

Republic of the Philippines
REGIONAL TRIAL COURT
Fourth Judicial Region
Branch 49
Puerto Princesa City

REPUBLIC OF THE PHILIPPINES,
REP. BY THE DEPARTMENT OF
ENVIRONMENT AND NATURAL
RESOURCES (DENR) REGIONAL
EXECUTIVE DIRECTOR-REGION IV-B
MIMAROPA, VICENTE PARAGAS,
Plaintiff,

CIVIL CASE NO. 4338

versus

For:

GILBERTO VENTURILLO AND
THE REGISTRY OF DEEDS OF
PUERTO PRINCESA CITY,
Defendants.

Cancellation of Title and
Reversion

X-----X

DECISION

Submitted for decision is the Complaint¹ filed by the plaintiff, Republic of the Philippines (Republic) represented by the Regional Executive Director, Vicente S. Paragas of the Department of Environment and Natural Resources (DENR), Region 4B-MIMAROPA, through counsel, Atty. Camilo Garcia, against Gilberto Venturillo and the Registrar of Deeds of Puerto Princesa City for cancellation of title and reversion.

In the Complaint, it is alleged that sometime in 1991, defendant Gilberto Venturillo (defendant Venturillo) filed a Homestead Application No. (IV-26) 11086 covering Lot No. 2, Gss-1410, identical to Lot No. 10502, Cad-800-D, covering an area of 34,105 square meters, located in Barangay Bacungan, Puerto Princesa City. Upon defendant's representation that he is entitled to the homestead patent grant over the subject lot, his homestead application was approved and Homestead Patent No. (NRD-IV-26) 0952 was issued on April 5, 1984 in his favor. Consequently, the Registrar of Deeds of Puerto Princesa City issued OCT No. 947 in favor of defendant Venturillo on May 4, 1984. Upon subsequent verification and investigation by the DENR-Community Environment and Natural Resources Office (DENR-CENRO) in Puerto Princesa City in 2000 pursuant to Oplan Anti-Fake Titles, it was found out that the land covered by OCT

¹ Record, pages 1-6.

No. 947 was, and still is, classified as timber/forest land under Project No. 1-0 (1-2, Blk. I) of Land Classification Map No. 1787 duly certified on October 11, 1954.

Since the subject parcel of land was, and still is, classified as Timber/Forest Land under Project 1-0, Land Classification Map No. 1787 and, therefore, not within the alienable and disposable portion of the public domain at the time of the issuance of Homestead Patent No. (NRD-IV-26) 0952 and OCT No. 947 in favor of defendant Venturillo, the said title is null and void *ab initio* (*Lepanto Consolidated Mining Company vs. Dumyung*, 89 SCRA 532 [1974]); *Republic vs. Animas*, 56 SCRA 499 (1976) and should be cancelled even in the hands of innocent purchasers for value (*Republic vs. Reyes*, 155 SCRA 313 [1987]). It is thereby prayed for the Court to:

- 1) declare null and void Homestead Patent No. NRD-IV-26) 0952 and OCT No. 947 issued in the name of defendant Gilberto Venturillo and its derivative titles, if any;
- 2) order defendant Gilberto Venturillo to surrender to defendant Registrar of Deeds for Puerto Princesa City the owner's duplicate of OCT No. 947 and all its derivative titles, if any;
- 3) order defendant Registrar of Deeds for Puerto Princesa City to cancel the original and owner's duplicate copies of OCT No. 947 and its derivative titles, if any;
- 4) order the reversion of the parcel of land covered by OCT No. 947 to the mass of lands of the public domain; and
- 5) direct defendant Venturillo, his agents, assignees and all those acting on his behalf, to desist from exercising acts of possession or ownership in the premises and to vacate the same, if in possession.

Defendant Venturillo filed his Answer² and alleged that the Homestead Application was issued in November 1982 and not in 1991. He relied on the face of OCT No. 947 issued by the Register of Deeds for Puerto Princesa City and his possession of the property long years before its registration.

Prior to the issuance of the title over the property, he has been in open and continuous possession of the subject property sufficient to comply with the cultivation requirements before the Homestead Patent can be issued to him. On April 5, 1984, a Homestead Patent No. (NRD-IV-26) 0952 was issued to him pursuant to his application and OCT No. 947 was also issued in his name. All the said incidents have been done in accordance with the duties being performed by the officers of the concerned agencies. Hence, OCT No. 947 is presumed to have been validly issued to herein defendant.

