

Republic of the Philippines
REGIONAL TRIAL COURT
Fourth Judicial Region
Branch 51
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0908-416-4058

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REPUBLIC OF THE PHILIPPINES,
THRU THE REGIONAL OFFICE IV,
REP. BY. THE REGIONAL
EXECUTIVE DIRECTOR (DENR),
Plaintiff,

CIVIL CASE No. 3846

for

- versus -

CANCELLATION OF FREE
PATENT, ORIGINAL CERTIFICATE
OF TITLE AND REVERSION

DOMINGO OAB AND THE
REGISTRY OF DEEDS OF
PALAWAN,

Defendants.

X-----X

DECISION

Before this Court is a Complaint for Cancellation of Free Patent, Original Certificate of Title (OCT) and Reversion of Land filed by plaintiff Republic of the Philippines, represented by the Department of Environment and Natural Resources (DENR) Regional Executive Director – Region IV-B-MIMAROPA, against defendant Domingo Oab and Register of Deeds of Palawan.

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

Free Patent (FP) No. (IV-27) 982¹ was issued in favor of defendant Domingo Oab (Oab) based on his Free Patent Application (FPA) No. (IV-27) 1033² which covers a parcel of land identified as Lot No. 7067 (Portion of Lot 1210), Cad. 799-D (Pls-271), with an area of six hundred thirteen (613) square meters, situated in Iraan, Aborlan, Palawan.

Thereafter, pursuant to FP No. (IV-27) 982, the Register of Deeds of Palawan issued the Original Certificate of Title (OCT) No. E-10904³ in favor of defendant Oab on 30 August 1993.

Upon subsequent investigation and verification, it was discovered that the land covered by OCT No. E-10904 is within

¹ Exhibit "C", Order: Approval of Application and Issuance of Patent – Records, p.11

² Exhibit "B", Application for Free Patent – Records, p. 261

³ Exhibit "D", OCT No. E-10904 – Records, p.567

Timberland under Project No. 10-B of Land Classification Map No. 1852 certified on 5 May 1955⁴.

Plaintiff argues that considering the land falls within the forest zone of the public domain, the same cannot be the subject of disposition and registration. The land covered by the aforesaid title, not having been legally registered remains and forms part of the public domain belonging to the plaintiff, Republic of the Philippines. Thus, FP No. (IV-27) 982 and OCT No. E-10904, as well as all titles derived from it, are therefore null and void *ab initio* and should be cancelled.

On 4 July 2007, the Court issued an Order declaring defendant Oab in default for failure to file his Answer within the period provided by the law. The plaintiff was allowed to present its evidence *ex parte*⁵.

In support of its case, the plaintiff presented the testimonies of the following witnesses: 1) Rosalyn S. Jasmin⁶; 2) Loreto De Asis (De Asis)⁷; 3) Geoben Fernandez (Fernandez)⁸; 4) Cesar Mantubig⁹; and 5) Lanie D. Cayao¹⁰. In addition, the plaintiff offered the following documentary evidence:

Exhibits	Documents
"A" with submarking "A-1"	Individual Investigation Report dated 19 July 2000 and issued by DENR-CENRO, Narra, Palawan
"B" with submarking "B-1"	Application for Free Patent No. (IV-27) 1033 executed by Domingo Oab dated 4 December 1987
"C" with submarking "C-1"	Order of Approval and Issuance of Patent dated 11 April 1988 issued by the Bureau of Lands, Narra, Palawan
"D" with submarkings "D-1 to D-2"	Original Certificate of Title No. E-10904
"E" with submarkings "E-1 to E-4"	Verification dated 19 July 2000 issued by DENR-CENRO, Narra, Palawan
"F" with submarkings "F-1 to F-4"	Land Classification (LC) Map No. 1852 dated 05 May 1955 issued by the National Mapping and Resource Information Authority (NAMRIA)

