Republic of the Philippines
Supreme Court
Manila

SECOND DIVISION

JOSEPHINE P. DELOS REYES and JULIUS C. PERALTA, represented by their Attorney-in-fact, J.F. JAVIER D. PERALTA, Petitioners,	**G.R. No. 214587**
	Present:
- versus -	CARPIO, *J.*, *Chairperson,* PERALTA, PERLAS-BERNABE, CAGUIOA,* and REYES, JR., *JJ.*
MUNICIPALITY OF KALIBO, AKLAN, its SANGGUNIANG BAYAN and MAYOR RAYMAR A. REBALDO, Respondents.	**Promulgated:** 26 FEB 2018

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DECISION

PERALTA, *J.*:

This is a petition for review seeking to annul and set aside the Decision[1] of the Court of Appeals (*CA*) Cebu, Nineteenth (19th) Division, dated September 28, 2012, and its Resolution[2] dated August 28, 2014 in CA-G.R. CEB-CV No. 00700 which reversed and set aside the Decision[3] of the Regional Trial Court (*RTC*), Branch 6 of Kalibo, Aklan on February 22, 2005 in Civil Case No. 5440, thereby declaring the subject properties as part of public land.

The factual and procedural antecedents, as evidenced by the records of the case, are the following:

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* On wellness leave.

1 Penned by Associate Justice Pamela Ann Abella Maxino, with Associate Justices Edgardo L. Delos Santos and Zenaida T. Galapate-Laguilles; concurring; *rollo*, pp. 35-53.

2 Penned by Associate Justice Pamela Ann Abella Maxino, with Associate Justices Edgardo L. Delos Santos and Ma. Luisa Quijano Padilla; concurring; *id.* at 55-63.

3 Penned by Judge Niovady M. Marin; *id.* at 91-100.

Lot No. 2076 of the Kalibo Cadastre, with a total area of 101,897 square meters (*sq.m.*), was covered by Original Certificate of Title (*OCT*) No. 24435 RO-831, and registered in the name of Ana O. Peralta. Upon her demise, her property passed on to her brother, Jose Peralta, who caused registration of the same in his name under Transfer Certificate of Title (*TCT*) No. T-5547, issued on January 13, 1975. Jose later had the property divided into Lots 2076-A and 2076-B, and sold the latter portion. Lot 2076-A, on the other hand, remained in Jose's name and was registered under TCT No. 6166 on November 17, 1975.

In the meantime, allegedly through accretion, land was added to Lot No. 2076. Said area was first occupied by and declared for taxation purposes (Tax Declaration No. 6466) in the name of Ambrocio Ignacio in 1945. He was the Peraltas' tenant, but he later executed a Quitclaim of Real Property in Jose's favor for the amount of ₱70.44 on March 14, 1955. When Jose died, Lot 2076-A, together with the supposed area of accretion, was transferred to his son, Juanito Peralta. While TCT T-13140 was issued for Lot 2076-A on September 1, 1983, the area of accretion was apportioned and registered under Tax Declaration Nos. 21162-A, 21163-A, 21164-A, and 21165-A in the names of siblings Juanito, Javier Peralta, Josephine delos Reyes, and Julius Peralta. Subsequently, Juanito likewise died.

On the other hand, the Municipality of Kalibo, through its then Mayor Diego Luces and the members of its *Sangguniang Bayan*, sought to convert more or less four (4) hectares of said area of accretion into a garbage dumpsite. On November 10, 1992, Juanito, in his capacity as his siblings' representative, opposed said project in a letter. For failure to get a favorable response from the mayor's office, he wrote a formal protest to the Secretary of the Department of Environment and Natural Resources (*DENR*) on October 2, 1997.

Despite the Peraltas' opposition, the Municipality of Kalibo continued the project under the justification that the contested property is actually part of the public domain. Moreover, the DENR's Environmental Compliance Certificate (*ECC*) showed that the project would not harm the dumpsite's neighboring areas, including the water systems. Thus, the municipality built a retaining wall on the property facing the Aklan river in 1996. More of the structures were built on the area from 1997 to 1998. Later, the area was enclosed with a perimeter fence.

On January 26, 1998, the Peraltas filed a Complaint[4] for quieting of title over the two (2) portions of accretion declared in their names for taxation purposes.

