

REPUBLIC OF THE PHILIPPINES, PETITIONER, VS. THE COURT OF APPEALS AND SPOUSES MARIO B. LAPIÑA AND FLOR DE VEGA, RESPONDENTS.

G.R. No. 108998. August 24, 1994

Ponente: BIDIN, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-108998/>

BIDIN, J.:

Can a foreign national apply for registration of title over a parcel of land which he acquired by purchase while still a citizen of the Philippines, from a vendor who has complied with the requirements for registration under the Public Land Act (CA 141)?

The Republic would have us rule on the negative and asks this Court to nullify the decision of the appellate court which affirmed the judgment of the court a quo in granting the application of respondent spouses for registration over the lots in question.

On June 17, 1978, respondent spouses bought Lots 347 and 348, Cad. s38-D, as their residence with a total area of 91.77 sq. m. situated in San Pablo City, from one Cristeta Dazo Belen (Rollo, p. 41). At the time of the purchase, respondent spouses were then natural-born Filipino citizens.

On February 5, 1987, the spouses filed an application for registration of title of the two (2) parcels of land before the Regional Trial Court of San Pablo City, Branch XXXI. This time, however, they were no longer Filipino citizens and have opted to embrace Canadian citizenship through naturalization.

An opposition was filed by the Republic and after the parties have presented their respective evidence, the court a quo rendered a decision confirming private respondents' title to the lots in question, the dispositive portion of which reads as follows:

"WHEREFORE, in view of the foregoing, this Court hereby approves the said application and confirms the title and possession of herein applicants over Lots 347 and 348, Ap-04-003755 in the names of spouses Mario B. Lapiña and Flor de Vega, all of legal age, Filipino citizens by birth but now Canadian citizens by naturalization and residing at 14 A. Mabini Street, San Pablo City and/or 201-1170-124 Street, Edmonton, Alberta T5M-OK9, Canada.

"Once this Decision becomes final, let the corresponding decree of registration be issued. In the certificate of title to be issued, there shall be annotated an easement of .265 meters road right-of-way."

"SO ORDERED." (Rollo, p. 25)

On appeal, respondent court affirmed the decision of the trial court based on the following ratiocination:

"In the present case, it is undisputed that both applicants were still Filipino citizens when they bought the land in controversy from its former owner. For this reason, the prohibition against the acquisition of private lands by aliens could not apply. In justice and equity, they are the rightful owners of the subject realty considering

also that they had paid for it quite a large sum of money. Their purpose in initiating the instant action is merely to confirm their title over the land, for, as has been passed upon, they had been the owners of the same since 1978. It ought to be pointed out that registration is not a mode of acquiring ownership. The Torrens System was not established as a means for the acquisition of title to private land. It is intended merely to confirm and register the title which one may already have (*Municipality of Victorias vs. Court of Appeals*, G.R. No. L-31189, March 31, 1987). With particular reference to the main issue at bar, the High Court has ruled that title and ownership over lands within the meaning and for the purposes of the constitutional prohibition dates back to the time of their purchase, not later. The fact that the applicants-appellees are not Filipino citizens now cannot be taken against them for they were not disqualified from acquiring the land in question (*Bollozos vs. Yu Tieng Su*, G.R. No. L-29442, November 11, 1987)." (Rollo, pp. 27--28)

Expectedly, respondent court's disposition did not merit petitioner's approval, hence this present recourse, which was belatedly filed.

Ordinarily, this petition would have been denied outright for having been filed out of time had it not been for the constitutional issue presented therein.

At the outset, petitioner submits that private respondents have not acquired Canadian citizenship through naturalization to justify the registration thereof in their favor. It maintains that even privately owned unregistered lands are presumed to be public lands under the principle that lands of whatever classification belong to the State under the Regalian doctrine. Thus, before the issuance of the certificate of title, the occupant is not in the juridical sense the true owner of the land since it still pertains to the State. Petitioner further argued that it is only when the court adjudicates the land to the applicant for confirmation of title would the land become privately owned land, for in the same proceeding, the court may declare it public land, depending on the evidence.

