

### THIRD DIVISION

G.R. No. 272308 — SILVESTRE CORPUZ, substituted by EVELYN CORPUZ, Petitioner, v. REPUBLIC OF THE PHILIPPINES, represented by THE REGIONAL EXECUTIVE DIRECTOR OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES, REGION 1, Respondent.

Promulgated:  
FEB 24 2025

~~MICROBAST~~

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### CONCURRING OPINION

CAGUIOA, J.:

The *ponencia* in the above-captioned case denies the Petition and affirms the Decision dated April 27, 2023 of the Court of Appeals<sup>1</sup> which ordered the reversion of the subject lands, found to be part of the old riverbed of the Irene River, to the public domain.<sup>2</sup>

I concur that the preponderance of evidence on record establishes that the issuance of the subject free patents in favor of petitioner Silvestre Corpuz (Corpuz) was tainted by fraud or misrepresentation.<sup>3</sup> A review of the records reveals that in a 1977 NAMRIA Topographic Map<sup>4</sup>—prepared just a year before the issuance of the subject patents in 1978—almost the entire area of both subject lots remained submerged in water. This finding negates any plausible claim of continuous, open, and exclusive possession and cultivation, as required under Section 44 of Commonwealth Act No. 141.<sup>5</sup> Corpuz's assertion of such possession, therefore, constitutes a material misrepresentation that warrants the cancellation of the patents and the reversion of the lands to the State.<sup>6</sup>

<sup>1</sup> *Ponencia*, p. 1.

<sup>2</sup> *Id.* at 1–2.

<sup>3</sup> *Id.* at 12–16.

<sup>4</sup> *Rollo*, p. 504, Brief for the Appellant.

<sup>5</sup> The relevant portion of Section 44 of Commonwealth Act No. 141, otherwise known as The Public Land Act (1936), as amended by Republic Act No. 3872 (1964), reads:

Section 44. Any natural-born citizen of the Philippines who is not the owner of more than twenty-four hectares and who since July fourth, nineteen hundred and twenty-six or prior thereto, has **continuously occupied and cultivated, either by himself or through his predecessors-in-interest, a tract or tracts of agricultural public lands subject to disposition**, or who shall have paid the real estate tax thereon while the same has not been occupied by any person shall be entitled, under the provisions of this chapter, to have a free patent issued to him for such tract or tracts of such land not to exceed twenty-four hectares. (Emphasis supplied)

<sup>6</sup> See Section 91 of Commonwealth Act No. 141 which reads:

Section 91. The statements made in the application shall be considered as essential conditions and parts of any concession, title, or permit issued on the basis of such application, and any false statements therein or omission of facts altering, changing, or modifying the consideration of the facts set forth in such statements, and any subsequent modification, alteration, or change of the material facts set forth in the application shall *ipso facto* produce the cancellation of the concession, title, or permit granted. It shall be the duty of the Director



I write separately as this case presents a novel opportunity to clarify the legal regime governing the ownership of abandoned riverbeds. In my view, a proper harmonization of the relevant Civil Code provisions confirms that the ownership and alienability of riverbeds hinge on the nature of its abandonment—i.e., whether the same occurred naturally or through the intervention of man.

I expound.

Article 420(1)<sup>7</sup> and Article 502(1)<sup>8</sup> of the Civil Code expressly state that *rivers and their natural beds are of public dominion*. Following only these provisions, abandoned riverbeds belong to the State and cannot be acquired by acquisitive prescription unless previously declared by the Government to be alienable and disposable.

Accordingly, the *ponencia*, citing *Republic v. Santos III, et al.*,<sup>9</sup> finds that the dried up portions of the Irene River's bed, not having been previously declared as alienable and disposable, are not susceptible to private ownership:

[E]ven river beds that have already dried up continue to belong to the State as its property of public dominion, "unless there is an express law that provides that the dried-up river beds should belong to some other person." As the CA noted, there is nothing in the records of the case which indicate that there was a law converting the subject properties into private properties or that they have been declared as alienable and susceptible for private appropriation at the time they were adjudicated to Silvestre.<sup>10</sup>

While the foregoing discussion indeed aligns with Articles 420(1) and 502(1) of the Civil Code, it is imperative to likewise discuss a specific exception to the general rule that riverbeds are property of the public domain—where the abandonment occurs on account of a *natural change* in the course of the river, the riverbed becomes property of private ownership.