The Peraltas' prayer for an injunctive writ against the construction of the dumpsite was denied, but on February 22, 2005, the RTC of Kalibo, ruled in their favor, thus:

> **WHEREFORE,** in view of the foregoing considerations, judgment is hereby rendered in favor of the plaintiffs and against the defendants declaring the aforedescribed parcels of land as an accretion and not a public land. Defendants are also ordered to cease and desist from occupying that portion of the garbage dumpsite with an area of 31,320 square meters, indicated in Parcels I, II and III of Annex A of the Commissioner's Report (*Exh. "13"*) which are within Lots 3 and 4 of plaintiffs' property.
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> No award for damages and attorney's fees for want of evidence to support the same.
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> Costs against the defendants.
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> SO ORDERED.[5]

Undaunted, the Municipality of Kalibo brought the matter to the CA Cebu. On September 28, 2012, the CA granted its appeal and reversed the assailed RTC ruling, hence:

> IN LIGHT OF THE FOREGOING, the appeal is GRANTED. The assailed February 22, 2005 Decision of the Regional Trial Court, Branch 6 of Kalibo, Aklan in Civil Case No. 5440 is hereby REVERSED and SET ASIDE.
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> SO ORDERED.[6]

The Peraltas then filed a Motion for Reconsideration, but the same was denied in a Resolution dated August 28, 2014. Hence, the instant petition.

The main issue in this case is whether or not the CA committed an error when it reversed the RTC, which declared the subject parcels of land as accretion and not part of the public domain.

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4 Records, pp. 1-4.
5 *Rollo*, p. 100.
6 *Id.* at 52.

The Court rules in the negative.

In order that an action for quieting of title may prosper, the plaintiff must have legal or equitable title to, or interest in, the property which is the subject matter of the action. While legal title denotes registered ownership, equitable title means beneficial ownership. In the absence of such legal or equitable title, or interest, there is no cloud to be prevented or removed.[7] Likewise, the plaintiff must show that the deed, claim, encumbrance, or proceeding that purportedly casts a cloud on their title is in fact invalid or inoperative despite its *prima facie* appearance of validity or legal efficacy.[8]

It must be noted that the Peraltas, the petitioners in the instant case, are not even registered owners of the area adjacent to the increment claimed, much less of the subject parcels of land. Only the late Juanito became the registered owner of Lot 2076-A, the lot next to the supposed accretion. Assuming that the petitioners are Juanito's rightful successors, they still did not register the subject increment under their names. It is settled that an accretion does not automatically become registered land just because the lot that receives such accretion is covered by a Torrens Title. Ownership of a piece of land is one thing; registration under the Torrens system of that ownership is another. Ownership over the accretion received by the land adjoining a river is governed by the Civil Code; imprescriptibility of registered land is provided in the registration law. Registration under the Land Registration and Cadastral Act does not vest or give title to the land, but merely confirms and, thereafter, protects the title already possessed by the owner, making it imprescriptible by occupation of third parties. But to obtain this protection, the land must be placed under the operation of the registration laws, wherein certain judicial procedures have been provided.[9]

If at all, whatever rights the Peraltas derived from their predecessors-in-interest respecting the area in question came only from the quitclaim of real property executed by Ignacio in Jose's favor in 1955. There is no concrete evidence showing any right of title on Ignacio's part for him to be able to legally and validly cede the property to Jose. What the quitclaim merely proves is that Ignacio had forfeited any claim or interest over the accretion in Jose's favor. It is settled that equitable title is defined as a title derived through a valid contract or relation, and based on recognized equitable principles, or the right in the party, to whom it belongs, to have the legal title transferred to him. In order that a plaintiff may draw to himself an equitable title, he must show that the one from whom he derives his right

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7 *Mananquil v. Moico*, 699 Phil. 120, 122 (2012).

8 *IVQ Landholdings, Inc. v. Barbosa*, G.R. No. 193156, January 18, 2017.

9 *Reynante v. CA*, 284 Phil. 84, 91 (1992).

had himself a right to transfer.[10] Considering the aforementioned facts, the plaintiffs have neither legal nor equitable title over the contested property.

Moreover, even the character of the land subject of the quitclaim is highly questionable. Ignacio, who was purportedly the first occupant of the area in 1945 and who was also in the best position to describe the lot, stated that "the said parcel of swampy land is an integral expansion or continuity of the said Cadastral Lot No. 2076, formed by a change of the shoreline of the Visayan Sea, which shoreline has receded towards the North, thus, leaving the swampy or parcel of land described in the immediately preceding paragraph which accrues to the owner of said right of said Cadastral Lot No. 2076 (Torrens Title No. 24435), Jose O. Peralta by right of lawful accretion or accession."[11]

Article 457 of the Civil Code of the Philippines, under which the Peraltas claim ownership over the disputed parcels of land, provides:

> Art. 457. To the owners of lands adjoining the banks of rivers belong the accretion which they gradually receive from the effects of the current of the waters.

