

IN RE: APPLICATION FOR ORIGINAL REGISTRATION OF TITLE PURSUANT TO THE PROPERTY REGISTRATION DECREE

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GALAPATE-LAGUILLES, J:

The Republic of the Philippines, through the Office of the Solicitor General, appeals the Decision[1] dated 12 July 2010 of the Regional Trial Court of Laoag City, Branch 12, in LRC Case No. N-230 which granted the application for original registration of title of herein applicant-appellee VVH Realty Corporation (the corporation).

The facts follow.

On 10 March 2009, the corporation, through its authorized representative, Ed Mar Vincent L. Bonoan, filed with the RTC of Laoag City, Branch 12, an Application[2] for the registration over a parcel of land pursuant to Presidential Decree No. 1529 (P.D. 1529), otherwise known as The Property Registration Decree and to have the title thereto registered and confirmed under its name. The said parcel of land particularly described as Lot No. 2616, Cad 307-D of San Nicolas Cadastre is situated in Barangay No. 1, San Nicolas, Ilocos Norte, and with an area of Two Thousand Five Hundred Seventy Seven (2,577) square meters.

In the Application, the corporation alleged that it is the owner in fee simple of the subject land with an assessed value of Php 340,160.00 per Tax Declaration No. 08-007-00832 for the year 2009. It acquired the subject land by virtue of a Deed of Absolute Sale from Angel C. Navarro, its predecessor-in-interest. It further contended that to the best of its knowledge, there is no mortgage or encumbrance affecting the subject land nor is there any other person or entity having interest therein, legal or equitable possession, remainder, reversion or expectancy. The corporation also posited that the subject land is within the alienable and disposable land of the public domain. It claimed that, for more than fifty (50) years, it had been in open, actual, continuous, and uninterrupted possession thereof in the concept of an owner, tacking the previous possession of its predecessor-in-interest. The corporation likewise averred that it knew the names and addresses of the owners of the adjoining properties of the subject parcel of land.[3]

On 20 March 2009, the RTC issued an Order[4] setting the case for initial hearing on 20 July 2009 at 8:30 in the morning. The Notice of Initial Hearing[5] of the application for land registration and the date and place of the hearing was published once in the Official Gazette, 25 May 2009 issue, Volume 105, No. 21, pages 3270-3271[6] and in the 14 July 2009 issue of People's Balita,[7] a newspaper of general circulation in the Philippines. The Notice of Initial Hearing was likewise posted[8] in a conspicuous place on Lot 2616, as well as in a conspicuous place on the bulletin boards of the Municipal Hall of San Nicolas, Ilocos Norte, Marcos Hall of Justice, RTC of Laoag City, and the Barangay Hall of Barangay 1, San Nicolas, Ilocos Norte.

In the meantime, on 25 May 2009, the OSG entered its appearance as counsel for the Republic of the Philippines and, at the same time, authorized the City Prosecutor of Laoag City to appear in the case.[9]

Trial on the merits of the corporation's application ensued thereafter.

To support its application, the corporation presented the following witnesses: Bonoan, its authorized

representative; Gil dela Cruz, Special Investigator of the CENRO-DENR, Laoag City; and Edmund Navarro, son of Angel C. Navarro, vendor of the subject land.

Bonoan, testified, among others, that the corporation acquired ownership over the subject parcel of land Angel C. Navarro by virtue of a Deed of Absolute Sale executed 7 August 2002.[10] From then on, the corporation had been occupying the said land and had been paying realty taxes due thereon. Bonoan also said that there is no mortgage or encumbrance affecting said land nor is there any other person or entity claiming interest therein.[11]

Dela Cruz testified, on the other hand, that he conducted an investigation relative to the subject land and discovered that the same is classified as commercial and is within the alienable and disposable zone. Dela Cruz further testified that the subject land is not within any forest reserve or existing reservation nor does it encroach any road. Lastly, Dela Cruz declared that the subject land has not yet been granted a patent.[12]

