



Republic of the Philippines  
**Supreme Court**  
Manila

SECOND DIVISION

JOSE I. MEDINA,  
Petitioner,

G.R. No. 137582

Present:

-versus-

CARPIO, J.,  
Chairperson,  
BRION,  
DEL CASTILLO,  
PEREZ, and  
PERLAS-BERNABE, JJ.

HON. COURT OF APPEALS and  
HEIRS OF THE LATE ABUNDIO  
CASTAÑARES, Represented by  
ANDRES CASTAÑARES,  
Respondents.

Promulgated:

AUG 29 2012 *HM Cabalag Jr. Jcto*

X ----- X

DECISION

PEREZ, J.:

Subject of this petition for review on *certiorari* are the Decision<sup>1</sup> and Resolution of the Court of Appeals in CA-G.R. CV No. 42634, reversing the Decision<sup>2</sup> of the Regional Trial Court (RTC) of Masbate, Masbate, Branch 46 in Civil Case No. 4080.

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<sup>1</sup> Penned by Associate Justice Bennie Adefuin-De La Cruz with Associate Justice Consuelo Ynares-Santiago (now a retired Member of this Court) and Associate Justice Presbitero J. Velasco, Jr. (now a Member of this Court), concurring. *Rollo*, pp. 26-49.

<sup>2</sup> Presided by Judge Florante A. Cipres. *Id.* at 58-63.

The instant case stemmed from a Complaint for Damages with prayer for Preliminary Attachment and docketed as Civil Case No. 3561. In a Decision dated 27 December 1985, the RTC ordered Arles Castañares (Arles), now deceased and represented by his heirs, to pay damages for running over and causing injuries to four-year old Wenceslao Mahilum, Jr. The four-year old victim was left in the custody of petitioner Jose I. Medina, who also represented the victim's father, Wenceslao Mahilum, Sr. in the aforesaid case.

The Decision in Civil Case No. 3561 became final and executory on 3 June 1987. The motion for issuance of a writ of execution<sup>3</sup> filed by petitioner was granted on 29 September 1987 and the corresponding Writ of Execution<sup>4</sup> was issued on 1 October 1987. The Ex-Officio Provincial Sheriff of the RTC served a Notice of Levy and Seizure on Arles' two (2) parcels of lands located at Goldbag, Syndicate, Aroroy, Masbate described as follows:

#### PARCEL- I

A parcel of coconut land located at Goldbag, Syndicate, Aroroy, Masbate, registered in the name of deceased Arles Castañares under Tax Dec. No. 1107, bounded on the North, by Abundio Castañares; East, by public land; South, by Provincial Road and on the West, by Abundio Castañares with an area of 5.0000 hectares and assessed at ₱6,810.00.

#### PARCEL- II

A parcel of coconut, rice, unirrigated & cogon located at Goldbag, Syndicate, Aroroy, Masbate, registered in the name of Abundio Castañares, under Tax Dec. No. 1106, bounded on the North, by Masbate Goldfield Min. C.; East, by Timberland; South, by National Road and on the West, by National Road with an area of 18.8569 hectares and assessed at ₱15,660.00.<sup>5</sup>

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<sup>3</sup> Records, Vol. II, p. 26.

<sup>4</sup> Id. at 27.

<sup>5</sup> Id. at 28.

When the heirs of Arles failed to settle their account with petitioner, Parcel-I under Tax Declaration No. 1107<sup>6</sup> was sold at a public auction. Only petitioner participated in the bidding, thus the subject lot was awarded to him and a Certificate of Sale was issued on 24 December 1987.<sup>7</sup> In the Sheriff's Final Deed of Sale, Parcel-I was transferred to Wenceslao Mahilum, Sr., represented by Jose I. Medina.<sup>8</sup> A survey was conducted on the property. On 23 January 1989, the Motion for Issuance of Writ of Possession was granted by the trial court commanding the sheriff to physically oust the heirs of Arles and to deliver the subject lot to petitioner.

