

**SPOUSES JOSEPH R. YU AND MARY ANN C. YU, REPRESENTED BY:
VENANCIA T. MICULOB, AND P. CINCO AND SONS, INC.,
REPRESENTED BY: DR. FELIPE K. CINCO, APPLICANTS-APPELLANTS,
VS. DEPART...**

Ponente: LAGURA-YAP, J.

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LAGURA-YAP, J.:

Before Us is an Appeal[1] from the June 6, 2008 Decision[2] of the Regional Trial Court (RTC), Branch 61 of Bogo, Cebu in LRC Case No. 61-0039-LRC, the decretal portion of which reads:

“WHEREFORE, premises considered, the Court hereby DENIE(S) the instant Application for Registration of Title for Lot No. 50080 and Lot No. 50081 both situated at Barangay Anapog, San Remigio, Cebu insofar as (applicants-appellant) Spouses Joseph R. Yu and Mary Ann C. Yu are concerned; and for Lot No. 50082 also situated at Barangay Anapog, San Remigio, Cebu insofar as (applicant-appellant) P. Cinco and Sons, Inc. is concerned.

SO ORDERED.”

The appeal prays that We reverse the aforequoted Decision, and order the registration of title of the landholdings subject therein in favor of Applicants-Appellants Spouses Joseph R. Yu and Mary Ann C. Yu, and Applicant-Appellant Corporation[3] P. Cinco and Sons, Inc.

THE ANTECEDENTS

As summarized by the RTC, the applicants-appellants alleged in their April 14, 2004 Application for Registration of Title[4](with its annexes), the following:

- a. That (Applicant-appellant) Spouses Joseph R. Yu and Mary Ann C. Yu are the owners of Lot No. 50080 and Lot No. 50081 by virtue of Deed of Sale, together with the improvements thereon xxx
- b. That likewise, (applicant-appellant) P. Cinco and Sons, Inc. is the owner of a parcel of land by virtue of a Deed of Sale together with the improvements thereon, known as Lot No. 50082 xxx
- c. That lots No. 50081 and 50082 are shown in the Approved Consolidated Subdivision Plan[5] of Lot(s) 5808, 5809, 5810, 5812, 52790, CAD. 748-D surveyed for Spouses Joseph R. Yu and Mary Ann C. Yu, P. Cinco & Sons, Inc., and (in the) Technical Description⁶, (of) Lot 50081 Cad 748-D (Identical to lot 1, Ccs-07-000878, Sps. Joseph R. Yu and Mary Ann C. Yu), and (in the) Technical Description⁷ (of) Lot 50082 Cad-748-D (Identical No. to lot 2, Ccs-07-00878, P. CINCO and Sons, Inc.)
- d. That likewise Lot No. 50080 is shown in the Approved Consolidated Subdivision Plan⁸ (CCN-07-000133) of Lots 5789 & 5832, CAD 748-D, as surveyed for spouses Joseph R. Yu and Mary Ann C. Yu, and (in the) Technical Description (of) Lot No. 50080 Cad. 748-D (identical to CCN-07-000133).
- e. That the said lands, at the last assessment for taxation, specifically the two (2) parcels of the Spouses Joseph

R. Yu and Mary Ann C. Yu (i.e. Lot No. 50080 and 50081), were assessed at 10, 160 Philippine Currency and the improvements thereon at 6, 340.00 Philippine Currency, while Lot No. 50082 of P. Cinco & Sons, Inc. has at the last assessment, (the) assessed value of 13, 740.000 Philippine Currency, and improvements at 12,910 Philippine Currency.

f. That to the best of (applicants-appellants') knowledge and belief, there (is) no mortgage or encumbrance of any kind whatsoever affecting said lands, nor any other person having any interest therein, legal or equitable or in possession (thereof);

g. That the (applicants-appellants) have acquired said lands in the following manner: through their predecessors-in-interest (who) have been in open, continuous, exclusive and notorious possession and occupation for more than thirty(30) years; and the lands xxx are exclusive private properties of the (applicants-appellants).

