

Republic of the Philippines
REGIONAL TRIAL COURT
Fourth Judicial Region
Branch 51
Puerto Princesa City
rtc1prp051@judiciary.gov.ph
0908-416-4058

REPUBLIC OF THE PHILIPPINES,
REP. BY THE REGIONAL
EXECUTIVE DIRECTOR, REGIONAL
OFFICE IV-MIMAROPA,

Plaintiff,

- versus -

SPS. MIGUEL BASI & NIDA BASI,
SPS. IRENEO BAROÑA & ESTER
BAROÑA, AND THE REGISTRY OF
DEEDS OF PALAWAN,
Defendants.

X ----- X

CIVIL CASE No. 4068

for

CANCELLATION OF TITLE
AND REVERSION OF LANDS

DECISION

Before this Court is a Complaint for Cancellation of Title and Reversion of Lands filed by herein plaintiff against defendants Spouses Miguel and Nida Basi and Register of Deeds of Palawan. Defendants Ester Baroña and Ireneo Baroña were impleaded under the Amended Complaint¹ filed by the plaintiff on 10 April 2017.

As culled from the records, the factual antecedents are as follows:

Free Patent (FP) No. (IV-27) 799 was issued in favor of defendant Miguel Basi based on his Free Patent Application (FPA) No. (IV-27) 835 which covers the parcel of land identified as Lot No. 7013, Cad. 799-D, with an area of six hundred (600) square meters, situated in Iraan, Aborlan, Palawan.²

Thereafter, pursuant to FP No. (IV-27) 799, the Register of Deeds of Palawan issued the Original Certificate of Title (OCT) No. E-10986 in favor of defendant Miguel Basi married to Nida Basi (Spouses Basi) on 16 December 1987.³

¹ Amended Complaint dated March 30, 2017 – Record, p. 177

² Free Patent Application – Record, p.9

³ Copy of Original Certificate of Title No. E-10986 – Record, p. 10

On 26 August 1997, by virtue of a Deed of Sale, OCT No. E-10986 was cancelled⁴ and Transfer Certificate of Title (TCT) No. T-12702 under the name of Ester Baroña married to Ireneo Baroña (Spouses Baroña) was issued by the Registry of Deeds of Palawan.⁵

Upon subsequent investigation⁶ conducted by the Office of the Regional Executive Director, DENR, Region IV, Puerto Princesa City, it was discovered that the land covered by the defendant Basi's free patent application and by OCT No. E-10986, then later by defendant Baroña's TCT No. T-12702, is a timberland within the forest reserve, and therefore, not susceptible of private ownership.

On 2 February 2005, a Complaint was filed against Spouses Basi. In the said Complaint, herein plaintiff argues that the possession of forest lands, no matter how long, cannot ripen into private ownership. Further, any patent and title to a land being part of the forest zone is void *ab initio*. Thus, FP No. (IV-27) 799, OCT No. E-10986, and TCT No. T-12702, as well as any and all titles derived therefrom, are therefore void *ab initio* and should be cancelled.

For failure to file their Answer, Spouses Basi were declared in default on 23 August 2007. On the other hand, Spouses Baroña were impleaded in the amended complaint but they failed to file their own Answer despite notice. Thus, Spouses Baroña were also declared in default on 24 August 2018.

Later, Lanie D. Cayao, a representative of the Registry of Deeds of Palawan, testified that TCT No. T-12702 was already cancelled and TCT No. 065-2017001352⁷ was issued on 9 June 2017 in the name of Maria Lourdes Baroña-Matillano.⁸

In support of its case, the plaintiff submitted the following documentary evidence which were all admitted by the Court for the purposes for which they were offered and as part of the testimony of the witnesses who testified thereto:⁹

Exhibits	Documents
"A" with submarkings "A-1 to A-3"	Judicial Affidavit of Engr. Rosita F. Castulo

⁴Copy of Cancelled OCT No. E-10986 indicating Entry No. 123626 dated 26 August 1997 – Record, pp.152 to 154

