APPLICATION FOR REGISTRATION OF LAND TITLE,

Ponente: DICDICAN, J.

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DICDICAN, J.:

Before us is an appeal from the Decision[1] rendered by Presiding Judge Fortunito L. Madrona of Branch 274 of the Regional Trial Court of the National Judicial Region stationed in Parañaque City ("trial court") on July 30, 2012 in LRC Case No. 10-0026 which granted the Application for Registration of Land Title filed by applicants-appellees Carmen R. Espiritu, Conrado R. Espiritu, Jr., Marrieta R. Espiritu, Oscar R. Espiritu, Alfredo R. Espiritu and Teresita R. Espiritu ("applicants-appellees").

The material and relevant facts of the case, as culled from the record, are as follows:

On March 10, 2010, the applicants-appellees filed an Application for Registration of Title[2] to a parcel of land with a total area of Six Thousand Nine Hundred Seventy One (6,971) square meters known as Lot 4178 Cad. 299, Parañaque Cadastre, Case 3, as shown by Plan Ap.-04-003281 located in Barrio La Huerta, Parañaque City ("subject property").

In their application for registration of land title, the applicants-appellees alleged that they had acquired ownership of the said land by inheritance from their deceased parents, Conrado Espiritu, Sr. and Felicidad Rodriguez Espiritu. On account of such transfer, Tax Declaration No. E-005-01718-TR[3] in the names of herein applicants-appellees had been issued.

The applicants-appellees likewise claimed that they do not know of any lien, mortgage or encumbrance affecting said lot or that any person has any claim or interest therein, legal or equitable, remainder, reversion, or expectancy.

The applicants-appellees also contended that they had been, by themselves and through their predecessors-in-interest, in open, continuous, exclusive and notorious/adverse possession and occupation of the subject property in the concept of an owner for a period of more than thirty (30) years immediately preceding the filing of the application.

Attached to the application for registration of land title were the following documents: (1) Survey or Subdivision Plan of the subject land[4]; (2) Technical description of said parcel of land[5]; (3) Certification from the Department of Environment and Natural Resources which classified the subject property as alienable and disposable land dated October 6, 2010[6]; (4) Certificate of Posting[7]; (5) Certificate of Publication[8]; (6) Certificate of Notification to all adjoining owners and concerned government agencies[9]; (7) Registry Return Receipts in line with the notice requirement[10]; (8) Tax Declaration No. 46504 issued in 1974 in the name of herein applicants-appellees[11]; (9) Tax Declaration No. A-003-02104 issued in 1970 in the name of herein applicants-appellees[12]; (10) Tax Declaration No. 31802 issued in 1979 in the name of herein applicants-appellees[13]; (11) Tax receipts and Certification from the Office of the Municipal Treasurer of the City of Parañaque which indicated that realty taxes for the real property registered in the name of herein applicants-appellees under Tax Declaration No. E005-01898 had been fully settled up to 2010[14]; and (12) Tax

Clearance issued by the Office of the Treasurer[15].

After finding sufficient compliance with the notice and publication requirements, the trial court issued an Order[16] dated March 8, 2010 which set the application for initial hearing thereof.

Oppositor-appellant, Republic of the Philippines, through the Office of the Solicitor General ("OSG"), deputized the Office of the City Prosecutor of Parañaque City to provide assistance on behalf of the government.

On April 8, 2010, an Opposition[17] was filed by the Office of the Solicitor General. In the said Opposition, the OSG denied that the applicants-appellees and their predecessors-in-interest had been in open, continuous, exclusive and notorious/adverse possession and occupation of the subject property for at least thirty (30) years. It also averred that the muniments of titles and the tax declarations or tax payment receipts do not constitute competent and sufficient evidence of a bona fide acquisition of the subject property as the same do not appear to be genuine. Further, the OSG also asserted that the subject property is a portion of the public domain belonging to the Republic of the Philippines and, thus, not subject to private appropriation.

The testimonies of the following witnesses were presented during the hearing conducted by the lower court: applicants-appellees (1) Marrieta R. Espiritu, (2) Oscar R. Espiritu and (3) Conrado R. Espiritu; (4) Ferdinand Encarnacion from the Docket Division of the Land Registration Authority and (5) Ludivina L. Aromin, Chief of the Technical Services Section of the DENR-NCR.