As found by the trial court:

"The evidence thus presented established that applicants, by themselves and their predecessors-in-interest, had been in open, public, peaceful, continuous, exclusive and notorious possession and occupation of the two adjacent parcels of land applied for registration of title under a bona-fide claim of ownership long before June 12, 1945. Such being the case, it is conclusively presumed that all the conditions essential to the confirmation of their title over the two adjacent parcels of land are sought to be registered have been complied with thereby entitling them to the issuance of the corresponding certificate of title pursuant to the provisions of Presidential Decree No. 1529, otherwise known as the Property Registration Decree." (Rollo, p. 26)

Respondent court echoed the court a quo's observation, thus:

"The land sought to be registered has been declared to be within the alienable and disposable zone established by the Bureau of Forest Development (Exhibit 'P'). The investigation conducted by the Bureau of Lands, Natural Resources District (IV-2) reveals that the disputed realty had been occupied by the applicants 'whose house of strong materials stands thereon'; that it had been declared for taxation purposes in the name of applicants-spouses since 1979; that they acquired the same by means of a public instrument entitled 'Kasulatan ng Bilihang Tuluyan' duly executed by the vendor, Cristeta Dazo Belen, on June 17, 1978 (Exhibits 'I' and 'J'); and that applicants and their predecessors in interest had been in possession of the land for more than 30 years prior to the filing of the application for registration. But what is of great significance in the instant case is the circumstance that at the time the applicants purchased the subject lot in 1978, both of them were Filipino citizens such that when they filed their application for registration in 1987, ownership over the land in dispute had already passed to them." (Rollo, p., 27)

The Republic disagrees with the appellate court's concept of possession and argues:

"17. The Court of Appeals found that the land was declared for taxation purposes in the name of respondent

spouses only since 1979. However, tax declarations or realty tax payments of property are not conclusive evidence of ownership. (citing cases)

"18. Then again, the appellate court found that 'applicants (respondents) and their predecessors-in-interest had been in possession of the land for more than 30 years prior to the filing of the application for registration.' This is not, however, the same as saying that respondents have been in possession 'since June 12, 1945.' (PD No. 1073, amending Sec. 48 [b], CA No. 141; see also Sec. 14, PD No. 1529). So there is a void in respondents' possession. They fall short of the required possession since June 12, 1945 or prior thereto. And, even if they needed only to prove thirty (30) years possession prior to the filing of their application (on February 5, 1987), they would still be short of the required possession if the starting point is 1979 when, according to the Court of Appeals, the land was declared for taxation purposes in their name." (Rollo, pp. 14-15)

The argument is myopic, to say the least. Following the logic of petitioner, any transferee is thus foreclosed to apply for registration of title over a parcel of land notwithstanding the fact that the transferor, or his predecessor-in-interest has been in open, notorious and exclusive possession thereof for thirty (30) years or more. This is not, however, what the law provides.

As petitioner itself argues, Section 48 of the Public Land Act (CA 141) reads:

"Sec. 48. The following-described citizens of the Philippines, occupying lands of the public domain or claiming interest therein, but whose titles have not been perfected or completed, may apply to the Court of First Instance (now Regional Trial Court) of the province where the land is located for confirmation of their claims and the issuance of a certificate of title therefor under the Land Registration Act, to wit:

x x x

(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, for at least thirty years immediately preceding the filing of the application for confirmation of title except when prevented by wars or force majeure. These 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." (Underscoring supplied)

As amended by PD 1073:

"Sec. 4. The provisions of Section 48(b) and Section 48(c), Chapter VIII, of the Public Land Act are hereby amended in the sense that these provisions shall apply only to alienable and disposable lands of the public domain which have been in open, continuous, exclusive and notorious possession and occupation by the applicant himself or thru his predecessor-in-interest, under a bona fide claim of acquisition or ownership, since June 12, 1945."