⁵ Copy of Transfer Certificate of Title No. T-127002 – Record, pp. 156 to 157

⁶ Individual Investigation Report – Record, p. 12

⁷ Copy of TCT No. 065-2017001352 – Record, p. 329

⁸ Judicial Affidavit of Lanie D. Cayao, p. 7 – Record, p. 313

⁹ Order dated December 9, 2021 – Record, p.333

"B" with submarking "B-1"	Individual Investigation Report dated 19 July 2000 issued by DENR-CENRO, Narra, Palawan
"C" with submarkings "C-1 to C-5"	Original Certificate of Title (OCT) No. E-10986 in the name of Miguel Basi married to Nida Basi
"D" with submarking "D-1"	Judicial Affidavit of Lanie D. Cayao
"E"	Identification Card of Lanie D. Cayao issued by the Register of Deeds of Palawan
"F" with submarkings "F-1 to F-5"	Transfer Certificate of Title (TCT) No. T-12702 in the name of Ester Baroña married to Ireneo Baroña
"G" with submarkings "G-1 to G-4"	Transfer Certificate of Title (TCT) No. 065-2017001352 in the name of Maria Lourdes Baroña-Matillano
"L" with submarking "L-1"	Judicial Affidavit of Engr. Ernesto S. Villarico
"M"	Identification Card of Engr. Ernesto S. Villarico issued by NAMRIA
"N" with submarkings "N-1 to N-2"	Land Classification (LC) Map No. 1852, Project 10-B dated 5 May 1955 issued by NAMRIA

The only issue to be resolved in this case is whether or not FP No. (IV-27) 799 and OCT No. E-10986, issued in the name of defendants Miguel Basi and Nida Basi, and its derivative titles should be cancelled and the land covered by the same should be reverted to the custody, management and administration of the Republic of the Philippines.

Under the Regalian Doctrine (*Jura Regalia*), all lands of the public domain belong to the State.¹⁰ This means that the State is the source of any asserted right to ownership of land, and is charged with the conservation of such patrimony. All lands not appearing to be clearly under private ownership are presumed to belong to the State. Also, public lands remain part of the inalienable land of the public domain unless the State is shown to have reclassified or alienated them to private persons.¹¹

↑

¹⁰ Section 2, Art. XII, 1987 Constitution
¹¹ *Heirs of Mario Malabanan vs. Republic*, G.R. No. 179987, September 03, 2013

In the case of *Republic of the Philippines-Bureau of Forest Development vs. Vicente Roxas and the Register of Deeds of Oriental Mindoro*¹² the Court held that:

"Reversion is an action where the ultimate relief sought is to revert the land back to the government under the Regalian doctrine. Considering that the land subject of the action originated from a grant by the government, its cancellation therefore is a matter between the grantor and the grantee. In *Estate of the Late Jesus S. Yujuico vs. Republic*,¹³ 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. It bears to point out, though, that the Court also 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 *Republic vs. Guerrero*,¹⁴ the Court gave a more general statement that "this remedy of reversion can only be availed of in cases of fraudulent or unlawful inclusion of the land in patents or certificates of title."

Records reveal that FP No. (IV-27) 799 was issued to Miguel Basi by virtue of his free patent application approved by the DENR-Bureau of Lands, Narra, Palawan. Subsequently, the property was registered under OCT No. E-10986 on 16 December 1987.

Thereafter, the representative of the Regional Executive Director of the Regional Office No. IV conducted an investigation which reveals that the subject land covered by OCT No. E-10986 is still a timberland. Therefore, the subject land could not be segregated from the public domain since timberlands are classified as inalienable and non-disposable public lands.

The Individual Investigation Report issued by Engr. Rosita Castulo of DENR-CENRO Narra, Palawan indicates that the subject property, specifically Lot 7013, Cad 799-D, was verified and found to have remained as timberland in classification. This fact was

¹² G.R. No. 157988, December 11, 2013

¹³ G.R. No. 168661, October 26, 2007

¹⁴ G.R. No. 133168, March 28, 2006

supported by the testimony of Engr. Ernesto S. Villarico¹⁵ that the land subject of this case is within Block A of L.C. Map No. 1852, Project No. 10-B¹⁶ and classified as timberland, to wit:

Q11:

Mister Witness, at the lower right portion of the map is the title "Province of Palawan, Project 10-B, Municipality of Aborlan, Palawan". Can you please tell this Honorable Court what this means?

