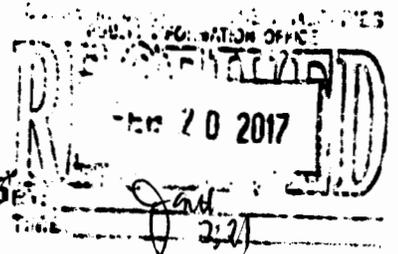




Republic of the Philippines
 Supreme Court
 Manila



FIRST DIVISION

REPUBLIC OF THE PHILIPPINES, G.R. No. 215009

Petitioner, Present:

- versus -

CARMEN
 GALENO,

SANTORIO

Respondent.

SERENO, C.J., Chairperson,
 LEONARDO-DE CASTRO,
 DEL CASTILLO,
 PERLAS-BERNABE, and
 CAGUIOA, JJ.

Promulgated:

JAN 23 2017

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DECISION

PERLAS-BERNABE, J.:

Assailed in this petition for review on *certiorari*¹ are the Decision² dated June 27, 2013 and the Resolution³ dated September 17, 2014 rendered by the Court of Appeals (CA) in CA-G.R. CV No. 02085, affirming the Orders dated October 13, 2006⁴ and January 22, 2007⁵ of the Regional Trial Court of Dumangas, Iloilo, Branch 68 (RTC), which allowed the correction of the area of Lot No. 2285 in Original Certificate of Title (OCT) No. 46417 from 20,948 square meters to 21,298 square meters.

¹ Rollo, pp. 27-55.

² Id. at 62-71-A. Penned by Associate Justice Edgardo L. Delos Santos with Associate Justices Pamela Ann Abella Maxino and Maria Elisa Sempio Diy concurring.

³ Id. at 80-81. Penned by Associate Justice Edgardo L. Delos Santos with Associate Justices Pamela Ann Abella Maxino and Ma. Luisa Quijano-Padilla concurring.

⁴ Id. at 139-140. Penned by Presiding Judge Gerardo D. Diaz.

⁵ Id. at 141-142.

The Facts

On September 2, 2003, respondent Carmen Santorio Galeno (respondent) filed a petition⁶ for correction of the area of Lot No. 2285 covered by OCT No. 46417, Dingle Cadastre (subject property) before the RTC. She alleged therein that she is one of the co-owners of the subject property by virtue of a Deed of Sale⁷ dated July 6, 1962. The survey and subdivision of the subject property was duly approved by the Department of Environment and Natural Resources (DENR) per its Approved Subdivision Plan of Lot No. 2285.⁸

Respondent further alleged that when she and her co-owners had the subject property resurveyed for the purpose of partition, they discovered a discrepancy in the land area of the subject property as appearing in OCT No. 46417,⁹ in that the title reflects an area of 20,948 square meters, while the Certification¹⁰ issued by the DENR Office of the Regional Technical Director, Lands Management Services, shows an area of 21,298 square meters. Hence, she sought to correct the area of the subject property in order to avoid further confusion, and claimed to have notified the adjoining owners.¹¹

There being no opposition to the petition, the RTC allowed the presentation of respondent's evidence *ex parte* before the Branch Clerk as well as for the satisfaction of the jurisdictional requirements.¹²

The RTC Ruling

In an Order¹³ dated October 13, 2006, the RTC granted the petition upon a finding that respondent was able to substantiate the allegations in her petition to warrant a correction of the area of the subject property. Hence, it directed the Register of Deeds of the Province of Iloilo to correct such area in OCT No. 46417 from 20,948 to 21,298 square meters.¹⁴

Herein petitioner Republic of the Philippines (petitioner), through the Office of the Solicitor General (OSG), filed a motion for reconsideration claiming that the adjoining owners had not been notified, stressing that such notice is a jurisdictional requirement.¹⁵ In the Order¹⁶ dated January 22,

⁶ Id. at 103-106.

⁷ Id. at 108-109.

⁸ Id. at 62-63.

⁹ See id. at 108.

¹⁰ Id. at 115.

¹¹ Id. at 63-65.

¹² Id. at 64-65.

¹³ Id. at 139-140.

¹⁴ Id. at 140.

¹⁵ Id. at 65-66.

¹⁶ Id. at 141-142.

