

Republic of the Philippines
REGIONAL TRIAL COURT
Fourth Judicial Region
Branch 38

Boac, Marinduque
Email: rtcboa038@judiciary.gov.ph



**REPUBLIC OF THE
PHILIPPINES,**
represented by the
Regional Director of the
Department of
Environment and Natural
Resources (DENR) –
MIMAROPA Region,

Plaintiff,

Civil Case No. 18-11
For: Cancellation of
Title and Reversion

-VS-

**MARCOPPER MINING
CORPORATION and THE
REGISTER OF DEEDS OF
MARINDUQUE,**

Defendants.

X - - - - - X

MOTION FOR RECONSIDERATION

Plaintiff, through the **Office of the Solicitor General (OSG)**, to this Honorable Court respectfully moves for the reconsideration of the Decision dated 23 February 2023, a copy of which was received on 07 March 2023, on the ground that it is contrary to law and relevant jurisprudence, and further states:

1. In its Decision dated 23 February 2023, this Honorable Court ruled:¹

Without necessarily delving on the main

¹ Decision dated 23 February 2023, pp. 3-6.

X-----X

issue involved in the Complaint, the Court is constrained to dismiss the same on the ground of lack of jurisdiction.

xxx

xxx

xxx

Following such finding, this Court rules that it is bereft of any jurisdiction to act on the Complaint considering that the disposition of the case would necessarily entail the annulment of the decree rendered by the CFI of Marinduque to which a different proceeding is involved and more importantly, jurisdiction over which is lodged in another court.

This is in consonance with the decisions of the Supreme Court in the cases of the *Estate of the Late Jesus S. Yujuico v. Republic*, *Collado v. Court of Appeals*, and *Republic v. Court of Appeals*, which ruled that reversion proceedings instituted by the Government are covered by Rule 47 of the Rules of Court and thus, are within the jurisdiction of the Court of Appeals.

xxx

xxx

xxx

Here, the Court finds that the Complaint is bereft of any allegation that Plaintiff Republic does not recognize the decree or final judgment rendered by the CFI of Marinduque acting as a land registration court to which the Original Certificate of Title was issued, and to which TCT No. T-1339 under the name of Marcopper, was derived. Following the above-cited jurisprudence, the judgment decreeing the Subject Property in favor of the Municipality of Sta. Cruz must be invalidated or annulled first before the Subject Property involved could be made subject of reversion proceedings.

Lastly, even assuming that the Court would have jurisdiction over the case for cancellation of title, it appears that the Plaintiff is not the proper party to institute the same, as an action for cancellation or annulment of title seeks to invalidate title over a property erroneously or wrongfully registered in the name of another. It is worth reiterating that OCT No. O-28 was issued in favor of the Municipality of Sta. Cruz, Marinduque, and was thereafter, cancelled as TCT No. T-1339 be cancelled or

annulled, title to the Subject Property would necessarily be restored to the Municipality of Sta. Cruz as it was the previous registered owner of the Subject Property which, again, was not assailed by Plaintiff.

WHEREFORE, premises considered, the Complaint is **DISMISSED** for lack of jurisdiction.

SO ORDERED.

2. With due respect, plaintiff begs to differ from the above ruling of this Honorable Court.

3. Notwithstanding the Supreme Court ruling in the 2007 case of *Estate of the Late Jesus S. Yujuico v. Republic*,² the 2002 case of *Collado v. Court of Appeals*,³ and the 2004 case of *Republic v. Court of Appeals*⁴ which this Honorable Court anchored its dismissal of the instant case for lack of jurisdiction for not availing of a Petition for Annulment of Judgment under Rule 47 of the Rules of Court like what the Republic did in the mentioned cases, it must be emphasized that the filing of the instant complaint for reversion and cancellation of title is the correct remedy in view of the ruling in the 2017 case of *Republic v. Espinosa*,⁵ which has similar scenario in the case at bar.