It must be noted that with respect to possession and occupation of the alienable and disposable lands of the public domain, the law employs the terms "by themselves", "the applicant himself or through his predecessor-in-interest". Thus, it matters not whether the vendee/applicant has been in possession of the subject property for only a day so long as the period and/or legal requirements for confirmation of title has been complied with by his predecessor-in-interest, the said period is tacked to his possession. In the case at bar, respondents' predecessors-in-interest have been in open, continuous, exclusive and notorious possession of the disputed land not only since June 12, 1945, but even as early as 1937. Petitioner does not deny this except that respondent spouses, in its perception, were in possession of the land sought to be registered only in 1978 and therefore short of the required length of time. As aforesaid, the disputed parcels of land were acquired by private respondents through their predecessors-in-interest, who, in turn, have been in open and continued possession thereof since 1937. Private respondents stepped into the shoes of their predecessors-in-interest and by virtue thereof, acquired

all the legal rights necessary to confirm what could otherwise be deemed as an imperfect title.

At this juncture, petitioner's reliance in *Republic v. Villanueva* (114 SCRA 875 [1982]) deserves scant consideration. There, it was held that before the issuance of the certificate of title, the occupant is not in the juridical sense the true owner of the land since it still pertains to the State.

Suffice it to state that the ruling in *Republic v. Villanueva* (supra), has already been abandoned in the 1986 case of *Director of Lands v. Intermediate Appellate Court* (146 SCRA 509; and reiterated in *Director of Lands v. Iglesia ni Cristo*, 200 SCRA 606 [1991]) where the Court, through then Associate Justice, now Chief Justice Narvasa, declared that:

"(The weight of authority is) that open, exclusive and undisputed possession of alienable public land for the period prescribed by law creates the legal fiction whereby the land, upon completion of the requisite period ipso jure and without the need of judicial or other sanction, ceases to be public land and becomes private property. x x x

"Herico in particular, appears to be squarely affirmative:

"x x x. Secondly, under the provisions of Republic Act No. 1942, which the respondent Court held to be inapplicable to the petitioner's case, with the latter's proven occupation and cultivation for more than 30 years since 1914, by himself and by his predecessors-in-interest, title over the land has vested on petitioner so as to segregate the land from the mass of public land. Thereafter, it is no longer disposable under the Public Land Act as by free patent. x x x

x x x

'As interpreted in several cases, when the conditions as specified in the foregoing provision are complied with, the possessor is deemed to have acquired, by operation of law, a right to a grant, a government grant, without the necessity of a certificate of title being issued. The land, therefore, ceases to be of the public domain and beyond the authority of the Director of Lands to dispose of. The application for confirmation is mere formality, the lack of which does not affect the legal sufficiency of the title as would be evidenced by the patent and the Torrens title to be issued upon the strength of said patent.'

"Nothing can more clearly demonstrate the logical inevitability of considering possession of public land which is of the character and duration prescribed by the statute as the equivalent of an express grant from the State than the dictum of the statute itself (Section 48 [b]) that the possessor(s) 'x x x shall be conclusively presumed to have performed all the conditions essential to a Government grant and shall be entitled to a certificate of title x x x.' No proof being admissible to overcome a conclusive presumption, confirmation proceedings would, in truth be little more than a formality, at the most limited to ascertaining whether the possession claims is of the required character and length of time; and registration thereunder would not confer title, but simply recognize a title already vested. The proceedings would not originally convert the land from public to private land, but only confirm such a conversion already affected by operation of law from the moment the required period of possession became complete. As was so well put in *Cariño*, 'x x x (There are indications that registration was expected from all, but none sufficient to show that, for want of it, ownership actually gained would be lost. The effect of the proof, wherever made, was not to confer title, but simply to establish it, as already conferred by the decree, if not by earlier law.'" (Underscoring supplied)

Subsequent cases have hewed to the above pronouncement such that open, continuous and exclusive possession for at least 30 years of alienable public land ipso jure converts the same to private property (*Director of Lands v. IAC*, 214 SCRA 604 [1992]; *Pineda v. CA*, 183 SCRA 602 [1990]). This means that occupation and cultivation for more than 30 years by an applicant and his predecessors-in-interest, vest title on such applicant so as to

segregate the land from the mass of public land (*National Power Corporation v. CA*, 218 SCRA 41 [1993]).