Edmund Navarro testified that he served as a witness to the Deed of Absolute Sale dated 7 August 2002.[13] His father, Angel C. Navarro, allegedly acquired the subject land from his mother, Anastacia Cariaga.[14] Edmund Navarro further declared that he was still young, his father used to bring him to the subject land which his father had cultivated.[15]

To further substantiate its application, the corporation, inter alia, presented the following documents: (1.) Advance Plan of the subject land;[16] (2.) Technical Description of the subject land;[17] (3.) Tax Declaration No. 05-007-00832 for 2007;[18] (4.) Tax Declaration No. 05-007-00105 for 2006;[19] (5.) Tax Declaration No. 03-007-00782 for 2003;[20] (6.) Tax Declaration No. 08-007-00832 for 2009;[21] (7.) Deed of Absolute Sale dated 7 August 2002 executed by Angel C. Navarro in favor of the corporation;[22] and (8.) Report dated 3 November 2009 issued by Gil A. Dela Cruz, Special Investigator 1 of the CENRO-2 of the DENR of Laoag City, attesting that Lot No. 2616 form part of the alienable and disposable lands of the public domain.[23]

On 12 July 2010, the RTC rendered the assailed Decision, the dispositive portion of which reads:

WHEREFORE, judgment is hereby rendered confirming VVH Realty Corporation's title over Lot No. 2616 of the Cadastral Survey of San Nicloas, Ilocos Norte located at Brgy. 1, San Francisco, San Nicolas, Ilocos Norte, containing an area of 2,577 square meters and adjudicating the abovestated lot to the applicant VVH Realty Corporation, a one hundred percent Filipino owned corporation, duly organized and existing under and by virtue of the laws of the Republic of the Philippines, with business address at Suite 906 Globe Telecom Plaza, Pioneer St., Mandaluyong City, represented by Mr. Ed Mar Vincent L. Bonoan.

Upon finality of this judgment, let a decree of registration be issued to the applicant VVH Realty Corporation represented by Ed Mar Vincent L. Bonoan.[24]

Hence, this present Appeal by the Republic imputing this lone assignment of error to the RTC, viz:

THE TRIAL COURT ERRED IN CONFIRMING APPLICANT-APPELLEE VVH RELATY CORPORATION'S TITLE OVER LOT NO. 2616 OF THE CADASTRAL SURVEY OF SAN NICOLAS, ILOCOS NORTE DESPITE APPLICANT-APPELLEE'S FAILURE TO PROVE ITS POSSESSION THEREOF FORTHE LENGTH OF TIME AND IN THE MANNER STATED UNDER SECTION 14 OF P.D. 1529.[25]

The OSG mainly argues that there is no competent evidence of any official declaration from the State showing that the subject land is no longer intended for public use or for public service conformably with Article 422 of the Civil Code in order for prescription to set in.[26] The corporation, however, insists that the unshaken testimony of Edmund Navarro that when he reached the age of reason, he had already witnessed the possession of the subject land by his father, only proves its (the corporation's) possession and that of its predecessor-in-interest for thirty

one (31) years.[27]

The Appeal is meritorious.

At the outset, the Court notes that the RTC did not cite any specific provision of law under which authority the corporation's application for registration of title to the subject property was granted. In granting the application for registration, the RTC merely stated that the corporation "was able to prove that it acquired the parcel of land designated as Lot No. 2616 from the heir of Anastacia Cariaga who had been in open, actual, continuous, adverse, public, peaceful, uninterrupted and in the concept of owner of the subject parcel of land xxx." [28] At any rate, a judicious scrutiny of the corporation's Application would reveal that the same was based on Section 14(2) of P.D. No. 1529 which speaks of prescription when the corporation alleged that for more than fifty (50) years, it had been in open, actual, continuous, and uninterrupted possession in the concept of an owner of the subject land, tacking the possession of its predecessor-in-interest. Moreover, in its Appellee's Brief, the arguments advanced by the corporation in support of the Application is anchored mainly on Section 14 (2) of P.D. No. 1529.

Section 14 of P.D. No. 1529 or The Property Registration Decree enumerates the persons who may apply for the registration of title to land, to wit:

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.