h. That the lands are occupied by the following persons: by the (applicants-appellants) and (their) families.

i. That the (applicant-appellants') name(s) for Lot No. 50081, Cad-748-D, (identical Lot 1, Ccs-07-00878, and Lot No. 50080, Cad-748-D, identical to CCN-00133, being a portion of consolidated Lots 5789 and 5832, both of Cad. 748-D) are Spouses Joseph R. Yu and Mary Ann C. Yu, 54 and 51 years old, respectively, Filipino citizen(s), with postal address at Salinas Drive, Lahug, Cebu City.

On the other hand, the (applicant-appellant's) name for Lot No. 50082, 748-D (Identical Lot 2, Ccs-07-000878) is P. Cinco & Sons, Inc. a domestic corporation organized and existing under and by virtue of the laws of the Republic of the Philippines, represented by Felipe K. Cinco 57 years old, Filipino citizen, with postal address at CINCO Century, Fuente Osmeña, Cebu City.

k. That the lands included in the application are bounded by (a) public road, but the (applicants-appellants) (do) not claim said road or any portion thereon.

l. That the names in full and addresses, as far as known to the (applicants-appellants) of the owners of all adjoining properties and the lot numbers shown on the plan as its boundary and its claimants, are as follows:

For Lot Nos. 50081 and 50081, Cad-748-D, Identical to Lot No. 1 and 2, Ccs

“Bounded on the N., by Lot 50035, Cad. 748-D, Swamp, Lot 5806, Cad-748-D of Froilan Sinadjan, Lots 5807 & 5794, Cad. 748-D of Cita Factor and Lot No. 5791, Cad. 748-D of Juan Mantos; on the E., by Barangay Road; on the S., by Lot 5813, Cad-748-D of Flaviana Pepito and Lot 5811, Cad-748-D of Milan; and on the W., by Lot 6820 of Foreshore Area of Tañon Strait.”

(Addresses) of all adjoining owners including Barangay Road are all at Anapog, San Remigio, Cebu except foreshore Area-Tañon Strait at c/o CENRO Office of DENR of Carmen Cebu

For Lot No. 50080, Cad-748-D, Identical to CCN-07-000133

“Bounded on the N., by Lot 5788, Cad-748-D of Cenon Senajonon; on the E., by Lot 5833, Cad-748-D of Roberto Aballe; on the S., by Lot 5831, Cad-748-D of Basilio Sinajonon; and on the W., by Barangay Road.”

(Addresses) of all adjoining owners are all at Anapog, San Remegio, Cebu.

That the following documents attached to the application, are as follows:

The original plans in Sepia Film Plan No. CCS-07-000878 and CCN-07-000133, both approved by the Regional Technical Director, Land Management Service of the DENR-7.

Technical Description of the lands applied for registration of titles.

Certifications in lieu of Surveyor's or Geodetic Engineer's certificate of the two (2) approved plans.

Deed of Absolute Sale of Unregistered Property executed by Concepcion Pactor Maraba in favor of Spouses Joseph R. Yu and Mary Ann C. Yu dated September 18, 2000 for Lot No. 5809 Cad-748-D.

Deed of Absolute Sale executed by Patrick RA Ceniza in favor of the spouses Joseph R. Yu and Mary Ann C. Yu dated July 21, 2000 for Lot 5808, Cad.748-D.

Deed of Absolute Sale executed by Rowena Cabatingan Steinbach in favor of the spouses Joseph R. Yu and Mary Ann C. Yu dated June 29, 2000 for Lot 5808, Cad.748-D.

Deed of Absolute Sale of Unregistered properties executed by Nila, Wilpha and Lelanie all surnamed Negro in favor of the spouses Joseph R. Yu and Mary Ann C. Yu dated March 15, 2001 for Lot 5790, Cad-748-D.

