

JAMES R. BRACEWELL, PETITIONER, VS. HONORABLE COURT OF APPEALS AND REPUBLIC OF THE PHILIPPINES, RESPONDENTS.

G.R. No. 107427. January 25, 2000

Ponente: YNARES-SANTIAGO, J.

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YNARES-SANTIAGO, J.:

Before us is a petition to affirm the Order of the Regional Trial Court of Makati, Branch 58, in LRC Case No. M-77,[1] which was reversed by respondent Court of Appeals in its Decision dated June 29, 1992 in CA-G.R. CV No. 26122.[2] Petitioner's Motion for Reconsideration was denied by respondent court on September 30, 1992.[3]

The controversy involves a total of nine thousand six hundred fifty-seven (9,657) square meters of land located in Las Piñas, Metro Manila. The facts show that sometime in 1908, Maria Cailles, married to James Bracewell, Sr., acquired the said parcels of land from the Dalandan and Jimenez families of Las Piñas; after which corresponding Tax Declarations were issued in the name of Maria Cailles. On January 16, 1961, Maria Cailles sold the said parcels of land to her son, the petitioner, by virtue of a Deed of Sale which was duly annotated and registered with the Registry of Deeds of Pasig, Rizal. Tax Declarations were thereafter issued in the name of petitioner, cancelling the previous Tax Declarations issued to Maria Cailles.

On September 19, 1963, petitioner filed before the then Court of First Instance of Pasig, Rizal an action for confirmation of imperfect title under Section 48 of Commonwealth Act No. 141.[4] The case was docketed as L.R.C. Case No.4328. On February 21, 1964, the Director of Lands, represented by the Solicitor General, opposed petitioner's application on the grounds that neither he nor his predecessors-in-interest possessed sufficient title to the subject land nor have they been in open, continuous, exclusive and notorious possession and occupation of the same for at least thirty (30) years prior to the application, and that the subject land is part of the public domain.[5]

The registration proceedings were meanwhile suspended on account of an action filed by Crescencio Leonardo against Maria Cailles before the then Court of First Instance of Pasig, Rizal. The case was finally disposed of by this Court in G.R. No. 5263 where the rights of Maria Cailles were upheld over those of the oppositor Leonardo.[6]

On March 26, 1985, the entire records of the registration case were forwarded to the Makati Regional Trial Court[7] where it was docketed as Land Registration Case No. M-77. The Solicitor General resubmitted his opposition to the application on July 22, 1985,[8] this time alleging the following additional grounds: (1) the failure of petitioner to prosecute his action for an unreasonable length of time; and (2) that the tax declarations attached to the complaint do not constitute acquisition of the lands applied for.

On May 3, 1989, the lower court issued an Order granting the application of petitioner.[9] The Solicitor General promptly appealed to respondent Court which, on June 29, 1992, reversed and set aside the lower court's Order.[10] It also denied petitioner's Motion for Reconsideration in its Resolution of September 30, 1992.[11]

Hence, the instant Petition anchored upon the following grounds -

I. The Honorable Court of Appeals ERRED in finding that the commencement of thirty (30) year period mandated under Sec. 48 (b) shall commence only on March 27, 1972 in accordance with the classification made by the Bureau of Forestry in First (1st) Indorsement dated August 20, 1986.

II. The Honorable Court of Appeals committed an ERROR in DRAWING conclusion and inference that prior to the declaration by the Bureau of Forestry in March 27, 1972, the parcels of land sought to be registered by Applicant was part of the forest land or forest reserves.

III. The Honorable Court of Appeals ERRED and failed to consider VESTED RIGHTS of the applicant-appellant and his predecessors-in-interest land occupied from 1908."^[12]

The controversy is simple. On one hand, petitioner asserts his right of title to the subject land under Section 48 (b) of Commonwealth Act No. 141, having by himself and through his predecessors-in-interest been in open, continuous, exclusive and notorious possession and occupation of the subject parcels of land, under a bona fide claim of acquisition or ownership, since 1908. On the other hand it is the respondents' position that since the subject parcels of land were only classified as alienable or disposable on March 27, 1972,^[13] petitioner did not have any title to confirm when he filed his application in 1963. Neither was the requisite thirty years possession met.

We agree with respondents.

In *Republic vs. Doldol*,^[14] the requisites to acquire title to public land were laid down, as follows --

"x x x. The original Section 48(b) of C.A. No. 141 provided for possession and occupation of lands of the public domain since July 26, 1894. This was superseded by R.A. No. 1942 which provided for a simple thirty-year prescriptive period of occupation by an applicant for judicial confirmation of imperfect title. The same, however, has already been amended by Presidential Decree No. 1073, approved on January 25, 1977. As amended, Section 48(b) now reads:

'(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 or ownership, since June 12, 1945, or earlier, immediately preceding the filing of the application for confirmation of title, except when prevented by wars 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.'" (italicized in the original)

Thus, in the aforecited *Republic vs. CA* case, we stated that the Public Land Act requires that the applicant must prove (a) that the land is alienable public land and (b) that his open, continuous, exclusive and notorious possession and occupation of the same must be since time immemorial or for the period prescribed in the Public Land Act. When the conditions set by law are complied with, the possessor of the land, by operation of law, acquires a right to a grant, a government grant, without the necessity of a certificate of title being issued."