4. In the *Espinosa case*, Cadastral Decree No. N-31626 was issued to Valentina Espinosa in Cadastral Case No. 39, L.R.C. Cadastral Record No. 980 on a lot located at Sipalay City, Negros Occidental. Pursuant to the decree, Original Certificate of Title (OCT) No. 191-N was issued in 1962 to Espinosa. By virtue of sale to one Leonora Caliston, Transfer Certificate of Title (TCT) No. T-91117 was issued under the name of Caliston in 1976. The Republic, representing DENR Region VI, then filed in 2003 a reversion case before the Regional Trial Court (RTC), Branch 61 of Kabankalan City, Negros Occidental, praying for the cancellation of the said titles and the reversion to the mass of the public domain as

² G.R. No. 168661, 26 October 2007.

³ G.R. No. 107764, 04 October 2002.

⁴ G.R. No. 126316, 25 June 2004.

⁵ G.R. No. 186603, 05 April 2017.

the said lot is within a timberland area as per Land Classification (LC) Map No. 2978. The Supreme Court, in the *Espinosa* case, categorically affirmed the remedy of the reversion suit filed by the Republic, thus:

Here, it is undisputed that Espinosa was granted a cadastral decree and was subsequently issued OCT No. 191-N, the predecessor title of Caliston's TCT No. 91117. Having been granted a decree in a cadastral proceeding, Espinosa can be presumed to have overcome the presumption that the land sought to be registered forms part of the public domain. This means that Espinosa, as the applicant, was able to prove by incontrovertible evidence that the property is alienable and disposable property in the cadastral proceedings.

This is not to say, however, that the State has no remedy to recover the property if indeed it is part of the inalienable lands of the public domain. The State may still do so through an action for reversion, as in the present case.

Reversion is the remedy where the State, pursuant to the Regalian doctrine, seeks to revert land back to the mass of the public domain. It is proper when public land is fraudulently awarded and disposed of to private individuals or corporations. There are also instances when we granted reversion on grounds other than fraud, such as when a "person obtains a title under the Public Land Act which includes, by oversight, lands which cannot be registered under the Torrens system, or when the Director of Lands did not have jurisdiction over the same because it is of the public domain."

In this case, the State, through the Solicitor General, alleges neither fraud nor misrepresentation in the cadastral proceedings and in the issuance of the title in Espinosa's favor. The argument for the State is merely that the property was

unlawfully included in the certificate of title because it is of the public domain.⁶

5. The factual *milieu* in *Espinosa* is no different to the instant case. Similar to *Espinosa*, the Republic also did not allege fraud nor misrepresentation in the cadastral proceeding and the issuance of title to the Municipality of Sta. Cruz, Province of Marinduque. What the Republic sought for in the instant complaint is to remove the inalienable public land that was erroneously titled and to return the same to the mass of the public domain. Consistent with the recent Supreme Court pronouncement in the *Espinosa* case, the Republic's instant action for reversion and cancellation of title is the correct and proper remedy available to it.

6. Likewise, of recent vintage is the 2019 case of *Republic v. Sta. Catalina*⁷ where the Supreme Court pronounced:

The allegations of the Republic in the Complaint squarely assert a reversion suit as described above. It is attacking OCT No. 0-CALT-37 because it arose from Resolution No. 060-2009-AL, which the Republic claims was not validly rendered.

The Court is not unmindful that in ruling on the issue of the validity of OCT No. 0-CALT-37, the Court will necessarily rule on the validity of CALT No. CAR-BAG-0309-000207, and the reconstructed and unapproved survey plan together with the technical description of Lot 1, SWO-14110215703-D A-NCIP, both of which were issued and approved in Resolution 060-2009-AL. This, however, does not remove the Complaint from the RTC's jurisdiction, and as described above, even confirms it. Again, the cause of action of the Republic is for the reversion to the public domain of the lot covered by OCT No. 0-CALT-37 and the cancellation of the title. In ruling on this issue, the RTC may dwell on the validity of the proceedings of the NCIP, which gave rise to the issuance of the

⁶ *Supra*; emphases supplied.

⁷ G.R. No. 201273, 14 August 2019; citing *Republic v. Bacas*, G.R. No. 182913, 20 November 2013.

