



Republic of the Philippines  
Supreme Court  
Manila

THIRD DIVISION

HELEN M. ALBERTO,

*Petitioner,*

G.R. No. 237514

Present:

LEONEN, J.,

Chairperson,

HERNANDO,

INTING,

DELOS SANTOS, and

LOPEZ, J., JJ.

- versus -

SPOUSES NICASIO FLORES, JR.  
and PERLITA FLORES,

*Respondents.*

Promulgated:

February 10, 2021

*MisDcBalt*

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DECISION

DELOS SANTOS, J.:

The Case

This is a Petition<sup>1</sup> for Review on *Certiorari* under Rule 45 of the Rules of Court, assailing the Decision<sup>2</sup> of the Court of Appeals (CA) dated August 22, 2017 and its Resolution<sup>3</sup> dated February 14, 2018 in CA-G.R. CV No. 106012. The CA reversed the Decision<sup>4</sup> of the Regional Trial Court (RTC) of Guagua, Pampanga, Branch 52 dated October 29, 2015, which granted Helen M. Alberto (petitioner) and her siblings Aurora M. Dabu and Corazon M. Maninang's (collectively, the Malits) action for cancellation of Free Patent No. 035408-09-1197 and the *Katibayan ng Orihinal na Titulo Blg. 14447* issued in the names of respondent spouses Nicasio Flores, Jr. (Nicasio Jr.) and Perlita Flores (respondents).

<sup>1</sup> *Rollo*, pp. 9-30.

<sup>2</sup> *Id.* at 32-50; penned by Associate Justice Carmelita Salandanan Manahan, with Associate Justices Fernanda Lampas Peralta and Elihu A. Ybañez, concurring.

<sup>3</sup> *Id.* at 57-59.

<sup>4</sup> *Id.* at 65-79; penned by Presiding Judge Jonel S. Mercado.

### The Factual Antecedents

On August 25, 2009, the Malits filed a complaint for cancellation and declaration of nullity of Free Patent No. 035408-09-1197 and *Katibayan ng Orihinal na Titulo Blg. 14447*, covering Lot No. 1298 of the Lubao Cadastre, claiming that these were procured by respondents through fraud. The Malits alleged that they are the exclusive owners in fee simple of Lot No. 1298 of the Lubao Cadastre, containing an area of 5,018 square meters, more or less, situated in San Roque Arbol, Lubao, Pampanga. The Malits acquired ownership of the subject land through inheritance from their mother, Barbara Vitug, in whose name it was surveyed when the Municipality of Lubao, Pampanga was cadastrally surveyed between the years 1932 and 1935. The Malits' title over the subject land was confirmed by the then Court of First Instance of Pampanga, Fifth Judicial District, First Branch in a Decision dated October 28, 1959, entitled "*The Director of Lands, Petitioner, v. Orlando, Helen, Manuel, [Corazon], and Aurora, all surnamed Malit, Claimants,*" in Cadastral Case No. 40, LRC Cadastral Records No. 1693 of the Lubao Cadastre, involving Lots No. 665, 666, 667 and 1298 of the Lubao Cadastre. Since then, Lot No. 1298 has been declared for taxation purposes as shown in the known available Tax Declaration No. 9247 issued in June 1973 in the names of Orlando Malit (Orlando) and Manuel Malit (Manuel). Thereafter, petitioner's siblings, Orlando and Manuel, sold their shares and interests in the properties by virtue of a Deed of Absolute Sale dated March 1, 1988, hence, they were not included in this case.<sup>5</sup>

According to petitioner, Lot No. 1298 was the subject of a tenancy relationship with Nicasio Flores, Sr. (Nicasio Sr.), and thereafter by Nicasio Jr., as their agricultural lessees. However, sometime in May 2008, respondents applied for a free patent over Lot No. 1298, which was given due course by the Community Environment and Natural Resources Office (CENRO). On January 21, 2009, respondents were issued Free Patent No. 035408-09-1197, which was then approved by the Provincial Environment and Natural Resources Office (PENRO). Subsequently, the Registry of Deeds of Pampanga issued the *Katibayan ng Orihinal na Titulo Blg. 14447*<sup>6</sup> in the names of respondents.<sup>7</sup>

Petitioner contended that the October 28, 1959 Decision effectively classified Lot No. 1298 as private land, hence, it is no longer a public alienable land. Consequently, the CENRO and the PENRO did not have jurisdiction over the same when they gave due course to respondents' application and issued Free Patent No. 035408-09-1197.<sup>8</sup>

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<sup>5</sup> Id. at 66-67.

