IN RE: APPLICATION FOR LAND REGISTRATION OF TITLE

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GALAPATE-LAGUILLES, J:

Brought to the fore in this Appeal[1] under Rule 41 of the Rules of Court is the Decision[2] dated 4 October 2010 of the Regional Trial Court of Masbate City, Branch 45, in LRC No. N-548. The said Decision denied the application for registration of title filed by applicant-appellant Leonardo Aguilar over a parcel of land described as Lot 532-A of Plan Csd-05-015362-D, Cad 627-D of Masbate Cadastre, situated in Barangay Bapor, Masbate City, and with an area of forty three (43) square meters.[3]

On 22 June 2005, Aguilar filed before the RTC an Application[4] for registration of title on the abovementioned land pursuant to Presidential Decree No. 1529 (P.D. 1529), otherwise known as the Property Registration Decree and to have the title thereto registered and confirmed under his name. In the Application, Aguilar alleged that he is the owner of the subject land with an assessed value of Php 5,400.00 per Tax Declaration No. 0464 for the year 2000. He does not know of any mortgage or encumbrance affecting the said land, or that any other person has any estate or interest therein, legal or equitable possession, remainder, reversion or expectancy. Aguilar further averred that he acquired the said land through possession for more than thirty five (35) years and that he, together with his predecessor-in-interest, had been in actual possession thereof in fee simple and in the concept of bonafide owner, peacefully, publicly and continuously since 12 June 1945 or prior thereto.[5]

On 29 July 2005, the RTC issued an Order[6] setting the initial hearing of the case on 18 January 2006 at 8:30 in the morning. Copies of the Notice of Initial Hearing were sent to the adjoining owners of the subject land and all government agencies concerned,[7] and posted in a conspicuous place in the parcel of land as well as on the bulletin board of the city hall of Masbate City.[8] The notice relative to the Application was likewise published in the 21 November 2005 issue of the Official Gazette[9] and in the 12-18 December 2005 issue of Publiko Express,[10] a newspaper of general circulation in the Province of Masbate.

On 27 January 2006, oppositors-appellees Heirs of Eduardo Marcaida, Jr., represented by Milagros JB. Marcaida, filed their Opposition[11] to the Application claiming that their predecessor-in-interest, Eduardo Marcaida, Jr., filed on 18 August 1966 before the Bureau of Lands in Masbate a Miscellaneous Sales Application over a parcel of land with an area of seven hundred seventy two (720) square meters and bounded by the following:

> North by: Aguilar St., Union Obrera, Enrique Legazpi
> East by: Quezon St.
> South by: Lim San Tiao, Andres Navarro, Jr.
> West by: Filomino Bajar

The heirs averred that spouses Eduardo Marcaida, Jr. and Milagros JB. Marcaida possessed the abovementioned land and introduced improvements thereon. The said spouses also caused the same to be declared for taxation purposes sometime in 1966. The heirs further contended that Aguilar had no registrable title over the property subject of his Application, for which he is an overseer, because the same is a portion of the 720-square meter lot. Aguilar allegedly knew that the 720-square meter lot belonged to Eduardo Marcaida, Jr. and he had in fact executed an affidavit on 21 January 1972 stating therein the circumstances as to his occupancy on the subject

property. Lastly, the heirs claimed that the miscellaneous sales application is still pending for award before the Bureau of Lands.[12]

On 1 February 2006, the Office of the Solicitor General entered its appearance for and in behalf of the Republic of the Philippines, and authorized the City Prosecutor of Masbate City to appear in its behalf.[13] On even date, the OSG filed its Opposition[14] to the Application of Aguilar for registration of title over the subject land.

Appellant testified in support of his Application. He claimed, among others, that he acquired the subject lot by occupation and possession which commenced sometime in 1972 when he executed and submitted a Deed of Possession before the Local Assessor's Office in Masbate.[15] The Deed of Possession led to the issuance of Tax Declaration No. 6207 in his name. He also claimed that he paid realty taxes on the subject land.[16]

To support his application, Aguilar offered in evidence the following documents:

1.) Application for Registration;[17]

2.) Subdivision Plan of Lot 532-A, Cad-627-D, Masbate Cadastre;[18]

3.) Technical Description of the subject land;[19]

4.) Certification of Surveyor's Certificate for Judicial Registration;[20]

5.) Deed of Possession[21] executed on 12 January 1972, to prove that as of January 1972, Aguilar had been in actual possession and occupation on the subject land in the concept of an owner for more than forty (40) years when he filed his application;