Extrajudicial Settlement of the Estate of Basilio Sinajonan(Sinadjan) and sale executed by Vicenta M. Sinajonan et. al. in favor of spouses Joseph R. Yu and Mary Ann C. Yu dated March 15, 2001 for Lot 5832.

Deed of Absolute Sale executed by spouses Godofredo Magdadaro and Rosario Mantos in favor of P. Cinco and Sons, Inc. dated August 10, 1999 for Lot 5812, Cad-748-D.

Deed of Absolute Sale executed by Spouses Rexanne Ygot and Ofelia Amenton in favor of P. Cinco and Sons, dated August 29, 1996 for Lot 5810, Cad-748-D.

Tax Declaration No. 20000A, covering portion of Lot 5808 in the name of the spouses Joseph R. Yu and Mary Ann C. Yu.

Tax Declaration No. 20079A, covering portion of Lot 5808, in the name of the spouses Joseph R. Yu and Mary Ann C. Yu.

Tax Declaration No. 20208A, covering Lot 5809, in the name of the Spouses Joseph R. Yu and Mary Ann C. Yu.

Tax Declaration No. 20601A, covering Lot 5790 in the name of the Spouses Joseph R. Yu and Mary Ann C. Yu.

Tax Declaration No. 20600A, covering Lot 5789 in the name of the Spouses Joseph R. Yu and Mary Ann C. Yu.

Tax Declaration No. 20602A, covering Lot 5832 in the name of Joseph R. Yu and Mary Ann C. Yu.

Tax Declaration No. 01649, covering Lot 5810, in the name of P. Cinco and Sons, Inc.

Tax Declaration No. 01648, covering Lot 5812, in the name of P. Cinco and Sons.

Certification of CENRO Office, Carmen, Cebu, that Lot 5789, 5832, 5808, 5810, 5812, 5790 and 5809, Cad-748-D, San Remegio Cebu are not covered by any subsisting public application, consisted (sic) of two (2) separate certifications.

Certification of the Clerk of Court that Lot 5789, 5832, 5808, 5810, 5812, 5790 and 5809, Cad-748-D, San Remegio, Cebu, are not under any Court litigation pending before that court consisted(sic) of eight(8) separate certifications for each lot.

Certification of the Register of Deeds for the Province of Cebu, that No Certificate of Title was issued to Lots 5789, 5790, 5832, 5808 and 5809, Cad-748-D in the name of the claimant Joseph R. Yu and Mary Ann C. Yu, and also Lots 5810 and 5812, Cad-748-D, in the name of the Claimant P. Cinco and Sons, consisted(sic) of two separate certification (sic).

Certification of SEC of the Articles of Incorporation and By-Laws of P. Cinco and Sons.

Board Resolution No. 2004-01 authorizing Dr. Felipe K. Cinco to sign for and in behalf of P. Cinco and Sons Inc. relative to the titling of Lots 5810 ad 5812, Cad-748-D.

In its July 27, 2004 Opposition[9], the Department of Environment and Natural Resources (DENR), Region VII, (through its Regional Executive Director, represented by the Office of the Solicitor General), prayed for the dismissal of the Application for Registration of Title on the ground of premature filing thereof, viz:

“Land Classification Map No. 3218,[10] Project No. 6-A of the Municipality of San Remigio, Cebu shows that the land subject of the herein petition was certified and released as Alienable and Disposable only on 30 October 1986, pursuant to Forestry Administrative Order No. 4-1881[11] xxx. Therefore, prior to 30 October 1986, when the land was declared as Alienable and Disposable, the same was forest land whose(sic) ownership belong(ed) to the government, hence petitioner or their predecessors-in-interest cannot claim to have possessed the land in (the) concept of an owner for thirty (30) years or more, since said property (was) (in)alienable until 1986.

Registration in this instance cannot be granted on the basis of Section 48 paragraph b of the Public Land Act, Commonwealth Act. 141 as amended, and further amended by RA No. 6940, xxx.