On January 6, 2012, the court a quo issued an Order[18] considering as submitted to it for decision the application for registration of land title of the applicants-appellees after the manifestation by the OSG that it no longer intended to present evidence in behalf of the oppositor-appellant.

Meanwhile, the Land Registration Authority submitted its Report[19] to the trial court dated January 10, 2012 which informed the latter of a previous application for registration filed by herein applicants-appellees covering the same subject property. Said case was docketed as LRC Case No. 99-0112, LRA Record No. N-71773, wherein a court decision dated February 20, 2001 had already been rendered but no final decree of registration had been issued. Moreover, the LRA likewise noted that a previous application for the registration of title to the same parcel of land filed by the same applicants-appellees in 1985 had been dismissed by the RTC on June 27, 1985 in LRC Case No. M-31, LRC Record No. N-58428.

The applicants-appellees, in their Comment dated March 12, 2012, explained that the February 20, 2001 Decision of the RTC in LRC Case No. 99-0112, LRA Record No. N-71773 had been reversed and set aside by the Court of Appeals in a Decision[20] dated March 31, 2006. Such decision had already attained finality and an Entry of Judgment[21] was issued on April 21, 2006 by the Court of Appeals.

Thereafter, the court a quo issued an Order[22] dated May 2, 2012 which ruled that the dismissal of the previous application for registration of land title of herein applicants-appellees did not necessarily constitute res judicata. Hence, it considered the case as submitted to it for decision.

On July 30, 2012, the trial court rendered a decision granting the applicants-appellees' application for registration of land title the dispositive portion of which read as follows:

> "WHEREFORE, pursuant to Section 29 of P.D. No. 1529 as amended, judgment is hereby rendered granting the application of the applicants, namely, Carmen R. Espiritu, Conrado R. Espiritu, Jr., Marrieta R. Espiritu, Oscar R. Espiritu, Alfredo R. Espiritu and Teresita R. Espiritu, confirmming the title of said applicants over the parcel of land fully described in its technical description described as follows:
>
> xxx xxx xxx

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and ordering the registration of said parcel of land in the name of the applicants.

"Once this Decision becomes final, let the corresponding Order for the issuance of the Decree be issued.

"SO ORDERED."

Appalled, a Motion for Reconsideration[23] was filed by the OSG which was denied by the trial court in Order[24] dated April 1, 2013.

Hence, this appeal before this Court. The Republic of the Philippines, as represented by the Office of the Solicitor General, filed the instant appeal raising as lone error the following act that was committed by the lower court in its decision:

THE REGIONAL TRIAL COURT ERRED IN GRANTING THE APPLICATION FOR ORIGINAL REGISTRATION OF THE SUBJECT PARCEL OF LAND.

After a careful and judicious scrutiny of the whole matter, together with the applicable laws and jurisprudence in the premises, we find the instant appeal to be meritorious.

Section 14 of P.D. No. 1529 enumerates those who may file an application for registration of land title based on possession and occupation of a land of the public domain, to wit:

"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 provision of existing laws."

Applicants for registration of land title must establish and prove: (1) that the subject land forms part of the disposable and alienable lands of the public domain; (2) that the applicant and his predecessors-in-interest have been in open, continuous, exclusive and notorious possession and occupation of the same; and (3) that his possession has been under a bona fide claim of ownership since June 12, 1945, or earlier[25]. Each element must necessarily be proven by no less than clear, positive and convincing evidence; otherwise the application for registration of land title should be denied[26].

The issues raised by the oppositor-appellant are whether the trial court was correct in finding that the applicants-appellees had sufficient evidence showing that (1) the subject lot had been declared as alienable and disposable land of the public domain at the time when the application was filed, and (2) that they had been in open, continuous, exclusive, and notorious possession of the land for the time required by the law when they filed their application for registration of land title.

The oppositor-appellant maintains that there is no proof that the subject lot had been classified as alienable and disposable land because the Certification issued by the DENR-NCR Office as verified by Corazon D. Calamno, Senior Forest Management Specialist, attested by Rolando G. Malamug, Chief of the Forest Utilization and Law Enforcement Division and duly noted by Laureano B. Lingan, Jr., Regional Director of the Forest Management Service, even if it had been formally offered in evidence, is not the required proof of a positive governmental act validly changing the classification of the land in question.