² Record, pages 53-55.

He likewise alleged that the Complaint filed by the plaintiff purely relied on the mere certification issued by Community Environment and Natural Resources Officer (CENRO) certifying that Lot No. 2, Gss-1410, identical to Lot No. 10502, Cad-800-D is within Timberland/Forest Land based on the approved Land Classification Map No. 1787, as certified on October 11, 1954. The said certification, in the interest of justice, should not be considered as sole basis to declare the title of the defendants as null and void because absent any proof that it has been fraudulently acquired such title is presumed to have been regularly issued. On the other hand, the map which is the basis of the certification is too old and could have been revised by an administrative order.

While it is true that the present case for reversion is initiated by the DENR there must be an investigation or inquiry that precedes the suit. There must be a prior determination as how the title was issued and whether there is fraud in securing the title before the action for reversion is filed. An investigation should be conducted first before the action for reversion is filed. In fact, in the case of *Nery vs. Tevers*, 126 SCRA 90 (1983), the court said that it is not only the right but the duty of the Director of Lands to conduct investigation. Granting, an investigation was conducted by the DENR-CENRO, it is also the same office that accepted, and granted the application of the defendant and inspected the subject property that paved the way to the granting of the title. There is no fraudulent scheme used by the defendant to obtain the title. In fact, it has gone through the process required by law. It can be easily determined by the DENR-CENRO, and yet they failed to discover the classification despite the presence of the Land Classification Map No. 1787 in their office and instead, they approved the application. It was only after twenty-six (26) long years that they discovered the classification of the subject land.

It is worthy to note that without the approval of the DENR-CENRO, the title cannot be issued. Likewise, prior to the issuance of the title of the defendants, there are steps to be taken. Initially, the land is subjected to cadastral survey. In the instant case, the survey of the subject land was conducted by a government geodetic engineer and it is presumed that before the geodetic engineer conducts any survey, there must be an order from the Director of Land Management. Thereafter, the parcels of land surveyed are designated as lots with separate numbers given by the Director of Land Management known as cadastral lot numbers. After the survey, the petition is registered. With the steps taken before a title is issued, there is presumption of regularity and this presumption should not be overruled by mere certification that the land is timberland. Besides, there are numerous lots adjacent to the subject land that have been titled in the name of the occupants/claimants and if these lots are verified using L.C. Map No. 1952 those lots are also to be considered as timberland and should also be subjected to reversion.

Assuming *arguendo* that the title of the defendant is subsequently declared null and void on the ground that it is a timberland and reverted the possession of the land to the Government, as such will not in any way, prevent other people from occupying the same. The reversion will just open the gate for other settlers or squatters and disregard the possession of the defendants over the subject land for almost twenty-six (26) years. In effect, the reversion will result to a painful, unfair and unjust deprivation of defendant's possession and improvements made. Hence, the DENR-CENRO should have initiated an act for the release of the subject land from forest zone into alienable zone giving due regard to the possession of the defendants and other claimants/occupants to their respective lots.

Defendant Venturillo then prayed that the Complaint be dismissed and for other reliefs which are just and equitable in the premises.

During the pre-trial of the case, the following facts were admitted, to wit:

- a) Defendant Venturillo applied for homestead patent docketed as HA No. (IV-26) covering lo No. 2, Gss-1410, identical to Lot No. 10502, Cad-800-D, covering an area of 34, 105 square meters located in Barangay Bacungan, Puerto Princesa City;
- b) By reason of the said application, a homestead patent was granted to defendant Venturillo.
- c) That the defendant has been in open, actual and continuous possession of Lot No. 3506, Cad. 797-D identical to Lot 121, Pls. 531;
- d) That defendant Venturillo has filed a Final Proof of Homestead with the Ministry of Natural Resources (now DENR) on November 11, 1982;
- e) That on April 5, 1984, Homestead Patent No. (NRD-IV-26-0952 was issued in the name of Gilberto Venturillo;
- f) That consequently, OCT No. 947 was issued in the name of Gilberto Venturillo.