Section 48. The following described citizens of the Philippines, occupying lands of the public domain or claiming to own any such lands or an interest therein, but whose titles have not been perfected or completed, may apply to the Court of First Instance, of the province where the land is located for confirmation of their claims, and the issuance of a certificate of title therefore, under the Land Registration Act.:

xxx

(b) Those who by themselves or through their predecessors-in-interest have been, in continuous, exclusive, and notorious possession and occupation of agricultural lands of the public domain, under a bonafide claim of acquisition of ownership, for at least thirty (30) years immediately preceding the filing of the application for confirmation of title, except when prevented by war or force majeure. Those shall be conclusively presumed to have performed all the conditions essential to a government grant and shall be entitled to a certificate of title under the provisions of this chapter. (Sec. 3-4 PD No. 1073)

It is already a settled rule that forest lands or forest reserves are not capable of private appropriation, and possession thereof, however long, cannot convert them into private property (xxx) unless such lands are reclassified and considered disposable and alienable by the Director of Forestry, but even then possession of the land by the applicant PRIOR to the reclassification of the land as alienable and disposable cannot be credited as part of the thirty-year requirement under Section 48(b) of the Public Land Act.”

During hearing, applicants-appellants presented as witnesses Venancia Miculob(Miculob) and Felipe Cinco(Cinco).

Miculob, who appeared as representative of applicants-appellants spouses,[12] testified that Lot Nos. 50080 and 50081 (which originally pertained to 5 different parcels of land) were acquired by Spouses Yu, through purchase from their respective owners, Concepcion Maraba, Patrick Ceniza, Rowena Cabatingan Steinback, Nila, Wilpha and Lelanie Negro, and Vicenta Sinahonon. Miculob testified on the Deeds of Sale[13] executed thereon, and testified on their Tax Declarations[14] which have been transferred in the name of applicants-appellants Spouses by virtue of the sales.

Miculob likewise testified on the Tax Declarations[15] which were purported to show the history of Lot Nos. 50080 and 50081. From the Tax Declarations, Miculob claimed that applicants-appellants Spouses have been in possession of the subject lands for more than 30 years (including the years of possession of their predecessors-in-interest) and that improvements have even been made thereon such as coconut trees and a

building. The Certifications issued by the DENR ,[15] by the CENRO [17] and the Clerk of Court of the MCTC of Bogo,[18] certified respectively that a Surveyor's/Geodetic Engineer' Certification is not necessary for their application with the Land Registration Authority; that the subject lots are not covered by any subsisting application; and that the properties are not under any court litigation. Finally, Miculob testified on the CENRO Certification[19] dated November 28, 2001, signed by OIC CENRO Officer Tito C. Trapila, which stated that the subject lands are within the alienable and disposable area, block -1, land classification project No. 68-A, per Map No. 3218 of San Remegio Cebu, certified under FAO No. 4-1881, dated October 30, 1986.

Cinco, on the other hand, who appeared as representative of the applicant-appellant corporation, P. Cinco and Sons, Inc.,[20] testified that he, on behalf of the corporation, was the one who bought the two lots now constituting Lot 50082 from their respective owners, Spouses Rexanne Ygot and Ofelia Armenton, and Spouses Godofredo Magdadaro and Rosario Mantos. He testified on the Deeds of Sale[21] covering the subject lands, and on the Tax Declarations thereon[22] which have been transferred in the name of P. Cinco and Sons Inc. in view of the sale. Cinco further testified from the proffered Tax Declarations,[23] that the corporation and its predecessors-in-interest have been in possession of the land for more than 30 years, and have likewise introduced improvements thereon such as coconut trees and a building.