Clear from the above is the requirement that the applicant must prove that the land is alienable public land. On this score, we agree with respondents that petitioner failed to show that the parcels of land subject of his application are alienable or disposable. On the contrary, it was conclusively shown by the government that the same were only classified as alienable or disposable on March 27, 1972. Thus, even granting that petitioner and his predecessors-in-interest had occupied the same since 1908, he still cannot claim title thereto by virtue of such possession since the subject parcels of land were not yet alienable land at that time nor capable of private appropriation. The adverse possession which may be the basis of a grant of title or confirmation of an imperfect title refers only to alienable or disposable portions of the public domain.^[15]

A similar situation existed in the case of *Reyes v. Court of Appeals*,^[16] where a homestead patent issued to the petitioners' predecessor-in-interest was cancelled on the ground that at the time it was issued, the subject land was still part of the public domain. In the said case, this Court ruled as follows --

"Under the Regalian doctrine, all lands of the public domain belong to the State, and that the State is the source of any asserted right to ownership in land and charged with the conservation of such patrimony. This same doctrine also states that all lands not otherwise appearing to be clearly within private ownership are presumed to belong to the State (*Director of Lands vs. Intermediate Appellate Court*, 219 SCRA 340).

Hence, the burden of proof in overcoming the presumption of State ownership of lands of the public domain is on the person applying for registration. The applicant must show that the land subject of the application is alienable or disposable. This petitioners failed to do.

We have stated earlier that at the time the homestead patent was issued to petitioners' predecessor-in-interest, the subject land belong to the inalienable and undisposable portion of the public domain. Thus, any title issued in their name by mistake or oversight is void ab initio because at the time the homestead patent was issued to petitioners, as successors-in-interest of the original patent applicant, the Director of Lands was not then authorized to dispose of the same because the area was not yet classified as disposable public land. Consequently, the title issued to herein petitioners by the Bureau of Lands is void ab initio."

Prior to March 27, 1972, when the subject parcels of land were classified as inalienable or indisposable, therefore, the same could not be the subject of confirmation of imperfect title. There can be no imperfect title to be confirmed over lands not yet classified as disposable or alienable.^[17] In the absence of such classification, the land remains unclassified public land until released therefrom and open to disposition.^[18] Indeed, it has been held that the rules on the confirmation of imperfect title do not apply unless and until the land classified as forest land is released in an official proclamation to that effect so that it may form part of the disposable agricultural lands of the public domain.^[19]

Neither has petitioner shown proof that the subject Forestry Administrative Order recognizes private or vested rights under which his case may fall. We only find on record the Indorsement of the Bureau of Forest Development^[20] from which no indication of such exemption may be gleaned.

Having found petitioner to have no cause of action for his application for confirmation of imperfect title, we see no need to discuss the other errors raised in this petition.

WHEREFORE, premises considered, the instant Petition is hereby DENIED for lack of merit. No pronouncement as to costs.

SO ORDERED.

Davide, Jr., C.J., (Chairman), Puno, Kapunan, and Pardo, JJ., concur.

[1] Records, Vol. I, pp. 268-271.

[2] CA Records, pp. 30-34.

[3] Id., p. 45.

[4] Records, Vol. 1, pp. 2-16.

[5] Id., pp. 20-21.

[6] Id., pp. 136-142.

[7] Order, Las Piñas Metropolitan Trial Court Branch 79; Records, Vol. I, p. 98.

[8] Records, Vol. I, pp. 107-108.

[9] See Note 1.

[10] See Note 2.

[11] See Note 3.

[12] Petition for Review, p. 8; Rollo, p. 15.

[13] See Exhibit "U" for the petitioner, Exhibit "1-A" for respondent; 1st Indorsement of the Bureau of Forest Development, dated 20 August 1986, with the following remarks: "Verification disclosed that subject areas fall within the Alienable or Disposable Land, under Project No. 13-A of Las Piñas, Metro Manila certified and declared as such on March 27, 1972 as per Forestry Administrative Order No.4-1141 per LC Map 2623."

[14] G.R. No. 132963, 295 SCRA 359, 364 (1998)

[15] Spouses Villarico vs. Court of Appeals, G.R. No. 105912, 28 June 1999.

[16] G.R. No. 94524, 295 SCRA 295, 310 (1998)

[17] Director of Land Management vs. Court of Appeals. G.R. No. 81961, 172 SCRA 455 (1989)

[18] Republic vs. Register of Deeds of Quezon City, G.R. No.73974. 244 SCRA 537, 546 (1995)

[19] Sunbeam Convenience Foods, Inc. vs. Court of Appeals, G.R. No. 50464, 181 SCRA 443, 448 (1990)

[20] See Note 13.

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