# ALEX J. CRUZ, OCTAVIA MASICLAT CO, JESUSA BELEN CRUZ CAYABYAB, AND ANTONIO P. CRUZ, HEREIN REPRESENTED BY ONE OF HIS HEIRS, IRENEO C. CRUZ, APPLICANTS- APPELLEES, VS. MARIA CRUZ...

Ponente: VIDAL, M.D., J.

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**VIDAL, M.D., J.:**

Before Us is an Appeal[1] filed by Oppositors- Appellants MARIA CRUZ VDA. DE NAEG, ELOISA Y. CRUZ-JOCSON, ILUMINADA C. GURION-LAZATIN, DEOGRACIAS Y. CRUZ and NESTOR D. CRUZ (hereinafter Appellants) and the Republic of the Philippines, through the Office of the Solicitor General (OSG), assailing the Decision[2] dated 12 September 2001 of the Regional Trial Court, Third Judicial Region, Branch 57, Angeles City in L.R.C. No. A-6 entitled IN THE MATTER OF THE APPLICATION FOR REGISTRATION OF LAND TITLE, ALEXANDER J. CRUZ, OCTAVIA MASICLAT CO, JESUSA BELEN CRUZ CAYABYAB, and ANTONIO P. CRUZ, herein represented by one of his heirs, IRENEO C. CRUZ for Application for Registration of Land Title. The fallo of the Decision reads:

> WHEREFORE, in view of the foregoing, judgment is hereby rendered in favor of the applicants, declaring them to be the owners in fee simple of Lot No. 290 by operation of law.
>
> The Land Registration Authority is hereby ordered to register and confirm title of Lot No. 290, Cad. 94 of the cadastral survey of Angeles, situated in the Barrio of Sto. Rosario, Angeles, Pampanga, now Angeles City, in the name of applicants Alexander J. Cruz, Octavia Masiclat Co, Jesusa Belen Cruz Cayabyab, and Antonio P. Cruz, represented by Ireneo C. Cruz, after compliance/submission of required documents and payment of the required fees thereon.
>
> Let copies of this Decision be furnished the Land Registration Authority, Diliman, Quezon City, CENRO, Region III, Angeles City, Office of the Solicitor General, Makati City, Bureau of Lands, Paredes Street, Binondo, Manila, Bureau of Printing or National Printing Office, Edsa, Quezon City, Land Management Bureau, Angeles City, [a]nd Manila Office, the applicants, oppositors and their counsel for their information and guidance.
>
> SO ORDERED.[3]

## THE FACTS

In their Application for Registration of Land Title[4], Applicants- Appellees ALEXANDER J. CRUZ, OCTAVIA MASICLAT CO, JESUSA BELEN CRUZ CAYABYAB and ANTONIO P. CRUZ, the latter being represented by one of his heirs IRENEO C. CRUZ (hereinafter Appellees) asserted their ownership in fee simple and/or by operation of law over Lot 290, Cad. 94, Angeles Cadastre, located in Barangay Sto. Rosario, Angeles City, Pampanga, alleging that they have been in continuous, open, notorious and adverse possession of the said land for more than thirty (30) years.

On 2 August 1999, after having found that the application was sufficient in form and substance, the court a quo issued an Order[5] setting the case for initial hearing and ordering that notices be prepared in the Official Gazette and in a newspaper of general circulation pursuant to the Property Registration Decree or PD 1529.

On 27 August 1999, the Republic of the Philippines, through the Director of Lands as represented by the Office of the Solicitor General, filed an Opposition[6] to the aforesaid application based on the following grounds: (a) neither the Appellees nor their predecessors-in-interest have been in open, continuous, exclusive and notorious possession and occupation of the subject land since 12 June 1945 or prior thereto; (b) the muniments of title attached to the application did not constitute competent and sufficient evidence of a bona-fide acquisition of the land applied for; (c) the claim of ownership in fee simple on the basis of Spanish title or grant could no longer be availed of by the Appellees who failed to file an appropriate application for registration within the period of six (6) months from 16 February 1976 as required by Presidential Decree No. 892; and (d) the land applied for is a portion of the public domain belonging to the Republic of the Philippines and is not subject to private appropriation.

On 6 December 1999, the Appellants likewise filed an Opposition[7] to the application disputing Appellees' claim of ownership over the land in question, raising the concept of co-ownership among them. Appellants explained that FELIXBERTO DAVID CRUZ (FELIXBERTO for brevity), the father of both the Appellant MARIA CRUZ vda. de NAEG and Appellee JESUS BELEN CRUZ-CAYABYAB, was one of the previous owners of the subject land. On the other hand, Appellees ELOISA Y. CRUZ-JOCSON, ILUMINADA CRUZ GURION-LAZATIN, NESTOR CRUZ, Jr., and DEOGRACIAS CRUZ are grandchildren of FELIXBERTO.

A Motion to Dismiss[8] the abovementioned application was subsequently filed by the Appellants on the ground of res judicata, i.e., Lot 290 had already been adjudicated to the following persons through a cadastral proceedings: EUGENIO de la CRUZ; MARCELA, ANUNCIACION, ANACLETA, JUAN and PAULINA MANARANG; SIMONA, ELEUTERIA, MARIA, JOSE, ARSENIO, ROMANA and FELIX de la CRUZ; FELICIDAD and MARIANO de la CRUZ; JULITA, FRANCISCA and FLORENTINO GALANG; CESARIO and MACARIO PANGILINAN; and SIMON, TRANQUILINA, BUENAVETURA and HILARIO de la CRUZ. Appellants attached thereto the Decision[9] dated 11 December 1917 of the Court of First Instance of Pampanga under Cadastral Case No. 1 of Angeles docketed as G.L.R.O.R. No. 124.

