

PUBLIC ESTATES AUTHORITY, RICARDO PEÑA AND RAMON AURELLANO, JR., PETITIONERS, VS. HON. COURT OF APPEALS, HON. OMAR U. AMIN, IN HIS CAPACITY AS PRESIDING JUDGE, BRANCH 135, REGIO...

G.R. No. 112172. November 20, 2000

Ponente: PARDO, J.

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PARDO, J.:

The case is an appeal via certiorari from the decision of the Court of Appeals affirming that of the Regional Trial Court, Makati, Branch 135 ruling that the respondent Bernardo de Leon has a legal right to the peaceful possession of Lot 5155 merely because he has a cadastral map issued in 1962 and a certification that Lot 5155 was alienable and disposable, plus tax declaration thereon.[1]

The facts, as found by the Court of Appeals, are as follows:

"The Public Estates Authority (PEA) claims that Lot No. 5155 used to be under water and was part of the salvage zone until it was reclaimed by the PEA in November of 1982; that in 1989 PEA built its field office inside Lot No. 5155 when it started the construction of the R-1 Toll Expressway, which is part of the Manila-Cavite Coastal Road Reclamation Project; that on December 22, 1992, Bernardo de Leon started building two (2) bunkhouses inside Lot No. 5155 and fencing a portion thereof; that when Ramon Aurellano, Jr., who is the project engineer of the PEA, confronted de Leon the latter stated that he had the blessings of the PEA management; that on December 26, 1992, Ricardo Peña, project manager of the PEA, noticed that de Leon had put up concrete posts around a portion of Lot No. 5155; that on December 27, 1992 Peña instructed the security guards of PEA to guard Lot No. 5155 to stop de Leon from further construction activities; and that in the first week of January, 1993 de Leon was able to finish the two (2) bunkhouses and a fence made of concrete posts with barbed wire.

"Bernardo de Leon claims, on the other hand, that during the lifetime of his father Faustino P. de Leon and for a period of at least fifty (50) years the latter had been in possession of Lot No. 5155; that no one ever disputed or disturbed the possession of his father over the said parcel of land; that after his father died in 1984, he and his brothers and sisters took over the possession of the property and fenced it with wooden posts and barbed wire; that in the middle of 1989 he fenced the entire area of Lot No. 5155 except the southern portion thereof which is occupied by the field office of the PEA and the yard of a certain Calixto; and that in the third week of December, 1989 he finished the fencing and the construction of two (2) houses inside the lot.

"De Leon further claims that in the morning of December 27, 1992 he met Raymundo Orpilla, the Detachment Commander of the security agency MASADA which had been hired by the PEA to guard its property; that Orpilla gave him a copy of a directive dated December 27, 1992 issued by the PEA directing Orpilla to stop the construction activities of de Leon inside Lot No. 5155; that after receiving the directive, de Leon gave Orpilla his documents showing that his parents Faustino de Leon and Anita Lorenzana are the claimants to Lot No. 5155; that inspite this, Orpilla gave de Leon in the afternoon of January 10, 1993 a notice giving the latter four (4) days from receipt thereof to vacate Lot No. 5155; that in that same afternoon, de Leon called Orpilla's

attention to his letter of December 27, 1992 and submitted another set of documents to prove his right to Lot No. 5155; and that de Leon consulted a lawyer who advised him not to vacate the property.

"De Leon also states that in the morning of January 14, 1993 while he was away attending a hearing at the Department of Labor in Manila some twenty (20) security guards headed by Orpilla, fully armed with handguns, entered Lot No. 5155 and after driving away the workers of respondent de Leon from the houses, demolished and destroyed the two (2) houses and the fence surrounding the lot; that, unaware of what had happened that morning, de Leon went with his lawyer to the latter's office after coming from the Department of Labor and his counsel prepared a letter addressed to the PEA informing it of the claim of de Leon to the property and advising it not to demolish the structures built by de Leon; that when de Leon returned to the lot, he saw that the houses and the fence had all been razed to the ground but he nevertheless served copies of the letter prepared by his lawyer to Peña and Orpilla.