The Public Land Act requires that the applicant must prove that (a) the land is alienable public land and (b) his possession, in the concept above stated, must be either since time immemorial or for the period prescribed in the Public Land Act (*Director of Lands v. Buyco*, 216 SCRA 78 [1992]). 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 (*National Power Corporation v. CA*, supra). As such, the land ceases to be a part of the public domain and goes beyond the authority of the Director of Lands to dispose of.

In other words, the Torrens system was not established as a means for the acquisition of title to private land (*Municipality of Victorias v. CA*, 149 SCRA 32 [1987]). It merely confirms, but does not confer ownership. As could be gleaned from the evidence adduced, private respondents were able to establish the nature of possession of their predecessors-in-interest. Evidence was offered to prove that their predecessors-in-interest had paid taxes on the subject land and introduced improvements thereon (Exhibits "F" to "F9"). A certified true copy of the affidavit executed by Cristeta Dazo and her sister Simplicia was also formally offered to prove that the subject parcels of land were inherited by vendor Cristeta Dazo from her father Pedro Dazo with the conformity of her only sister Simplicia (Exhibit "G"). Likewise, a report from the Bureau of Lands was presented in evidence together with a letter from the Bureau of Forest Development, to prove that the questioned lots were part of the alienable and disposable zone of the government and that no forestry interest was affected (CA GR No. 28953, Records, p. 33).

In the main, petitioner seeks to defeat respondents' application for registration of title on the ground of foreign nationality. Accordingly, the ruling in *Director of Lands v. Buyco* (supra) supports petitioner's thesis.

We disagree.

In *Buyco*, the applicants therein were likewise foreign nationals but were natural-born Filipino citizens at the time of their supposed acquisition of the property. But this is where the similarity ends. The applicants in *Buyco* sought to register a large tract of land under the provisions of the Land Registration Act, and in the alternative, under the provisions of the Public Land Act. The land registration court decided in favor of the applicants and was affirmed by the appellate court on appeal. The Director of Lands brought the matter before us on review and we reversed.

This Court, speaking through Justice Davide, Jr., stated:

"As could be gleaned from the evidence adduced, the private respondents do not rely on fee simple ownership based on a Spanish grant or possessory information title under Section 19 of the Land Registration Act; the private respondents did not present any proof that they or their predecessors-in-interest derived title from an old Spanish grant such as (a) the 'titulo real' or royal grant (b) the 'concesion especial' or special grant; (c) the 'composicion con el estado' title or adjustment title; (d) the 'titulo de compra' or title by purchase; and (e) the 'informacion posesoria' or possessory information title, which could become a 'titulo gratuito' or a gratuitous title (*Director of Forestry v. Muñoz*, 23 SCRA 1183 [1968]). The primary basis of their claim is possession, by themselves and their predecessors-in-interest, since time immemorial.

"If indeed private respondents and their predecessors have been in possession since time immemorial, the rulings of both courts could be upheld for, as this Court stated in *Oh Cho v. Director of Lands* (75 Phil. 890 [1946]):

'x x x All lands that were not acquired from the Government, either by purchase or by grant, belong to the public domain. An exception to the rule would be any land that should have been in the possession of an occupant and of his predecessors in interest since time immemorial, for such possession would justify the presumption that the land had never been part of the public domain or that if had been a private property even before the Spanish

conquest (Cariño v. Insular Government, 41 Phil 935 [1909]; 212 U.S. 449; 53 Law. Ed., 594) The applicant does not come under the exception, for the earliest possession of the lot by his first predecessor in interest began in 1880.'