6.) Tax Declaration No. 0464[22] for the year 2000; Tax Declaration No. 0012[23] for the year 1994; Tax Declaration No. 173[24] for the year 1985; Tax Declaration No. 267[25] for the year 1979; Tax Declaration No. 064[26] for the year 1974; Tax Declaration No. 6207[27] for the 1969; and Tax Declaration 0465[28] for the year 2000 – to prove payment of realty taxes on the subject property;

7.) Certification dated 16 January 2006 from the Office of the Office of the City Assessor of Masbate City;[29]

8.) Certification dated 8 April 2005 issued by the City Treasurer of Masbate City;[30]

9.) Certification[31] dated 30 June 2005 issued by the CENRO of Mobo, Masbate, stating therein that the subject land is within the alienable and disposable area per Project No. 3, Block I, under LC Map No. 452 certified on December 22, 1924; and

10.) Certification dated 11 April 2004 issued by the Land Registration Authority, stating therein that the subject land does not appear to have been covered by Act No. 496, now P.D. No. 1529; and

11.) Various tax receipts[32] of the realty taxes paid by Aguilar assessed and due on the subject lot.

For the heirs, Judge Milagros Marcaida testified and reiterated the contents of their Opposition. The heirs then offered in evidence the following pertinent documentary evidence, to wit:

1.) Miscellaneous Sales Application filed on 16 August 1966 before the Bureau of Lands – to prove that the late Eduardo Marcaida, Jr. had an existing claim on the subject property of the Application which is part of the 720-square meter lot covered by Miscellaneous Sales Application;[33]

2.) Affidavit of Eduardo Marcaida, Jr dated 20 January 1972, to prove his qualification and possession over the 720-square meter land subject of the Miscellaneous Sales Application;[34]

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3.) Affidavit of Aguilar dated 21 January 1972, to prove that Aguilar had personal knowledge of the possession and claim of Eduardo Marcaida, Jr. on the 720-square meter lot;[35]

4.) Tax Declaration Nos. 8582,[36] 6227,[37] 3207,[38] 1233[39] and 13470,[40] to prove payment of realty taxes on the 720-square meter lot subject of the Miscellaneous Sales Application.

On 4 October 2010, the trial court rendered the assailed Decision, the dispostive portion of which reads:

> WHEREFORE, for lack of registrable title on the part of the applicant over Lot 532-A, of Plan Csd-05-015362-D, (Masbate Cadastre) situated at [B]arangay Bapor, City of Masbate, Island of Masbate, the application is denied.
>
> Applicant is further ordered to deliver said Lot 532-A to the oppositors.
>
> SO ORDERED.

In essence, the RTC ruled that the subject land is already alienable and disposable land of the public domain on the strength of the Certification issued by CENRO on 30 June 2005. However, Aguilar's pretended possession of the property for thirty five (35) years has not been in the concept of an owner, but only as an overseer, which no matter how long will not ripen into ownership.

Hence, the instant Appeal imputing the following assignment of errors to the RTC, viz:

> I
>
> THE TRIAL COURT ERRED IN NOT CONSIDERING THE EVIDENCE SUBMITTED AND PRESENTED BY THE APPPLICANT.
>
> II
> THE TRIAL COURT ERRED IN FINDING THAT THERE IS NO CLEAR REPUDIATION OF OPPOSITORS' LEGAL POSSESSION OF THE PROPERTY.
>
> III
> THE TRIAL COURT ERRED IN ADMITTING EXHIBIT 9 WHICH IS AN AFFIDAVIT ALLEGEDLY EXECUTED BY THE APPLICANT.
>
> IV
> THE TRIAL COURT ERRED IN FINDING THAT THE APPPLICANT'S POSSESSION OF THE PROPERTY IN QUESTION FOR THIRTY FIVE (35) YEARS HAS NOT BEEN IN THE CONCEPT OF AN OWNER BUT ONLY AS AN OVERSEER OR ADMINISTRATOR.
>
> V
> THE TRIAL COURT ERRED IN ORDERING THE APPLICANT TO DELIVER THE PROPERTY IN QUESTION TO THE OPPOSITORS.[41]

Essentially, the issues presented before us are (a) whether or not appellant was able to show that the land subject of his application was disposable and alienable land of the public domain; and (b) whether or not appellant was able to prove, by the quantum of evidence mandated by law, that they met the required period of open, exclusive, continuous and notorious possession, in the concept of an owner, of the subject parcels of land.

