

IN RE: APPLICATION FOR ORIGINAL REGISTRATION OF TITLE SPS. RUBEN RICASIO AND VALENTINA RICASIO, APPLICANT-APPELLEE, VS. REPUBLIC OF THE PHILIPPINES, OPPOSITOR-APPELLANT.

Ponente: CRUZ, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/d616fc9fb261/>

CRUZ, J.:

Before the Municipal Trial Court in Cities (or “MTCC”), San Pablo City, was an application for registration, by way of confirmation of imperfect title, involving a parcel of land designated as Lot 1 (or “subject lot”) of the consolidation/subdivision plan Ccs-04-004749-D, San Pedro Cadastre, consisting of 5,740 square meters and situated at Brgy. San Lucas II, San Pablo City.

Filed by spouses Ruben Ricasio (or “Ruben”) and Valentina Ricasio (or “appellees”, when collectively) on May 22, 2003, the application was predicated on the averments that appellees are the true and absolute owners of the subject lot, having purchased it from spouses Simeon and Teresita Gutierrez (or “Gutierrez spouses”) per Deed of Absolute Sale dated January 7, 2002; that appellees and their predecessors-in-interest have been religiously paying the realty taxes on the subject lot since time immemorial; that there is no mortgage or encumbrance on the subject lot and appellees have no knowledge of any person in possession or having interest therein; that the adjoining owners are Eugenio Galope, Cecilia Alcantara, Mercy Azucena, Nita Tanalega, Malarion Gutierrez and Malinao Creek; and that appellees and their predecessors-in-interest have been in continuous, open, peaceful, uninterrupted and adverse possession of the subject lot in the concept of an owner since 1937.

The Republic of the Philippines (or “appellant”), represented by the Office of the Solicitor General (or “OSG”), filed an opposition to the application. No other opposition having been presented, the MTCC proceeded to receive appellees’ evidence.

After trial, the lower court rendered a decision dated March 11, 2005, the decretal portion of which reads:

“Wherefore, title to the parcel of land subject of this application is hereby granted and approved and the Register of Deeds of the City of San Pablo is hereby directed to cause the issuance of the certification over the property described in the Technical Descriptions as Lot 1 of the consolidation plan, Ccs-04-004749-D, being a consolidation of Lots 20207 and 20205 Cad-438-D, ARP No. 02-062-01804 situated in Brgy. San Lucas No. II, San Pablo City, upon payment of the fees in favor of the applicants-spouses Ruben Ricasio and Valentina Ricasio, of legal ages, and residents of No. 11, Samar Street, Ayala Alabang, Muntinlupa City.

After this Decision shall have become final and executory, let an Order for the issuance of decree of title be issued in the name of the applicants.

SO ORDERED.”

Appealing the decision to this Court, appellant asserts that the trial court erred (i) “in finding that appellees and their predecessors-in-interest have been in continuous, exclusive and actual possession and occupation of the subject land in the manner and for the length of time required by law to justify confirmation of an imperfect title”; and (ii) “in granting the application for confirmation of title despite the absence of proof that the subject parcel of

land forms part of the alienable and disposable portion of the public domain.”

The case was submitted for decision sans an appellees’ brief.

We sustain the appeal.

In land registration cases, the burden of proof is upon the applicant to show that he is the real and absolute owner in fee simple of the land applied for (Republic vs. Lee, 197 SCRA 13).

Under Sec. 14(1) of Pres. Decree No. 1529, an application for registration of title to land may be filed by –

“(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.”

On the other hand, Sec. 48(b) of Com. Act No. 141, as amended, authorizes confirmation of imperfect title in favor of –

“(b) Those who by themselves or through their predecessors-in-interest have been in open, continuous, exclusive and notorious possession and occupation of agricultural lands of the public domain, under a bona fide claim of acquisition of ownership, for at least thirty years immediately preceding the filing of the application for confirmation of title x x x.”

The phrase “for at least thirty years” in Sec. 48(b) of Com. Act No. 141, as amended, was substituted by the phrase “since June 12, 1945, or earlier” pursuant to Pres. Decree No. 1073 which became effective on January 25, 1977, while the date “June 12, 1945” was reiterated in Sec. 14(1) of Pres. Decree No. 1529 (Republic vs. Kalaw, 431 SCRA 401). Moreover, said Sec. 14(1) requires that the land applied for must be part of the “alienable and disposable lands of the public domain” and not merely “agricultural lands of the public domain”.

The phrase “adverse, continuous, open, public, peaceful and in concept of an owner” is a mere conclusion of law which requires evidentiary support and substantiation (Director, Lands Management Bureau vs. Court of Appeals, 324 SCRA 757). The case of Director of Lands vs. Intermediate Appellate Court (209 SCRA 214) explains the nature of possession and occupation required by law, viz:

“Possession is open when it is patent, visible, apparent, notorious and not clandestine. It is continuous when uninterrupted, unbroken and not intermittent or occasional; exclusive when the adverse possessor can show exclusive dominion over the land and an appropriation of it to his own use and benefit; and notorious when it is so conspicuous that it is generally known and talked of by the public or the people in the neighborhood. x x x.

x x x. When, therefore, the law adds the word occupation, it seeks to delimit the all-encompassing effect of constructive possession. Taken together with the words open, continuous, exclusive and notorious, the word occupation serves to highlight the fact that x x x possession of the land must not be mere fiction.”