'x x x alienable public land held by a possessor, personally or through his predecessors--in-interest, openly, continuously and exclusively for the prescribed statutory period (30 years under the Public Land Act, as amended) is converted to private property by the mere lapse or completion of said period, ipso jure.' (Director of Lands v. Intermediate Appellate Court, supra)

"it is obvious from the foregoing rule that the applicant must prove that (a) the land is alienable public land and (b) his possession, in the concept above stated, must be either since time immemorial, as ruled in both Cariño and Susi, or for the period prescribed in the Public Land Act. As to the latter, this Court, in Gutierrez Hermanos v. Court of Appeals (178 SCRA 37 [1989]), adopted the rule enunciated by the Court of Appeals, per then Associate Justice Hugo R. Gutierrez, Jr., x x x, that an applicant for registration under Section 48 of the Public Land Act must secure a certification from the Government that the lands which he claims to have possessed as owner for more than thirty (30) years are alienable and disposable. It is the burden of the applicant to prove its positive averments.

"In the instant case, private respondents offered no evidence at all to prove that the property subject of the application is an alienable and disposable land. On the contrary, the entire property x x x was pasture land (and therefore inalienable under the then 1973 Constitution).

"x x x (P)ivate respondents' evidence miserably failed to establish their imperfect title to the property in question. Their allegation of possession since time immemorial, x x x, is patently baseless. x x x When referring to possession, specifically 'immemorial possession,' it means possession of which no man living has seen the beginning, and the existence of which he has learned from his elders (Susi v. Razon, supra). Such possession was never present in the case of private respondents. x x x

"x x x, there does not even exist a reasonable basis for the finding that the private respondents and their predecessors-in-interest possessed the land for more than eighty (80) years, x x x.

x x x

"To this Court's mind, private respondents failed to prove that (their predecessor-in-interest) had possessed the property - allegedly covered by Tax Declaration No. 15853 and made the subject of both his last will and testament and the project of partition of his estate among his heirs - in such manner as to remove the same from the public domain under the Cariño and Susi doctrines. Thus, (when the predecessor-in-interest) died on 31 May 1937, he transmitted no right whatsoever, with respect to the said property, to his heirs. This being the case, his possession cannot be tacked to that of the private respondents for the latter's benefit pursuant to Section 48(b) of the Public Land Act, the alternative ground relied upon in their application. x x x

x x x

"Considering that the private respondents became American citizens before such filing, it goes without saying that they had acquired no vested right, consisting of an imperfect title, over the property before they lost their Philippine citizenship." (Underscoring supplied)

Clearly, the applicants in Buyco were denied registration of title not merely because they were American citizens at the time of their application therefor. Respondents therein failed to prove possession of their predecessor-in-interest since time immemorial or possession in such a manner that the property has been segregated from public domain; such that at the time of their application, as American citizens, they have acquired no vested rights over the parcel of land.

In the case at bar, private respondents were undoubtedly natural-born Filipino citizens at the time of the acquisition of the properties and by virtue thereof, acquired vested rights thereon, tacking in the process, the possession in the concept of owner and the prescribed period of time held by their predecessors-in-interest under the Public Land Act. In addition, private respondents have constructed a house of strong materials on the contested property, now occupied by respondent Lapiña's mother.

But what should not be missed in the disposition of this case is the fact that the Constitution itself allows private respondents to register the contested parcels of land in their favor. Sections 7 and 8 of Article XII of the Constitution contain the following pertinent provisions, to wit:

"Sec. 7. Save in cases of hereditary succession, no private lands shall be transferred or conveyed except to individuals, corporations, or associations qualified to acquire or hold lands of the public domain."

"Sec. 8. Notwithstanding the provisions of Section 7 of this Article, a natural-born citizen of the Philippines who has lost his Philippine citizenship may be a transferee of private lands, subject to limitations provided by law." (Underscoring supplied)

Section 8, Article XII of the 1987 Constitution above quoted is similar to Section 15, Article XIV of the then 1973 Constitution which reads:

"Sec. 15. Notwithstanding the provisions of Section 14 of this Article, a natural-born citizen of the Philippines who has lost his citizenship may be a transferee of private land, for use by him as his residence, as the Batasang Pambansa may provide."