A11:

This means that this map is the Land Classification Map of the Municipality of Aborlan, Province of Palawan.

Q12:

So Mister Witness, what can you find in the Land Classification Map No. 1852 dated 05 May 1955, if any?

A12:

In Land Classification Map No. 1852 dated 05 May 1955, you can see a detailed illustration of the Municipality of Aborlan, Province of Palawan.

Q13:

Based on the available records, what can you tell us about the land subject of this case?

A13:

The land subject of this case-identified as Lot No. 7013, Cad 799-D, containing an area of six hundred (600) square meters, situated in Iraan, Aborlan, Palawan, covered by Original Certificate of Title (OCT) No. E-10986 and Transfer Certificate of Title (TCT) No. T-12702-is within LC Map No. 1852, Project 10-B, Block A, Sir.

Q14:

And what is its land classification?

A14:

It is classified as Timberland, Sir.

This Court would have wanted to study the defendants' position on the matter, but for unknown reasons, however, they

¹⁵ Judicial Affidavit of Engr. Ernesto S. Villarico dated June 10, 2021, p. 5 – Record, p. 260

¹⁶ Land Classification (LC) Map No. 1852, Project 10-B dated 5 May 1955 issued by NAMRIA – Record, p. 266

disregarded the summons, allowed themselves to be declared in default, and forfeited their right to adduce evidence in their defense.

Apparently, in the case at bar, a mistake or oversight was committed on the part of the Government, resulting in the grant of a homestead patent over inalienable timberland. On the ground that the area covered by the patent and title is not disposable public land, it being a part of the forest zone and, hence the patent and title thereto are null and void.¹⁷ Plaintiff Republic is entitled to the cancellation of FP No. (IV-27) 799, and OCT No. E-10986, and reversion of the subject property to the public domain.

Moreover, jurisprudence states that any title that traces its source to a void title is also void since the spring cannot rise higher than its source. *Nemo potest plus juris ad alium transferre quam ipse habet*.¹⁸ Consequently, all titles that trace their source to OCT No. E-10986 are therefore void, for such a mother title is nonexistent.

WHEREFORE, premises considered, judgment is hereby rendered:

- (1) Declaring null and void the FP No. (IV-27) 799 and OCT No. E-10986 issued in the name of Spouses Miguel and Nida Basi and its derivative titles, TCT No. T-12702 and TCT No. 065-2017001352;
- (2) Ordering Spouses Basi, Spouses Baroña and Maria Lourdes Baroña-Matillano and all persons deriving their title from the aforesaid spouses to surrender to defendant Register of Deeds of Palawan the owner's duplicate of OCT No. E-10986, TCT No. T-12702 and TCT No. 065-2017001352;
- (3) Ordering defendant Register of Deeds of Palawan to cancel the original and owner's duplicate of OCT No. E-10986 and its derivative titles;
- (4) Ordering the reversion of the parcel of land covered by OCT No. E-10986 and its derivative titles to the mass of lands of the public domain; and
- (5) Directing defendants Spouses Basi, Spouses Baroña, and Maria Lourdes Baroña-Matillano, their agents, assignees and those acting on their behalf to desist from exercising acts of

¹⁷ Republic vs. Animas, G.R. No. L-37682, March 29, 1974

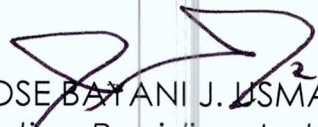
¹⁸ Jurado vs. Sps. Vicente, G.R. No. 236516, March 25, 2019

Republic vs. Sps. Miguel and Nida Basi, et al.
For: Cancellation of Title and Reversion

possession or ownership in the premises and to vacate the same, if in possession.

SO ORDERED.

GIVEN this 13th day of March 2023 at the Hall of Justice, Sta. Monica Heights, Barangay Sta. Monica, Puerto Princesa City.


JOSE BAYANI J. USMAN
Acting Presiding Judge

COPY FURNISHED:

- ✓ 1. DENR Legal Affairs Service-
Atty. Donald Dwight Omega
2. Office of the Solicitor General
3. OPP-Pros. Arabella Maladaga-Pe
4. Registry of Deeds of Palawan
5. Sps. Miguel and Nida Basi
6. Sps. Ireneo and Ester Baroña and Heirs
7. File