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of Lands, from time to time and whenever he may deem it advisable, to make the necessary investigations for the purpose of ascertaining whether the material facts set out in the application are true, or whether they continue to exist and are maintained and preserved in good faith, and for the purposes of such investigation, the Director of Lands is hereby empowered to issue *subpoenas* and *subpoenas duces tecum* and, if necessary, to obtain compulsory process from the courts. In every investigation made in accordance with this section, the existence of bad faith, fraud, concealment, or fraudulent and illegal modification of essential facts shall be presumed if the grantee or possessor of the land shall refuse or fail to obey a *subpoena* or *subpoena duces tecum* lawfully issued by the Director of Lands or his authorized delegates or agents, or shall refuse or fail to give direct and specific answers to pertinent questions, and on the basis of such presumption, an order of cancellation may issue without further proceedings.

<sup>7</sup> Article 420, paragraph 1 of the Civil Code reads:

Article 420. The following things are property of public dominion:

(1) Those intended for public use, such as roads, canals, rivers, torrents, ports and bridges constructed by the State, banks, shores, roadsteads, and others of similar character[.]

<sup>8</sup> Article 502, paragraph 1 of the Civil Code reads:

Article 502. The following are of public dominion:

(1) Rivers and their natural beds[.]

<sup>9</sup> 698 Phil. 275 (2012) [Per J. Bersamin, First Division].

<sup>10</sup> *Ponencia*, p. 16.



By express provision of Article 370 of the Spanish Civil Code of 1889, abandoned riverbeds belong to the riparian owners:

Article 370. Beds of rivers abandoned because of a natural change in the course of the water belong to the owners of the lands bordering thereon throughout their respective extents. If the abandoned bed divided estates belonging to different owners, the new dividing line shall be equidistant from the former boundaries.

Article 461 of the Civil Code amended this provision to the extent that ownership of the abandoned riverbed is no longer conferred to the riparian owners, but to the owners of the lands onto which the river shifted:

Article 461. River beds which are abandoned through the natural change in the course of the waters *ipso facto* belong to the owners whose lands are occupied by the new course in proportion to the area lost. However, the owners of the lands adjoining the old bed shall have the right to acquire the same by paying the value thereof, which value shall not exceed the value of the area occupied by the new bed. (370a)

This provision was further modified by Article 58 of Presidential Decree No. 1067<sup>11</sup> or the Water Code of the Philippines, which in cases of *sudden changes* to the course of the river, grants the owners of the affected lands the option to either: (i) acquire ownership of the abandoned bed; or (ii) undertake, at their own expense and subject to the issuance of a permit from the government, the restoration of the river to its original course:

Article 58. When a river or stream suddenly changes its course to traverse private lands, the owners of the affected lands may not compel the government to restore the river to its former bed; nor can they restrain the government from taking steps to revert the river or stream to its former course. The owners of the lands thus affected are not entitled to compensation for any damage sustained thereby. However, the former owners of the new bed shall be the owners of the abandoned bed in proportion to the area lost by each.

The owners of the affected lands may undertake to return the river or stream to its old bed at their own expense; Provided, That a permit therefor is secured from the Secretary of Public Works, Transportation and Communication and work pertaining thereto are commenced within two years from the change in the course of the river or stream.

As early as 1912, this exception was recognized in the case of *Villanueva v. Claustro*,<sup>12</sup> where the Court, in applying Article 370 of the Spanish Civil Code of 1889, ruled that the bed of a river which was abandoned due to the natural change in the course of the waters properly belongs to the riparian owners along the abandoned channel:

<sup>11</sup> A Decree Instituting a Water Code, Thereby Revising and Consolidating the Laws Governing the Ownership, Appropriation, Utilization, Exploitation, Development, Conservation and Protection of Water Resources (1976).

<sup>12</sup> 23 Phil. 54 (1912) [Per C.J. Arellano, *En Banc*].



The law provides that the beds of rivers which remain abandoned because the course of the water has naturally changed belong to the owners of the riparian lands throughout their respective lengths (Civ. Cod., art. 370). **If, according to the defendant's witnesses, the land disputed was the old bed of the river, which remained abandoned because the course of the water had naturally changed, it belongs to the owner of the riparian land that bordered on the river**, who, according to these same witnesses, was Mariano Villanueva, and whose lot, [e]nclosed by a wall, was bounded on the north by the said river on the date the land was acquired, December 2, 1868.<sup>13</sup> (Emphasis supplied)

It must be emphasized, however, that Article 461 of the Civil Code speaks only of a “natural change in the course of the waters.” This distinction was clearly articulated in the 1991 case of *Ronquillo v. Court of Appeals, et al.*,<sup>14</sup> involving the dried up bed of Estero Calubcub. In the said case, the evidence showed that the river dried up due to human intervention—the dumping of garbage by local residents. As such, the Court distinguished between the effects of *natural* and *artificial* changes in watercourses, stressing that only natural changes in the course of a river confer riparian rights over an abandoned riverbed. Since the changes in Estero Calubcub were man-made, the riverbed remained part of the public domain:

A careful perusal of the evidence presented by both parties in the case at bar will reveal that **the change in the course of Estero Calubcub was caused, not by natural forces, but due to the dumping of garbage therein by the people of the surrounding neighborhood. . . .**

. . . .

