

**Office of the President
of the Philippines
Malacañang**



**HEIRS OF DOMINADOR RUGA,
represented by ALEJANDRO V. RUGA,
*Appellants,***

- versus -

**O.P. Case No. 12-I-225
(DENR Case No. 8473)**

**HEIRS OF FELIX RUGA, represented
by ASUNCION RAFOL- RAPADA,
*Appellees.***

X ----- X

DECISION

This resolves the appeal of appellant Heirs of Dominador Ruga represented by Alejandro V. Ruga assailing the Decision dated 05 May 2010 and Resolution dated 17 September 2012 of the Department of Environment and Natural Resources (DENR).

In their appeal, appellants allege that the Homestead Application filed in 1957 by Dominador Ruga, their predecessor-in-interest, as well as relevant evidence such as the Tax Declarations, and the FPA of Alejandro Ruga, were totally disregarded in deciding this case.

The factual antecedents of the case are as follows:

Appellant Alejandro V. Ruga is the son of Dominador Ruga and a nephew of Felix Ruga. On the other hand, appellee Asuncion Rafol-Rapada is the granddaughter of Felix Ruga.

Appellees heirs of Felix Ruga filed a Free Patent Application (FPA) over Lot No. 1913 with an area of 7,8936 hectares, more or less, located in Tampayan, Magdiwang, Romblon. On 24 September 2003, A Protest was filed by appellants heirs of Dominador Ruga against appellees' FPA contending that Dominador Ruga had been in possession of the subject lot since 1957.

In the Order dated 03 July 2007¹ of Vicente S. Paragas, CESO III, Regional Executive Director (RED), Regional Office IV-B, MIMAROPA, opines that appellees have a better right over the subject lot as against appellants' claims. The RED, MIMAROPA ordered the dropping of the protest filed by appellants and directed the

¹ Records, pp. 151-153.

Provincial Environment and Natural Resources Office (PENRO)/Community Environment and Natural Resources Office (CENRO) to process appellees' FPA upon finality of the said Order. The RED, MIMAROPA's findings is anchored on the fact that Felix Ruga was listed as survey claimant of the subject lot based on Tax Mapping Control Roll of the Provincial Assessors Office. The RED, MIMAROPA also took notice that as early as 26 November 1957, the Homestead Application of Felix Ruga covering Lot No. 1913 was already approved and that the latter had likewise paid the final fee for the Homestead Application.

On 01 August 2007, appellants filed a Motion for Reconsideration,² which was denied as per Order dated 26 September 2007³ of the RED, MIMAROPA. On 05 November 2007, appellants filed a Notice of Appeal dated 24 October 2007.⁴ On 05 May 2010, Secretary Horacio C. Ramos, DENR issued the assailed Decision dismissing the appeal but modifying the RED MIMAROPA's Decision dated 03 July 2007 by directing the PENRO/CENRO to process, issue, and release the Homestead Patent over Lot 1913 in favor of appellees for registration with the Registry of Deeds of Romblon. On 09 June 2010, appellants filed a Motion for Reconsideration dated 02 June 2010⁵ and a Supplement to the Motion for Reconsideration dated 25 June 2010.⁶ In a Resolution dated 17 September 2012, appellants' Motion for Reconsideration was denied and the Decision dated 05 May 2010 of the DENR Secretary was affirmed *in toto*, hence, this appeal.

The appeal is without merit.

Appellants insist that the Homestead Application filed in 1957 over the subject lot by Dominador Ruga, their predecessor-in-interest, should be given weight. Dominador Ruga had been in possession of the subject lot since 1957 and after his death, his heirs who are the appellees, inherited and have been continuously cultivating the same.

The records of the case belie appellants' claim that Dominador Ruga had been in possession of the subject lot since 1957 and after his death, appellants inherited and had been continuously cultivating the same. As per Ocular Inspection Report dated 14 June 2007 of Gerson Taoingan, Legal Assistant, Region IV-B, MIMAROPA,⁷ almost all of the occupants of the subject lot recognize the ownership of Felix Ruga over the said lot. This alone will prove that it was Felix Ruga and not Dominador Ruga who have been in possession of the subject property way back 1921 when the former filed his Homestead Application No. 82144 on 03 October 1921.⁸ Several years thereafter, Felix Ruga started cultivating the subject lot by planting rice and other fruit bearing trees and introducing improvements therein.⁹

² *Id.*, pp. 173-184.

³ *Id.*, p. 192.

⁴ *Id.*, pp. 193-198.

⁵ *Id.*, pp. 210-214.

⁶ *Id.*, pp. 220-222.

⁷ *Id.*, pp. 149-150.

⁸ *Id.*, p. 26.

⁹ *Id.*, p. 23.

In the Inspection Report dated 05 October 1957,¹⁰ Felix D. Pimentel, Deputy Public Lands Inspector, recommended the granting of patent to Felix Ruga as the latter has been in open, continuous, notorious, and adverse possession of the subject lot since 1925; he introduced improvements therein, such as, a house of light materials and planted rice in an upland area, and several coconut and fruit bearing trees; and paid the Homestead final fee.

Subsequently, in an Order dated 26 November 1957,¹¹ the Homestead Application of Felix Ruga was approved and recorded as Homestead Entry No. 14-2494. On 23 October 1958, Felix Ruga was advised to file the final proof forms,¹² however, there is no evidence to prove that Felix Ruga indeed filed the same. The DENR however ruled that such non-submission should not be taken against Felix Ruga since as early as 1957 he has already a right to a government grant.

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, and is to be regarded as the equitable owner thereof. x x x The execution and delivery of the 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. No subsequent law can deprive him of that vested right.¹³ Thus, all the records of the case point to Felix Ruga as the one who has a vested rights over the subject lot.

On the other hand, appellants claim that Dominador Ruga applied for Homestead Patent only in 1957 over Lot 1913. Notice should be made however that in the said year the Homestead Patent Application of Felix had already been approved and recorded as Homestead Entry No. 14-2494. Thus, Dominador Ruga cannot apply for patent to a lot which has already been awarded to others. Besides, appellants failed to adduce evidence that Dominador Ruga or his successor-in-interest cultivated or in possession of the subject land.

Furthermore, while it is true that the heirs of Dominador Ruga submitted proof of Tax Declarations under his name, however, the Tax Declarations paid by reason of the Homestead Patent Application is not a proof of ownership but merely for taxation purposes. Moreover, as between appellants and appellees, the latter being the heirs of Felix Ruga are the successors-in-interest and have a better rights to the subject lot.

As a final note, generally, the "factual findings of administrative bodies charged with their specific field of expertise, are afforded great weight by the courts, and in the absence of substantial showing that such findings were made from an

¹⁰ *Id.*, p. 22

¹¹ *Id.*, p. 21.

¹² *Id.*, p. 20.

¹³ *Balboa vs. Farrales*, G.R. No. L-27059, 14 February 1928 (51 Phil. 498).

erroneous estimation of the evidence presented, they are conclusive, and in the interest of stability of the governmental structure, should not be disturbed."¹⁴

WHEREFORE, premises considered, the instant appeal is hereby **DISMISSED** and the Decision dated 05 May 2010 and Resolution dated 17 September 2012 of the DENR is **AFFIRMED**.

SO ORDERED.

Manila, Philippines, MAY 04 2022

By authority of the President:

SALVADOR C. MEDIALDEA
Executive Secretary

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¹⁴ *Jose v. Novida*, G.R. No. 177374, 02 July 2014, 728 SCRA 552, 576, citing *Sugar Regulatory Administration v. Tormon, et al.*, 700 Phil. 165, 178 (2012).