On June 6, 2008, the court a quo rendered the assailed decision denying applicants-appellants' application for registration. The lower court ratiocinated that while the applicants-appellants have shown by evidence their acquisition of the subject parcels of lands by purchase, "(applicants-appellants) do not show of any open, continuous, exclusive and notorious possession and occupation of alienable and disposable land of the public domain as of June 12, 1945 or earlier". As such, applicants-appellants have not met the requirements of Section 14 paragraph 1, of Chapter III of PD. 1529 or otherwise known as the Property Registration Decree.

On July 3, 2008, applicants-appellants filed a Motion for Reconsideration[24] of the June 6, 2008 Decision. The applicants-appellants averred that the ground in denying their Application for Registration of Title was not applicable, as their application did not fall under Section 14(1) of Presidential Decree No. 1529 but under Section 14(2) thereof.

The applicants-appellants averred that since the case falls under Section 14(2), they only had to prove that they or their predecessors-in-interest have been in open, continuous, exclusive and notorious possession and occupation for more than thirty (30) years. This they were able to do by preponderance of evidence.

Further, applicants-appellants expressed their disturbance of the Opposition filed by the Office of the Solicitor General, (on behalf of Oppositor-Appellee DENR) which alleged that their Application for Registration of Title is premature. The conclusion made by the DENR that the subject lands were originally forest lands and were released as Alienable and Disposable only on October 30, 1986 is erroneous. Applicants-appellants asseverated that on the contrary, since time immemorial, the subject lands are untitled private lands. The applicants-appellants and their predecessors-in-interest exercised possession over the subject lands in an open, exclusive and notorious manner.

On December 12, 2008, the Motion for Reconsideration was denied.[25] Hence the instant appeal with the following Assignment of Errors, viz:

I.

THE LOWER COURT ERRED IN FINDING THAT THE APPLICANTS FILED THEIR APPLICATION FOR REGISTRATION OF TITLES UNDER SECTION 14 (1) OF PRESIDENTIAL DECREE NO. 1529.

II.

THE LOWER COURT ERRED IN CONCLUDING THAT THE FILING OF THE INSTANT PETITION FOR REGISTRATION OF TITLES IS PREMATURE.

III.

THE LOWER COURT ERRED (IN) REJECTING THE WEIGHT OF EXHIBITS “V-1”, “X-1”, “BB-1”, “VV-1” AND “WW-1”

In praying for a reversal of the assailed decision, applicants-appellants reiterate under the 1st and 2nd Assigned Errors the arguments in their Motion for Reconsideration. On the 3rd Assigned Error, they highlight Exhibits “V-1,[26] X-1,[27] BB-1,[28] VV-1[29] and WW-1[30]” which pertain to the statements at the back of the Tax Declarations to prove the contention that the original owners of the subject lands had been in possession thereof since 1966 or 1971. Thus in totality, applicants-appellants, together with their predecessors-in-interest, have been in possession of the lands for more than 30 years.

OUR RULING

This being a case for Registration of Title to real property, the sole question for Our resolution is whether or not applicants-appellants have proven themselves to be entitled to the benefits of Presidential Decree 1529 or the Property Registration Decree. Under the backdrop of Section 14(1) and Section 14(2) thereof, Our resolution is centered on the issue of “possession”. Based on jurisprudence, possession should be sufficiently proved as having been exercised in the manner and in the length of time required by law,[31] so as to entitle them (applicants-appellants) to a judicial confirmation of an imperfect title.

This sole question, We answer in the negative.

Existing law and jurisprudence provides that an applicant for judicial confirmation of imperfect title must prove compliance with Section 14 of P.D. No. 1529.