<sup>6</sup> Records, p. 31.

<sup>7</sup> *Rollo*, p. 67.

<sup>8</sup> Id.

Petitioner, likewise, averred that Nicasio Jr. and his father, Nicasio Sr. have recognized the ownership of the Malits in the subject land as they have been occupying the same in their capacity as tenants/lessees and remitting rentals to the Malits. Thus, they cannot claim to have occupied and possessed the land for more than 30 years in the concept of an owner to justify their application to a free patent title.<sup>9</sup>

In their Answer, respondents averred that they are qualified to the grant of the free patent in accordance with law for having been in continuous, uninterrupted, open, and adverse cultivation and possession in the concept of owner of Lot No. 1298.<sup>10</sup>

### The Ruling of the RTC

On October 29, 2015, the RTC rendered a Decision<sup>11</sup> in favor of the Malits, the dispositive portion of which reads:

WHEREFORE, this court hereby (a) declares as null and void Free Patent No. 035408-09-1197 and the *Katibayan ng Orihinal na Titulo Blg. 14447* in the names of Nicasio Flores, Jr. and Perlita Flores; and (b) orders the Register of Deeds of Pampanga to cancel said title in its records.

SO ORDERED.<sup>12</sup>

The RTC held that the Malits were able to prove that there was fraud in the procurement of the free patent and sustained the Malits' contention that the free patent and the corresponding title issued to the respondents were therefore void.<sup>13</sup> Conversely, the RTC found that respondents failed to show that the issuance of the free patent was made in accordance with the procedure laid down under the Public Land Act. Moreover, the RTC pointed out that respondents applied for the free patent over Lot No. 1298 while the same was subject of a tenancy or leasehold relationship in which Nicasio Jr. was the agricultural lessee. It also found that the Malits' title over the land was already confirmed in the October 28, 1959 Decision. According to the RTC, the foregoing badges of fraud successfully impugned the validity of the certificate of title.<sup>14</sup> The RTC further noted that respondents failed to prove that they and their predecessors-in-interest have been in continuous, uninterrupted, open, and adverse cultivation and possession in the concept of owner of the subject land.<sup>15</sup>

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<sup>9</sup> Id.

<sup>10</sup> Id. at 35.

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

<sup>12</sup> *Rollo*, p. 79.

<sup>13</sup> Id. at 73.

<sup>14</sup> Id. at 78.

<sup>15</sup> Id. at 77.

### The Ruling of the CA

On August 22, 2017, the CA rendered a Decision<sup>16</sup> reversing the RTC Decision, the dispositive portion of which reads:

WHEREFORE, premises considered, the Appeal filed by the defendants-appellants is GRANTED. The Decision dated October 29, 2015 rendered by the Regional Trial Court, Branch 52, Guagua, Pampanga, is hereby REVERSED and SET ASIDE. Accordingly, the Free Patent 035408-1019 and [*Katibayan ng Original na Titulo Blg.*] 14447 remain to be valid and subsisting.

SO ORDERED.<sup>17</sup> (Citation omitted)

The CA held that the Malits failed to prove by clear and convincing evidence that the procurement of free patent by respondents was attended by fraud. Thus, the Malits failed to overthrow the presumption of regularity in the processing and granting of the *Katibayan ng Orihinal na Titulo Blg.* 14447 issued under the Land Registration Act.<sup>18</sup>

The CA further posited that while the Malits have presented the December 28, 1959 Decision confirming their ownership of Lot No. 1298, they, nevertheless, failed to show that the land was registered under the Torrens System.<sup>19</sup> Moreover, the CA explicated that the Malits' failure to assert their right for an unreasonable and unexplained length of time warranted the presumption that they have either abandoned or declined to assert it based on the grounds of public policy, which requires the discouragement of stale claims for the peace of society.<sup>20</sup>

Not amenable to the ruling of the CA, petitioner herein brought the instant petition before the Court.

### The Issues

- I. Whether the CA erred in ruling that the Malits failed to prove the existence of fraud in respondents' application for free patent.
- II. Whether the CA erred in applying the doctrine of laches against the Malits' claim.<sup>21</sup>

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<sup>16</sup> Supra note 1.