On 26 April 1991, petitioner applied for the registration of the lot covered by Tax Declaration No. 1107, docketed as LRC Case No. N-374. Petitioner alleged that he is the owner in fee simple of such parcel of land by virtue of a Waiver of Rights and Interests<sup>9</sup> executed by Wenceslao Mahilum, Sr. in his favor. Attached to the application is the Survey Plan which particularly described the land as follows:

A parcel of coconut land containing an area of 5.0000 (sic) hectares located at Goldbag-Syndicate, Aroroy, Masbate, declared for taxation purposes in the name of Wenceslao Mahilum, Sr. (rep. by Jose I. Medina) under Tax Dec. No. 7372, and bounded on the North, by Abundio Castañares, South, by Atlas Mining & Development Corporation and Provincial Road, East, by Public Land and on the West, by Provincial Road with the latest assessment at ₱6,810.00.<sup>10</sup>

Andres Castañares (Andres), brother of Arles and representing the heirs of the late Abundio Castañares (Abundio), filed an Opposition claiming that after the death of his father Abundio, the tax declaration of the property

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<sup>6</sup> Tax Declaration No. 1107 was superseded by Tax Declaration No. 6953, which was in turn, cancelled by Tax Declaration No. 7372. See Records, Vol. I, p. 7 and Records, Vol. II, p. 47.

<sup>7</sup> Records, Vol. II, pp. 35-36.

<sup>8</sup> Id. at 38-39.

<sup>9</sup> Records, Vol. I, p. 16.

<sup>10</sup> Id. at 1.

was cancelled and in its place, a tax declaration was issued in his favor; that during the lifetime of his father and up to his death, Andres had been in peaceful, open, notorious, public and adverse possession of the lot; that sometime in 1988, petitioner, through stealth and strategy, encroached and occupied practically the entirety of the property in question by encircling it with barbed wires, destroying in the process scores of fruit-bearing coconut trees; and that there is a pending case, Civil Case No. 4051, for recovery of ownership and possession of real estate.<sup>11</sup>

The pending case mentioned by Andres was later dismissed by the trial court without prejudice to refiling the same.<sup>12</sup> Thus, on 28 April 1992, Andres filed another Complaint for Recovery of Possession and Ownership with Damages and with Prayer for Issuance of Writ of Preliminary Injunction docketed as Civil Case No. 4080.<sup>13</sup>

The action for recovery of possession and ownership in Civil Case No. 4080 and the land registration case in LRC No. N-374 were jointly tried.

Andres testified that upon Abundio's death, the latter left his children a parcel of agricultural land with an area of 18 hectares,<sup>14</sup> declared for taxation in Abundio's name under Tax Declaration No. 1106, bounded as follows:

North – by Sta. Clara Goldfield (Masbate Goldfield)  
East – by Timberland  
South – National Road

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<sup>11</sup> Id. at 57-58.

<sup>12</sup> Id. at 69.

<sup>13</sup> The heirs of the late Abundio Castañares are Pastora Vargas, Andres Castañares, Juan Castañares (now deceased with one child), Ildefonso Castañares (now deceased with wife and 5 children) and Arles Castañares (now deceased with wife and 4 children). *Rollo*, pp. 34-35.

<sup>14</sup> TSN, 17 September 1992, p. 3.

West – National Road<sup>15</sup>

Andres presented a sketch plan on 26 May 1983 of Lots 224 and 2187, Pls-77<sup>16</sup> and pointed out that the alleged lot of Arles covered by Tax Declaration No. 1107 is outside Lot 224 and lies to the south of Abundio's lot.<sup>17</sup> He averred that petitioner encroached on and fenced a portion of said lot, occupying an area of about five (5) hectares. Based on the sketch plan, petitioner fenced Line 2 to Line 8.<sup>18</sup>

Petitioner presented Tax Declaration No. 1107 under the name of Arles showing the boundaries of his lot as follow:

North – Abundio Castañares  
South – Provincial Road  
East – Public Land  
West – Abundio Castañares<sup>19</sup>

Petitioner insisted that the lots contained in Tax Declaration Nos. 1107 and 1106 are not separate and distinct, but refers to only one parcel of land, Lot 224. The lot in Tax Declaration No. 1107 is denominated as Lot 224-A and is derived from Tax Declaration No. 1106, as certified by the wife of Arles, Patricia Castañares (Patricia).<sup>20</sup> Petitioner likewise submitted a sketch plan prepared on 12 March 1992 to show the real location of the lot described in Tax Declaration No. 1107.

On 10 May 1993, the RTC rendered judgment in favor of petitioner. The dispositive portion reads:

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<sup>15</sup> Records, Vol. II, p. 68.

<sup>16</sup> Id. at 64.

<sup>17</sup> *Rollo*, pp. 37-38.