The pertinent portions of Section 14 provide:

SEC. 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.

x x x x

From the foregoing it is evident that the coverage and requisites of Section 14 (1), and Section 14(2) of PD 1529 are different.[32]

While Section 14(1) covers “alienable and disposable land” to which prescription is inapplicable, Section 14(2) covers “private property”, to which prescription applies.[33]

While in Section 14(1), applicants for registration of title must sufficiently establish: first, that the subject land forms part of the disposable and alienable lands of the public domain; second, that the applicant and his predecessors-in-interest have been in open, continuous, exclusive and notorious possession and occupation of the same; and third, that it is under a bona fide claim of ownership since June 12, 1945, or earlier;[34] Meanwhile, under Section 14(2), applicants must primordially establish the patrimonial status of the subject property, to put

into operation the entire regime of prescription under the Civil Code, and consequently set it up against the State.[35] This should be so, for after all, Section 14(2) of PD 1529 categorically provides that only private properties may be acquired through prescription, and under Articles 420 and 421 of the Civil Code, only those properties which are not for public use, public service or intended for the wealth of national development, are considered private.[36]

Apropos to Section 14(2) of PD 1529 and Articles 420 and 421 of the Civil Code, the Supreme Court in *Heirs of Malabanan vs. Republic of the Philippines*[37] has emphatically ruled that:

“Nonetheless, Article 422 of the Civil Code states that “[p]roperty of public dominion, when no longer intended for public use or for public service, shall form part of the patrimonial property of the State.” It is this provision that controls how public dominion property may be converted into patrimonial property susceptible to acquisition by prescription. After all, Article 420 (2) makes clear that those property “which belong to the State, without being for public use, and are intended for some public service or for the development of the national wealth” are public dominion property. For as long as the property belongs to the State, although already classified as alienable or disposable, it remains property of the public dominion if when it is “intended for some public service or for the development of the national wealth”.

Accordingly, there must be an express declaration by the State that the public dominion property is no longer intended for public service or the development of the national wealth or that the property has been converted into patrimonial. Without such express declaration, the property, even if classified as alienable or disposable, remains property of the public dominion, pursuant to Article 420(2), and thus incapable of acquisition by prescription. It is only when such alienable and disposable lands are expressly declared by the State to be no longer intended for public service or for the development of the national wealth that the period of acquisitive prescription can begin to run. Such declaration shall be in the form of a law duly enacted by Congress or a Presidential Proclamation in cases where the President is duly authorized by law.

From the foregoing, this Court finds that the evidence presented by the applicants-appellants, falls short in proving the requirements of either Section 14(1) or Section (2) of PD 1529. The evidence submitted does not discharge of the quantum of proof required to establish: 1) that under Section 14(1), applicants-appellants and their predecessors-in-interest had been in open, continuous, exclusive and notorious possession of the subject properties or 2.) that under Section 14(2) with reference to Article 1118 of the Civil Code[38] on prescription,[39] the possession had been in the concept of an owner, public, peaceful, uninterrupted and adverse.[40] Likewise, the evidence does not discharge the onus of proving that applicants-appellants had been in the possession of the subject lands for the prescribed statutory periods. Verily, registration of title cannot be had under either of the two Sections, because of the following, to wit:

First, the fifteen tax declarations covering Lot Nos. 50080 and 50081, and the four Tax Declarations covering Lot No. 50082, (for a claimed possession of more than 30 years), do not qualify as competent evidence of actual possession and occupation. As the Supreme Court emphatically ruled in *Wee vs. Republic of the Philippines*[41]:

It bears stressing that petitioner presented only five tax declarations (for the years 1957, 1961, 1967, 1980 and 1985) for a claimed possession and occupation of more than 45 years (1945-1993). This type of intermittent and sporadic assertion of alleged ownership does not prove open, continuous, exclusive and notorious possession and occupation. In any event, in the absence of other competent evidence, tax declarations do not conclusively establish either possession or declarant’s right to registration of title.

In *Cequena v. Bolante*,[42] the Supreme Court also ruled that a claim of ownership will not prosper on the basis of tax declarations alone. It is only when these tax declarations are coupled with proof of actual possession that they become a basis for a claim of ownership. In the absence of actual, public and adverse possession, the

declaration of the land for tax purposes neither proves ownership nor possession. Thus a Tax Declaration by itself will not stand as evidence to confirm an imperfect title over a landholding.

