

IGLESIA NI CRISTO, WITH ITS EXECUTIVE MINISTER ERAÑO G. MANALO, AS CORPORATION SOLE, APPLICANT-APPELLEE, VS. REPUBLIC OF THE PHILIPPINES, OPPOSITOR-APPELLANT.

Ponente: DE GUIA-SALVADOR, R., J.

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DE GUIA-SALVADOR, R., J.:

This is an appeal from the Decision[1] dated June 6, 2011 of the Regional Trial Court of Bangued, Abra, Branch 2, in Land Registration Case No. N-133, the decretal portion of which:

“WHEREFORE, premises considered, the Court finds the application to be well-taken, the same is hereby GRANTED.

Let a copy of the Decision be furnished to the Land Registration Authority, the Office of the solicitor General and the applicant for their information and guidance.

SO ORDERED.”[2]

The Facts

Sometime in June 2005, applicant-appellee Iglesia ni Cristo (INC), headed by its Executive Minister Eraño G. Manalo, as corporation sole, filed before the Regional Trial Court of Bangued, Abra, an Application for Land Registration[3] under Presidential Decree No. 1529, otherwise known as the Property Registration Decree, over a parcel of land identified as Lot 6058-A, Csd-CAR-00207-D, with an area of Five Hundred Forty Five (545) square meters, situated in Supiil, San Juan, Abra.

The INC claimed that it acquired the subject parcel of land from one Braulio Tabaday by virtue of an Absolute Sale of Real Estate dated May 8, 1967; and that together with its predecessor-in-interest, it has been in open, continuous, exclusive, peaceful and notorious possession and occupation of the subject parcel under a bona fide claim of ownership even prior to June 12, 1945. In addition to such deed of Absolute Sale, the INC attached the following documents to its application, viz:

- (a) an Approved Technical Description of Lot 6058-A, Cad 658-D, Juan Cadastre in the name of the INC;[4]
- (b) Certification of Exemption from Surveyor's Certificate from the Department of Environment and Natural Resources (DENR) Land Management Service;[5]
- (c) Approved plan of Lot 6058-A, Csd-CAR-002007-D San Juan Cadastre in the name of INC;[6]
- (d) Deed of Absolute Sale of Real Estate, dated May 8, 1967, executed by one Braulio Tabaday in favor of INC;[7]
- (e) The present Tax Declaration No. 9682, in the name of INC;[8]

The Republic, through the Office of the Solicitor General (OSG), filed an Opposition[9] to the application based on the following grounds:

- Neither the applicant nor its predecessors-in-interest have been in open, continuous, exclusive and notorious possession and occupation of the land/s in question for a period of not less than thirty (30) years.

- The muniments of title and/or the tax declarations and tax payment receipts of the applicant, if any, attached to or alleged in the application does not constitute component and sufficient evidence of a bona fide acquisition of the land applied for or of its open, continuous, exclusive and notorious possession and occupation thereof, in the concept of an owner, for a period of not less than thirty (30) years. Said muniments of title do not appear to be genuine and the tax declarations or tax payment receipts indicate pretended possession of the applicants to be of recent vintage.

- The claim of ownership in fee simple on the basis of a Spanish Title or grant can no longer be availed of by the applicants who have failed to file an appropriate application for registration within a period of six (6) months from February 16, 1976 as required by Presidential Decree No. 892.[10]

- The applicant is a private corporation disqualified under the Philippine Constitution to hold alienable lands of the public domain.

- The parcel/s of land applied for is/are part of the public domain belonging to the Republic of the Philippines not subject to private appropriation.

Upon determining INC's compliance with the jurisdictional requirements[11] for its application during the December 15, 2005 initial hearing thereof, the trial court issued an order of general default except as against the government¹², and went on to receive evidence in support of the application.

During trial, the INC presented two (2) witnesses in support of its application, namely, Liberato Alagao, its land registration officer assigned in Abra Province, and Clarita Bose, a resident of Supiil, Dolores, Abra.