<sup>17</sup> *Rollo*, p. 49.

<sup>18</sup> Id. at 41, 43.

<sup>19</sup> Id. at 45.

<sup>20</sup> Id. at 48.

<sup>21</sup> Id. at 13.

Petitioner alleges that there was fraud in the procurement by respondents of the free patent. She claims there was no evidence shown by respondents that the issuance of the free patent was made in accordance with the procedure laid down in Commonwealth Act No. 141, or that an investigation was conducted in accordance with Commonwealth Act No. 141. Neither was there sufficient notice made to the municipality and the barrio where the subject land is located in order to give the adverse claimants the opportunity to present their claims.<sup>22</sup>

Petitioner further asserts that the presumption of regularity in the performance of duty or official functions does not apply in this case since Lot No. 1298 had ceased to become public alienable land, hence, not within the jurisdiction of the CENRO for issuance of free patents.<sup>23</sup> According to petitioner, the issuance of the free patent to respondents is null and void not only as to the existence of fraud in their application, but more so due to the fact that Lot No. 1298 is no longer under the jurisdiction of the Bureau of Lands. Hence, being null and void, Free Patent No. 035408-09-1197 and the *Katibayan ng Orihinal na Titulo Blg. 14447* produce no legal effect.

Petitioner likewise avers that neither laches nor the statute of limitations applies to land registration cases. Thus, considering that the October 28, 1959 Decision had become final and executory, no further proceeding to enforce the Malits ownership was necessary on their part.<sup>24</sup>

On the other hand, respondents contend that the petition must be denied since the factual findings of the CA are binding and conclusive upon this Court and may not be reviewed on appeal when supported by substantial evidence, such as in this case.

### **The Ruling of the Court**

The Petition is impressed with merit.

At the outset, it is true that, as a general rule, petitions under Rule 45 of the Rules of Court should only raise questions of law. The reason behind this is that this Court is not a trier of facts and will not re-examine and re-evaluate the evidence on record. Factual findings of the CA, affirming that of the trial court, are therefore generally final and conclusive on this Court. However, this rule is subject to the following exceptions:

(1) the conclusion is grounded on speculations, surmises, or conjectures; (2) the inference is manifestly mistaken, absurd or impossible; (3) there is grave abuse of discretion; (4) the judgment is based on a misapprehension of facts; (5) the findings of fact are

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<sup>22</sup> Id. at 14-15.

<sup>23</sup> Id. at 15.

<sup>24</sup> Id. at 20.

conflicting; (6) there is no citation of specific evidence on which the factual findings are based; (7) the findings of absence of fact are contradicted by the presence of evidence on record; (8) the findings of the CA are contrary to those of the trial court; (9) the CA manifestly overlooked certain relevant and undisputed facts that, if properly considered, would justify a different conclusion; (10) the findings of the CA are beyond the issues of the case; and (11) such findings are contrary to the admissions of both parties.<sup>25</sup>

In this case, the rulings of the RTC and the CA are contradictory in the first place. More importantly, the CA manifestly overlooked undisputed facts, the consideration of which, call for a different conclusion in the present controversy.

*In an action for declaration of nullity of free patent and certificate of title on the ground of ownership of complainant, 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 (now Land Management Bureau) and whatever patent or certificate of title obtained therefor is consequently void ab initio.*<sup>26</sup>

In this case, petitioner sought the nullification of the free patent and certificate of title issued to respondents on the strength of the October 28, 1959 Decision<sup>27</sup> in Cadastral Case No. 40, LRC Cad. Rec. No. 1693, declaring the Malits as owners of the subject land, among others, and ordering the registration of the same in their name.

In the aforesaid Decision, the Court of First Instance of Pampanga, Fifth Judicial District, First Branch held, thus:

Lots Nos. 665, 666, 667 and **1298** of the Lubao Cadastre not being contested, the claimants were allowed to present their evidence in support of their claim thereon, which they did on October 26, 1959.

From the evidence adduced, it appears that **Orlando, Helen, Manuel, Corazon and Aurora, all surnamed Malit are the owners of the aforesaid lots for having inherited them from their mother Barbara Vitug** who died on October 22, 1946, who, in turn, inherited said lots from her parents Anastacio Vitug and Marta Lingad; **and that their**

<sup>25</sup> *Bernas v. Estate of Felipe Yu Han Yat*, 838 Phil. 710, 725-726.