⁴ Exhibit "A", *Individual Investigation Report – Records*, p.260

⁵ Order dated July 4, 2007 – *Records*, p. 151

⁶ Officer-in-Charge of the Records Unit and Administrative Assistant of CENRO-Narra, Palawan

⁷ Officer-in-Charge of the Engineering Unit of CENRO-Narra, Palawan

⁸ Member of National Mapping and Resource Information Authority (NAMRIA)

⁹ Officer-in-Charge of the Records Unit of CENRO-Quezon, Palawan

¹⁰ Employee of Registry of Deeds of Palawan

"G" with submarking "G-1"	Judicial Affidavit of Lanie D. Cayao
"H"	Identification Card of Lanie D. Cayao issued by the Registry of Deeds of Palawan

Records reveal that the LC Map No. 1852 dated 05 May 1955, marked as Exhibit "F" with submarkings "F-1 to F-4", was not attached in the court's records.

Nevertheless, the plaintiff filed a Motion to Admit Exhibit with Motion to Transfer Markings on 28 February 2022 in relation to the LC Map No. 1852. Attached thereto is a certified true copy of LC Map No. 1852 issued by NAMRIA¹¹. The Court granted the instant motion. The LC Map No. 1852 was admitted in evidence. The markings Exhibit "F" and submarkings "F-1", "F-2" and "F-3" from the previously marked LC Map No. 1852 were transferred to the new copy of the same¹².

The only issue to be resolved in this case is whether or not FP No. (IV-27) 982 and OCT No. E-10904 issued in the name of defendant Domingo Oab and its derivative titles, if any, 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.¹³ 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.¹⁴

In the case of *Republic of the Philippines–Bureau of Forest Development vs. Vicente Roxas and the Register of Deeds of Oriental Mindoro*¹⁵ 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

¹¹ copy of LC Map No. 1852 – Records, p.569

¹² Order dated February 6, 2023 – Records, p. 570

¹³ Section 2, Art. XII, 1987 Constitution

¹⁴ *Heirs of Mario Malabanan v. Republic*, G.R. No. 179987, September 03, 2013

¹⁵ G.R. No. 157988, December 11, 2013

government, its cancellation therefore is a matter between the grantor and the grantee. In *Estate of the Late Jesus S. Yujuico v. Republic*,¹⁶ 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 v. Guerrero*,¹⁷ 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 show that upon the approval of Oab's free patent application by DENR-Bureau of Lands-Narra, Palawan, the FP No. (IV-27) 982 was issued. Subsequently, the property was registered under the OCT No. E-10904 on 30 August 1993.

Thereafter, an investigation was conducted by a representative of the Regional Executive Director of the Regional Office No. IV. It was found out that the subject land covered by OCT No. E-10904 is a timberland. Therefore, it could not be segregated from the public domain because timberlands are classified as inalienable and non-disposable public lands.

Accordingly, an Individual Investigation Report was issued by Engr. Rosita Castulo of DENR-CENRO-Narra, Palawan which stated that the subject property remained Timberland in classification. This fact was substantiated in the Verification Report¹⁸ executed by witness De Asis which indicates that Lot No. 7067 Cad 799-D under the name of defendant Oab was verified to be within Timberland based on LC Map No. 1852, Project No. 10-B dated 5 May 1955.

The existence of LC Map No. 1852 was testified upon by witness Fernandez. According to Fernandez the LC Map No. 1852 is the Land Classification Map of Aborlan, Palawan and the same was not cancelled or revised.¹⁹

¹⁶ G.R. No. 168661, October 26, 2007

¹⁷ G.R. No. 133168, March 28, 2006

¹⁸ Exhibit "E" – Records, p. 9

¹⁹ TSN dated November 23, 2016, pp. 6 to 7

Further, witness De Asis was recalled to testify on the location of the subject parcel of land in LC Map No. 1852. When De Asis first testified it was established that he was involved in the projection of lots, the process of plotting the surveyed area into the land classification map and in verifying whether it falls within timberland zone or alienable and disposable lands.²⁰ He showed to the Court the projection of subject parcel of land in LC Map No. 1852 and identified the same area to be within timberland zone, to wit:²¹