On October 23, 2012, a Motion to Dismiss was filed by defendant Venturillo alleging that upon verification it was found out that Lot 2, Gss-1410 is situated within the alienable and disposable area as per approved Land Classification Map No. 3620, Project No. 1-Z-A, Block II, Certified on August 31, 2004. The plaintiff filed its Comment averring that at the time of the issuance of the patent, the land was still not alienable and disposable, hence, the same cannot be the subject of a homestead patent. The classification of the land at the time of the issuance of a patent is the controlling factor for settled is the rule that the land must be alienable and disposable in order that a homestead patent can be issued covering the same. If the land is still a timberland/forest land, the same is not disposable. Taking into consideration the merits of the arguments of the parties, the Court denied the Motion to Dismiss filed by the defendant.

To prove its case, the plaintiff presented the following witnesses, to wit:
Atty. Ma. Rachel Fe Fabros-Dilig, Nova Bille Garcellano Viterbo, and Mildred Pascual.

The plaintiff first presented **Atty. Ma. Rachel Fe Fabros-Dilig**, the Register of Deeds for Puerto Princesa City. Her testimony was offered to prove that the original file copy of OCT No. 947 in the name of defendant Venturillo is existing in their file. The same was admitted by the defendant for the purpose for which the same was offered.

The plaintiff next presented **Nova Bille Garcellano Viterbo**, the Records Officer of DENR-CENRO, Puerto Princesa City. Her testimony was offered for the following purposes: (1) That she is the Records Officer of CENRO-Puerto Princesa City, Palawan; (2) that as the Records Officer, she is the official custodian of all records and documents of CENRO, such as but not limited to records of public land applications, land classification maps, other official records and documents of the Office, official reports of CENRO personnel and other similar documents; (3) that she can identify documents that are under her official custody. The defendants admitted that witness is the Records Officer of the CENRO, DENR of Puerto Princesa City, and she is the official custodian of all records and documents of the CENRO; and, all the documents attached to the Judicial Affidavit. She identified her Judicial Affidavit which was adopted as her direct testimony.

Witness Viterbo stated that as the official custodian of all records of CENRO, Puerto Princesa City, she has the custody of public land applications, land classification maps, other official records of the Office, official reports, action documents of CENRO personnel and other similar office files. As proof of her current position at the DENR, she has a copy of her appointment papers and her Identification Card.

She testified that their Office is in custody of the record of the homestead application of defendant Venturillo. She likewise presented documents related to the land application of defendant Venturillo, a Certification dated October 16, 2000 issued by Romeo T. Tindugan and M. Pallaya, approved by Dennis S. Navarro stating that Lot No. 2. Gss-1410 identical to Lot No. 10502, Cad-800-D located in Barangay Bacungan, Puerto Princesa City containing an area of 34, 105 square meters has been verified to be within Timberland/Forest Land based on the approved Land Classification Map No. 1787, Project No. 1-0, (1-Z, Blk. 1) duly certified on October 11, 1954; a copy of Land Classification Map No. 3620, Project No. 1-Z-A, Block II certified on August 31, 2004; Investigation Report dated September 29, 2016 and Memorandum dated October 10, 2016. She identified her name and signature on the said documents.

The plaintiff then presented **Mildred Pascual**, the Land Management Officer II of the DENR, Puerto Princesa City. She testified that she has been working at the DENR for almost twenty-three (23) years since 1998. At the time of her testimony, she is the Land Management Officer II of CENRO, Puerto Princesa City, Palawan, designated as OIC-Chief, RPS and Land Investigation Officer for about five (5) years and ten (10) months since October 1, 2015. As the Land Management Officer, she supervises the regulations and permitting section; evaluates applications for permits and licenses, patents and leases; conducts inspections and investigations, as well as preliminary conferences/mediation proceedings and/or hearing of land cases. At the time of her testimony, she brought with her a copy of her appointment papers and Identification Card.