<sup>18</sup> Id. at 38.

<sup>19</sup> Records, Vol. II, p. 71.

<sup>20</sup> *Rollo*, p. 40.

WHEREFORE, premises considered, decision is hereby rendered in favor of the defendant-applicant, to wit:

1. Ordering the dismissal of the complaint in Civil Case No. 4080 with costs against the plaintiff-oppositors;
2. Declaring the defendant-applicant, Jose I. Medina, the absolute owner of the land subject of his application in L.R.C. Case No. 374;
3. Declaring the title of the applicant over the property designated in Plan Csd-05-009053 together with all the improvements thereon, CONFIRMED and REGISTERED pursuant to the provision of P.D. No. 1529; and
4. Ordering the plaintiff-oppositors to pay the defendant-applicant the amount of ₱5,000.00 as attorney's fees and ₱5,000.00 as litigation expenses.

Once this decision becomes final and executory, let the corresponding decree of registration issue.<sup>21</sup>

The trial court found that petitioner lawfully acquired the land through a Deed of Waiver of Rights and Interest executed by Wenceslao Mahilum, Sr., the winning party in the damages suit. The trial court gave credence to a Certification<sup>22</sup> issued by the Provincial Sheriff and even signed by Patricia, the wife of Arles, certifying that the sketch plan of Lot 224-A reflects the true location and area of the property subject of the writ of possession and execution.

On appeal, however, the Court of Appeals reversed the findings of the trial court as follows:

WHEREFORE, the appealed decision is hereby REVERSED and SET ASIDE and a new one is entered, to wit:

1. Ordering the dismissal of the Application of Jose I. Medina in Land Registration Case No. N-374;

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<sup>21</sup> Records, Vol. II, p. 109.

<sup>22</sup> Id. at 46.

2. Declaring the heirs of the late Abundio Castañares represented by Andres Castañares the absolute owner of the land subject of application in L.R.C. Case No. N-374;
3. Ordering the Applicant Jose I. Medina to pay plaintiffs-oppositors Heirs of Abundio Castañares the following sum:
  - a. ₱20,000.00 as moral damages;
  - b. [₱]1,000.00 rental per month from February 24, 1989 until fully paid;
  - c. [₱]1,000.00 refund of the yield of the crops of the land from February 24, 1989 until fully paid, and
  - d. Costs of suit.<sup>23</sup>

The Court of Appeals stated that the lot under Tax Declaration No. 1107 in the name of Arles is separate and distinct from Lots 224 and 2187 declared under Tax Declaration No. 1106. The appellate court took into consideration the separate and distinct location of the lots, as well as the difference in their boundaries. It also noted that since there has been no settlement yet of the estate of Abundio, it was premature for Arles to have allocated unto himself a distinct portion of Lots 224 and 2187 as his share in the estate. And even if there was partition among the heirs of Abundio, the appellate court concluded that the share of Arles is only limited to 3.1432 hectares. The Court of Appeals further observed that the boundary on the west of the property sought to be registered by petitioner in the land registration case was changed from “Abundio Castanares” to “Provincial Road,” in conflict with the boundary of the property as stated in Tax Declaration No. 1107. The appellate court concluded that the changes in the boundary on the west were purposely made to justify the illegal occupancy and fencing of the southern portion of Lot 224.

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<sup>23</sup>*Rollo*, pp. 48-49.

Petitioner elevated the case before this Court *via* petition for review on *certiorari* and assigned the following alleged errors committed by the Court of Appeals, to wit:

1. THE HONORABLE RESPONDENT COURT ERRED IN REVERSING THE FINDINGS OF THE REGIONAL TRIAL COURT, BRANCH 46 OF MASBATE.
2. THE HONORABLE RESPONDENT COURT ERRED IN FINDING THAT THE BOUNDARIES IN THE TAX DECLARATION WERE [CHANGED] TO SUIT THE PURPOSE OF JOSE I. MEDINA.
3. THE HONORABLE RESPONDENT COURT ERRED IN NOT REFERRING PROPERLY TO THE SKETCH PLAN OF THE LAND IN ARRIVING AT THE CONCLUSION.
4. THE HONORABLE RESPONDENT COURT ERRED IN STATING THAT THE LAND SUBJECT MATTER OF THE CASE AT BAR STILL FORMS PART OF THE ESTATE OF THE LATE ABUNDIO CASTAÑARES.
5. THE HONORABLE RESPONDENT COURT ERRED IN AWARDING DAMAGES AS AGAINST PETITIONER-DEFENDANT-APPLICANT JOSE I. MEDINA, WHO RECEIVED THE PROPERTY IN GOOD FAITH FROM THE OFFICER OF THE COURT.<sup>24</sup>