In *Edaño vs. Court of Appeals* (213 SCRA 585), it was held that “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 x x x title and should not rely on the absence or weakness of the evidence of the oppositors.” Appellees failed in their burden.

Appellees presented no specific facts which would show not only the nature, but also the duration, of their possession of the subject lot and that of their predecessors-in-interest.

To prove possession of the subject lot, appellees presented the testimonies of Ruben, Gloria Aquillo (or “Gloria”), Luisa Mangosong and Rodolfo Gonzales (or “Gonzales”), special investigator of DENR-CENRO in Los Baños, Laguna. They also presented documentary evidence, among which are the Deed of Absolute Sale dated January 7, 2002 (Exh. “N”) executed by the Gutierrez spouses and the reconstituted tax declarations for the years 1948,

1952, 1972, 1974, 1980, 1985, 1992, 1994 and 2003 (Exhs. “R”, “R-1” to “R-8” and “Q”) in the name of Simeon Gutierrez, except the first two which are in the name of Simeon’s father, Faustino Gutierrez (or “Faustino”), and the last in the name of appellees.

Contrary to the trial court’s conclusion that the “applicants and their predecessors-in-interest have been in open, public, continuous, exclusive and notorious possession and occupation in the concept of an owner for more than 50 years”, the evidence presented by appellees does not prove the nature and duration of their possession of the subject lot and those of their predecessors-in-interest.

Ruben testified that he bought the subject lot on January 7, 2002 from Simeon who inherited the same from Faustino; and that Simeon had been in possession thereof for more than forty years as evidenced by tax declarations, the earliest of which was for the year 1948. Ruben further testified that he constructed a perimeter wall around the subject lot and a small rest house; and that the subject lot is agricultural with several fruit-bearing trees planted thereon.

Gloria, a former neighbor and contemporary of Simeon, corroborated Ruben’s testimony that Simeon was the former owner of the subject lot which was planted to coconut trees.

However, appellees presented no evidentiary support and substantiation to sustain their claim that they and their predecessors-in-interest have been in open, continuous, peaceful, uninterrupted and adverse possession of the subject lot.

As correctly observed by the OSG, the tax declarations reveal that the 5,740 square-meter lot was planted to only 37 trees in 1948, which number dwindled to 33 trees in 1972 and down to only 20 trees in 1980.

No testimony was presented to prove that appellees or their predecessors-in-interest were the ones who planted the aforesaid trees. Even supposing that they had, the fact that the total number of trees decreased from 37 to 20 in a span of 32 years bespeaks of casual cultivation of the subject lot. But mere casual cultivation of a lot does not constitute possession under claim of ownership (*del Rosario vs. Republic*, 383 SCRA 262).

Besides, no additional improvements appear to have been made on the subject lot, even by appellees. However, actual possession of a land consists in the manifestation of acts of dominion thereon of such a nature as a person would naturally exercise over his own property (*Republic vs. Alconaba*, 427 SCRA 611).

On the other hand, the tax declarations submitted by appellees are not persuasive evidence of ownership of the subject lot. Mere declaration of a land for taxation purposes does not constitute possession thereof nor is it proof of ownership in the absence of the claimant’s actual possession thereof (*De Luna vs. Court of Appeals*, 212 SCRA 276).

Moreover, insufficient identification of the land claimed in absolute ownership by the applicant cannot ripen into ownership (*Republic vs. Court of Appeals*, 345 SCRA 104). The subject lot consists of 5,740 square meters, whereas the tax declarations for 1992, 1994 and 2003 and the Deed of Absolute Sale dated January 7, 2002 pertain to a parcel of land with an area of 5,360 square meters, while the tax declarations for 1948, 1952, 1972, 1974, 1980 and 1985 cover a parcel of land consisting of 2,000 square meters. No explanation was given on such discrepancies in area, thereby casting doubts on the identity of the subject lot.

Finally, while the subject lot was testified to by Gonzales of DENR-CENRO, Laguna as falling within alienable and disposable portion of the public domain (t.s.n., November 25, 2004, p. 8), appellees presented no evidence on when it became alienable. While the Consolidated Subdivision Plan (Exh. “K”) contains an annotation to the effect that “(t)his survey is inside alienable and disposable area as per project No. 24, LC Map No. 582 certified

on Dec. 31, 1925 as per investigation report of LMOI Leoncio A. Bueno of CENRO, Los Baños, Laguna”, the same is inadequate to establish that the subject lot was classified as alienable and disposable on that date. In *Republic vs. Alconaba* (supra), the Supreme Court said:

“Neither can we give weight to the contention of the respondents that since Project No. 23-A L.C. Map No. 004 of which Lot 2111 forms part was approved on 31 December 1925 by the then Bureau of Forestry, Lot 2111 must have been disposable and alienable as early as of that date. There is nothing to support their claim that 31 December 1925 is the date of the approval of such project or the date of the classification of the subject property as disposable and alienable public land. It is settled that a person who seeks registration of title to a piece of land must prove his claim by clear and convincing evidence.”

In sum, appellees failed to prove registrable title over subject lot.

WHEREFORE, the appealed decision of the Municipal Trial Court in Cities, San Pablo City, is REVERSED and SET ASIDE and judgment is rendered DISMISSING appellees’ application for registration and confirmation of title.

SO ORDERED.

Reyes, Jr., and Lanzas, JJ., concur.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.