IN RE: APPLICATION FOR REGISTRATION OF TITLE,

Ponente: BARRIOS, J.

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BARRIOS, J.:

On appeal is the decision granting the application for registration of title over three (3) parcels of land all situated at Kinamaligan, Masbate City. The dispositive portion of this reads:

> WHEREFORE, the applicants, RANDO SALDUA, SOLOMON SALDUA and CELSO RAMIREZ, residents of Masbate City, all Filipino having proper titles for registration and confirmation over a parcel of land plotted and described under Lot Nos. 1377-A, 1377-B and 4622-A of Plan Csd-054111-009852-D, Cad 627-D and its accompanying technical description, together with all its improvements existing therein, situated in Kinamaligan, City of Masbate, this Court hereby orders for the CONFIRMATION and REGISTRATION of said land pursuant to the provision of property Registration Degree (P.D. 1526)
>
> The opposition to the application of private oppositors Cresencio Ferolino for Barangay Kinamaligan, Masbate, and Nicolas Cortes are ordered DISMISSED for lack of merit.
>
> Once this decision becomes final and executory, let the corresponding decree of registration be issued. (p. 400, record)

The applicants and now appellees Rando Saldua, Solomon Saldua and Celso Ramirez (or appellees unless individually referred to) in their Amended Application (pp. 25-28, record) for the registration of title claimed to be the respective owners of parcels of land designated as Lot 1377-A, Lot 1377-B and Lot 4622-A. These lots are comprised in subdivision survey Csd-054111-009852-D.

In the Order dated November 25, 1999 the court a quo set the case for initial hearing on March 30, 2000. On February 4, 2000, the oppositors and now appellants the Sangguniang Pambarangay of Barangay Kinamaligan and the Kinamaligan Seashore Residents Association, Inc. represented by its President Nicolas Cortes (or appellants) filed their Opposition to Application with Prayer for Preliminary Injunction (pp. 36-38, record). The Office of the Solicitor General (or OSG) entered its appearance on June 27, 2000 and simultaneously deputized the Provincial Prosecutor of Masbate to appear in its behalf (p. 85, record).

After compliance with the jurisdictional requirements on publication and posting, the court a quo scheduled the case for pre-trial.

In their application, the appellees averred that they respectively acquired the lots which they seek to be registered through inheritance and purchase. They and their predecessors-in-interest have been in open, continuous, peaceful, exclusive and notorious possession and occupation of these in the concept of bonafide owners for more than 50 years. Also, they have individually declared in their names their respective lot for taxation purposes.

Opposing the application of registration of the Salduas, the appellants averred that Lots Nos. 1376 and 1377 are in a marsh / marine zone which they have developed and that this is a municipal reservation for barangay site of Kinamaligan, Masbate City. They alleged that the subdivision survey over these lots issued in favor of the heirs of Bernabe Medina be disapproved and cancelled. They claimed that they have been occupants and

possessors-in-fact of said lots for more than 30 years and that these should be awarded to them under the principle of justice and equity. The statement of the Salduas that the lots are agricultural is a perjury because according to the decision rendered by the Department of Environment and Natural Resources (or DENR) in R.L.O. Case No. 767 involving Lot No. 1377, this is a marshland / marine zone. Such perjurious statement is sufficient ground to deny their application.

Aside from the opposition from the appellants, the OSG too filed its own Opposition asking that the application for registration be denied because the Salduas and their predecessors-in-interest have not been in open, continuous and exclusive possession of the property and that the tax declarations issued in their names do not constitute competent evidence of their acquisition of the lands. The OSG claimed too that the lands being applied for by the Salduas belong to the Republic of the Philippines as part of the public domain.

Trial ensued.

Having been convinced that the appellees are entitled to the registration sought, the court a quo on January 19, 2004 rendered its decision granting the application.

The appellants are now before Us asking for the reversal of the court a quo's decision, and presenting these as the errors it committed:

> I
>
> THE COURT A QUO ERRED IN ORDERING THE CONFIRMATION AND REGISTRATION OF THE LAND PLOTTED AND DESCRIBED UNDER LOT NOS. 1377-A AND 1377-B OF PLAN CSD-054111-009852, CAD 627-D.
>
> II
>
> THE COURT A QUO ERRED IN ORDERING THE DISMISSAL OF THE OPPOSITION BY OPPOSITOR-APPELLANT NICOLAS CORTES TO THE APPLICATION (p. 63, rollo)

We find however no reversible error.