X X X

PROS. MA. ELIZA V. USTARES

Q: Now, Mr. Witness you stated in this Verification that based on available records the parcel of land located in Barangay Iraan, Aborlan, Palawan, with an area of Six Hundred Thirteen (613) Square Meters covered by Lot No. 7067 Cad 799-D is verified to be within timberland based on Land Classification Map 1852 now we have here with us Mr. Witness Exhibit "F" which is Land Classification Map No. 1852, kindly look at this map Mr. Witness and point to us where is the area of Mr. Domingo Oab?

(To the Court)

May we manifest for the record Your Honor that the witness stepped down from the witness stand and glanced at the Land Classification brought by Mr. Geoben Fernandez which we earlier marked as our Exhibit "F".

LEGAL RESEARCHER/ACTING INTERPRETER

The witness put a dot, Your Honor.

PROS. MA. ELIZA V. USTARES

May we manifest Your Honor that the witness pointed to an area in this Land Classification Map and placed a dot.

THE WITNESS

The scale of 600 square meters to the scale of 20,000 is just a point in the map.

²⁰ TSN dated July 24, 2015, p. 4

²¹ TSN dated November 23, 2016, pp.10-12

PROS. MA. ELIZA V. USTARES

May we request Your Honor that the dot in the map, placed on the map be sub-marked as our Exhibit "F-4".

(to the Witness)

So Mr. Witness what made you say that the dot is within the Timberland?

A: Thru our projection from the cadastral map we projected the cadastral map to this LC Map so we can identify the area falls within timberland or A & D area.

Q: Looking at this entire map Mr. Witness where is the portion classified as timberland? From what point is the timberland area?

PROS. MA. ELIZA V. USTARES

The witness Your Honor was pointing to the lines of timberland and A & D area.

THE WITNESS

The right side is A & D area and the left side is timberland.

PROS. MA. ELIZA V. USTARES

The witness Your Honor pointed to the upper right hand portion of the map which shows that the same is a timberland Your Honor based on the lines, dotted lines Your Honor and may we request that this dotted lines be shaded Your Honor to show that the area is within the portion of timberland. Be shaded with yellow. This yellow lines Your Honor show the boundaries of timberland area and may we manifest Your Honor that this lines show that indeed Your Honor the land awarded to Domingo Oab is within the timberland area, Your Honor.

X X X

This Court would have wanted to study defendant Oab's position on the matter, but 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.

2


Apparently, in the case at bar, a mistake or oversight was committed on the part of the Government, resulting in the grant of a free patent over inalienable timberland. It can be concluded that the subject parcel of land is covered by FP No. (IV-27) 982 and OCT No. E-10904 was unlawfully issued in the name of defendant Oab. Therefore, it entitles plaintiff Republic to the cancellation of said patent and certificate of title and the reversion of the subject parcel of land to the public domain.

WHEREFORE, premises considered, judgment is hereby rendered:

- (1) Declaring void FP No. (IV-27) 982 and OCT No. E-10904 issued in the name of defendant Domingo Oab and its derivative titles, if any;
- (2) Ordering the defendant Oab to surrender to defendant Register of Deeds of Palawan the owner's duplicate of OCT No. E-10904 and its derivative titles, if any;
- (3) Ordering defendant Register of Deeds of Palawan to cancel the original and owner's duplicate of OCT No. E-10904 and its derivative titles, if any;
- (4) Ordering the reversion of the parcel of land covered by OCT No. E-10904 to the mass of lands of the public domain; and
- (5) Directing defendant Oab, his agents, assignees and 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 thereof.

SO ORDERED.

GIVEN this 14th day of February 2023 in Puerto Princesa City.


JOSE BAYANI J. USMAN
Acting Presiding Judge

JBJU/Abby

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. Domingo Oab
6. File