The applicants-appellees countered that they presented Exhibit "V", a Certification from the Department of Environment and Natural Resources (DENR), dated October 6, 2010, stating that the subject lot was verified to be

within Alienable and Disposable Land under Project No. 25 of Parañaque City as per Land Classification Map No. 2623 which was approved on January 3, 1968.

To be entitled to an original registration of land title, herein applicants-appellees must overcome the presumption that the land, title to which they sought to be registered, forms part of the public domain. Unless public land is shown to have been classified as alienable and disposable by the State, it remains part of the inalienable public domain. Indeed, occupation thereof in the concept of owner, no matter how long, cannot ripen into ownership. To overcome such presumption, incontrovertible evidence must be shown by the applicant. Absent such evidence, the land, title to which is sought to be registered, remains inalienable[27].

This Court agrees with the oppositor-appellant's stance that there is no proof that the subject lot had been classified as alienable and disposable land. In Republic v. Medida[28], the Supreme Court emphasized that anyone who applies for registration of title to a parcel of land has the burden of overcoming the presumption that the land subject of the application forms part of the public domain. Expounding on the kind of evidence required to overcome said presumption, the Supreme Court stated, thus:

> "As the rule now stands, an applicant must prove that the land subject of an application for registration is alienable and disposable by establishing 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.

Previously, a certification from the DENR that a lot was alienable and disposable was sufficient to establish the true nature and character of the property and enjoyed the presumption of regularity in the absence of contradictory evidence[29].

However, the standing doctrine at present is that all lands of the public domain must be declared alienable and disposable either by the President or the Secretary of the DENR to be the subject of appropriation. In Republic v. T.A.N. Properties, Inc.[30] the Supreme Court explicitly ruled:

> "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."

This doctrine unavoidably means that the mere certification issued by the CENRO or PENRO does not suffice to support the application for registration of land title because the applicant must also submit a copy of the original classification of the land as alienable and disposable as approved by the DENR Secretary and certified as a true copy by the legal custodian of the official records. As the Supreme Court said in Republic v. Bantigue Point Development Corporation[31]:

> "The Regalian doctrine dictates that all lands of the public domain belong to the State. The applicant for land registration has the burden of overcoming the presumption of State ownership by establishing through incontrovertible evidence that the land sought to be registered is alienable or disposable based on a positive act of the government. We held in Republic v. T.A.N. Properties, Inc. that a CENRO certification is insufficient to prove the alienable and disposable character of the land sought to be registered. The applicant must also show sufficient proof that the DENR Secretary has approved the land classification and released the land in question as alienable and disposable.

> "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."

Thus, as it now stands, aside from the CENRO certification, an application for original registration of title to a parcel of land must also be accompanied by 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 in order to establish that the land is indeed alienable and disposable[32].

In the case at bench, the Certification from the DENR which was issued by the Regional Technical Director of the Forest Management Services and presented by the applicants-appellees before the trial court in support of their application for registration of land title is not sufficient to prove that the subject property was indeed classified by the DENR Secretary as alienable and disposable. The Regional Technical Director, FMS-DENR, as a matter of fact, had no authority under DAO Nos. 20 and 38 to issue certificates of land classification. Under DAO No. 20, the Regional Technical Director, FMS-DENR:

> "1. Issues original and renewal of ordinary minor products (OM) permits except rattan;
>
> "2. Approves renewal of resaw/mini-sawmill permits;
>
> "3. Approves renewal of special use permits covering over five hectares for public infrastructure projects; and
>
> "4. Issues renewal of certificates of registration for logs, poles, piles, and lumber dealers[33]."

Under DAO No. 38, the Regional Technical Director, FMS-DENR:

> "1. Issues original and renewal of ordinary minor [products] (OM) permits except rattan;
>
> 2. Issues renewal of certificate of registration for logs, poles, and piles and lumber dealers;
>
> "3. Approves renewal of resaw/mini-sawmill permits;
>
> "4. Issues public gratuitous permits for 20 to 50 cubic meters within calamity declared areas for public infrastructure projects; and
>
> "5. Approves original and renewal of special use permits covering over five hectares for public infrastructure projects[34]."