Before registration of a land is effected it is required that the applicant must prove not only his open, continuous, exclusive and notorious possession and occupation of the land either since time immemorial or for a period prescribed therein, but most importantly, he must prove that the land is alienable public land (Pagkatipunan vs. Court of Appeals, 379 SCRA 621). In the instant case the appellees were not only able to prove their possession over the properties but also their susceptibility of acquisition. Notable are the findings of the court a quo that:

> The survey report confirmed unmistakably that the lots belongs (sic) to the applicant predecessor-in-interests Bernabe Medina since time immemorial. The mere fact that Nicolas Jr. and Rogelio Tama were constructing or have constructed a house in lot 1337-A (sic) and lot no. 1377-B respectively, does not itself give them a vested right over a portion of land. If at all, their continued stay in the land in dispute is by mere tolerance from the applicants.
>
> Likewise unmeritorious, is the claim of Cresencio Ferolino that a plaza, day care center and a session hall, constructed on the land in question is (sic) an eloquent proof that lot 1377-A belongs to Barangay Kinamaligan, Masbate City.
>
> There is nary a showing in oppositors' numerous pleadings filed before this Court on his (sic) exhibits that would show that the said portion of the disputed property is reserved as a Barangay Plaza, Day Care, etc. While the Court sympathized with the inhabitants of Barangay Kinamaligan having no convenient place for their activities, Barangay officials cannot simply construct building as a convenient shield to usurp private

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> properties in the guise of public service.
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> x x x
>
> Significantly, oppositors did not present any proclamation from the President of the Republic of the Philippines, reserving the area, including the portion in dispute as barangay plaza of Kinamaligan, Masbate City. (pp. 397-398, rollo)

Contrary to the contention of the appellants that the lots are in a marshland / marine zone, the appellees were able to present certifications from the DENR confirming that the properties are farmlands and so suitable of ownership for these have already ceased to be public lands. It was declared that:

> THIS IS TO CERTIFY that the parcel of lot requested for status certification by Mr. Rando Zaldua situated at Barangay Kinamaligan, Masbate City containing an area of 949.0 square meters as shown and described at the back hereof was found to be a FARMLAND of Blk.-1, Alien. and Disp. Land, LC Project No. 3, Municipality of Masbate (now Masbate City), certified on December 22, 1924, per LC Map No. 452. The said parcel of lot designated as Lot No. 1377-A, is a portion of Lot No. 1377-Cad-627-D, Masbate Cadastre as surveyed for the Heirs of Bernabe Medina. (Exh. "V", p. 290, record)

and

> THIS IS TO CERTIFY that the parcel of lot requested for status certification by Mr. Solomon Zaldua situated at Barangay Kinamaligan, Masbate City containing an area of 2,369.0 square meters as shown and described at the back hereof was found to be a FARMLAND of Blk.-1, Alien. and Disp. Land, LC Project No. 3, Municipality of Masbate (now Masbate City), certified on December 22, 1924, per LC Map No. 452. The said parcel of lot designated as Lot No. 1377-B, is a portion of Lot No. 1377-Cad-627-D, Masbate Cadastre as surveyed for the Heirs of Bernabe Medina. (Exh. "V-1", p. 292, record)

This Court notes too that the lots have been declared for taxation purposes in the names of the appellees (Exhs. "J" to "N" with submarkings, pp. 140 to 226, record) and the line goes way back to 1947. Time and again it has been declared that (T)ax Declarations are good indicia of possession in the concept of an owner (Heirs of Simplicio Santiago vs. Heirs of Mariano E. Santiago, 404 SCRA 193).

It is a settled rule that (U)nless it is shown that the trial court overlooked, misunderstood or misapplied some facts or circumstances of weight or substance that would otherwise affect the result of the case, its findings will not be disturbed on appeal (People vs. Cantila, Jr., 394 SCRA, 393).

WHEREFORE, the appeal is DENIED and the decision appealed from is AFFIRMED.

SO ORDERED.

Guariña III and Romilla-Lontok, JJ., concur.

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