She testified that their Office received a Memorandum from the DENR Central Office Legal Affairs Service on September 20, 2016 requesting for the conduct of an inspection and/or investigation on Lot No. 2, Gss-140. Its purpose is to ascertain the land classification status of the subject lot and if the same is still being possessed, occupied or claimed by defendant Venturillo. After their Office received the Memorandum, CENRO Special Order No. 020 was issued on September 22, 2016, where their team was instructed to conduct an inspection and/or investigation of the subject lot. To ascertain the land classification status of the lot, Lot No. 2, Gss-1410 identical to Lot No. 10502, Cad-800-D was projected by the Land Classification Team per Certification dated September 26, 2016, and it was verified that the subject lot is within Timberland as per LC Map No. 3620. She handed a certified copy of the certification and identified the name and signature of their Records Officer. On September 28, 2016, their Team proceeded to the subject area, and they were assisted by former Purok Maranat III Treasurer, Jessebelle De Villa. When they were there, they found out that Venturillo is not personally known in the locality. There was neither a fence nor any improvement on the lot, and it is a secondary growth forest/vegetation. During the time of the inspection, the subject lot was neither possessed nor occupied by defendant Venturillo. They then made a Report on September 29, 2016 and submitted it to the CENRO Officer. She identified the same as well as her name and signature thereto.

On cross-examination, she testified that as the Land Management Officer, she evaluates the application for permits, licenses and patents. The act of determining whether a lot is a timberland or alienable and disposable upon application is the job of the land classification team. Prior to the granting of the application, the lot will be classified to be within the agricultural land or alienable and disposable land. Such is being done upon the filing of any application for a patent, and once it is determined that the subject lot applied for is an alienable and disposable land, the process will continue. After the applicant has complied with all the requirements for the application of patent, then the issuance of a patent is to be granted to the applicant. If the lot is a timberland, the application is to be

denied immediately. She further testified that she conducted an investigation and inspection; and based on the Memorandum, the subject lot is covered with a title.

Since there is a patent, all the requirements have been complied with. Upon receipt from the Land Classification Team, it was found out that the subject lot is within the timberland, and there was a mistake on why it was issued. She determined that there was a mistake only after the Memorandum to conduct the investigation was issued. She was not yet an employee of the DENR during the time of the application of the patent. The presumption is there will be no patent that will be issued if there is a mistake.

Every application for patent passes through verification. As to the subject lot, the Verification states that it is an alienable and disposable land. They have investigated the actual sight of the land; and in her Judicial Affidavit, she attached a Verification and Certification. A Certification was issued by the Land Classification Team, and the lot was re-verified as it was found within the timberland per LC Map 3620.

She was asked whether the Verification, which defendant obtained from the witness' Office falls within an alienable and disposable land. She stated that there is a Memorandum from then CENRO Emer Garaez dated October 10, 2016 in which it is stated that the Lot Verification/Certification dated June 1, 2012 stating that the subject lot is within an alienable and disposable area using the same LC Map is revoked since said Certification was wrongfully issued and that it was only signed due to the trust and confidence to the OIC Forest Engineering and LC Unit.

On the day of the inspection, before the investigating team left the Office, their team first conducted a record verification to determine the claimants or owners of the land adjacent to the area subject of the inspection so that they can locate the subject lot easily. Thereafter, they proceeded to the subject area; and asked the residents nearby if they know a certain Gilberto Venturillo. However, defendant Venturillo is not personally known in the locality.

She further testified that she does not know the classification of the adjacent lots. Their purpose of knowing the adjacent lots is to determine whether defendant Venturillo actually occupies and possesses the subject land. It is not a normal procedure that if the subject lot is verified as timberland, an investigation would be conducted on the classification of the adjacent lands. The determination of the adjacent lot owners is just to easily locate the lot of defendant Venturillo. It is possible that one, like the lot of defendant Venturillo, could be identified as a timberland and the adjacent lot is an alienable and disposable. It is possible that the adjacent lots are alienable and disposable and the subject lot falls on the timberland. It depends on the findings of Namria for the classification of the subject lot. There are cases that adjacent or surrounding lots are timberland and other cases are alienable and disposable land. They can conduct investigation on the adjacent lots if there is a complaint. However, she does not know if there is a

complainant on the subject lot as she only joined the DENR in 1998 and that she could not find in the record if there is a complainant. The patent was issued in 1984, and she does not have an idea how the subject public land application was processed.