<sup>26</sup> *Heirs of Spouses Corazon P. De Guzman v. Heirs of Marceliano Bandong*, 816 Phil. 617, 626-627 (2017).

<sup>27</sup> *Rollo*, p. 13.

**possession thereon, coupled with that of their predecessors in interest, has been open, peaceful, public, continuous and adverse in concept of ownership for more than thirty (30) years.**

WHEREFORE, the court, confirming the claimants' title to Lots Nos. 665, 666, 667 and **1298** of the Lubao Cadastre, **hereby orders that they be registered in the names of Orlando Malit, of legal age, married to Delfina Beltran; Helen Malit, of legal age, single; Manuel Malit, of legal age, married to Leonida Ortiz Sy; Corazon Malit, 20 years, single; and Aurora Malit, 18 years old, single, all Filipino citizens, residents of, and with postal address [in] Lubao, Pampanga, share and share alike as their private property.**

Once this decision becomes final, let the corresponding decree issue.<sup>28</sup> (Emphases supplied)

Accordingly, an Order for the Issuance of Decrees in Cadastral Cases<sup>29</sup> dated May 17, 1969 was issued by Judge Arsenio Santos of the Court of First Instance of Pampanga, Fifth Judicial District, directing the Commissioner of Land Registration to issue the corresponding decree for Lot Nos. 665, 666, 667, and **1298**, considering that the October 28, 1959 Decision had become final. It is worthy to note that respondents did not refute the existence of the said Decision, or that it has attained finality.

In *De la Merced v. Court of Appeals*,<sup>30</sup> the Court elucidated on when title to the land in a cadastral proceeding is vested, thus:

After trial in a cadastral case, three actions are taken. The first adjudicates ownership in favor of one of the claimants. This constitutes the decision — the judgment — the decree of the court, and speaks in a judicial manner. The second action is the declaration by the court that the decree is final and its order for the issuance of the certificates of title by the Chief of the Land Registration Office. Such order is made if within thirty days from the date of receipt of a copy of the decision no appeal is taken from the decision. This again is judicial action, although to a less degree than the first.

The third and last action devolves upon the General Land Registration Office. This office has been instituted "for the due effectuation and accomplishment of the laws relative to the registration of land." (Administrative Code of 1917, sec. 174.)

The judgment in a cadastral survey, including the rendition of the decree, is a judicial act. As the law says, the judicial decree when final is the base of the certificate of title. The issuance of the decree by the Land Registration Office is a ministerial act. The date of the title prepared by the Chief Surveyor is unimportant, for the adjudication has taken place and all that is left to be performed is the mere formulation of technical description.

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<sup>28</sup> Id. at 76.

<sup>29</sup> Records, p. 125.

<sup>30</sup> 115 Phil. 229, 236-237 (1962), citing *Government of the Philippine Islands v. Abural*, 39 Phil. 997, 1001-1003 (1919).

As a general rule, registration of title under the cadastral system is final, conclusive, and indisputable, after the passage of the thirty-day period allowed for an appeal from the date of receipt by the party of a copy of the judgment of the court adjudicating ownership without any step having been taken to perfect an appeal. The prevailing party may then have execution of the judgment as of right and is entitled to the certificate of title issued by the Chief of the Land Registration Office. The exception is the special provision providing for fraud.

**Under the foregoing pronouncement, the title of ownership on the land is vested upon the owner upon the expiration of the period to appeal from the decision or adjudication by the cadastral court, without such an appeal having been perfected. The certificate of title would then be necessary for purposes of effecting registration of subsequent disposition of the land where court proceedings would no longer be necessary.** (Emphasis supplied)

In this case, not only was the title of ownership of the Malits over Lot No. 1298 confirmed by virtue of the October 28, 1959 Decision, an order for the issuance of a decree had also been issued by the court, directing the Commissioner of Land Registration to issue the corresponding decree after the October 28, 1959 Decision, adjudicating ownership of the land to the Malits had become final. In view of that, there being no imputation of irregularity in the said cadastral proceedings, title of ownership was vested on the Malits as adjudicatees as of the date of the issuance of such judicial decree.

