *Lorzano v. Tabayag, Jr.*, 681 Phil. 39 (2012).
56 *Id.*

> of the party who has been injured by the fraudulent registration is an action for reconveyance. (*Director of Lands vs. Registered of Deeds*, 92 Phil., 826; 49 Off. Gaz. [3] 935; Section 55 of Act No. 496.)

In the same vein, in *Quiñiano, et al. v. Court of Appeals, et al.*, we stressed that:

> The controlling legal norm was set forth in succinct language by Justice Tuason in a 1953 decision, *Director of Lands v. Register of Deeds of Rizal*. Thus: "The sole remedy of the land owner whose property has been wrongfully or erroneously registered in another's name is, after one year from the date of the decree, not to set aside the decree, as was done in the instant case, but, respecting the decree as incontrovertible and no longer open to review, to bring an ordinary action in the ordinary court of justice for reconveyance or, if the property has passed into the hands of an innocent purchaser for value, for damages." Such a doctrine goes back to the 1919 landmark decision of *Cabanos v. Register of Deeds of Laguna*. If it were otherwise the institution of registration would, to quote from Justice Torres, serve "as a protecting mantle to cover and shelter bad faith . . . ." In the language of the then Justice, later Chief Justice, Bengzon: "A different view would encourage fraud and permit one person unjustly to enrich himself at the expense of another." It would indeed be a signal failing of any legal system if under the circumstances disclosed, the aggrieved party is considered as having lost his right to a property to which he is entitled. It is one thing to protect an innocent third party; it is entirely a different matter, and one devoid of justification, if [deceit] would be rewarded by allowing the perpetrator to enjoy the fruits of his nefarious deed. As clearly revealed by the undeviating line of decisions coming from this Court, such an undesirable eventuality is precisely sought to be guarded against. So it has been before; so it should continue to be. (citations omitted)[57]

Accordingly, an action for reconveyance on public land is proper if the action does not aim to re-open the registration proceeding and set aside the decree of registration, but only to show that the person who secured the questioned property's registration is not the real owner because of fraud or mistake. Such is not the case here. Rodas heirs do not respect the registration of the disputed property. They even sought its cancellation by imputing an error in the conduct of the cadastral survey on which the grant of patent is based. We stress that action for reconveyance respects the decree of registration as incontrovertible but seeks to transfer the property to the rightful owner.[58] In other words, in action for reconveyance, the rightful owner does not seek to set aside the decree of registration but seeks to transfer or reconvey the land from the registered owner to him or her.[59]

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[57] See also *Hortizuela v. Tagufa*, 754 Phil. 499, 510-512 (2015).

[58] *Uy v. Court of Appeals*, 769 Phil. 705, 714 (2015), citing *De Guzman v. Court of Appeals*, [442 Phil. 534, 543 (2002)].

[59] *Hortizuela v. Tagufa*, 754 Phil. 499, 508 (2015).

All told, reconveyance of the disputed property in favor of Rodas heirs is not proper in this case.

FOR THESE REASONS, the Petition for Review on *Certiorari* is **DENIED.**

Meanwhile, the Court NOTES:

1. The compliance dated November 6, 2019 of Lemy L. Loteyro, Officer-in-Charge, Register of Deeds, Registry of Deeds for Southern Leyte;

2. The reply to the comment dated October 28, 2019 on the petition for review on *certiorari* of petitioners, in compliance with the Resolution dated January 15, 2020; and

3. The manifestation dated December 16, 2020 of counsel for petitioners, stating that on June 16, 2020, petitioners filed their reply to private respondents' comment on the petition, and that petitioners did not receive the comment of the public respondents on the petition, and praying that said manifestation be noted by the Court.

SO ORDERED." (Rosario, *J.*, on leave).

By authority of the Court:

TERESITA AQUINO TUAZON
Division Clerk of Court

By:

MA. CONSOLACION GAMINDE-CRUZADA
Deputy Division Clerk of Court
07 JUL 2021

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HON. PRESIDING JUDGE (reg)
Regional Trial Court, Branch 24
Maasin City, Southern Leyte
(Civil Case No. R-3428)

COURT OF APPEALS (reg)
Visayas Station
Cebu City
CA-G.R. CV No. 04242

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