On re-direct examination, she testified that they did not invite defendant Venturillo during the inspection. When they examined the homestead application of defendant Venturillo, they looked for his post office address, which is Bgy. Bacungan, Puerto Princesa City. They intended to notify him, however, years of experience in their Office disclosed that when mailing a document with no exact address, aside from the fact that it usually takes several weeks before a certain mail will be delivered to its recipient, it is usually returned to the sender by the post office for the reason that the receiver cannot be located. Likewise, defendant Venturillo indicated under item six (6) of the final proof homestead that he has never been absent from the homestead since he acquired the land, hence, he is residing in the land. Considering further the urgency of the memo instruction from the Central Office, Legal Affairs Service to immediately conduct or forward the inspection or investigation report, the team decided to proceed immediately on September 28, 2016 to actually conduct an inspection and verification of the subject lot for them to comply immediately with the instruction from the Central Office. Under the Section 91 of Public Land Act, they have the continuing authority to conduct inspection and investigation on lands covered by the Public Land Patents.

The pieces of evidence included in the plaintiff's Formal Offer of Exhibits, with prayer for re-markings of evidence(s), were admitted in evidence for the plaintiff for the purposes for which they have been offered. Such consist of:

Exhibit "A" - Original Certificate of Title No. 947 issued in the name of Gilberto Venturillo; Exhibit "B" and "B-1" - Certified Copy of the Homestead Application of Gilberto Venturillo covering Lot No. 2, GSS-1410 located in Bacungan, Puerto Princesa City and the printed name and signature of Nova Bille Viterbo in the certified copy; Exhibit "C" and "C-1" - Certified Copy of the Certification dated October 16, 2000; Exhibit "D" and "D-1" - Certified Copy of Land Classification Map No. 1787 Project No. 1-0 (1-Z, Blk. 1) certified on October 11, 1954; Exhibit "E" and "E-1" - Certified Copy of Land Classification Map No. 3620 Project No. 1-Z-A Block A certified on August 31, 2004; Exhibit "F", "F-1", "F-1-D" and "F-2" - Certified Copy of the Investigation Report dated September 29, 2016; Exhibit "G" and "G-1" - Certified Copy of the Memorandum dated October 10, 2016; Exhibit "H" and "H-1" - Appointment Papers of Nova Bille G. Viterbo and DENR ID of Nova Bille G. Viterbo; Exhibit "I" Appointment Papers of LMO II Mildred A. Pascual; Exhibit "J" - DENR Identification Card LMO; Exhibit "K" and "K-1" - Certified Copy of CENRO Special Order No. 020 dated September 22, 2016; Exhibit "L" and "L-1" - Certified Copy of Certification dated September 26, 2016.

The plaintiff then rested its case.

At the time of the presentation of evidence of the defendants, the counsel of the defendants manifested that he will no longer present testimonial evidence. He adopted the documentary evidence of the plaintiffs as follows: Exhibit "B" - Homestead Application as their Exhibit "1"; Exhibit "A" of the plaintiff as Exhibit "2". He then offered them in evidence as follows: Exhibit "1" - to prove that Gilberto Venturillo applied for Homestead Patent; and "Exhibit "2" - to prove that the application for Homestead Patent has been approved and that issued OCT No. 9479. Both pieces of evidence were admitted for the purposes for which they have been offered for the defendants. Defendant Venturillo then rested his case. Atty. Garcia manifested that he is not presenting any rebuttal evidence. Hence, the case was submitted for decision.

On February 11, 2022, the defendants filed their Manifestation and Motion³ alleging that upon examination of the plaintiff's records of the court, what was marked as Exhibit "B" is the certified copy of OCT No. 947. However, in the Formal Offer of Documentary Evidence, the said certificate was marked as Exhibit "A". Thus, to conform to the markings of the Court's record, the plaintiff moved that instead of Exhibit "A", the Original Certificate of Title No. 947 issued in the name of Gilberto Venturillo be remarked as Exhibit "B", and the Certified True Copy of the Homestead Application of Gilberto Venturillo marked as Exhibit "B" in the Formal Offer of Documentary Evidence be remarked as Exhibit "A". Both documents are common evidence of the parties and the existence of the same were already admitted during the pre-trial conference. The said Motion was then granted by the Court and the re-marking of the evidence for both parties was ordered.