The phrase “open, continuous, exclusive, and notorious” by which characteristics, applicants-appellants describe their possession and that of their predecessors-in-interest is a mere conclusion of law. The burden of proof is on the applicants-appellants to prove by clear, positive and convincing evidence that the alleged possession of their predecessors-in-interest was of the nature and duration required by law.[43] In this case, applicants-appellants' bare allegations (from the proffered Tax Declarations) without more, do not in any way amount to such clear, convincing and positive evidence to prove possession to warrant registration of title.

Second, the testimonies of applicants-appellants' witnesses, both deserve scant consideration and will not supplement the inherent inadequacy of the tax declarations to prove the manner of possession required either by Sections 14(1) or (2).

More to the fact that witnesses Miculob and Cinco cannot be considered as credible and competent witnesses because they are merely representatives of applicants. These witnesses are not related to any of applicant-appellants' predecessors-in-interest. Their testimonies are self-serving and hearsay because these had not been given from their personal knowledge of the fact of possession, but from inferences of the history of the subject lands through the Tax Declarations. These witnesses had no particular personal knowledge as to when applicants-appellants' predecessors-in-interest started occupying the subject properties. They even have no personal knowledge as to the specific acts of dominion and ownership, by applicants-appellants' predecessors-in-interest, if they did any. By case law, proof of specific acts of ownership must be presented to substantiate fact of possession, and support a claim of imperfect title.[44]

During trial, Miculob and Cinco merely testified from the submitted tax declarations, to make a general claim that possession by applicants-appellants, (when tacked to that of their predecessors-in-interest) has been for more than 30 years already. Evidently, this bare averment, does not suffice as a “well-nigh incontrovertible”[45] evidence of the fact of possession or the manner by which it was exercised, to support a claim of imperfect title.

Last, granting that there was indeed possession over the subject properties, the earliest tax Declarations which trace back the possession of applicants-appellants' predecessors-in-interest to the years 1966 or 1971, and the CENRO certification certifying that the subject properties have been declared alienable and disposable on October 30, 1986, both negate compliance with the periods of possession required by PD 1529.

While Section 14(1) of PD 1529 requires possession commencing June 12, 1945 or earlier, Section 14(2) thereof avers to the thirty(30)-year extraordinary prescriptive period set forth under Article 1137 of the Civil Code.

The earliest tax declarations proffered by applicants-appellants to prove possession were in the year 1966 or 1971. This beyond cavil disqualifies registration under Section 14(1) which has for its third requisite, possession “under a bona fide claim of ownership since June 12, 1945, or earlier”. Absent any evidence presented to prove possession on or prior June 12, 1945, the application for registration under the first paragraph of Section 14, is implausible.

Notwithstanding evidence of possession which allegedly commenced in the years 1966/1971, (or for more than 30 years as of the filing of the application), registration under paragraph 2 of Section 14 is also unavailable. Needless to reiterate, it is jurisprudentially clear that the thirty (30)-year period of prescription for purposes of acquiring ownership and registration of public land under Section 14 (2) of P.D. No. 1529 only begins from the moment the State expressly declares that the public dominion property is no longer intended for public service or the development of the national wealth or that the property has been converted into patrimonial.[46]

Here, applicants-appellants merely presented a certification from the CENRO dated November 27, 2008 certifying that the land in question entirely falls within the alienable and disposable zone since October 30, 1986. Such certification is not enough to commence the thirty (30)-year prescriptive period under Section 14(2). There is no evidence in this case and in the CENRO certification indicating any express declaration by the State that the subject lands are not earmarked for public use and are no longer intended for public service or national wealth. There appears no basis for the application of the thirty (30)- year prescriptive period.

Even assuming that the CENRO certification is enough to signify that the land is no longer intended for public service or the development of the national wealth, applicants-appellants are still not entitled to registration because the land was certified as alienable and disposable in 1986, while the application for registration was filed on April 14, 2004, a mere eighteen (18) years after and far short of the required thirty (30) years under existing laws on prescription.