Liberato Alagao[13] testified that he is the land registration officer of the INC assigned in the Province of Abra; that he knows the parcel of land sought to be registered; that there is a chapel erected on that lot; that the lot was bought by INC from one Braulio Tabaday sometime in 1967 as evidenced by an Absolute Sale of Real Estate; that as far as he knows, there is no other claimant on the said property; that the property is not the subject of any civil case as per certification issued by the MCTC of Dolores, Abra; that the Barangay Captain issued a clearance and the lot is declared for taxation purposes under Tax Declaration No. 5762; that there is no tax declaration issued in the name of the previous owner of the lot based on the certification issued by the Provincial Assessor's Office; and, that the subject lot was surveyed only after it had been purchased by the INC.

For her part, Clarita Bose[14] testified that she is a resident of Supiil, Dolores, Abra; that she is familiar with the lot where the chapel of the INC was built and that she worships in the said chapel; that said lot was previously owned by Braulio Tabaday even before World War II; that the house of Tabaday is situated in the lot adjacent to the subject parcel of land; and, that since the land was bought by the INC, the latter has been occupying the property as its owners.

On June 27, 2011, the RTC rendered the appealed decision, granting the INC's application for registration upon the following findings and conclusion:

“From the evidences/documents presented, the applicant substantially proven their cause of action. It appears from the records that applicant acquired the property sought to be registered by virtue of a Deed of Sale between Braulio Tabaday and Iglesia Ni Cristo on May 8, 1967. That said land subject of registration has been under actual possession and occupation by the applicant including its predecessor-in-interest for more than sixty (60) years, continuously, publicly, peacefully and adversely against the whole world in the concept of an owner.”[15]

Dissatisfied with the foregoing decision, the OSG perfected the appeal at bench with the filing of its August 4, 2011 Notice of Appeal[16].

The Issues

The OSG urges the reversal of the appealed decision upon the following errors imputed against the trial court, to wit:

“I

The trial court erred in granting appellee's application despite its failure to prove that the subject land was classified as part of the disposable and alienable agricultural lands of the public domain since June 12, 1945 or earlier.

II

The trial court erred in granting appellee's application despite its failure to prove that the said applicant and/or its predecessors-in-interest have been in open, continuous, exclusive and notorious possession and occupation of the land in question under a bona fide claim of ownership since June 12, 1945, or earlier.[17]”

The Court's Ruling

The appeal is impressed with merit.

Ensclosed in Section 2, Article XII of the Constitution, the Regalian Doctrine or jura regalia is to the effect that all lands of the public domain belong to the State, and all lands not otherwise appearing to be clearly within private ownership are presumed to belong to the State.[18] Pursuant to this principle, all claims of private title to land must be traced from some grant from the State whose dominion over the same is presumed absent a clear showing that the land had been let into private ownership through the State's imprimatur. Hence, those who seek the entry of such land into the Torrens System of registration must first establish that they have acquired a valid title thereto as against the State.[19] Section 14 (1) of PD 1529 pertinently provides as follows:

“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 thru their duly authorized representatives:

(1) Those who by themselves or 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.

xxx xxx xxx

From the foregoing provision, it is evident that an applicant for registration must be able to prove satisfaction of the following requirements: (1) that the property is alienable and disposable land of the public domain; (2) that the applicants, by themselves or through their predecessors-in-interest, have been in open, continuous, exclusive and notorious possession and occupation of the land; and (3) that such possession is under a bona fide claim of ownership since June 12, 1945, or earlier.[20] Public lands not shown to have been classified as alienable and

disposable lands remain inalienable, and unless they are reclassified and declared alienable and disposable, occupation thereof in the concept of owner – no matter how long – cannot ripen into ownership and result in a title. Since matters of land classification or reclassification cannot be merely assumed,[21] incontrovertible evidence must be presented by the applicant to establish that the land subject matter of the application is alienable or disposable.[22]

Further considering that the government, in opposing the purported nature of the land, need not adduce evidence to prove otherwise,[23] the applicant must establish the existence of a positive act of the government to establish the alienability and disposability of the land,[24] e.g., a presidential proclamation or an executive order, an administrative action, investigation reports of Bureau of Lands' investigators or a legislative act or statute classifying the land as alienable and disposable. Considered as the best proofs that a particular parcel is alienable and disposable,[25] the following documents must be presented by the applicant: (a) a Community Environment and Natural Resources Office (CENRO) or Provincial Environment and Natural Resources Office (PENRO) certification to said effect; and (b) a certified true copy of the original classification approved by the DENR Secretary.[26] The case of *Republic vs. Medida*[27] has, once and for all, settled any uncertainty on the necessity of presenting the aforesaid documents to support an application for registration.