The plaintiff's counsel, later filed a Motion to Withdraw as Counsel in view of his appointment as Prosecutor of the National Prosecution Service of the Department of Justice; requesting that all notices, orders and/or resolutions which are to be issued by this Court be sent directly to the Director of the Legal Affairs Service of the DENR with office address at DENR Compound, Visayas Avenue, Diliman, Quezon City, the Regional Executive Director of DENR-MIMAROPA Region with office address at DENR by the Bay Building, 1515 Roxas Boulevard, Ermita Manila, and the Office of the Solicitor General with office address at 134 Amorsolo Street, Legaspi Village, Makati City; and likewise prayed that he be relieved from all his duties and obligations in relation to the above-captioned case. The same was granted by the Court.

³ Record, pager 000666.

ISSUE

Whether or not the circumstances of the case warrant the cancellation of OCT No. 947, and the reversion of the subject lot to the state.

RULING

Reversion is an action where the ultimate relief sought is to revert the land to the Government under the Regalian doctrine. In the case of *Hachero*,⁴ reversion was defined as an action which seeks to restore public land fraudulently awarded and disposed of to private individuals or corporations to the mass of public domain. The interest of the State in reversion cases is statutorily recognized as Section 101 of Commonwealth Act No. 141, as amended,⁵ which provides that all actions for the reversion to the Government of lands of the public domain or improvements thereon shall be instituted by the Solicitor-General or the officer acting in his stead, in the proper courts, in the name of the Republic of the Philippines.⁶

In the said case of *Hachero*,⁷ the Court allowed the resort by the Government to actions for reversion to cancel titles that were void for reasons other than fraud, i.e., violation by the grantee of a patent of the conditions imposed by law; and lack of jurisdiction of the Director of Lands to grant a patent covering inalienable forest land or portion of a river, even when such grant was made through mere oversight.

In the present case, the plaintiff alleged that the subject lot belongs to the timberland and hence, should not have been issued a patent and a title. The plaintiff's witness testified that it is possible that the subject lot is a part of the timberland while the adjacent lots are alienable and disposable.⁸ And such classification depends on the findings of the NAMRIA. Witness Pascua further testified that upon verification, the subject lot is within the timberland.⁹ When they went to the area, they found out that defendant Gilberto was not known to the locality and the subject lot was neither possessed nor occupied by the defendant.¹⁰ She further testified that there was a mistake why the subject lot was issued a title.¹¹

⁴ *Republic of the Philippines, Represented by The Regional Executive Director, Department Of Environment and Natural Resources (DENR) - Region IV, Manila, v. Amor Hachero and The Register of Deeds of Palawan*, G.R. No. 200973, May 30, 2016.

⁵ Public Land Act.

⁶ *Republic of the Philippines v. Sixto Sundiam, et al.*, G.R. No. 236381, August 27, 2020.

⁷ *Ibid.*

⁸ Record, TSN of Mildred Pascua, dated August 4, 2021, page 000014-000015.

⁹ Record, TSN of Mildred Pascua, page 000577, paragraph A13.

¹⁰ Record, page 000578.

¹¹ Record, page 000607.

Verily, cancellation of title and reversion can take place where there exists a mistake or oversight in granting free patent over inalienable land. The Court further ruled that:¹²

“Xxx

In the case at bench, although the Republic's action for cancellation of patent and title and for reversion was not based on fraud or misrepresentation on the part of Hachero, his title could still be cancelled and the subject land *reverted back* to the State because **the grant was made through mistake or oversight**. This could probably be the reason why, shortly after one (1) year from the issuance of OCT No. E-18011 to Hachero, the DENR personnel conducted another investigation and verification on the subject land. *It would appear that they suspected that a mistake was made in their issuance of the patent as the subject land had not been reclassified or released as alienable or disposable land. It remained plotted within the timberland classification zone.* This time, they supported their findings with maps prepared by the NAMRIA. The Republic also followed the proper legal procedure for cancellation of patent and title and for reversion. They filed a complaint in court and notified Hachero through summons. *They gave Hachero an opportunity to be heard in court. For unknown reasons, however, he disregarded the summons, allowed himself to be declared in default, and forfeited his right to adduce evidence in his defense.* Xxx” (Emphasis supplied.)