"The following day, January 15, 1993, Bernardo de Leon went to the Regional Trial Court of Makati and filed a complaint for damages with a prayer for the issuance of a writ of preliminary injunction, naming as defendants the Public Estates Authority, its project manager Ricardo Peña, and its project engineer Ramon Aurellano, Jr. The complaint was docketed as Civil Case No. 93-143 in the Regional Trial Court of Makati (Br. 135).

"On January 18, 1993, the court issued a temporary restraining order to maintain the status quo, restraining the defendants from disturbing by means of force and intimidation the lawful and peaceful possession of the plaintiff over Lot No. 5155 and from destroying and/or removing whatever other improvements have been constructed thereon, until after the hearing of the petition for preliminary injunction which was set for January 22, 1993.

"After the hearing of the said petition as scheduled, the court issued an Order dated February 8, 1993, the pertinent portions of which are hereunder quoted:

"After a careful consideration of the evidence presented and without going into the actual merits of the case, this Court finds that plaintiff has duly established by preponderance of evidence that he has a legal right over the subject matter of the instant case and is entitled to the injunctive relief demanded for and may suffer irreparable damage or injury if such right is not protected by law (Rules 58, Section 3 of the Revised).

"Premises considered, upon plaintiff's filing of a bond in the amount of P500,000.00, let a writ of preliminary injunction be issued against the defendants, their agents, representatives and other persons acting for and in their behalf are hereby enjoined from disturbing the peaceful possession of plaintiff and his co-owners over Lot 5155 and further, from destroying and/or removing whatever other improvements thereon constructed, until further orders of this Court."

On March 1993, the Public Estate Authority, Ricardo Peña and Ramon Aurellano, Jr. filed with the Court of Appeals a petition for certiorari with restraining order.[2]

On September 30, 1993, the Court of Appeals promulgated its decision dismissing the petition.[3]

Hence, this appeal.[4]

The issue raised is whether respondent and his brothers and sisters were lawful owners and possessors of Lot 5155 by mere claim of ownership by possession for a period of at least fifty (50) years.

The Court of Appeals ruled that respondent Bernardo de Leon and his brothers and sisters were lawful owners and possessors of Lot 5155 entitled to protection by injunction against anyone disturbing their peaceful possession of said Lot.

The ruling is erroneous. An applicant seeking to establish ownership of land must conclusively show that he is the

owner in fee simple,[5] for the standing presumption is that all lands belong to the public domain of the State, unless acquired from the Government either by purchase or by grant, except lands possessed by an occupant and his predecessors since time immemorial, for such possession would justify the presumption that the land had never been part of the public domain, or that it had been private property even before the Spanish conquest.[6]

In this case, the land in question is admittedly public. The respondent Bernardo de Leon has no title thereto at all. His claim of ownership is based on mere possession by himself and his predecessors-in-interests, who claim to have been in open, continuous, exclusive and notorious possession of the land in question, under a bona fide claim of ownership for a period of at least fifty (50) years. However, the survey plan for the land was approved only in 1992, and respondent paid the realty taxes thereon on October 30, 1992, shortly before the filing of the suit below for damages with injunction. Hence, respondent must be deemed to begin asserting his adverse claim to Lot 5155 only in 1992. More, Lot 5155 was certified as alienable and disposable on March 27, 1972, per certificate of the Department of Environment and Natural Resources. It is obvious that respondent's possession has not ripened into ownership.[7]

In other words, "no public land can be acquired by private persons without any grant, express or implied from the government; it is indispensable that there be a showing of a title from the state." [8]

On the other hand, "one claiming 'private rights' must prove that he has complied with C.A. No. 141, as amended, otherwise known as the Public Land Act, which prescribed the substantive as well as the procedural requirements for acquisition of public lands." [9]

Under the public land act, judicial confirmation of imperfect title required possession en concepto de dueño since time immemorial, or since July 26, 1894.[10] Under C.A. No. 141, this requirement was retained.[11] However, on June 22, 1957, Republic Act No. 1942 was enacted amending C.A. No. 141. This later enactment required adverse possession for a period of only thirty (30) years.[12] On January 25, 1977, the President enacted P. D. No. 1073,[13] further amending C.A. No. 141, extending the period for filing applications for judicial confirmation of imperfect or incomplete titles to December 31, 1987. Under this decree, "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 land 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 of ownership, since June 12, 1945." [14]