(2) Those who have acquired ownership of private lands by prescription under the provisions of existing laws.

x x x

When Section 14 (2) of the Property Registration Decree explicitly provides that persons "who have acquired ownership over private lands by prescription under the provisions of existing laws," it unmistakably refers to the Civil Code as a valid basis for the registration of lands. The Civil Code is the only existing law that specifically allows the acquisition by prescription of private lands, including patrimonial property belonging to the State.[29]

Indeed, under Article 1106 of the Civil Code, prescription is one of the modes of acquiring ownership:

By prescription, one acquires ownership and other real rights through the lapse of time in the manner and under the conditions laid down by law.

Article 1113 of the Civil Code defines what properties are susceptible to prescription. Thus :

All things which are within the commerce of men are susceptible of prescription, unless otherwise provided. Property of the State or any of its subdivision not patrimonial in character shall not be the object of prescription. (Emphasis ours)

The identification of what consists of patrimonial property is provided by Articles 420 and 421 of the Civil Code, which We quote in full:

Art. 420. 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 or for the development of the national wealth.

Art. 421. All other property of the State, which is not of the character stated in the preceding article, is patrimonial property.

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”.^[30]

In the case of *Heirs of Mario Malabanan v. Republic*,^[31] the Supreme Court synthesized all the afore-discussed provisions of law and made the doctrinal pronouncement as to the legal requisites for the original registration of land under Section 14 (2) of the Property Registration Decree, to wit:

x x x

(2) In complying with Section 14(2) of the Property Registration Decree, consider that under the Civil Code, prescription is recognized as a mode of acquiring ownership of patrimonial property. However, public domain lands become only patrimonial property not only with a declaration that these are alienable or disposable. There must also be an express government manifestation that the property is already patrimonial or no longer retained for public service or the development of national wealth, under Article 422 of the Civil Code. And only when the property has become patrimonial can the prescriptive period for the acquisition of property of the public dominion begin to run.

(a) Patrimonial property is private property of the government. The person acquires ownership of patrimonial property by prescription under the Civil Code is entitled to secure registration thereof under Section 14(2) of the Property Registration Decree.

(b) There are two kinds of prescription by which patrimonial property may be acquired, one ordinary and other extraordinary. Under ordinary acquisitive prescription, a person acquires ownership of a patrimonial property through possession for at least ten (10) years, in good faith and with just title. Under extraordinary acquisitive prescription, a person’s uninterrupted adverse possession of patrimonial property for at least thirty (30) years, regardless of good faith or just title, ripens into ownership.

In the instant case, the corporation presented in evidence the Report^[32] dated 3 November 2009 issued by the DENR, CENRO-2, Laoag City, stating, inter alia, that: “the entire area is within the Alienable and Disposable zone as classified under Land Classification Map No. 1313, Project No. 16, release and certified on December 6, 1937 by the then defunct Bureau of Forestry now the Land Forestry Management Service under the Department of Natural Resources.” It is unfortunate, however, that the said Report is not enough in order to commence the thirty (30)-year prescriptive period under Section 14 (2) of P.D. No. 1529. There is no evidence in this case indicating any express declaration by the state that the subject land is no longer intended for public service or the development of the national wealth. Thus, there appears no basis for the application of the thirty (30)-year prescriptive period in this case.^[33] This is in accordance with the ruling of the Supreme Court in the *Malabanan* case:

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. (Emphasis ours)

In *Republic v. Rizalvo, Jr.*,^[34] the High Court deemed it appropriate to reiterate the foregoing ruling in *Malabanan*, viz:

On this basis, respondent would have been eligible for application for registration because his claim of ownership and possession over the subject property even exceeds thirty (30) years. However, 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. x x x. (Citation omitted and emphasis ours)