In addition, the relocation plan (Exhibit “D”) which also formed the basis of respondent court’s ruling, merely reflects the change in the course of Estero Calubcub but it is not clear therefrom as to what actually brought about such change. **There is nothing in the testimony of lone witness Florencia del Rosario nor in said relocation plan which would indicate that the change in the course of the estero was due to the ebb and flow of the waters.** On the contrary, the aforequoted testimony of the witness belies such fact, while the relocation plan is absolutely silent on the matter. **The inescapable conclusion is that the dried-up portion of Estero Calubcub was occasioned, not by a natural change in the course of the waters, but through the active intervention of man.**

The foregoing facts and circumstances remove the instant case from the applicability of Article 370 of the old Civil Code[.]

. . . .

The law is clear and unambiguous. It leaves no room for interpretation. Article 370 applies only if there is a natural change in the course of the waters. The rules on alluvion do not apply to man-made or artificial accretions nor to accretions to lands that adjoin canals or esteros or artificial drainage systems. Considering our earlier finding that the dried-up portion of Estero Calubcub

<sup>13</sup> *Id.* at 56–57.

<sup>14</sup> 272-A Phil. 412 (1991) [Per J. Regalado, Second Division].



was actually caused by the active intervention of man, it follows that Article 370 does not apply to the case at bar and, hence, the Del Rosarios cannot be entitled thereto supposedly as riparian owners.

**The dried-up portion of Estero Calubcub should thus be considered as forming part of the land of the public domain which cannot be subject to acquisition by private ownership.**<sup>15</sup> (Emphasis supplied, citations omitted)

The distinction between natural and artificial changes was reiterated in *Celestial v. Cachopero*,<sup>16</sup> which involved a creek that dried up as a result of the construction of an irrigation canal by the National Irrigation Administration. As the change in the watercourse was brought about by a government infrastructure project, the drying up of the creek was deemed artificial. Consequently, Article 461 of the Civil Code found no application, and the land remained part of the public domain.

Based on the foregoing, the following rules govern the ownership of abandoned riverbeds:

- (1) If a riverbed is abandoned due to a ***natural change*** in the course of the waters, Article 461 of the Civil Code provides that ownership of the abandoned riverbed *ipso facto* vests in the owners of the lands onto which the river has shifted, in proportion to the area lost, and adjoining landowners may acquire the riverbed upon payment of its value. If such natural change was *sudden*, affected owners may, instead of acquiring the abandoned bed, opt to restore the river to its former course, subject to applicable conditions;<sup>17</sup> and
- (2) If the abandonment is caused by ***artificial means or human intervention***, the riverbed remains inalienable public land under Articles 420(1) and 502(1) of the Civil Code, which is not susceptible to private appropriation and acquisitive prescription.

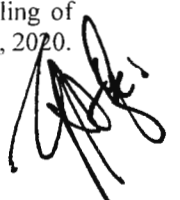
Applying these principles to the present case, a review of the records shows that portions of the riverbed were backfilled and tilled, contributing to the stagnation of the water and the eventual drying up of portions of the Irene River.<sup>18</sup> This suggests that the changes in the river were not entirely the result of a natural process. Consequently, Article 461 of the Civil Code does not apply, and the subject lands remain part of the public domain—not susceptible to private ownership or disposition. As such, petitioner Corpuz could not have validly acquired title over the subject lands in the absence of any governmental act reclassifying the land as alienable and disposable.

<sup>15</sup> *Id.* at 421–423.

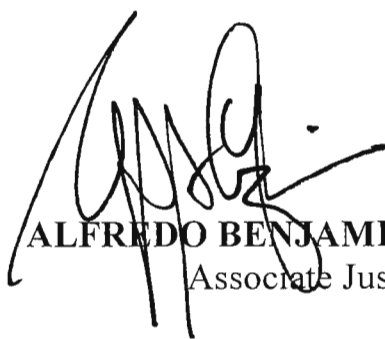
<sup>16</sup> 459 Phil. 903 (2003) [Per J. Carpio-Morales, Third Division].

<sup>17</sup> PRESIDENTIAL DECREE NO. 1067, art. 58.

<sup>18</sup> *Rollo*, p. 209, Geological & Geomorphological Assessment Report on the Alleged Illegal Titling of Rivers and River Banks at the Municipality of Caoayan, Province of Ilocos Sur dated January 10, 2020.



**ACCORDINGLY, I CONCUR** with the *ponencia* and vote to **DENY** the Petition.



**ALFREDO BENJAMIN S. CAGUIOA**  
Associate Justice