***A final judgment confirming land title and ordering its registration constitutes res judicata against the whole world and the adjudicatee need not file a motion to execute the same.***<sup>31</sup>

Settled is the rule that “a cadastral case is a proceeding *in rem*, which, as such, binds the whole world.”<sup>32</sup> In *Nieto v. Quines*,<sup>33</sup> this Court held that the proceedings under the Cadastral Act, at the initiative of the government, are judicial. Process is served by publication upon all persons who may have interest in the land, including the government, to appear and prove or oppose the claims of ownership that may be filed therein. The action is one *in rem* and any decision rendered therein by the cadastral court is binding against the whole world, including the government.<sup>34</sup>

Significantly, the CA acknowledged the existence of the October 28, 1959 Decision and that the same confirmed the ownership of the Malits over

<sup>31</sup> *Republic v. Yap*, 825 Phil. 778, 789 (2018), citing *Ting v. Heirs of Diego Lirio*, 547 Phil. 237, 241-243 (2007); *Heirs of Cristobal Marcos v. De Banvar*, 134 Phil. 257, 262 (1968).

<sup>32</sup> *Cano v. Camacho*, 150 Phil. 457, 463 (1972).

<sup>33</sup> 110 Phil. 823 (1961).

<sup>34</sup> *Id.* at 833.



Lot No. 1298. Nevertheless, the CA held that failure of the Malits to register the subject land under the Torrens System for an unreasonable length of time warranted the presumption that the Malits have abandoned their right.

The CA's ratiocination that the December 28, 1959 Decision has been rendered ineffective due to the Malits' failure to show that the subject land was registered under the Torrens System is utterly specious. It bears stressing that "[o]wnership is different from a certificate of title, the latter being only the best proof of ownership of a piece of land. Title as a concept of ownership should not be confused with the certificate of title as evidence of such ownership although both are interchangeably used."<sup>35</sup> As discussed in the foregoing, in view of the October 28, 1959 Decision of the cadastral court declaring the Malits as owners of Lot No. 1298 of the Lubao Cadastre, and the judicial order declaring the finality of the decision and, accordingly, ordering the issuance of the corresponding title, title of ownership of the Malits as the adjudicatees was vested upon them as of the date of the issuance of the judicial decree. The land, for all intents and purposes, had become, from that time, registered property, which could not be acquired by adverse possession.<sup>36</sup>

The CA erroneously applied the case of *Fudot v. Cattleya Land, Inc.*<sup>37</sup> when it held that the operative act of perfecting the Malits' title to the subject land is the registration under the Torrens System. The case cited by the CA involved conflicting rights over registered properties and those of innocent transferees, who relied on the clean titles of the properties in question. The declaration of the Court in that case is pursuant to Section 51<sup>38</sup> of Presidential Decree (P.D.) No. 1529, which provides that with respect to conveyances and dealings by the registered owner, deeds, mortgages, leases, or other voluntary instruments as are sufficient in law may be used to operate only as a contract between the parties. However, insofar as third persons are concerned, it is the act of registration that serves as an operative act to convey or affect the land. Surely, such case finds no bearing on the instant case, where the Malits have been adjudicated as owners of the subject land in a cadastral case, and not subsequent transferees thereof.

Parenthetically, Section 103 of P.D. No. 1529, on registration of patents, likewise provides:

<sup>35</sup> *Heirs of Tappa v. Heirs of Bacud*, 783 Phil. 536, 553 (2016).

<sup>36</sup> *De la Merced v. Court of Appeals*, supra note 30, at 237; see also *Nieto v. Quines*, supra note 33, at 827-828.

<sup>37</sup> 559 Phil. 756 (2007).

<sup>38</sup> SEC. 51. *Conveyance and Other Dealings by Registered Owner.* — An owner of registered land may convey, mortgage, lease, charge or otherwise deal with the same in accordance with existing laws. He may use such forms of deeds, mortgages, leases or other voluntary instruments as are sufficient in law. But no deed, mortgage, lease, or other voluntary instrument, except a will purporting to convey or affect registered land shall take effect as a conveyance or bind the land, but shall operate only as a contract between the parties and as evidence of authority to the Register of Deeds to make registration.

The act of registration shall be the operative act to convey or affect the land insofar as third persons are concerned, and in all cases under this Decree, the registration shall be made in the office of the Register of Deeds for the province or city where the land lies.