On 8 June 2000, the court a quo denied the aforementioned Motion to Dismiss.

Thereafter, trial ensued. The parties presented their respective testimonial and documentary pieces of evidence.

On 12 September 2001, the court a quo rendered the challenged Decision granting the Appellees' application for registration of title.

Hence, the instant appeal.

## THE ISSUES

The Office of the Solicitor General (OSG) interposed the sole assignment of error, to wit:

> THE TRIAL COURT ERRED IN FINDING THAT APPELLEES WERE ABLE TO ESTABLISH THEIR CLAIM OF CONTINUOUS POSSESSION REQUIRED UNDER P.D. 1529.[10]

On their part, Appellants raise the following issues to be resolved by this Court:

- Whether or not the present Application for Registration of Land Title is sufficient in form and substance and supported by evidence[;]


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- Whether or not the applicants/Appellees, in filing the present application, are barred by the Decision, dated December 11, 1917, rendered by the then Court of First Instance of Pampanga, in Cadastral Case No. 1, Angeles Cadastre, G.L.R.O. Record No. 124[;]

- Whether or not said Decision, dated December 11, 1917, has become and final and executory[;]

- Whether or not the oppositors/appellants have [the] right and interest over Lot No. 290[.][11]

## OUR RULING

We shall first discuss the merits of the issue, supra, interposed by the OSG, viz: Whether or not the Appellees able to prove that the land sought to be registered is alienable public land as required by PD 1529.[12]

We rule in the negative.

Section 14 of Presidential Decree (PD) No. 1529 mandates:

> 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 public domain under a bona fide claim of ownership since June 12, 1945 or earlier.x x x

It is worthy to note that section 14, supra, is in total conformity with Section 48 (b) of the Public Land Act, as amended by PD 1073, on judicial confirmation of an imperfect or incomplete title.[13]

In the light of the aforecited provision, the applicants for the registration of title or for the confirmation of imperfect title must prove that: (a) the land is alienable public land and (b) their open, continuous, exclusive, and notorious possession and occupation must be either since time immemorial or since 12 June 1945.[14]

The classification or reclassification of public lands into alienable or disposable, mineral or forest lands is a prerogative of the Executive Department. Otherwise put, it is not the courts which determine the classification of lands of the public domain into agricultural, forest or mineral but the Executive Branch of the government, through the Office of the President.[15]

On this point, it bears emphasizing the ruling of the Supreme Court in Director of Lands vs. Court of Appeals[16], thus:

> x x x a positive act of the government is needed to declassify land which is classified as forest and to convert it into alienable or disposable land for agricultural or other purposes. Unless and until the land classified as forest is released in an official proclamation to that effect so that it may form part of the disposable agricultural lands of the public domain, the rules on confirmation of imperfect title do not apply.

Moreover, it is the applicant who shoulders the burden of proving that he/she meets the requirements of the aforementioned law.[17] He/she must overcome the presumption that the land sought to be registered forms part of the public domain.[18] As succinctly held by the Supreme Court in Director of Lands vs. Buyco[19], thus:

> x x x an applicant for registration under Section 48 of the Public Land Act [as amended] must secure a certification from the Government that the lands which he claims to have possessed as owner for more than thirty (30) years are alienable and disposable. It is the burden of the applicant to prove its positive averments. (Underscoring Supplied)


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Sadly, in the instant case, Appellees offered no evidence at all to prove that the property subject of the application is an alienable and disposable parcel of land of the public domain. Neither was a certification presented showing that the land which they claim to have possessed as owners for more than thirty (30) years is alienable and disposable. In fact, extant in the records is a Certification[20] from the Community Environment and Natural Resources Officer (CENRO) to the effect that the said officer has no available land classification map, thus, a certification as to the classification status of the land could not be issued.

The pronouncement of the Supreme Court in Reyes vs. Sierra[21] is highly relevant, thus:

> A person who seeks the registration of title to a piece of land on the basis of possession by himself and his predecessors-in-interest must prove his claim by clear and convincing evidence; he should not rely on the weakness of the evidence of the oppositors.

Accordingly, Appellees' failure to establish that the land sought to be registered is an alienable public land renders the court a quo's order to confirm title over Lot 290, a reversible error. Perforce, the possession thereof, however long, as claimed by the Appellees, cannot ripen into private ownership.

With the foregoing pronouncement, this Court finds no relevance in discussing the remaining issues, supra.

WHEREFORE, premises considered, the appealed Decision is REVERSED and SET ASIDE. Accordingly, the Appellees' application for registration of land title in LRC No. A-6 is hereby DISMISSED.

**SO ORDERED.**

Reyes, and Lampas Peralta, JJ., concur.

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[1] Rollo, pp. 30-62

[2] Rollo, pp. 63-71

[3] Rollo, page 71

[4] Records, pp 1-6

[5] Records, pp 26-27

[6] Records, pp 40-43

[7] Records, pp 63-66

[8] Records, pp 90-94

[9] Folder of Exhibits for the Oppositors, pp 10-41

[10] Rollo, page 92

[11] Rollo, page 53

[12] Rollo, page 94

[13] Luningning P. del Rosario-Igtiban, et al vs. Republic, GR No. 158449, 22 October 2004

[14] Director of Lands vs Buyco, 216 SCRA 78 [1992]; Carlos vs. Republic, GR No. 164823, 31 August 2005

[15] Director of Lands vs Court of Appeals, supra.

[16] GR No. 83609, 26 October 1989

[17] Director of Lands vs Court of Appeals, GR No. 83609, 26 October 1989

[18] Director of Lnads vs. Funtillar, GR No. L-68533, 23 May 1986

[19] GR No. 91189, 27 November 1992

[20] Exhibit W-1

**[21] 93 SCRA 472**


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