Here, it was testified to by the plaintiff that there was a mistake in the issuance of the title and the patent on the subject lot and that it was re-verified to be within the timberland and that all prior inconsistent verifications are superseded by the re-verification.¹³

The Supreme Court has consistently ruled that although as a rule, a certificate of title issued pursuant to a homestead patent partakes the nature of a certificate of title issued through a judicial proceeding and becomes incontrovertible upon the expiration of one (1) year,¹⁴ the principle of indefeasibility does not apply where the patent and the title based thereon are null and void.

In *Mendoza v. Navarette*,¹⁵ the Court further held that:

“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

¹² *Ibid.*

¹³ Record, page 000534, Exhibit “L”.

¹⁴ *Ibid.* (*Republic v. Heirs of Ignacio Daquer*).

¹⁵ *Domingo T. Mendoza v. Maria Mendoza Navarette, et al.*, G.R. No. 82531. September 30, 1992.

of land, he cannot acquire one under the Torrens system of registration xxx. The effect is that it is as if no registration was made at all. Xxx.”

Moreover, in classifying lands of the public domain as alienable and disposable, there must be a positive act from the Government declaring them as open for alienation and disposition. The Supreme Court in the case of *Republic v. Heirs of Ignacio Daquer and The Register of Deeds, Province of Palawan*¹⁶ held that:

“Xxx. ***A positive act declaring land as alienable and disposable is required.*** In keeping with the presumption of State ownership, the Court has time and again emphasized that there must be a positive act of the government, such as an **official proclamation**, declassifying inalienable public land into disposable land for agricultural or other purposes. Xxx.” (Emphasis supplied)

A positive act is an act which clearly and positively manifests the intention to declassify lands of the public domain into alienable and disposable. Any person seeking relief under the Public Land Act admits that the property being applied for is public land. The burden of proof in overcoming the presumption of State ownership of the lands of the public domain is on the person applying for registration or claiming ownership, who must prove that the land subject of the application is alienable or disposable.¹⁷

The President has the authority to classify inalienable lands of the public domain into alienable or disposable lands of the public domain, pursuant to Section 6 of Commonwealth Act No. 141. The Court further held that:

“Xxx. Even if the property falls within the unclassified zone, this Court, in *Heirs of the late Spouses Palanca v. Republic*, ruled that unclassified lands, until released and rendered open to disposition, shall be considered as inalienable lands of the public domain, thus:

While it is true that the land classification map does not categorically state that the islands are public forests, the fact that they were unclassified lands leads to the same result. In the absence of the classification as mineral or timber land, the land remains unclassified land until released and rendered open to disposition. **When the property is still unclassified, whatever possession applicants may have had, and however long, still**

¹⁶*Republic of the Philippines v. Heirs Of Ignacio Daquer and The Register of Deeds, Province of Palawan*, G.R. No. 193657, September 04, 2018.

¹⁷*Ibid.* (*Republic v. Heirs of Ignacio Daquer*).

cannot ripen into private ownership. This is because, pursuant to Constitutional precepts, all lands of the public domain belong to the State, and the State is the source of any asserted right to ownership in such lands and is charged with the conservation of such patrimony. Thus, the Court has emphasized the need to show in registration proceedings that the government, through a positive act, has declassified inalienable public land into disposable land for agricultural or other purposes.¹⁸

Xxx

Lands of the public domain can only be classified as alienable and disposable through a positive act of the government. The State cannot be estopped by the omission, mistake, or error of its officials or agents. It may revert the land at any time, where the concession or disposition is void *ab initio*.¹⁹ Xxx” (Emphasis and underlining supplied.)

In the present case, the records are bereft of any evidence showing that the land has been classified as alienable and disposable. The defendant did not even controvert the plaintiff's pieces of evidence like the re-verification of the subject lot;²⁰ the report that defendant is not known by the residents of the adjacent lots; that there is neither an improvement nor fence made on the subject lot; and that the subject lot is neither possessed nor occupied by the defendant.²¹

Settled is the rule that he who alleges the affirmative of the issue has the burden of proof, and upon the plaintiff in a civil case, the burden of proof never parts. However, in the course of trial in a civil case, once the plaintiff makes out a *prima facie* case in his favor, the duty or the burden of evidence shifts to defendant to controvert plaintiff's *prima facie* case, otherwise, a verdict must be returned in favor of plaintiff.²²

The said rule is reiterated by the Supreme Court in the above-cited case of *Manongsong*,²³ the Supreme Court ruled that:

“ The party who alleges a fact has the burden of proving it.