2007, the RTC denied the motion, finding that a Notice of Hearing¹⁷ was sent to the adjoining owners. As such, respondent was able to prove compliance with the said jurisdictional requirement.¹⁸

Aggrieved, petitioner appealed to the CA.¹⁹

The CA Ruling

In a Decision²⁰ dated June 27, 2013, the CA affirmed the RTC Order. It found that respondent, by a preponderance of evidence, was able to prove, based on the records of the proper government authority, *i.e.*, the Office of the Technical Director, Land Management Services of the DENR, that the true and correct area of the subject property was 21,298 square meters as shown in the approved plan. Moreover, petitioner failed to rebut with contrary evidence respondent's claim that she and her co-owners followed the boundaries in the technical description of OCT No. 46417 when they caused its resurvey. In fact, no proof had been adduced to show that the boundaries had been altered. Also, the CA pointed out that none of the adjoining owners, who were properly notified of the proceedings and who stand to be adversely affected by the change in the land area of the subject property, objected to respondent's petition.²¹

Petitioner's motion for reconsideration²² was denied in a Resolution²³ dated September 17, 2014; hence, this petition.

The Issue Before the Court

The issue advanced for the Court's resolution is whether or not the CA erred in upholding the correction of the area of the subject property in OCT No. 46417.

The Court's Ruling

The petition is meritorious.

A scrutiny of the evidence marked and formally offered by respondent before the court *a quo* shows that the former failed to prove that there was

¹⁷ Id. at 143.

¹⁸ Id. at 141.

¹⁹ Id. at 144-158.

²⁰ Id. at 62-71-A.

²¹ Id. at 69-71.

²² Id. at 72-78.

²³ Id. at 80-81.

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sufficient basis to allow the correction of the area of the subject property in OCT No. 46417 from 20,948 square meters to 21,248 square meters.

Records reveal that respondent offered in evidence the following documents: (a) the Certification²⁴ issued by a certain Althea C. Acevedo (Acevedo), Engineer IV, Chief of the Technical Services Section of the Office of the Regional Technical Director, Land Management Services of the DENR in Iloilo City, which states that “the true and correct area of [L]ot 2285, Cad. 246 Dingle Cadastre is 21,928 square meters;” (b) the technical description²⁵ of Lot No. 2285, a copy of which was certified by Ameto Caballero (Caballero), Chief of the Surveys Division, while another copy was certified correct by Acevedo; and (c) the approved subdivision plan of Lot No. 2258,²⁶ certified by Rogelio M. Santome (Santome), Geodetic Engineer; Alfredo Muyarsas (Muyarsas), Chief of the Regional Surveys Division, and Edgardo R. Gerobin (Gerobin), OIC, Regional Technical Director of the Land Management Services, DENR. On the strength of these pieces of evidence, respondent sought a reconciliation of the area of the subject property with the records of the DENR.

Unfortunately, the foregoing documentary evidence are not sufficient to warrant the correction prayed for. The Court cannot accord probative weight upon them in view of the fact that the public officers who issued the same did not testify in court to prove the facts stated therein.

In *Republic v. Medida*,²⁷ the Court held that certifications of the Regional Technical Director, DENR cannot be considered *prima facie* evidence of the facts stated therein, holding that:

Public documents are defined under Section 19, Rule 132 of the Revised Rules on Evidence as follows:

(a) The written official acts, or records of the official acts of the sovereign authority, official bodies and tribunals, and public officers, whether of the Philippines, or of a foreign country;

(b) Documents acknowledged before a notary public except last wills and testaments; and

(c) Public records, kept in the Philippines, of private documents required by law to be entered therein.

Applying Section 24 of Rule 132, the record of public documents referred to in Section 19(a), when admissible for any purpose, may be evidenced by an official publication thereof or by a copy attested by the officer having legal custody of the record, or by his deputy x x x.

²⁴ Id. at 115.

²⁵ Id. at 137-138.

²⁶ Id. at 113.

²⁷ 692 Phil. 454 (2012).

Section 23, Rule 132 of the Revised Rules on Evidence provides:

“Sec. 23. *Public documents as evidence.* – Documents consisting of entries in public records made in the performance of a duty by a public officer are *prima facie* evidence of the facts stated therein. All other public documents are evidence, even against a third person, of the fact which gave rise to their execution and of the date of the latter.”