To prove that the subject parcel is disposable and alienable, the INC presented and offered in evidence the following documents:

- (a) An Approved Technical Description of Lot 6058-A, Cad 658-D, Juan Cadastre in the name of the Iglesia ni Cristo;[28]
- (b) Certification of Exemption from Surveyor's Certificate from the DENR Land Management Service;[29]
- (c) Approved plan of Lot 6058-A, Csd-CAR-002007-D San Juan Cadastre in the name of Iglesia ni Cristo;[30]
- (d) Deed of Absolute Sale of Real Estate, dated May 8, 1967, executed by one Braulio Tabaday in favor of Iglesia ni Cristo;[31]
- (e) Certification issued by the Clerk of Court of the 7th Municipal Circuit Trial of Dolores and San Juan, Abra, that there are no pending civil cases relative to the lot in question;[32]
- (f) Certification issued by the Barangay Captain of Supiil, San Juan, Abra, that there are no other claimants to the subject land;[33]
- (g) The present Tax Declaration No. 9682, in the name of INC;[34]
- (h) Tax Declaration No. 5762 for the year 1974;[35]
- (i) Tax Declaration No. 9060 for the year 1967;[36] and
- (j) Certification issued by the Office of the Provincial Assessor of Bangued, Abra, that Tax Declaration No. 4610 in the name of INC, located at Supiil, San Juan Abra is missing from the files of the said Office.[37]

Without dispute, the INC failed to submit the requisite certifications from the CENRO/PENRO and the DENR Secretary which clearly classify the land subject of the application to be alienable and disposable. For this reason alone, trial court should have denied INC's application for registration as it was unable to establish that the subject land is an alienable and disposable land of public domain.

We cannot also admit and give weight to the CENRO Certification[38] dated April 10, 2002 attached to INC's appeal brief. While such certification states that the subject "Lot No. 6058 located at Supiil, San Juan, Abra, with an area of Eight Hundred Forty (840) square meters under Tax Declaration No. 9682 in the name of the Iglesia Ni

Cristo church is within the ALIENABLE and DISPOSABLE AREA as per Land Classification No. 2013 as certified on July 25, 1956,”[39] We can only consider such documentary evidence if its genuineness and due execution had been duly proven in the manner provided by law,[40] and if it has been formally offered before the trial court.[41] This is especially true in the light of the glaring discrepancy between the lot area of the subject parcel sought to be registered which is 545 sq. m. as against the 840 sq. m. lot area stated in the CENRO certification.

In *Ala-Martin vs. Sultan*[42], the High Court stressed that evidence not formally offered during trial cannot be used for or against a party litigant; neither may it be taken into account on appeal. This is because a formal offer is necessary since judges are required to base their findings of fact and their judgment solely and strictly upon the evidence offered by the parties at the trial. “To allow parties to attach any document to their pleadings and then expect the court to consider it as evidence, even without formal offer and admission, may draw unwarranted circumstances. Opposing parties will be deprived of their chance to examine the document and to object to its admissibility. One the other hand, the appellate court will have difficulty reviewing documents not previously scrutinized by the court below.”[43]

Significantly, in *Republic vs. Medida*,[44] the Supreme Court rejected the belated submission of the required CENRO certification on the ground that it was not presented before the trial court. So it must be in the case at bar since the INC presented such certification only for the first time on appeal.

Even if We were to consider the CENRO Certification, it must be borne in mind that such document is only one of the two (2) certifications required to be submitted to prove the alienable and disposable character of the land sought to be registered under PD 1529. The other document is the certified true copy of the original classification approved by the DENR Secretary which inarguably applicant failed to present. For this reason, the INC's application for original registration will not prosper.