The Appeal is bereft of merit.

Under the Regalian Doctrine, which is embodied in our Constitution, all lands of the public domain belong to the

State, which is the source of any asserted right to any ownership of land. All lands not appearing to be clearly within private ownership are presumed to belong to the State. Accordingly, public lands not shown to have been reclassified or released as alienable agricultural land, or alienated to a private person by the State, remain part of the inalienable public domain. The burden of proof in overcoming the presumption of State ownership of the lands of the public domain is on the person applying for registration, who must prove that the land subject of the application is alienable or disposable. To overcome this presumption, incontrovertible evidence must be presented to establish that the land subject of the application is alienable or disposable.[42]

As unregistered land, Lot No. 532-A is therefore presumed as land belonging to the State. It is basic that those who seek the entry of such lands into the Torrens system of registration must first establish that it has acquired valid title thereto as against the State, in accordance with law.[43]

In this connection, original registration of title to land is allowed by Section 14 of Presidential Decree No. 1529, or otherwise known as the Property Registration Decree. The said section provides:

> Section 14. Who may apply. The following persons may file in the proper Court of First Instance an application for registration of title to land, whether personally or through their duly authorized representatives:
>
> (1) Those who by themselves or through their predecessors-in-interest have been in open, continuous, exclusive and notorious possession and occupation of alienable and disposable lands of the public domain under a bona fide claim of ownership since June 12, 1945, or earlier.
>
> (2) Those who have acquired ownership of private lands by prescription under the provisions of existing laws.
>
> (3) Those who have acquired ownership of private lands or abandoned river beds by right of accession or accretion under the existing laws.
>
> (4) Those who have acquired ownership of land in any other manner provided for by law.
>
> x x x

Based on the allegations of Aguilar in his Application, it appears that he sought the registration of the subject under the first paragraph of the quoted section.

Being the applicant for confirmation of imperfect title, Aguilar bears the burden of proving that: 1) the land subject of the application is alienable and disposable land of the public domain; and 2) he, by himself or through his predecessors-in-interest, had been in open, continuous, exclusive possession and occupation thereof under a bona fide claim of ownership since June 12, 1945 or earlier.[44] Aguilar must prove these by no less than clear, positive and convincing evidence.[45]

As to the proofs that are admissible to establish the alienability and disposability of public land, the Supreme Court in Secretary of the Department of Environment and Natural Resources v. Yap[46] explained, thus:

> "The burden of proof in overcoming the presumption of State ownership of the lands of the public domain is on the person applying for registration (or claiming ownership), who must prove that the land subject of the application is alienable or disposable. To overcome this presumption, incontrovertible evidence must be established that the land subject of the application (or claim) is alienable or disposable. There must still be a positive act declaring land of the public domain as alienable and disposable. To prove that the land subject of an application for registration is alienable, the applicant must establish the existence of a positive act of the government such as a presidential proclamation or an executive order; an administrative action; investigation reports of Bureau of Lands investigators; and a legislative act or a statute. The applicant may also secure a certification from the government that the land claimed to have been possessed for the required number of years is alienable and disposable."

In the case at bench, the only proof Aguilar produced during the trial to prove that the subject lot is alienable and disposable is the Certification dated 30 June 2005 issued by the CENRO-DENR of Mobo, Masbate. The said Certification states that the lot in controversy is "within the alienable and disposable land area per Project No. 3, Block I, under LC Map No. 452 certified on December 22, 1924."

In Republic v. T.A.N. Properties, Inc.,[47] the Supreme Court dealt with the sufficiency of the certification by the Provincial Environmental Officer (PENRO) or Community Environmental Officer (CENRO) to the effect that a piece of public land was alienable and disposable in the following manner, viz:

> "x x x it is not enough for the PENRO or CENRO to certify that a land is alienable and disposable. The applicant for land registration must prove that the DENR Secretary had approved the land classification and released the land of the public domain as alienable and disposable, and that the land subject of the application for registration falls within the approved area per verification through survey by the PENRO or CENRO. In addition, the applicant for land registration must present a copy of the original classification approved by the DENR Secretary and certified as a true copy by the legal custodian of the official records. These facts must be established to prove that the land is alienable and disposable. Respondent failed to do so because the certifications presented by respondent do not, by themselves, prove that the land is alienable and disposable.
>
> Only Torres, respondent's Operations Manager, identified the certifications submitted by respondent. The government officials who issued the certifications were not presented before the trial court to testify on their contents. The trial court should not have accepted the contents of the certifications as proof of the facts stated therein. Even if the certifications are presumed duly issued and admissible in evidence, they have no probative value in establishing that the land is alienable and disposable.
>
> x x x x
>
> The CENRO and Regional Technical Director, FMS-DENR, certifications do not prove that Lot 10705-B falls within the alienable and disposable land as proclaimed by the DENR Secretary. Such government certifications do not, by their mere issuance, prove the facts stated therein. Such government certifications may fall under the class of documents contemplated in the second sentence of Section 23 of Rule 132. As such, the certifications are prima facie evidence of their due execution and date of issuance but they do not constitute prima facie evidence of the facts stated therein."