What is more, "Under the Public Land Act as amended, only titles to alienable and disposable lands of the public domain may be judicially confirmed. Unless a public land is reclassified and declared as such, occupation thereof in the concept of owner, no matter how long ago, cannot confer ownership or possessory rights." [15]

Consequently, respondent de Leon has no clear legal right to the lot in question, and a writ of injunction will not lie to protect such nebulous right of possession.[16] Yet, the trial court issued a writ of preliminary injunction against petitioners not to disturb the peaceful possession of respondent and his co-owners over Lot 5155.[17] And the Court of Appeals affirmed this ruling.[18]

"Two requisites are necessary if a preliminary injunction is to issue, namely: (1) the existence of a right to be protected and (2) the facts against which the injunction is to be directed are violative of said rights." [19] None of the above requisites exists in the case at bar.

On the other hand, it is not disputed that there is a government infrastructure project in progress traversing Lot 5155, which has been enjoined by the writ of injunction issued by the trial court.

WHEREFORE, the Court REVERSES the decision of the Court of Appeals in CA-G.R. SP No. 30630, and

DISMISSES the complaint in Civil Case No. 93-143 of the Regional Trial Court, Makati.

No costs.

SO ORDERED.

Davide, Jr., C.J., (Chairman), Puno, Kapunan, and Ynares-Santiago, JJ., concur.

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- [1] In CA-G. R. SP No. 30630, promulgated on September 30, 1997, Montoya, J., ponente, Ramirez and Verzola, JJ., concurring, Rollo, pp. 35-43.
- [2] Docketed as CA-G. R. SP No. 30630, CA Rollo, pp. 2-22.
- [3] Petition, Annex "A", Rollo, pp. 35-43.
- [4] Petition filed on November 25, 1993, Rollo, pp. 9-24. On March 4, 1996, we gave due course to the petition.
- [5] Republic v. Court of Appeals, G.R. No. 130174, July 14, 2000, citing De Ralla v. Director of Lands, 83 Phil. 491, 501 [1949], citing Director of Lands v. Penales, 63 Phil. 1065 [1936].
- [6] Oh Cho v. Director of Lands, 75 Phil. 890 [1946]; Director of Forestry v. Munoz, 132 Phil. 637 [1968]; Pendatun v. Director of Lands, 59 Phil. 600 [1934]; Alinsunurin v. Director of Lands, 68 SCRA 177 [1975].
- [7] Ampoloquio v. Court of Appeals, 232 SCRA 47 [1994].
- [8] Gordula v. Court of Appeals, 348 Phil. 670 [1998], citing Lee Hong Hok v. David, 150-C Phil. 542 [1972].
- [9] Gordula v. Court of Appeals, supra, Note 8, at p. 631.
- [10] Act No. 2874, Sec. 45 (b), enacted on November 29, 1919; Director of Lands v. Buyco, 216 SCRA 78 [1992].
- [11] C.A. No. 141, Section 48 (b), enacted on November 7, 1936.
- [12] Director of Lands v. Intermediate Appellate Court, 214 SCRA 604 [1992].
- [13] P. D. No. 1073, Section 4, enacted on January 25, 1977.
- [14] Director of Lands v. Court of Appeals, 308 SCRA 317, 323 [1999]; Republic v. Doldol, 295 SCRA 359 [1998].
- [15] De Ocampo v. Arlos, G. R. No. 135527, October 19, 2000.
- [16] Cf. Tan v. Intermediate Appellate Court, 213 SCRA 95 [1992]; Allure Manufacturing, Inc. v. Court of Appeals, 199 SCRA 285 [1991]; Navarro v. Court of Appeals, 205 SCRA 429 [1992].
- [17] Petition, Annex "A-1", CA Rollo, p. 25.
- [18] Petition, Annex "A", Rollo, pp. 35-43.
- [19] Development Bank of the Philippines v. Court of Appeals, G. R. No. 137557, October 30, 2000.

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