Pursuant thereto, Batas Pambansa Blg. 185 was passed into law, the relevant provision of which provides:

"Sec. 2. Any natural-born citizen of the Philippines who has lost his Philippine citizenship and who has the legal capacity to enter into a contract under Philippine laws may be a transferee of a private land up to a maximum area of one thousand square meters, in the case of urban land, or one hectare in the case of rural land, to be used by him as his residence. In the case of married couples, one of them may avail of the privilege herein granted; Provided, That if both shall avail of the same, the total area acquired shall not exceed the maximum herein fixed.

"In case the transferee already owns urban or rural lands for residential purposes, he shall still be entitled to be a transferee of an additional urban or rural lands for residential purposes which, when added to those already owned by him, shall not exceed the maximum areas herein authorized."

From the adoption of the 1987 Constitution up to the present, no other law has been passed by the legislature on the same subject. Thus, what governs the disposition of private lands in favor of a natural-born Filipino citizen who has lost his Philippine citizenship remains to be BP 185.

Even if private respondents were already Canadian citizens at the time they applied for registration of the properties in question, said properties as discussed above were already private lands; consequently, there could be no legal impediment for the registration thereof by respondents in view of what the Constitution ordains. The parcels of land sought to be registered no longer form part of the public domain. They are already private in character since private respondents' predecessors-in-interest have been in open, continuous and exclusive possession and occupation thereof under claim of ownership prior to June 12, 1945 or since 1937. The law provides that a natural-born citizen of the Philippines who has lost his Philippine citizenship may be a transferee of a private land up to a maximum area of 1,000 sq.m., if urban, or one (1) hectare in case of rural land, to be used by him as his residence (BP 185).

It is undisputed that private respondents, as vendees of a private land, were natural-born citizens of the

Philippines. For the purpose of transfer and/or acquisition of a parcel of residential land, it is not significant whether private respondents are no longer Filipino citizens at the time they purchased or registered the parcels of land in question. What is important is that private respondents were formerly natural-born citizens of the Philippines, and as transferees of a private land, they could apply for registration in accordance with the mandate of Section 8, Article XII of the Constitution. Considering that private respondents were able to prove the requisite period and character of possession of their predecessors-in-interest over the subject lots, their application for registration of title must perforce be approved.

The dissenting opinion, however, states that the requirements in BP 185, must also be complied with by private respondents. Specifically, it refers to Section 6, which provides:

"Sec. 6. In addition to the requirements provided for in other laws for the registration of titles to lands, no private land shall be transferred under this Act, unless the transferee shall submit to the register of deeds of the province or city where the property is located a sworn statement showing the date and place of his birth; the names and addresses of his parents, of his spouse and children, if any; the area, the location and the mode of acquisition of his landholdings in the Philippines, if any; his intention to reside permanently in the Philippines; the date he lost his Philippine citizenship and the country of which he is presently a citizen; and such other information as may be required under Section 8 of this Act."

The Court is of the view that the requirements in Sec. 6 of BP 185 do not apply in the instant case since said requirements are primarily directed to the register of deeds before whom compliance therewith is to be submitted. Nowhere in the provision is it stated, much less implied, that the requirements must likewise be submitted before the land registration court prior to the approval of an application for registration of title. An application for registration of title before a land registration court should not be confused with the issuance of a certificate of title by the register of deeds. It is only when the judgment of the land registration court approving the application for registration has become final that a decree of registration is issued. And that is the time when the requirements of Sec. 6, BP 185, before the register of deeds should be complied with by the applicants. This decree of registration is the one that is submitted to the office of the register of deeds for issuance of the certificate of title in favor of the applicant. Prior to the issuance of the decree of registration, the register of deeds has no participation in the approval of the application for registration of title as the decree of registration is yet to be issued.