Finally, it bears emphasizing that courts are empowered and are duty bound to ensure that the State's ownership of the public domain is duly protected by the proper observance by the parties of the rules and requirements of land registration.[45] It is in compliance with this mandate that We find merit in the OSG's contention that the trial court reversibly erred in granting the INC's application for registration despite its non-compliance with the above-discussed requirements. The alienable and disposable character of the subject parcel not having been duly established, the INC's evidence of possession thereof, whether personally or thru its predecessors-in-interest, are necessarily all for naught. Unless a portion of public land is reclassified and declared as alienable and disposable as heretofore stated, occupation thereof in the concept of owner, no matter how long ago, cannot confer ownership or possessory rights.[46]

However considerable the time, money and effort the INC's application for registration on hand must have already entailed, We are consequently left with no other choice but order the reversal of the appealed decision. Much though we may want to conform to the State's policy of encouraging and promoting the distribution of alienable public lands to spur economic growth and remain true to the ideals of social justice, our hands are tied by the law's stringent safeguards against registering imperfect titles.[47]

WHEREFORE, in view of the foregoing, the appeal is GRANTED. The Decision dated June 6, 2011 of the Regional Trial Court of Bangued, Abra, Branch 2, in Land Registration Case No. N-133, is REVERSED and SET ASIDE. In lieu thereof, another is entered DENYING the INC's application for original registration.

SO ...

... ORDERED.

CERTIFICATION

Pursuant to Article VIII, Section 13 of the Constitution, it is hereby certified that the conclusions in the above decision were reached in consultation before the case was assigned to the writer of the opinion of the Court.

Garcia, R.R. and Bueser, D.Q., JJ., concur.

[1]Records. pp. 104-106

[2]Id., p. 106

[3]Id., pp. 1-4, Exhibit “A”

[4]Id., p. 9, Exhibit “A-4”

[5]Id., p. 10, Exhibit “C”

[6]Id., p. 8 and 28, Exhibit “E”

[7]Id., p. 96, Exhibit “N”

[8]Id., p. 11 and 99, Exhibit “Q”

[9]Id., p. 21-22, Exhibit “D”

[10]DISCONTINUANCE OF THE SPANISH MORTGAGE SYSTEM OF REGISTRATION AND OF THE USE OF SPANISH TITLES AS EVIDENCE IN LAND REGISTRATION PROCEEDINGS

[11]Records, pp. 34-55

[12]Id., p. 56

[13]TSN, February 9, 2006

[14]TSN, August 24, 2006

[15]Records., p. 106

[16]Id., p. 107

[17]Rollo, p. 24

[18]Aranda vs. Republic, G.R. No. 172331, August 24, 2011

[19]Republic vs. Santos, G.R. No. 1800027, July 18, 2012

[20]Id.

[21]Republic vs. Vega, G.R. No. 177790, January 17, 2011

[22]DCD Construction vs. Republic, G.R. No. 179978, August 31, 2011

- [23]Republic vs. Roche, G.R. No. 175846, July 6, 2010
- [24]Republic vs. Victoria, G.R. No. 179673, June 8, 2011
- [25]Republic vs. Vega, Supra.
- [26]Republic vs. T.A.N. Properties, Inc., G.R. No. 154953, June 26, 2008
- [27]G.R. No. 195097, August 13, 2012
- [28]Records, p. 9, Exhibit “A-4”
- [29]Id., p. 10, Exhibit “C”
- [30]Id., p. 28, Exhibit “E”
- [31]Id., p. 96, Exhibit “N”
- [32]Id., p. 97, Exhibit “O”
- [33]Id., p. 98, Exhibit “P”
- [34]Id., p. 99, Exhibit “Q”
- [35]Id., p. 100, Exhibit “R”
- [36]Id., p. 101, Exhibit “S”
- [37]Id., p. 102, Exhibit “T”
- [38]Rollo, p. 69
- [39]Id.
- [40]Republic vs. Medida, supra, citing Republic vs. Gomez, G.R. No. 189021, February 22, 2012
- [41]Section 34, Rule 132, Rules of Court
- [42]366 SCRA 316 (2001) citing Ong vs. Court of Appeals, 301 SCRA 391 (1999)
- [43]Id.
- [44]Supra
- [45]Republic vs. Medida, supra.
- [46]Menguito vs. Republic, G.R. No. 134308, December 14, 2000
- [47]Id.

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