Petitioner contends that a comparison of the respective boundaries of the lots covered by Tax Declaration No. 1107 and Tax Declaration No. 1106 readily shows that Lot 224-A in Tax Declaration No. 1107 is well within the boundaries of Lot 224 in Tax Declaration No. 1106. Petitioner dismisses the observation of the appellate court regarding the purported “change in boundaries” as a mere typographical error. Petitioner scores the appellate court for relying on a homestead application of Abundio to establish the latter’s ownership on the subject land. Petitioner harps on the inconsistencies of respondent — first, in Civil Case No. 4051 (which was dismissed prior to the filing of Civil Case No. 4080), respondent claimed that the land of

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<sup>24</sup>

Id. at 18.

Abundio was transferred to him when his father died but he later changed his stand and made it appear that the land is still owned by the heirs of Abundio; second, respondent testified that the share of Arles in the lot was sold to Ildefonso and Juan Castaños; and third, respondent's son, Adrian, had filed a third party claim during the public auction sale, alleging that the land is already owned by him by virtue of a sale by the heirs of Abundio. Petitioner insists that the land is already segregated from the land of Abundio as evidenced by the mortgage executed by Arles in 1966 with Masbate Rural Bank, as shown in Tax Declaration No. 876.

In its Comment, respondent points out that the issues raised by petitioner are factual questions which cannot be reviewed in a petition for review on *certiorari*.

As correctly pointed out by respondent, the assigned errors are factual in character. It is axiomatic that a question of fact is not appropriate for a petition for review on *certiorari* under Rule 45. This rule provides that the parties may raise only questions of law, because the Supreme Court is not a trier of facts. Generally, we are not duty-bound to analyze again and weigh the evidence introduced in and considered by the tribunals below. When supported by substantial evidence, the findings of fact of the Court of Appeals are conclusive and binding on the parties and are not reviewable by this Court, unless the case falls under any of the following recognized exceptions: (1) When the conclusion is a finding grounded entirely on speculation, surmises and conjectures; (2) When the inference made is manifestly mistaken, absurd or impossible; (3) Where there is a grave abuse of discretion; (4) When the judgment is based on a misapprehension of facts; (5) When the findings of fact are conflicting; (6) When the Court of Appeals, in making its findings, went beyond the issues of the case and the same is contrary to the admissions of both

appellant and appellee; (7) When the findings are contrary to those of the trial court; (8) When the findings of fact are conclusions without citation of specific evidence on which they are based; (9) When the facts set forth in the petition as well as in the petitioners main and reply briefs are not disputed by the respondents; and (10) When the findings of fact of the Court of Appeals are premised on the supposed absence of evidence and contradicted by the evidence on record.<sup>25</sup>

We find no cogent reason to apply the exceptions. While we slightly deviate from one of the findings of the appellate court, we nonetheless affirm its conclusion. We explain.

The boundaries of the subject lot were clearly delineated and were, as a matter of fact, undisputed. Lot 224, as stated in Tax Declaration No. 1106, is bounded by Sta. Clara Goldfield (Masbate Goldfield) in the North, by Timberland in the East, by National Road in the South, and National Road in the West. On the other hand, Lot 224-A is bounded on the North by the land owned by Abundio, on the South by the Provincial Road, on the East by Public Land, and on the West by Abundio.