WHEREFORE, the petition is DISMISSED and the decision appealed from is hereby AFFIRMED.

SO ORDERED.

Narvasa, C.J., Regalado, Romero, Bellosillo, Melo, Quiason, Puno, Vitug, Kapunan, and Mendoza, JJ., concur.
Feliciano, J., see concurring statement.
Padilla and Davide, Jr., JJ., joins J. Cruz in his dissenting opinion.

230 6 pt 6 pt 0 3

DISSENTING OPINION

CRUZ, J.:

With all due respect, I have to dissent.

The ponencia begins by posing the issue thus:

Can a foreign national apply for registration of title over a parcel of land which he acquired by purchase while

still a citizen of the Philippines, from a vendor who has complied with the requirements for registration under the Public Land Act (CA 141)?

There is no question that the property is private land and thus subject to registration by qualified persons. It was really needless to elaborate on Buyco, which is clearly inapplicable here. We can agree that the ruling case is *Director of Lands v. Intermediate Appellate Court*, which is not challenged in this petition.

But I think the ponencia misses the point. The finding that the respondent spouses were natural-born Filipinos at the time they acquired the land does not settle the question posed.

The important point is that the respondent spouses are no longer citizens of the Philippines but naturalized Canadians. It does not follow that because they were citizens of the Philippines when they acquired the land, they can register it in their names now even if they are no longer Filipinos.

Section 7 of Article XII of the Constitution is irrelevant because it is not disputed that the respondent spouses were qualified to acquire the land in question when it was transferred to them.

Section 8 of the same article is not applicable either because it speaks of a transfer of private land to a former natural-born citizen of the Philippines after he became a foreigner.

Thus it states:

Sec. 8. Notwithstanding the provisions of Section 7 of this Article, a natural-born citizen of the Philippines who has lost his Philippine citizenship may be a transferee of private lands, subject to limitations provided by law.

Even if it be assumed that the provision is applicable, it does not appear that the private respondents have observed "the limitations provided by law."

The ponencia finds that all the requisites for the registration of the land in the private respondents' name have been complied with. I do not believe so for there is no showing that B.P. 185 has also been enforced.

The view has been expressed that we should confine ourselves to the requirements for registration under the Public Land Act. I respectfully submit that the requirements in B.P. 185 have been read into the Act and should also be applied.

Strict compliance is necessary because of the special privilege granted to former Filipinos who have become foreigners by their own choice. If we can be so strict with our own citizens, I see no reason why we should be less so with those who have renounced our country.

230 6 pt 6 pt 0 3

CONCURRING OPINION

FELICIANO, J.:

I agree with the great bulk of the majority opinion written by Mr. Justice Bidin and the result reached therein.

This separate statement is concerned only with the last two (2) paragraphs, just before the dispositive portion, of the majority opinion. In my view, it should be stressed that B.P. Blg. 185 which took effect on 16 March 1982, does not purport to cover the set of facts before the Court in this case: i.e., the respondent spouses became transferees (on 17 June 1978) of the land here involved while they were natural-born Philippine citizens who

happened sometime later to have been naturalized as citizens of another country. B.P. Blg. 185, as far as I can determine, addresses itself only to a situation of persons who were already foreign nationals at the time they became transferees of private land in the Philippines, but who were previously natural-born Philippine citizens. It is difficult, therefore, to see how B.P. Blg. 185 can become applicable to the present situation even at the subsequent time when the respondent spouses would come before the Register of Deeds. B.P. Blg. 185, especially Section 6 thereof, imposes certain requirements, including a specific limitation on the quantity of land (not more than 1,000 square meters) which may be acquired thereunder, an amount limitation which must not be exceeded both by the land of which such foreign national becomes transferee and by such land taken together with other land previously acquired by such foreign national. (2nd paragraph, Section 2, B.P. Blg. 185)

B.P. Blg. 185 would, of course, apply to subsequent purchases of land by the respondent spouses, that is, purchases made after they were naturalized as Canadian nationals.

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.