Hence, the Certification issued by the Regional Technical Director of the Forest Management Services of the DENR had no probative value.

It is also imperative for the applicants-appellees to present a copy of the original classification approved by the DENR Secretary which must be certified by the legal custodian thereof as a true copy. Accordingly, the lower court erred in granting the application for registration of land title in spite of the failure of the applicants-appellees to prove by well-nigh incontrovertible evidence that the subject property is alienable and disposable.

Under the foregoing circumstances, this Court must abide by its constitutional duty to protect the State's ownership of the lands of the public domain by ensuring that applicants are able to discharge the burden of proof required to overcome the presumption that the land sought to be registered is part of the public domain[35].

Given the lack of evidence that the subject property is alienable and disposable, it becomes unnecessary for us to determine the other issue in this case, i.e., whether the applicants-appellees had been in open, continuous, exclusive and notorious possession and occupation of the subject property and that such possession is under a bona fide claim of ownership since June 12, 1945 or earlier. Regardless of the character and length of their

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possession of the subject property, applicants-appellees cannot acquire registerable title to inalienable public land.

Having failed to prove adequately that the subject property form part of the alienable and disposable lands of the public domain, the applicants-appellees' application for registration of land title should have been dismissed by the court a quo.

WHEREFORE, in view of the foregoing, the instant appeal is hereby GRANTED. The Decision dated July 30, 2012 of the Regional Trial Court, Branch 274 in Parañaque City in LRC Case No. 10-0026 is hereby ANNULLED and SET ASIDE. The application for registration of land title filed by the applicants-appellees Carmen R. Espiritu, Conrado R. Espiritu, Jr., Marrieta R. Espiritu, Oscar R. Espiritu, Alfredo R. Espiritu and Teresita R. Espiritu is hereby DENIED.

SO ORDERED.

Ybañez, and [*]Sempio Diy, JJ., concur.

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[*] Acting Member vice J. Paredes per Raffle dated May 9, 2014.

[1] Record, LRC Case No. 10-0026, pp. 264-272.

[2] Ibid, pp. 1-8.

[3] Ibid, p. 29.

[4] Ibid, Exhibit “K”, p. 158.

[5] Ibid, Exhibit “K-3”, p. 158.

[6] Ibid, Exhibit “V”, p. 184.

[7] Ibid, Exhibit “C”, p. 63.

[8] Ibid, Exhibit “E” and “F”, pp. 156-157.

[9] Ibid, Exhibit “D”, p. 155.

[10] Ibid, pp. 167-170.

[11] Ibid, p. 182.

[12] Ibid, p. 183.

[13] Ibid, p. 174.

[14] Ibid, pp. 175-181.

[15] Ibid, Exhibit “P”, p. 164.

[16] Ibid, Order, p. 64.

[17] Ibid, pp. 74-77.

[18] Ibid, Order, p. 196.

[19] Ibid, Report, p. 198.

[20] Ibid, Decision, pp. 213-229.

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[21] Ibid, p. 233.

[22] Ibid, Order, pp. 262-263.

[23] Ibid, pp. 273-280.

[24] Ibid, Order, pp. 302-303.

[25] Republic v. Aboitiz, G.R. No . 174626, October 23, 201 3, p. 7.

[26] Republic v. Belmonte, G .R. No. 197028, October 9, 201 3, p . 7.

[27] Republic v. de Guzman, G.R. No. 163767, March 10, 2014.

[28] G.R. No. 195097; August 14, 2012, 678 SCRA 317.

[29] Tan v. Republic, G.R. No. 177797, 04 December 2008, 573 SCRA 89; Spouses Recto v. Republic, G.R. No. 160421, 04 October 2004, 440 SCRA 79.

[30] G.R. No. 154953, June 26, 2008, 555 SCRA 477.

[31] G.R. No. 162322, March 14, 2012, 668 SCRA 158.

[32] Republic v. Medida, G .R. No. 195097, August 13, 201 2, 678 SCRA 3 17, 324.

[33] Republic v. Gomez, G.R. No. 189021, February 22, 2012.

[34] Ibid.

[35] Republic v. Crispin, G.R. No. 191516, June 4, 2014.

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