



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **09 November 2020** which reads as follows:*

“G.R. No. 253534 (Nora Lopez Maceda, represented by her heir Carlos L. Maceda v. Cement Center, Inc.). – After a judicious study of the case, the Court resolves to **DENY** the instant petition¹ and **AFFIRM** the August 27, 2019 Decision² and the July 1, 2020 Resolution³ of the Court of Appeals (CA) in CA-G.R. SP No. 157385 for failure of petitioner Nora Lopez Maceda (Nora), represented by heir Carlos L. Maceda, to sufficiently show that the CA committed reversible error in affirming the September 20, 2016 Decision⁴ and the August 7, 2018 Resolution⁵ of the Office of the President in O.P. Case No. 10-A-045, ordering the cancellation of Nora’s Miscellaneous Sales Application (MSA) No. 0074-05-129.

As correctly ruled by the CA, there is substantial evidence showing that the Survey Notification Letter supporting Nora’s MSA No. 0074-05-129 was fraudulently obtained,⁶ hence, Nora committed concealment of a material fact amounting to fraud and misrepresentation sufficient to cause the *ipso facto* cancellation of her MSA pursuant to Section 91 of Commonwealth Act No. 141,⁷ otherwise known as ‘The Public Land Act,’ which applies suppletorily to Republic Act No. 730.⁸

It also found substantial evidence supporting the Department of Environment and Natural Resources’ (DENR) classification of the land as an accretion formed by the gradual and imperceptible current of the Maytunas Creek.

¹ *Rollo*, pp. 10-26.

² *Id.* at 29-40. Penned by Associate Justice Pedro B. Corrales with Associate Justices Marlene Gonzales-Sison and Ronaldo Roberto B. Martin, concurring.

³ *Id.* at 41-42.

⁴ Not attached to the *rollo*.

⁵ *Id.*

⁶ See *rollo*, p. 36.

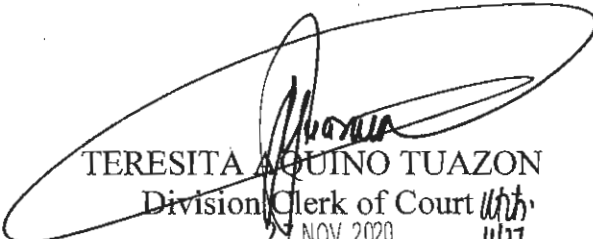
⁷ Entitled “AN ACT TO AMEND AND COMPILER THE LAWS RELATIVE TO LANDS OF THE PUBLIC DOMAIN,” approved on November 7, 1936.

⁸ Entitled “AN ACT TO PERMIT THE SALE WITHOUT PUBLIC AUCTION OF PUBLIC LANDS OF THE REPUBLIC OF THE PHILIPPINES FOR RESIDENTIAL PURPOSES TO QUALIFIED APPLICANTS UNDER CERTAIN CONDITIONS,” approved on June 18, 1952.

Indeed, the determination of the identity of a public land is within the DENR's exclusive jurisdiction to manage and dispose lands of the public domain.⁹ By reason of its special knowledge and expertise over matters falling under its jurisdiction, the DENR is in a better position to pass judgment on whether or not a piece of land is public or private, and to grant or deny an MSA over a public land, and its findings of fact are generally accorded great respect, if not finality, by the courts as long as they are supported by substantial evidence, even if such evidence is not overwhelming or even preponderant.¹⁰ Thus, no reversible error was committed by the CA in deferring to the findings of the DENR as to the character of the subject land as an accretion to respondent Cement Center, Inc.'s lands. It is settled that alluvial deposits along the banks of a creek or a river do not form part of the public domain as the alluvial property automatically belongs to the owner of the estate to which it may have been added.¹¹

SO ORDERED. (Rosario, J., designated Additional Member per Special Order No. 2797 dated November 5, 2020.)”

By authority of the Court:


TERESITA AQUINO TUAZON
Division Clerk of Court
27 NOV 2020 11:27

CALIZO MILLARES MARISTELA MADRID &
ASSOCIATES (reg)
Counsel for Petitioner
Suite 327, Eagle Court Condominium
26 Matalino Street, Diliman, Quezon City

ATTY. RAFAEL CHRIS F. TESTON (reg)
Counsel for Respondent
214 Teoff Centre, T Pinpin Street corner
Escolta Street, Binondo
1006 Manila
and/or
10 Amber Street, Phase 1, Pilar Village
Las Piñas City

OFFICE OF THE PRESIDENT (reg)
Malacañang Palace
San Miguel, 1000 Manila
(O.P. Case No. 10-A-045)

JUDGMENT DIVISION (x)
Supreme Court, Manila

PUBLIC INFORMATION OFFICE (x)
LIBRARY SERVICES (x)
[For uploading pursuant to A.M. No. 12-7-1-SC]

OFFICE OF THE CHIEF ATTORNEY (x)
OFFICE OF THE REPORTER (x)
Supreme Court, Manila

COURT OF APPEALS (x)
Ma. Orosa Street
Ermita, 1000 Manila
CA-G.R. SP No. 157385

Please notify the Court of any change in your address.
GR253534. 11/09/2020(116)URES

⁹ See *Bagunu v. Spouses Aggabao*, 671 Phil. 183-201 (2011).

¹⁰ *Delos Reyes v. Municipality of Kalibo, Aklan*, G.R. No. 214587, February 26, 2018.

¹¹ See *Heirs of Narvasa, Sr. v. Imbornal*, 740 Phil. 541-560 (2014).