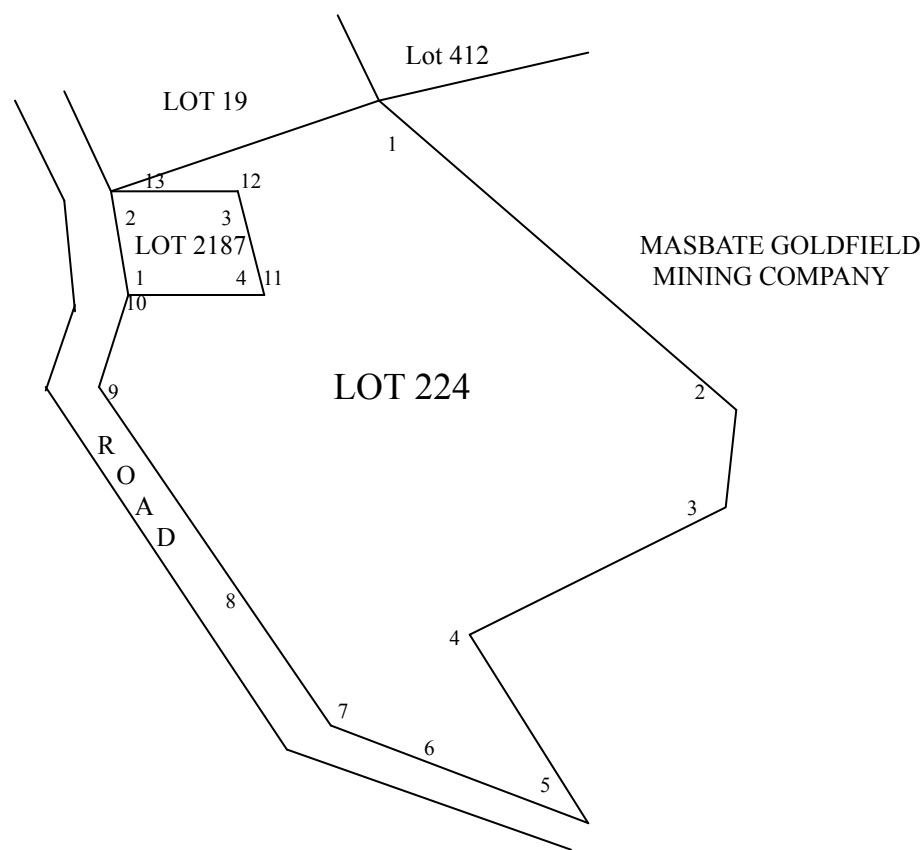
As per the Sketch Plans<sup>26</sup> submitted by the parties, Lot 224 and Lot 224-A are illustrated below:

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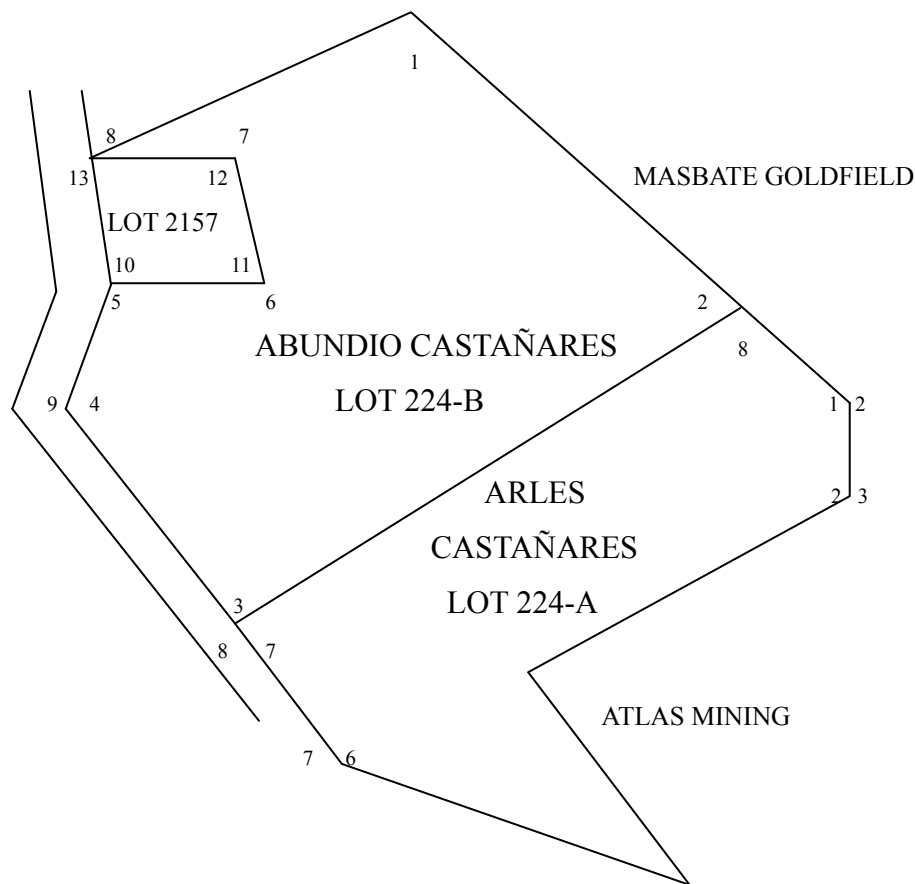
<sup>25</sup> *Cirtek Employees Labor Union-Federation of Free Workers v. Cirtek Electronics, Inc.*, G.R. No. 190515, 6 June 2011, 650 SCRA 656, 660.