SEC. 103. *Certificates of Title Pursuant to Patents.* — Whenever **public land** is by the Government alienated, granted or conveyed to any person, the same shall be brought forthwith under the operation of this Decree. It shall be the duty of the official issuing the instrument of alienation, grant, patent or conveyance in behalf of the Government to cause such instrument to be filed with the Register of Deeds of the province or city where the land lies, and to be there registered like other deeds and conveyance, whereupon a certificate of title shall be entered as in other cases of registered land, and an owner's duplicate issued to the grantee. **The deed, grant, patent or instrument of conveyance from the Government to the grantee shall not take effect as a conveyance or bind the land, but shall operate only as a contract between the Government and the grantee and as evidence of authority to the Register of Deeds to make registration. It is the act of registration that shall be the operative act to affect and convey the land,** and in all cases under this Decree, registration shall be made in the office of the Register of Deeds of the province or city where the land lies. The fees for registration shall be paid by the grantee. After due registration and issuance of the certificate of title, such land shall be deemed to be registered land to all intents and purposes under this Decree. (Emphases supplied)

Certainly, the rationale for the requirement of registration to affect and convey public land granted through a patent does not apply in cadastral proceedings, wherein the court confirms private ownership of land, which, upon finality, renders the land as registered property.

*Neither laches nor the statute of limitations applies to a decision in a land registration case.*<sup>39</sup>

In the same vein, the fact that the Malits' ownership over Lot No. 1298 had been adjudicated several decades ago does not give room for the application of the statute of limitations or laches. In the landmark case of *Sta. Ana v. Menla*,<sup>40</sup> the Court expounded the *raison d'être* why the statute of limitations and Section 6, Rule 39 of the Rules of Court do not apply in land registration proceedings, thus:

This provision of the Rules refers to civil actions and is not applicable to special proceedings, such as a land registration case. This is so because a party in a civil action must immediately enforce a judgment that is secured as against the adverse party, and his failure to act to enforce the same within a reasonable time as provided in the Rules makes the decision unenforceable against the losing party. **In special proceedings the purpose is to establish a status, condition or fact; in land registration proceedings, the ownership by a person of a parcel of land is sought to be established. After the ownership has been proved and confirmed by judicial declaration, no further proceeding to enforce said ownership is necessary, except when the adverse or losing party had been in**

<sup>39</sup> *Republic v. Nillas*, 541 Phil. 277, 284 (2007).

<sup>40</sup> 111 Phil. 947 (1961).

**possession of the land and the winning party desires to oust him therefrom.**

Furthermore, there is no provision in the Land Registration Act similar to Sec. 6, Rule 39, regarding the execution of a judgment in a civil action, except the proceedings to place the winner in possession by virtue of a writ of possession. **The decision in a land registration case, unless the adverse or losing party is in possession, becomes final without any further action, upon the expiration of the period for perfecting an appeal.**<sup>41</sup> (Emphases supplied)

For the past decades, the *Sta. Ana* doctrine on the inapplicability of the rules on prescription and laches to land registration cases has been repeatedly affirmed. “Clearly, the peculiar procedure provided in the Property Registration Law from the time decisions in land registration cases become final is complete in itself and does not need to be filled in. From another perspective, the judgment does not have to be executed by motion or enforced by action within the purview of Rule 39 of the 1997 Rules on Civil Procedure.”<sup>42</sup> “Unlike in ordinary civil actions governed by the Rules on Civil Procedure, the intent of land registration proceedings is to establish ownership by a person of a parcel of land, consistent with the purpose of such extraordinary proceedings to declare by judicial fiat a status, condition, or fact. Hence, upon the finality of a decision adjudicating such ownership, no further step is required to effectuate the decision and a ministerial duty exists alike on the part of the land registration court to order the issuance of, and the Land Registration Authority (LRA) to issue, the decree of registration.”<sup>43</sup> “Failure of the court or of the clerk to issue the decree for the reason that no motion therefore has been filed cannot prejudice the owner or the person in whom the land is ordered to be registered.”<sup>44</sup>

In the case of *Republic v. Nillas*,<sup>45</sup> the Court elucidated on why the Property Registration Decree (P.D. No. 1529) does not contain any provision on execution of final judgments, thus:

The provision lays down the procedure that interposes between the rendition of the judgment and the issuance of the certificate of title. No obligation whatsoever is imposed by Section 39 on the prevailing applicant or oppositor even as a precondition to the issuance of the title. **The obligations provided in the Section are levied on the land court (that is to issue an order directing the Land Registration Commissioner to issue in turn the corresponding decree of registration), its clerk of court (that is to transmit copies of the judgment and the order to the Commissioner), and the Land Registration Commissioner (that is to cause the preparation of the decree of registration and the transmittal thereof to the Register of Deeds). All these obligations are ministerial on the officers charged**

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<sup>41</sup> Id. at 951.