Torrens title. The Court's ruling in *Republic v. Bacas* (*Bacas*) is instructive:

The success of the annulment of title does not solely depend on the existence of actual and extrinsic fraud, but also on the fact that a judgment decreeing registration is null and void. In *Collado v. Court of Appeals and the Republic*, the Court declared that any title to an inalienable public land is void *ab initio*. Any procedural infirmities attending the filing of the petition for annulment of judgment are immaterial since the LRC never acquired jurisdiction over the property. All proceedings of the LRC involving the property are null and void and, hence, did not create any legal effect. A judgment by a court without jurisdiction can never attain finality. In *Collado*, the Court made the following citation:

The **Land Registration Court has no jurisdiction over non-registrable properties**, such as public navigable rivers which are parts of the public domain, and cannot validly adjudge the registration of title in favor of private applicant. Hence, the judgment of the Court of First Instance of Pampanga as regards the Lot No. 2 of certificate of Title No. 15856 in the name of petitioners **may be attacked at any time**, either **directly or collaterally**, by the State which is **not bound by any prescriptive period** provided for by the Statute of Limitations.

In *Bacas*, the principal prayer for cancellation of the Torrens title entailed the nullification of a decision of the LRC, a co-equal body of the RTC. Here, similarly, as a result of the prayer for reversion and cancellation of title, the RTC will necessarily have to rule on the validity of Resolution No. 060-2009-AL. The RTC

also has to rule on whether the Register of Deeds of Baguio City acted correctly in issuing OCT No. 0-CALT-37 based on CALT No. CAR-BAG-0309-000207.

Based on the foregoing, the Court finds that the RTC committed grave abuse of discretion when it dismissed the Republic's Complaint for lack of jurisdiction. xxx⁸.

7. It is well-recognized that if a person obtains a title under the Public Land Act which includes, by oversight, lands which cannot be registered under the Torrens system, or when the Director of Lands did not have jurisdiction over the same because it is a public domain, the grantee does not, by virtue of the said certificate of title alone, become the owner of the land or property illegally included. Otherwise stated, property of the public domain is incapable of registration and its inclusion in a title nullifies that title.⁹

8. Notably, the action for the reversion of land initiated by the State is not directed against the judgment of the Land Registration Court but against the title. Hence, jurisdiction is vested in the Regional Trial Court of the province or city where the land involved is located.¹⁰ As the Supreme Court held in *Malabanan v. Republic*¹¹ "[i]n a reversion suit, we should emphasize, the attack is directed not against the judgment ordering the issuance of title, but against the title that is being sought to be cancelled either because the judgment was not validly rendered, or the title issued did not faithfully reflect the land referred to in the judgment, or because no judgment was rendered at all."¹²

9. The aforementioned *Espinosa* and *Sta. Catalina* cases unequivocally recognize the correctness of the reversion proceedings filed by the Republic to cancel illegally-titled inalienable lands even if such titles was issued pursuant to a decree by a Land Registration Court. Since the instant

⁸ Citations omitted; emphases in the original.

⁹ *Belizario v. DENR*, G.R. No. 231001, 24 March 2021; citing *Republic v. Hachero*, G.R. No. 200973, 30 May 2016, *Republic v. Mangotara*, G.R. No. 170375, 07 July 2010.

¹⁰ *Malabanan v. Republic*, G.R. No. 201821, 19 September 2018.

¹¹ *Supra*.

¹² *Republic v. Sta. Catalina*, G.R. No. 201273, 14 August 2019.

reversion and cancellation case similarly sought to remove the non-disposable lot, particularly identified as Lot No. 8 plan Psu-106364, from TCT No. T-1339 and OCT No. O-28 made possible by the issuance of Decree No. N-18098 rendered by the Court of First Instance of Marinduque acting as a Land Registration Court, this Honorable Court has jurisdiction over the instant reversion proceedings following the prevailing doctrine enunciated by the Supreme Court in the *Espinosa* and *Sta. Catalina* cases. Thus, this Honorable Court respectfully erred when it dismissed the case for lack of jurisdiction stating that an annulment of the judgment on the decree rendered by the Court of First Instance of Marinduque is the proper remedy.

10. Further, the Honorable Court respectfully erred when it postulated that the Republic is not the proper party to institute the reversion complaint as the cancellation of TCT No. T-1339 would revert the same to its original owner which is the Municipality of Sta. Cruz, Marinduque, as indicated in OCT No. O-28.