Section 1, Rule 131 of the Rules of Court defines "burden of proof" as "the duty of a party to present evidence on the facts in issue necessary to establish his claim or defense by the amount of evidence required by law." In civil cases, the burden of proof rests upon the

¹⁸ *Ibid.* (Republic v. Heirs of Ignacio Daquer).

¹⁹ *Ibid.* (Republic v. Heirs of Ignacio Daquer).

²⁰ Record, page 000534, Exhibit "L".

²¹ Record, page 000586-000589.

²² *Milagros Manongsong, et. al. v. Felomena Jumaquio Estimo, et. al.*, G. R. No. 136773, June 25, 2003.

²³ *Ibid.*

plaintiff, who is required to establish his case by a preponderance of evidence. **Once the plaintiff has established his case, the burden of evidence shifts to the defendant, who, in turn, has the burden to establish his defense.** *Xxx*”²⁴ (Emphasis supplied.)

Reversion connotes restoration of public land fraudulently awarded or disposed of to the mass of the public domain and may again be the subject of disposition in the manner prescribed by law to qualified applicants. The Director of Lands has a continuing authority to conduct investigation, from time to time, to determine whether or not public land has been fraudulently awarded or titled to the end that the corresponding certificate of title be cancelled and the land reverted to the public domain. And the fact that the title sought to be cancelled has, technically speaking, become indefeasible is not a hindrance to said investigation. For the government is not estopped by the error or mistake of its agents, nor barred by prescription.²⁵

WHEREFORE, given the circumstances of the case, judgment is hereby rendered in favor of the plaintiff Republic of the Philippines and against private defendant Gilberto Venturillo, to wit:

- 1) The Homestead Patent No. (NRD-IV-26) 0952 and OCT No. 947 in the name of defendant Gilberto Venturillo and subsequent transaction(s) and titles issued based thereon are hereby declared null and void, and without force and effect;
- 2) Defendant Gilberto Venturillo and such other persons acting for and on their behalf and/or his successors-in-interest are hereby ordered to surrender to defendant Registrar of Deeds of Puerto Princesa City the owner's duplicate of OCT No. 947 and all its derivative titles, if any;
- 3) The Register of Deeds for Puerto Princesa City is hereby directed to cancel the original and the owner's copy of OCT No. 947 and its derivative titles if any;
- 4) The land covered by OCT No. NO. 947 is ordered to be reverted to the mass of lands of the public domain; and
- 5) The defendant Gilberto Venturillo, his agents, assignees and all those acting on his behalf, are enjoined to desist from exercising acts of possession or ownership in the premises and to vacate the same, if in possession.

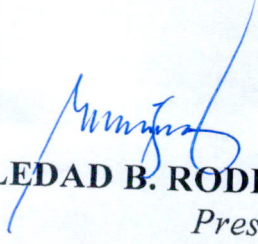
SO ORDERED.

²⁴ *Manolito De Leon and Lourdes E. De Leon v. Bank of the Philippines*, G.R. No. 184565, November 20, 2013.

²⁵ *Property Registration and Related Laws (Land Titles and Deeds, 2006, Oswaldo Agcaoili)*

DECISION, April 7, 2022.
Civil Case No. 4338
Republic of the Philippines v.
Gilberto Venturillo and the
Register of Deeds for Puerto Princesa City

Done this 7th day of April, 2022 at the Hall of Justice, Sta. Monica, Puerto
Princesa City.


PAZ SOLEDAD B. RODRIGUEZ-CAYETANO
Presiding Judge

Copy furnished:

Atty. Arnel Venturillo

Director of the Legal Affairs Service of the DENR
DENR Compound, Visayas Avenue, Diliman, Quezon City

~~Regional Executive Director of DENR-MIMAROPA Region~~
~~DENR by the Bay Building, 1515 Roxas Boulevard, Ermita Manila~~

Office of the Solicitor General
134 Amorsolo Street, Legaspi Village, Makati City