The CENRO and **Regional Technical Director, FMS-DENR, certifications [do] not fall within the class of public documents contemplated in the first sentence of Section 23 of Rule 132.** The certifications do not reflect “entries in public records made in the performance of a duty by a public officer,” such as entries made by the Civil Registrar in the books of registries, or by a ship captain in the ship’s logbook. **The certifications are not the certified copies or authenticated reproductions of original official records in the legal custody of a government office. The certifications are not even records of public documents.** x x x²⁸ (Emphases supplied)

As such, *sans* the testimonies of Acevedo, Caballero, and the other public officers who issued respondent’s documentary evidence to confirm the veracity of its contents, the same are bereft of probative value and cannot, by their mere issuance, prove the facts stated therein.²⁹ At best, they may be considered only as *prima facie* evidence of their due execution and date of issuance but do not constitute *prima facie* evidence of the facts stated therein.³⁰

In fact, the contents of the certifications are hearsay because respondent’s sole witness and attorney-in-fact, Lea Galeno Barraca, was incompetent to testify on the veracity of their contents,³¹ as she did not prepare any of the certifications nor was she a public officer of the concerned government agencies. Notably, while it is true that the public prosecutor who represented petitioner interposed no objection to the admission of the foregoing evidence in the proceedings in the court below,³² it should be borne in mind that “hearsay evidence, whether objected to or not, has no probative value unless the proponent can show that the evidence falls within the exceptions to the hearsay evidence rule,”³³ which do not, however, obtain in this case. Verily, while respondent’s documentary evidence may have been admitted due to the opposing party’s lack of objection, it does not, however, mean that they should be accorded any probative weight. The Court has explained that:

²⁸ Id. at 465-466.

²⁹ *Republic v. T.A.N. Properties, Inc.*, 578 Phil. 441, 454-455 (2008).

³⁰ Id.

³¹ See id. at 455.

³² See *rollo*, p. 69.

³³ *Philippine Home Assurance Corporation v. CA*, 327 Phil. 255, 268 (1996) citing *Baguio v. CA*, G.R. No. 93417, September 14, 1993, 226 SCRA 366, 370.

The general rule is that hearsay evidence is not admissible. However, the lack of objection to hearsay testimony may result in its being admitted as evidence. But one should not be misled into thinking that such declarations are thereby impressed with probative value. Admissibility of evidence should not be equated with weight of evidence. Hearsay evidence whether objected to or not cannot be given credence for it has no probative value.³⁴

Besides, case law states that the “absence of opposition from government agencies is of no controlling significance because the State cannot be estopped by the omission, mistake or error of its officials or agents. Neither is the Republic barred from assailing the decision granting the petition for reconstitution [or correction of title, as in this case] if, on the basis of the law and the evidence on record, such petition has no merit.”³⁵ Moreover, “in civil cases, the party having the burden of proof must produce a preponderance of evidence thereon, with plaintiff having to rely on the strength of his own evidence and not upon the weakness of the defendant’s.”³⁶

In fine, the Court holds that respondent did not present any competent evidence to prove that the true and correct area of the subject property is 21,298 square meters instead of 20,948 square meters to warrant a correction thereof in OCT No. 46417. Accordingly, respondent’s petition for the correction of the said Certificate of Title must be denied, and the present petition be granted.

WHEREFORE, the petition is **GRANTED**. The assailed Decision dated June 27, 2013 and the Resolution dated September 17, 2014 rendered by the Court of Appeals in CA-G.R. CV No. 02085 are hereby **REVERSED** and **SET ASIDE**. Carmen Santorio Galeno’s petition for correction of area of Lot No. 2285 on Original Certificate of Title No. 46417 is **DISMISSED**.

SO ORDERED.


ESTELA M. PERALAS-BERNABE
 Associate Justice

WE CONCUR:


MARIA LOURDES P. A. SERENO
 Chief Justice
 Chairperson

³⁴ *People v. Parungao*, 332 Phil. 917, 924 (1996).

³⁵ *Republic v. Lorenzo*, 700 Phil. 584, 597 (2012). Citations omitted.

³⁶ *Dantis v. Maghinang, Jr.*, 708 Phil. 575, 588 (2013).

Teresita Leonardo de Castro
TERESITA J. LEONARDO-DE CASTRO
Associate Justice

Mariano C. Del Castillo
MARIANO C. DEL CASTILLO
Associate Justice

Alfredo Benjamin S. Caguioa
ALFREDO BENJAMIN S. CAGUIOA
Associate Justice

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.

Maria Lourdes P. A. Sereno
MARIA LOURDES P. A. SERENO
Chief Justice