11. Let it be stressed that the grant of the reversion proceedings necessarily entails a return of the subject land to the mass of the public domain belonging to the government pursuant to the Regalian Doctrine.¹³ Thus, it would be error to conclude that the proper party to file such reversion complaint is the Municipality of Sta. Cruz, Marinduque, as the subject lot will be ultimately reverted back to the inalienable public land at the helm of the Republic of the Philippines.

12. In addition, the Republic presented the issue of cancellation of OCT No. O-28 relating to the subject lot sought to be reverted in its Pre-Trial Brief, which is also indicated in this Honorable Court's Pre-Trial Order and is likewise reflected in the Republic's Memorandum.

13. Moreover, the Republic's general prayer for such further or other relief as may be deemed just or equitable should be interpreted to include the cancellation of Decree No.

¹³ *Republic v. LMB*, G.R. No. 189803, 14 March 2018; citing *Republic v. Hachero*, G.R. No. 200973, 30 May 2016.

N-18098 and OCT No. O-28 as regards to the subject lot, particularly described as Lot No. 8 plan Psu-106364, which falls under the classification of timberland, as was overwhelmingly established by the Republic in this case. Relevantly, *Ilusorio v. Ilusorio*,¹⁴ held:

As held in *Spouses Gutierrez v. Spouses Valiente, et al.*:

x x x [The] general prayer is broad enough "to justify extension of a remedy different from or together with the specific remedy sought." Even without the prayer for a specific remedy, proper relief may be granted by the court if the facts alleged in the complaint and the evidence introduced so warrant. The court shall grant relief warranted by the allegations and the proof, even if no such relief is prayed for. The prayer in the complaint for other reliefs equitable and just in the premises justifies the grant of a relief not otherwise specifically prayed for.

Certainly, a general prayer for "other reliefs just and equitable" appearing on a complaint or pleading (a petition in this case) normally enables the court to award reliefs supported by the complaint or other pleadings, by the facts admitted at the trial, and by the evidence adduced by the parties, even if these reliefs are not specifically prayed for in the complaint.¹⁵

14. It is worth reiterating that forest lands are outside the commerce of man and unsusceptible of private appropriation in any form. It is well settled that a certificate of title is void when it covers property of public domain classified as forest, timber or mineral lands. Any title issued covering non-disposable lots even in the hands of an alleged

¹⁴ G.R. No. 210475, 11 April 2018.

¹⁵ Citations omitted; emphasis supplied.

innocent purchaser for value shall be cancelled. The rule must stand no matter how harsh it may seem. *Dura lex sed lex*.¹⁶

15. All things considered, it is respectfully submitted that the 23 February 2023 Decision dismissing the case for lack of jurisdiction rendered by this Honorable Court is contrary to law and relevant jurisprudence.

PRAYER

WHEREFORE, premises considered, it is respectfully prayed of this Honorable Court that the Decision dated 23 February 2023 be **RECONSIDERED** and **SET ASIDE** and that the reliefs prayed for in the plaintiff's Complaint and in its Memorandum be **GRANTED**.

Plaintiff further prays for other forms of relief, just and equitable under the premises.

City of Makati for Boac, Marinduque, 20 March 2023.

MENARDO I. GUEVARRA

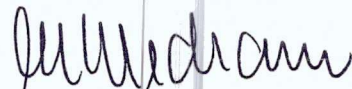
Solicitor General

Roll of Attorney No. 33957

IBP No. 177214, 07 February 2022

MCLE Exemption No. VII – EXD000076

13 August 2019



GILBERT U. MEDRANO

Assistant Solicitor General

Roll of Attorney No. 47392

IBP Lifetime No. 03598

MCLE Exemption No. VIII-OSG003356

18 February 2022

¹⁶*Landbank of the Philippines v. Republic*, G.R. No. 150824, 04 February 2008.