Accretion is the process whereby the soil is deposited along the banks of rivers. The deposit of soil, to be considered accretion, must be: (a) gradual and imperceptible; (b) made through the effects of the current of the water; and (c) taking place on land adjacent to the banks of rivers.[12]

Here, Ignacio characterized the land in question as swampy and its increase in size as the effect of the change of the shoreline of the Visayan Sea, and not through the gradual deposits of soil coming from the river or the sea. Also, Baltazar Gerardo, the Officer-in-Charge of the Community Environment and Natural Resources Office of the Bureau of Lands, found upon inspection in 1987 that the subject area was predominantly composed of sand rather than soil.[13] One of the plaintiffs, Javier, also testified that in 1974 or 1976, the Visayan Sea was around one (1) kilometer from the land in question, and in 2003, the distance already became around three (3) kilometers, giving the impression that the increment was actually the result of additional area of sand deposits left by the sea when it had receded, and not by gradual deposits of soil or sediment caused by the action of water. In addition, the DENR has remained firm and consistent in classifying the area

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10 *Heirs of Enrique Diaz v. Virata*, G.R. No. 162037, November 29, 2006, citing *PVC Investment & Management Corporation v. Borcena*, 507 Phil. 668, 681 (2005), citing Ballantine's Law Dictionary, 2nd Ed., pp. 441-442 and *Harris v. Mason*, 120 Tenn. 668, 25 L.R.A. (N.S.) 1011, 1020, 115 S.W. Rep. 1146.

11 *Rollo*, p. 43.

12 *Republic v. Santos*, 698 Phil. 275, 283 (2012).

13 *Rollo*, p. 47.

as land of the public domain for being part of either the Visayan Sea of the Sooc Riverbed and is reached by tide water. Further, the Sheriff's Report dated July 13, 1998 shows that when he conducted an ocular inspection of the area, part of it was reached by the tide. At around 11:30 a.m., he was able to measure the deepest portion of the high tide at around nineteen (19) inches, and its wideness at five (5) meters near the concrete wall.[14]

Indeed, by reason of their special knowledge and expertise over matters falling under their jurisdiction, administrative agencies, like the DENR, are in a better position to pass judgment on the same, and their findings of fact are generally accorded great respect, if not finality, by the courts. Such findings must be respected as long as they are supported by substantial evidence, even if such evidence is not overwhelming or even preponderant.[15] Hence, the questionable character of the land, which could most probably be part of the public domain, indeed bars Jose from validly transferring the increment to any of his successors.

Indubitably, the plaintiffs are merely successors who derived their alleged right of ownership from tax declarations. But neither can they validly rely on said tax declarations and the supposed actual, open, continuous, exclusive, and notorious possession of the property by their predecessors-in-interest. Any person who claims ownership by virtue of tax declarations must also prove that he has been in actual possession of the property. Thus, proof that the property involved had been declared for taxation purposes for a certain period of time, does not constitute proof of possession, nor is it proof of ownership, in the absence of the claimant's actual possession of said property.[16] In the case at bar, the Peraltas failed to adequately prove their possession and that of their predecessors-in-interest.

Verily, in civil cases, the party having the burden of proof must do so with a preponderance of evidence, with plaintiff having to rely on the strength of his own evidence and not upon the defendant's weakness. Preponderance of evidence is the weight, credit, and value of the aggregate evidence on either side and is usually considered to be synonymous with the term "greater weight of evidence" or "greater weight of credible evidence." Succinctly put, it only requires that evidence be greater or more convincing than the opposing evidence.[17] Since the Peraltas must first establish their legal or equitable title to or interest in the property in order for their action for quieting of title may prosper, failure to do so would mean lack of cause of action on their part to pursue said remedy.

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14 *Id.* at 51.

15 *Summit One Condominium Corporation v. Pollution Adjudication Board and Environmental Management Bureau- National Capital Region*, G.R. No. 215029, July 5, 2017.

16 *Heirs of Oclarit v. CA*, 303 Phil. 256, 265 (1994), citing *De Luna v. CA*, 287 Phil. 299, 304 (1992).

17 *BPI v. Mendoza*, G.R. No. 198799, March 20, 2017.

WHEREFORE, PREMISES CONSIDERED, the Court **DENIES** the petition, and **AFFIRMS** the Decision of the Court of Appeals Cebu, Nineteenth (19th) Division, dated September 28, 2012, and Resolution dated August 28, 2014 in CA-G.R. CEB-CV No. 00700.

SO ORDERED.

DIOSDADO M. PERALTA
Associate Justice

WE CONCUR:

ANTONIO T. CARPIO
Associate Justice
Chairperson

ESTELA M. PERLAS-BERNABE
Associate Justice

On wellness leave
ALFREDO BENJAMIN S. CAGUIOA
Associate Justice

ANDRES B. REYES, JR.
Associate Justice

ATTESTATION

I attest 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.

ANTONIO T. CARPIO
Associate Justice
Chairperson, Third Division

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution and the Division Chairperson's Attestation, 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
Chief Justice