<sup>26</sup> Records, Vol. II, pp. 45 and 64, respectively.

SKETCH PLAN FOR ANDRES CASTAÑARES



SKETCH PLAN FOR ARLES CASTAÑARES



Comparing the two sketches, it is unmistakable that Lot 224-A forms part and parcel of Lot 224. Moreover, the boundaries, as admitted by both parties, more or less established the location of Lot 224-A, which location is inside and forms part of Lot 224. While it appears that Lot 224-A was a subdivision of Lot 224, it does not necessarily establish petitioner's ownership over Lot 224-A.

Quite obviously, the two sketches are purportedly referring to only one lot. Hence, the pith and core of the controversy is the ownership of the disputed property.

The appellate court is correct in stating that there was no settlement of the estate of Abundio. There is no showing that Lot 224 has already been partitioned despite the demise of Abundio. It has been held that an heir's right of ownership over the properties of the decedent is merely inchoate as long as the estate has not been fully settled and partitioned. This means that the impending heir has yet no absolute dominion over any specific property in the decedent's estate that could be specifically levied upon and sold at public auction. Any encumbrance of attachment over the heir's interests in the estate, therefore, remains a mere probability, and cannot summarily be satisfied without the final distribution of the properties in the estate.<sup>27</sup> Therefore, the public auction sale of the property covered by Tax Declaration No. 1107 is void because the subject property is still covered by the Estate of Abundio, which up to now, remains unpartitioned. Arles was not proven to be the owner of the lot under Tax Declaration No. 1107. It may not be amiss to state that a tax declaration by itself is not sufficient to prove ownership.<sup>28</sup>

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<sup>27</sup> *Into v. Valle*, 513 Phil. 264, 272 (2005) citing *Estate of Hilario M. Ruiz v. Court of Appeals*, 322 Phil. 590, 603 (1996).

<sup>28</sup> *Republic v. Lagramada*, G.R. No. 150741, 12 June 2008, 554 SCRA 355, 363.

Against a mere tax declaration, respondents were able to present a more credible proof of ownership over Lot 224. The Court of Appeals relied on the Certification issued by the Community Environment and Natural Resources Office (CENRO) Officer of the Department of Environment and Natural Resources (DENR) which certifies that Abundio, and now the heirs, is the holder of a homestead application and an order for the issuance of patent had already been issued as early as 7 July 1952.<sup>29</sup>

Pertinent portions of the Certification are reproduced hereunder:

This is to certify that per records of this office, Abundio Castañares (deceased) now the heirs represented by Juan Castañares is the holder of Homestead Application No. 178912 (E-96030) which was issued an order: Issuance of Patent on July 7, 1952.

It is also shown that in BL Conflict No. 220 (N), DLO Conflict No. 274, entitled F.P.A. No. 11-1-1823 of Exequiela Jaca-Claimant-Protestant versus H.A. No. 178912 (E-96030) of Abundio Castañares (deceased), now the heirs rep. by Juan Castañares, B.L. Claim No. 220 (N), R.L.O. Claim No. 473, D.L.O. Claim No. 274, a decision was rendered on May 19, 1976 the dispositive portion reads:

“WHEREFORE, it is ordered that the Homestead Application No. 178912 (E-96030) of the Heirs of Abundio Castañares, represented by Juan Castañares shall cover only Lots No. 224 and 2187 in Pls-77, Aroroy, Masbate and as thus amended, shall continue to be given further due course. Likewise, the Free Patent Application No. 11-1-1823 of Exequiela Jaca for Lot No. 19, in the same subdivision, shall be given further due course.”<sup>30</sup>

The Land Management Bureau of the DENR outlines the steps leading to the issuance of a homestead patent:

1. Filing of application;
2. Preliminary Investigation;
3. Approval of application;
4. Filing of final proof which consists of two (2) parts;

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<sup>29</sup> Records, Vol. II, p. 65.