MOTION FOR RECONSIDERATION
Republic v. Marcopper Mining Corporation
and Register of Deeds of Marinduque
Civil Case No. 18-11

X-----X



PHILANDER L. TURQUEZA

State Solicitor I

Roll of Attorney No. 60949

IBP Lifetime No. 019526, 05 June 2017

MCLE Compliance No. VII-0003366

27 May 2021

Email: plturqueza@osg.gov.ph

LANZ AIDAN L. OLIVES

Associate Solicitor II

Roll of Attorney No. 71769

IBP No. 197145, 07 January 2022

MCLE Compliance No. VII-BEP003727

24 March 2022

Email: lalolives@osg.gov.ph

OFFICE OF THE SOLICITOR GENERAL

134 Amorsolo St., Legaspi Village,
Makati City

Tel No. 8988-1674

Website: www.osg.gov.ph

Email: docket@osg.gov.ph

Copy furnished:

CHUA LIM AND ASSOCIATES

ATTY. CLIFFORD E. CHUA

Counsel for MARCOPPER MINING CORPORATION

Unit 304, 3rd Floor,

The Orient Square Building,

F. Ortigas, Jr. Road (Ex-Emerald Ave.)

Ortigas Center, Pasig City

Email: chualim@lawyer.com

**THE REGISTER OF DEEDS OF
MARINDUQUE**

Provincial Capitol Compound

MOTION FOR RECONSIDERATION
Republic v. Marcopper Mining Corporation
and Register of Deeds of Marinduque
Civil Case No. 18-11

X-----X

Boac, Marinduque


DENR MIMAROPA REGION

1515, L & S Building, Roxas Boulevard,
Ermita, Manila

Email: mimaroparegion@denr.gov.ph

EXPLANATION

The foregoing **Motion for Reconsideration** is being filed and served by registered mail, and through electronic means wherever applicable, due to distance and lack of messenger to effect personal service.



PHILANDER L. TURQUEZA
State Solicitor

REPUBLIC OF THE PHILIPPINES

AFFIDAVIT OF SERVICE
JOCAS M. NAIDAS, AOI
(Revised as of April 1992)
GSIS UMID #011-1049-0735-4

I, _____, **MAR 22 2023** OFFICE OF THE SOLICITOR GENERAL,
with Office address at 134 Amorsolo St., Legaspi Village Makati City, after being sworn to depose and say:

That on 03/22/2023, I caused to be served a copy of the following pleading/paper:

NATURE OF THE PLEADING

Motion for Reconsideration (Decision)

In case No. CIVIL CASE NO. 18-11, entitled REPUBLIC OF THE PHILIPPINES, represented by the
VS. MARCOPPER MINING CORPORATION AND THE REGISTER OF DEEDS OF PALAWAN

pursuant to Section 3,4,5 and 10, Rule 13 of the Rules of Court, as follows:

By Personal Service To:

() By depositing a copy to the party or his/her attorney
on _____ as shown on p _____.
() By leaving a copy in his/her clerk or with a person
having charge thereof on _____ as shown on p _____

JOCAS M. NAIDAS, AOI
GSIS UMID #011-1049-0735-4

() By delivering a copy to the Court/Tribunal Office on
_____ as shown on p _____

By Registered Mail To:

Regional Trial Court
Fourth Judicial Region
Branch 38
Boac, Marinduque, , Philippines
CHUA LIM and ASSOCITES
ATTYS. CLIFFORD E. CHUA and ZARA
JANELLA M. CHACHA
Co-Counsel for Marcopper Mining Corporation
Email: chualimlaw@lawyer.com
Unit 304, 3rd Floor
The Orient Square Building,
F. Ortigas, Jr. Road, Ortigas Center, Pasig City, ,
Philippines

THE REGISTER OF DEEDS OF
MARINDUQUE
Provincial Capitol Compound
Boac, Marinduque
, , Philippines
DENR MIMAROPA REGION
1515, L&S Building, Roxas Blvd
Ermita, Manila, , Philippines

MAR 22 2023
() By depositing copy on _____ in the Post
Office at _____ as evidenced by Registry
Receipt(s) No.(s) _____ hereto attached and
indicated after the name (s) of the addressee(s), and
with instruction to the postmaster to return the mail to
the sender after (10) days if undelivered.

Makati, Metro Manila, Philippines

JOCAS M. NAIDAS, AO I (Affiant)
GSIS UMID #011-1049-0735-4

SUBSCRIBED AND SWORN to before me this **MAR 22 2023** of _____ at Makati
City, Philippines. Affiant exhibiting to me his _____ issued at Pasay City.



18-011191-0108

CECILLE A. SATO

Solicitor, Officer Administering the Oath
Office of the Solicitor General