<sup>42</sup> *Republic v. Yap*, supra note 31, at 759; *Republic v. Nillas*, supra note 39, at 288.

<sup>43</sup> *Republic v. Nillas*, id. at 287.

<sup>44</sup> *Republic v. Yap*, supra note 31, at 788.

<sup>45</sup> Supra note 39, at 288.

**with their performance and thus generally beyond discretion of amendment or review.**

**The failure on the part of the administrative authorities to do their part in the issuance of the decree of registration cannot oust the prevailing party from ownership of the land. Neither the failure of such applicant to follow up with said authorities can.** The ultimate goal of our land registration system is geared towards the final and definitive determination of real property ownership in the country, and the imposition of an additional burden on the owner after the judgment in the land registration case had attained finality would simply frustrate such goal. (Emphases supplied)

Hence, the certification issued by the Land Registration Authority (LRA) stating that no final decree of registration has yet been issued for Lot No. 1298 either because no decision has yet been rendered thereon, or that no copy of the same was furnished to it, cannot defeat the Malits' ownership declared through judicial act. First, the existence of the December 28, 1959 Decision has been duly established. Second, the duty to forward the decree to the LRA for the corresponding issuance of the title does not lie with the Malits as the adjudicatees.

In this case, the Malits' ownership of Lot No. 1298 is further bolstered by the declaration of the land for taxation purposes by Orlando and Manuel in 1973 as shown in Tax Declaration No. 9247.<sup>46</sup> Moreover, the Malits exercised the right of ownership over the subject land with the execution of the Deed of Sale<sup>47</sup> dated March 1, 1988, wherein the Malits' co-heirs, Orlando and Manuel, conveyed and transferred their share of the land to their siblings.

***“If the land in question is proven to be of private ownership and, therefore, beyond the jurisdiction of the Director of Lands [now Land Management Bureau], the free patent and subsequent title issued pursuant thereto are null and void.”***<sup>48</sup>

A free patent issued over a private land is null and void and produces no legal effects whatsoever. *Quod nullum est, nullum producit effectum.* Free patent applications under the Public Land Act apply only to disposable lands of the public domain, and not to private lands, which became such by virtue of a duly registered possessory information or by open, continuous, exclusive, and notorious possession of the present or previous occupants.<sup>49</sup>

<sup>46</sup> Records, p. 126.

<sup>47</sup> Id. at 15-16.

<sup>48</sup> *Melendres v. Catambay*, G.R. No. 198026, November 28, 2018.

<sup>49</sup> *Heirs of Santiago v. Heirs of Santiago*, 452 Phil. 238, 243 (2003).

“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.”<sup>50</sup>

Public land law applies only to lands of the public domain. “Section 44, Chapter VI of Commonwealth Act No. 141 or the Public Land Act states that a free patent may issue in favor of an applicant only if (1) the applicant has continuously occupied and cultivated, either by himself or herself or through his or her predecessors-in-interest, a tract or tracts of **agricultural public lands** subject to disposition, or (2) [the applicant] **shall have paid the real estate tax thereon while the same has not been occupied by any person.**”<sup>51</sup>

Based on the facts established in this case, respondents did not satisfy the requisites for the issuance of Free Patent No. 035408-09-1197. First, respondents’ claim of possession since 1944 is defeated by the 1958 Decision confirming the Malits’ open, peaceful, public, continuous, and adverse possession in concept of owner of the land, coupled with that of their predecessors-in-interest, for more than 30 years. Hence, by the time respondents filed their application for free patent in 2008, Lot No. 1298 had long been removed from the coverage of the Public Land Act. Second, the earliest tax receipt<sup>52</sup> presented by respondents shows that taxes on the land were paid only after they were granted the free patent in 2009.

In reversing the RTC, the CA essentially invoked the indefeasibility of *Katibayan ng Orihinal na Titulo Blg. 14447* and held that the Malits failed to present sufficient evidence to overthrow the validity of its issuance. The CA is misled.

*The indefeasibility and imprescriptibility of a Torrens title issued pursuant to a patent may be invoked only when the land involved originally formed part of the public domain. If it was a private land, the patent and certificate of title issued upon the patent are a nullity.*<sup>53</sup>

“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, the registration under the Torrens System is not a mode of acquiring ownership.”<sup>54</sup>

<sup>50</sup> *Heirs of Tappa v. Heirs of Bacud*, supra note 35, at 548.