Thus, the present rule is that an application for original registration must be accompanied by (1) a CENRO or PENRO Certification; and (2) a copy of the original classification approved by the DENR Secretary and certified as a true copy by the legal custodian of the official records.[48]

In the instant case, no such proclamation, executive order, administrative action, report, statute, or certification was presented to the court a quo. The records are barren of evidence showing that prior to the year 1972 (the year Aguilar started to declare the subject land in his name), Lot No. 532-A which is allegedly occupied by the Aguilar was the subject of a government proclamation that the land is alienable and disposable. Absent such well-nigh incontrovertible evidence, this Court cannot accept the submission that the land occupied by Aguilar was already open to disposition before 1972. Matters of land classification or reclassification cannot be assumed. They call for proof.[49]

In the same vein, Aguilar failed to present a copy of the original classification approved by the DENR Secretary and certified as a true copy by the legal custodian of the official records that the subject properties are alienable and disposable, thus, there is no factual and legal bases to support the grant of the present application for registration of title. Indeed, in the absence of incontrovertible evidence to prove that the subject property is already classified as alienable and disposable, this Court must consider the same as still part of inalienable public domain.

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What is more, Aguilar likewise failed to present evidence that he and his predecessor-in-interest have been in open, continuous, exclusive, and notorious possession and occupation of the subject land under a bona fide claim of ownership from June 12, 1945 or earlier.

The Deed of Possession and Ownership executed on 12 January 1972 merely showed when Aguilar allegedly acquired the subject land. Aguilar's bare assertion in his Application that he and his predecessor-in-interest had been in actual possession thereof in fee simple and in the concept of bona fide owner, peacefully, publicly and continuously since 12 June 1945 or prior thereto is hardly “the well-nigh incontrovertible" evidence required in cases of this nature. Aguilar must present proof of specific acts of ownership to substantiate the claim and cannot just offer general statements which are mere conclusions of law than factual evidence of possession.[50] Actual possession consists in the manifestation of acts of dominion over it of such a nature as a party would actually exercise over his own property.[51] Worse, no competent proof of specific acts showing the nature of Aguilar's predecessor-in-interest possession and the period when said possession commenced, was presented.

Notably, the earliest tax declaration presented was issued only in 1969 under the name of Aguilar. While tax declarations are not conclusive proof of ownership, they constitute good indicia of possession in the concept of owner and a claim of title over the subject property.52 At best, Aguilar can only prove possession of the land in question since 1969. But as the law now stands, a mere showing of possession for thirty (30) years or more is not sufficient. It must be shown too that possession and occupation had started on June 12, 1945 or earlier.[53]

From the foregoing disquisition, the RTC erred in concluding that the subject land is alienable and disposable land of the public domain based on the CENRO Certification dated 30 June 2005 which Aguilar submitted in evidence. Be that as it may, the lower court was correct in denying the Application of Aguilar on the ground that he failed to comply with the requisite period of possession and occupation under the law for the grant of his Application for registration of title on the subject land. In fine, Aguilar did not have in his favor an imperfect title over the subject land at the time his Application was filed on 22 June 2005 with the court a quo.

While it is an acknowledged policy of the State to promote the distribution of alienable public lands as a spur to economic growth and in line with the ideal of social justice, the law imposes stringent safeguards upon the grant of such resources lest they fall into the wrong hands to the prejudice of the national patrimony.[54] The Court must not, therefore, relax the stringent safeguards to the registration of imperfect titles.[55]

On a final note. We agree with the trial court when it ruled that Aguilar should surrender the possession of Lot No. 532-A to the heirs of Eduardo Marcaida, Jr. It is more in consonance with law and equity. The heirs have the inherent right to be protected in their possession on the 720-meter lot subject of their miscellaneous sales application as against Aguilar who appears to have occupied a 43-square meter portion thereof as an overseer of Eduardo Marcaida, Jr. This is, however without prejudice to whatever action the DENR will ultimately take on the pending miscellaneous sales application filed by Eduardo Marcaida, Jr. as early as 16 August 1966.

