

SERVILLANO DELA CRUZ, APPLICANT-APPELLEE, VS. THE DIRECTOR OF LANDS, OPPOSITOR-APPELLANT. D E C I S I O N

Ponente: CARANDANG, J.

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CARANDANG, J.:

The instant appeal seeks to annul and set aside the Decision dated June 17, 1994 of the Regional Trial Court Branch 39 of Lingayen, Pangasinan in L.R.C Case No. N-3903 which granted the Application for Registration of Title filed by Servillano Dela Cruz covering a parcel of land described in Plan Psu-132804 (subject parcel of land).

The facts are as follows:

On October 23, 1992, appellee Servillano Dela Cruz filed before the Regional Trial Court of Lingayen, Pangasinan, an application for registration of land title over a parcel of land described in Plan Psu-132804, situated in Binmaley, Pangasinan, containing an area of Three Hundred Sixty One (361) square meters.[1]

Appellee alleged, inter alia, that he is the owner in fee simple of the subject land with improvements thereon; that it was last assessed for taxation purposes at Three Thousand Nine Hundred Eighty Pesos (P3,980.00) Philippine Currency; that he has no knowledge of any mortgage or encumbrance of any kind affecting said parcel of land; that he has acquired title over it through sale; and that he presently occupies said property.[2]

In support of his allegations, appellee attached the following documents to his application;

- Tracing Cloth Plan;
- Two (2) copies of the Blue Print Plan;
- Three (3) copies of the Technical Description;
- Three (3) copies of the Surveyor's Certificate;
- Four (4) copies of the Certificate of Assessment[3]

On January 17, 1994, Perfecto D. Daroy, the Land Investigator/Inspector, and Tomas S. Reyes, the CENR Officer of the Department of Environment and Natural Resources (DENR) Community Environment and Natural Resources Office (CENRO), issued a report stating that the subject land is within the alienable and disposable land under Project No. 38, LC Map 698, approved on November 21, 1927.[4]

Pre-trial and trial on the merits ensued. On June 17, 1994, the trial court rendered the appealed Decision, the dispositive portion of which states:

“WHEREFORE, the application is granted and the Court hereby orders the registration of the parcel of land described in Plan Psu-132804 under Act No. 46 as amended by P.D. 1529 to the persons named hereunder with one-tenth (1/10) share each, to wit:

LILIA DELA CRUZ married to Inocencio Perez and resident of the United States of America;

REV. FR. AGRIPIANO DELA CRUZ, single and a resident of Binmaley, Pangasinan;
MARCELINA DELA CRUZ, married to Perry Raymundo and a resident of Binmaley, Pangasinan;
CRISTETO DELA CRUZ, married to Perry Raymundo and a resident of Binmaley, Pangasinan;
GLORY DELA CRUZ, married to Ernesto Estrada and a resident of Binmaley, Pangasinan;
NICASIO DELA CRUZ, single and a resident of the United States of America;
MARCELO DELA CRUZ, single and a resident of Binmaley, Pangasinan;
CATALINA DELA CRUZ, married to Raymund Platon and a resident of Binmaley, Pangasinan;
SERVILLANO DELA CRUZ, JR., single and a resident of United States of America; and
ARCELI DELA CRUZ, single and a resident of the United States of America.

Pro-indiviso; That the one-half conjugal share of the deceased Francisca Estrada is subject to the payment of estate and inheritance taxes as provided by law.

After this Decision becomes final, let an Order for Issuance of Decree issue.

SO ORDERED.”[5]

A copy of the Decision was received by the Office of the Solicitor General (OSG) on 21 May 2012. On 4 June 2012, the OSG filed the Notice of Appeal from the Decision.

ISSUES

- a. Whether or not the evidence adduced by the appellee was insufficient to prove that the subject land is an alienable and disposable land;
- b. Whether or not the court a quo erred in ruling that appellee's predecessors-in-interest have occupied and possessed the subject land for the length of time and in the manner required by law.

RULING

The instant appeal is bereft of merit.

The pieces of evidence adduced by the applicant are sufficient to prove that (1) the subject parcel of land is alienable and disposable land and that (2) the applicant and his predecessor-in-interest have occupied and possessed the subject parcel of land for the length of time and in a manner required by law.

Section 14 (1) of the Property Registration Decree provides:

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

xxx xxx xxx.”

In this case, the applicant was able to show that the subject parcel of land forms part of the disposable and alienable lands of public domain as early as 1927. In a Report dated January 17, 1994 (Exhibit “J”), Perfecto D.

Daroy and Tomas S. Reyes of CENRO, DENR-Region 1 certified that “the subject parcel of land is within the alienable and disposable zone as classified under Project No. 38, L.C. Map No. 698 and xxx classified as such on November 21, 1927.” In *Republic vs. Ceniza*,^[6] the Supreme Court held the Certification issued by the CENRO is a sufficient proof to show that the subject land is an alienable and disposable land. Thus:

“To prove that the land subject of an application for registration is alienable, an applicant must establish the existence of a positive act of the government such as a presidential proclamation or an executive order; an administrative action; investigation reports of Bureau of Lands investigators; and a legislative act or a statute.

In this case, private respondents presented a certification dated November 25, 1994, issued by Eduardo M. Inting, the Community Environment and Natural Resources Officer in the Department of Environment and Natural Resources Office in Cebu City, stating that the lots involved were "found to be within the alienable and disposable (sic) Block-I, Land Classification Project No. 32-A, per map 2962 4-1555 dated December 9, 1980." This is sufficient evidence to show the real character of the land subject of private respondents' application. Further, the certification enjoys a presumption of regularity in the absence of contradictory evidence, which is true in this case. xxx” (Underscoring Ours.)

Applicant was also able to prove that he and his predecessor-in-interest, Ramon E. Melendez, have been in open, continuous, exclusive, adverse, and notorious possession of the subject parcel of land under a bona fide claim of acquisition of ownership earlier than June 12, 1945, as evidenced by the Tax Declaration No. 49931 dated February 26, 1945 (Exhibit “L”) declared by Ramon E. Melendez as owner, with payment of taxes to begin in 1946.

Although tax declarations and realty tax payment of property are not conclusive evidence of ownership, nevertheless, they are good indicia of the possession in the concept of owner for no one in his right mind would be paying taxes for a property that is not in his actual or at least constructive possession. They constitute at least proof that the holder has a claim of title over the property. The voluntary declaration of a piece of property for taxation purposes manifests not only one's sincere and honest desire to obtain title to the property and announces his adverse claim against the State and all other interested parties, but also the intention to contribute needed revenues to the Government. Such an act strengthens one's bona fide claim of acquisition of ownership.^[7]

In sum, the evidence adduced by the applicant to support his application for land registration are legally sufficient to show that the subject parcel of land forms part of the disposable and alienable lands of public domain and that he and his predecessor-in-interest have been in open, continuous, adverse, and notorious possession under a bona fide claim of ownership earlier than June 12, 1945. Thus, this case falls squarely within Section 14 (1) of the Property Registration Decree.

WHEREFORE, premises considered, the June 17, 1994 Decision of the Regional Trial Court Branch 39 of Lingayen, Pangasinan, is hereby AFFIRMED. The instant appeal is DENIED for lack of merit.

SO ORDERED.

Gonzales-Sison and Sorongon, JJ., concur.

[1] Rollo, p. 23.

[2] Ibid.

[3] Ibid.

[4] Ibid.

[5] Records, pp. 32-33.

[6] G.R. No. 127060. November 19, 2002.

[7] Republic vs. Court of Appeals and Corazon Naguit, G.R. No. 144057. January 17, 2005.

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