WHEREFORE, premises considered, the instant appeal is DENIED and the assailed June 6, 2008 Decision of the Regional Trial Court(RTC), Branch 61 of Bogo is AFFIRMED.

SO ORDERED.

Lagura-Yap, & *Quijano-Padilla, JJ., concur.

* Acting Junior Member per Office Order No. 472-13-ABR dated December 12, 2013.

[1]Rollo, pp. 29-42.

[2]Rollo, pp. 44-74.

[3] Record, pp. 49-56.

[4] Record. pp. 1-7.

[5] Record, p. 8.

[6] Record, pp. 11-12.

[7] Record, p. 13.

[8] Record, p. 9.

[9] Record, pp. 66-69.

[10] Record, p. 73.

[11] Record,pp. 70-71.

[12] Record, pp. 184.

[13] Record, pp. 16-17, 18-19, 20, 22-23, 24-26.

[14] Record, pp. 29-34.

[15] Record, pp. 202-216.

[16] Record, pp. 14, 15.

[17] Record, p. 37,38.

- [18] Record, pp. 39-46.
- [19] Records, pp. 237.
- [20] Record, p. 57.
- [21] Record, 27,28.
- [22] Record, pp. 35-36.
- [23] Record, pp. 223-227.
- [24] Rollo, pp. 75-79.
- [25] Record, p. 278.
- [26] Record, p. 204 (Dorsal Portion)
- [27] Record, p. 206 (Dorsal Portion)
- [28] Record, p.210 (Dorsal Portion)
- [29] Record, p. 226 (Dorsal Portion)
- [30] Record, p. 227 (Dorsal Portion)
- [31] The Director, Lands Mgt. Bureau v. Court of Appeals, 381 Phil. 761, 772 (2000).
- [32] Republic of the Philippines vs. East Silverlane Realty Development Corporation, G.R. No. 186961,
- [33] Heirs of Malabanan vs. Republic of the Philippines, G.R. No. 179987, April 29, 2009.
- [34] Republic of the Philippines vs. Domingo Espinosa, G.R. No. 171514, July 18, 2012.
- [35] Republic of the Philippines vs. East Silverlane Realty and Development Corporation, G.R. No. 186961, February 20, 2012.
- [36] Article 420 of the Civil Code:
- The following things are property of public dominion:
- (1)Those intended for public use, such as roads, canals, rivers, torrents, ports and bridges constructed by the State, banks, shores, roadsteads, and others of similar character;
- (2) Those which belong to the State, without being for public use, and are intended for some public service of for the development of the national wealth.
- Article 421. All other property of the State, which is not of the character stated in the preceding article, is patrimonial property.
- [37] G.R. No. 179987, April 29, 2009.
- [38] Article 1118. Possession has to be in the concept of an owner, public, peaceful and uninterrupted.
- [39] Republic of the Philippines vs. East Silverlane Realty and Development Corporation, G.R. No. 186961, February 20, 2012.
- [40] Heirs of Marcelina Arzadon-Crisolog vs. Ranon, G.R. No. 171068, September 5, 2007, 532 SCRA 391.
- [41] G.R. No. 177384, December 8, 2009, 608 SCRA 72.

[42] 386 Phil. 419 (2000)

[43] The Director, Lands Mgt. Bureau v. Court of Appeals, 381 Phil. 761, 772 (2000).

[44] Republic of the Philippines vs. Alconaba, 471 Phil. 607 (2004).

[45] Republic of the Philippines vs. Heirs of Doroteo Montoya, G.R. No. 195137, June 13, 2012; Josephine Wee vs. Republic of the Philippines, G.R. No. 177384, December 8, 2009, 608 SCRA 72.

[46] Republic of the Philippines vs. Teodoro P. Rizalvo, G.R. No. 172011, March 7, 2011.

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