Indubitably, the corporation failed to prove that acquisitive prescription has begun to run against the State, much less that it has acquired title to the subject property by virtue thereof. It is of no moment that the corporation and its predecessors-in-interest have been purportedly in possession of the subject property for more than fifty (50) years as alleged in the Application or thirty one (31) years as later on advanced in its Appellee's Brief for the subject property cannot be acquired by prescription for as long as it remains reserved for public service or the development of national wealth.³⁵ In other words, the period of possession prior to the reclassification of the land, no matter how long, was irrelevant because prescription did not operate against the State before then.^[36] "[I]t is not the notorious, exclusive and uninterrupted possession and occupation of an alienable and disposable public land for the mandated periods that converts it to patrimonial. The indispensability of an official declaration that the property is now held by the State in its private capacity or placed within the commerce of man for prescription to have any effect against the State cannot be overemphasized."^[37]

WHEREFORE, upon the foregoing, the present Appeal is GRANTED. The Decision dated 12 July 2010 of the Regional Trial Court of Laoag City, Branch 12, in LRC Case No. N-230 is REVERSED and SET ASIDE. Accordingly, the Application for registration of title over the subject parcel of land filed by plaintiff-appellee VVH Realty Corporation is hereby DENIED for lack of merit.

SO ORDERED.

[*]Ybañez, E. A., Acting Chairperson and Macalino, F. S., J.J., concur.

[*] Vice J. Punzalan Castillo, M.P., per Office Order No. 33-15-ABR dated January 30, 2015 [1] Original Records, pp. 132-138. Penned by Judge Charles A. Aguilar.

[2] *Id.*, pp. 1-5.

[3] *Id.*, pp. 1-3. 4*Id.*, p. 16, Exhibit "E."

[5] *Id.*, pp. 28-29.

[6] *Id.*, p. 45. See Certificate of Posting dated May 28, 2009 issued by the National Printing Office, Exhibit "I."

[7] *Id.*, p. 46. See Affidavit of Publication executed on July 15, 2009 by Shirley P. Liobing, Advertising Manager of People's Balita, Exhibit "K."

- [8] *Id.*, p. 42. See Certificate of Posting dated June 24, 2009 issued by Nicomedes C. Cantorna, Sheriff IV of the RTC of Laoag City, Branch 12.
- [9] *Id.*, p. 21, Exhibit “N.” See Letter dated April 17, 2009 of the OSG addressed to the City Prosecutor of Laoag City, *id.*, p. 21, Exhibit “N-1.”
- [10] TSN, October 12, 2009, p. 4.
- [11] TSN, October 12, 2009, pp. 4-5.
- [12] TSN, November 16, 2009, p. 4.
- [13] TSN, November 16, 2009, p. 9.
- [14] TSN, November 16, 2009, p. 10.
- [15] TSN, November 16, 2009, p. 11.
- [16] *Id.*, p. 10, Exhibit “B.”
- [17] *Id.*, p. 11, Exhibit “C.”
- [18] *Id.*, p. 126, Exhibit “P.”
- [19] *Id.*, p. 125, Exhibit “P-1.”
- [20] *Id.*, p. 124, Exhibit “P-2.”
- [21] *Id.*, p. 9, Exhibit “P-3.”
- [22] *Id.*, pp. 7-8, Exhibit “Q.”
- [23] *Id.*, pp. 80-81, Exhibit “T.”
- [24] *Id.*, pp. 137-138.
- [25] Rollo, p. 26.
- [26] *Id.*, p. 37.
- [27] *Id.*, p. 56.
- [28] Original Records, p. 137.
- [29] *Heirs of Mario Malabanan v. Republic*, G.R. No. 179987, April 29, 2009.
- [30] *Heirs of Mario Malabanan v. Republic*, *supra*.
- [31] *Supra*.
- [32] Original Records, pp. 80-81, Exhibit “R.”
- [33] *Cf. Republic v. Rizalvo, Jr.*, G.R. No. 172011, March 7, 2011.
- [34] *Id.*
- [35] *Cf. Republic v. Metro Index Realty and Development Corporation*, G.R. No. 198585, July 2, 2012.
- [36] *Republic v. De Guzman*. G.R. No. 163767, March 10, 2014.

[37] Republic v. Cortez, G.R. No. 186639, February 5, 2014.

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