<sup>51</sup> *Melendres v. Catambay*, supra note 48.

<sup>52</sup> Records, p. 347.

<sup>53</sup> *Melendres v. Catambay*, supra note 48; *Agne v. The Director of Lands*, 261 Phil. 13, 25 (1990).

<sup>54</sup> *Republic v. Heirs of Felipe Alejaga, Sr.*, 441 Phil. 656, 674 (2002).


“[T]he rule on the incontrovertibility of a certificate of title [upon the expiration of one year, after the entry of the decree, pursuant to the provisions of the Land Registration Act], does not apply where an action for the cancellation of a patent and a certificate of title issued pursuant thereto is instituted on the ground that they are null and void because the Bureau of Lands [now Land Management Bureau] had no jurisdiction to issue them at all, the land in question having been withdrawn from the public domain prior to the subsequent award of the patent and the grant of a certificate of title to another person.”<sup>55</sup> The Land Registration Act does not create or vest title. It only confirms and records title already existing and vested. It does not protect a usurper from the true owner. It cannot be a shield for the commission of fraud. It does not permit one to enrich himself or herself at the expense of another. Stated otherwise, the Torrens System was not established as a means for the acquisition of title to private land. It is intended merely to confirm and register the title, which one may already have on the land. Where the applicant possesses no title or ownership over the parcel of land, he or she cannot acquire one under the Torrens System of registration.<sup>56</sup>

The foregoing proffered, Free Patent No. 035408-09-1197 is null and void, and the *Katibayan ng Orihinal na Titulo Blg. 14447* issued in accordance with the patent is deemed invalidly issued.

**WHEREFORE**, the instant Petition for Review on *Certiorari* is **GRANTED**. Accordingly, the Decision of the Court of Appeals dated August 22, 2017 and the Resolution dated February 14, 2018 in CA-G.R. CV No. 106012 are hereby **REVERSED and SET ASIDE**. The Decision of the Regional Trial Court of Guagua, Pampanga, Branch 52 dated October 29, 2015 in Civil Case No. G-09-4642 is **REINSTATED**.

The Free Patent No. 035408-09-1197 and the *Katibayan ng Orihinal na Titulo Blg. 14447* in the names of Nicasio Flores, Jr. and Perlita Flores are declared **NULL and VOID**. The Register of Deeds of Pampanga is likewise **ORDERED** to cancel said title in its records.

**SO ORDERED.**

  
**EDGARDO L. DELOS SANTOS**  
Associate Justice

<sup>55</sup> *Melendres v. Catambay*, supra note 48; *Agne v. Director of Lands*, supra note 53.

<sup>56</sup> *Agne v. The Director of Lands*, id. at 31.

**WE CONCUR:**



**MARVIC MARIO VICTOR F. LEONEN**

Associate Justice  
Chairperson



**RAMON PAUL L. HERNANDO**

Associate Justice



**HENRI JEAN PAUL B. INTING**

Associate Justice

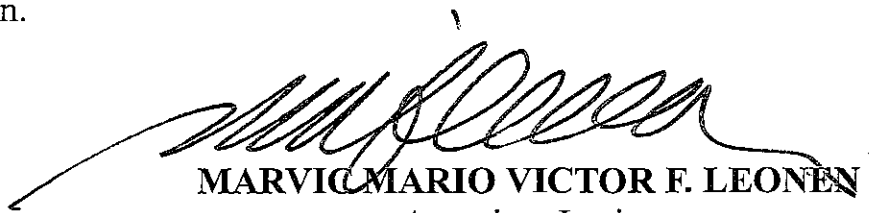


**JHOSEP LOPEZ**

Associate Justice

**ATTESTATION**

I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.

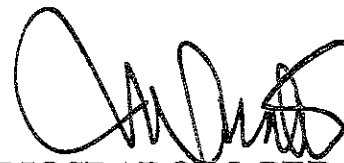


**MARVIC MARIO VICTOR F. LEONEN**

Associate Justice  
Chairperson, Third Division

**CERTIFICATION**

Pursuant to Section 13, Article VIII of the Constitution, and the Division Chairperson's Attestation, I certify that the conclusions in the above Decision 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