WHEREFORE, premises considered, the instant Appeal is hereby DENIED. The Decision dated 4 October 2010 of the Regional Trial Court of Masbate City, Branch 45, in LRC No. N-548, denying the Application for registration of title filed by appellant Leonardo Aguilar is hereby AFFIRMED.

SO ORDERED.

Librea-Leagogo, C.C., Chairperson and Lazaro-Javier, A.C., JJ., comcur.

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[1] See Appellant's Brief, rollo, pp. 38-49.

[2] Original Records, pp. 276-293. Penned by Judge Manuel L. Sese.

[3] See Technical Description, id., p. 4, Exhibit “C.

[4] Id., pp. 1-2.

[5] Id., p. 1.

[6] Id., p. 14.

[7] Id., p. 33. See Certificate of Notification dated November 21, 2005 issued by the Land Registration Authority, Exhibit “D”

[8] Id., p. 36. See Certificate of Posting issued by the Office of the Provincial Sheriff, RTC of Masbate City.

[9] Id., p. 30. See Certification of Publication issued by the National Printing Office on November 22, 2005.

[10] Id., p. 37. See Affidavit of Publication executed by Edison A. Delgado, Publisher of Publiko Express, on January 20. 2005.

[11] Id., pp. 42-44.

[12] Id., pp. 42-43.

[13] Id., p. 54.

[14] Id., pp. 52-53.

[15] TSN, July 16, 2007, pp. 214-215.

[16] TSN, July 16, 2007, pp. 216-217.

[17] Original Records, pp. 142-143, Exhibit “A.”

[18] Id., p. 3, Exhibit “B.”

[19] Id., p. 4, Exhibit “C.”

[20] Id., p. 5, Exhibit “D.”

[21] Id., p. 144, Exhibit “E.”

[22] Id., p. 145, Exhhibit “F.”

[23] Id., p. 146, Exhibit “F-1.”

[24] Id., p. 147, Exhibit “F-2.”

[25] Id., p. 148, Exhibit “F-3.”

[26] Id., p. 149, Exhibit “F-4”

[27] Id., p. 150 , Exhibit “F-5.”

[28] Id., p. 151, Exhibit “F-6.”

[29] Id., p. 152, Exhibit “G.”

[30] Id., p. 153, Exhibit “H.”

[31] Id., p. 154 , Exhibit “I.”

[32] Id., pp. 156-172, Exhibits “K” to “K-13.”

[33] Id., p. 185, Exhibit “1.” See also Letter dated October 18, 1967, Exhibit “2,” id., p. 186.

[34] Id., p. 199, Exhibit “8.”

[35] Id., p. 200, Exhibit “9.”

[36] Id., p. 201, Exhibit “10.”

[37] Id., p. 202, Exhibit “11.”

[38] Id., p. 203, Exhibit “12”

[39] Id., p. 204, Exhibit “13.”

[40] Id., p. 205, Exhibit “14.”

[41] Rollo, pp. 40 and 42.

[42] Republic v. Medida, G.R. No. 195097, August 13, 2012.

[43] Republic v. Santos, et al., G.R. No. 180027, July 18, 2012.

[44] Republic v. De Guzman Vda. De Joson, G.R. No. 163767, March 10, 2014.

[45] Peregrina Mistica vs. Republic of the Philippines, G.R. No. 165141, September 11, 2009.

[46] G.R. No. 167707 and G.R. No. 173775, October 8, 2008. See Republic of the Philippines v. Santos III and Santos, Jr., G.R. No. 160453, November 12, 2012.

[47] G.R. No. 154953, June 26, 2008. See Republic of the Philippines v. Santos III and Santos, Jr., supra.

[48] Republic v. De Guzman Vda. De Joson, supra.

[49] Republic v. Naguiat, G.R. No. 134209, January 24, 2006.

[50] Valiao v. Republic, G.R. No. 170757, November 28, 2011.

[51] Id.

[52] Ong v. Republic, G.R. No. 175746, March 12, 2008.

[53] In Re: Application for Land Registration of Title Fieldman Agricultural Trading Corporation v. Republic, G.R. No. 147359, March 28, 2008.

[54] Republic v. Heirs of Juan Fabio, G.R. No. 159589, December 23, 2008.

[55] Id.

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