<sup>30</sup> Id.

- a. Notice of intention to make Final Proof which is posted for 30 days.
- b. Testimony of the homesteader corroborated by two (2) witnesses mentioned in the notice.

The Final Proof is filed not earlier than 1 year after the approval of the application but within 5 years from the said date.

5. Confirmatory Final Investigation;
- 6. Order of Issuance of Patent;**
7. Preparation of patent using Judicial Form No. 67 and 67-D and the technical description duly inscribed at the back thereof;
8. Transmittal of the Homestead patent to the Register of Deeds concerned.<sup>31</sup> (Emphasis supplied.)

In *Director of Lands v. Court of Appeals*,<sup>32</sup> citing the early case of *Balboa v. Farrales*<sup>33</sup> we ruled that when a homesteader has complied with all the terms and conditions which entitle him to a patent for a particular tract of public land, he acquires a vested interest therein, enough to be regarded as the equitable owner thereof. Where the right to a patent to land has once become vested in a purchaser of public lands, it is equivalent to a patent actually issued. The execution and delivery of patent, after the right to a particular parcel of land has become complete, are the mere ministerial acts of the officer charged with that duty. Even without a patent, a perfected homestead is a property right in the fullest sense, unaffected by the fact that the paramount title to the land is still in the government. Such land may be conveyed or inherited.

Also, in *Nieto v. Quines and Pio*<sup>34</sup> involving ownership over a contested lot, it was held that:

x x x As a homestead applicant, [Quines had] religiously complied with all the requirements of the Public Land Act and, on August 29, 1930, a homestead patent was issued in his favor. Considering the requirement

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<sup>31</sup> [http://lmb.gov.ph/Homestead\\_Patent.aspx](http://lmb.gov.ph/Homestead_Patent.aspx). (visited 17 August 2012).

<sup>32</sup> 260 Phil. 477, 486-487 (1990).

<sup>33</sup> 51 Phil. 498, 502-503 (1928).

<sup>34</sup> 110 Phil. 823, 827-828 (1961).

that the final proof must be presented within 5 years from the approval of the homestead application x x x, it is safe to assume that Bartolome Quines submitted his final proof way back yet in 1923 and that the Director of Lands approved the same not long thereafter or before the land became the subject of the cadastral proceedings in 1927. Unfortunately, there was some delay in the ministerial act of issuing the patent and the same was actually issued only after the cadastral court had adjudicated the land to Maria Florentino. Nevertheless, having complied with all the terms and conditions which would entitle him to a patent, Bartolome Quines, even without a patent actually issued, has unquestionably acquired a vested right on the land and is to be regarded as the equitable owner thereof (citation omitted). Under these circumstances and applying by analogy the principles governing sales of immovable property to two different persons by the same vendor, Bartolome Quines' title must prevail over that of Maria Florentino not only because he had always been in possession of the land but also because he obtained title to the land prior to that of Maria Florentino.

In the instant case, it was clear that there has been an issuance of patent way back in 7 July 1952. The only two acts left for the CENRO to do are to prepare the patent and to transmit it to the Register of Deeds. As to whether these acts have already been complied with is not borne in the records, but the fact remains that these acts are merely ministerial. Respondents have already acquired vested rights to a patent which is equivalent to actual issuance of patent. They have become owners of the land.


As evidence of ownership of land, a homestead patent prevails over a land tax declaration.

**WHEREFORE**, premises considered, the petition is **DENIED** and the assailed decision of the Court of Appeals dated 11 September 1998 in CA-G.R. CV No. 42634 is hereby **AFFIRMED**.

**SO ORDERED.**


  
**JOSE PORTUGAL PEREZ**  
Associate Justice

WE CONCUR:

  
**ANTONIO T. CARPIO**  
Associate Justice  
Chairperson

  
**ARTURO D. BRION**  
Associate Justice

  
**MARIANO C. DEL CASTILLO**  
Associate Justice

  
**ESTELA M. PERLAS-BERNABE**  
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.

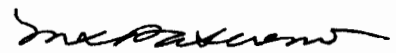
**ANTONIO T. CARPIO**

Associate Justice

Chairperson

**CERTIFICATION**

Pursuant to Section 13, Article VIII of the Constitution, and the Division Chairperson's Attestation, it is hereby certified 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.

**MARIA LOURDES P. A. SERENO**

Chief Justice