

REPUBLIC OF THE PHILIPPINES, (REPRESENTED BY OPOL NATIONAL SECONDARY TECHNICAL SCHOOL), PETITIONER, VS. NICANOR DOLDOL, RESPONDENT.

G.R. No. 132963. September 10, 1998

Ponente: ROMERO, J.

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ROMERO, J.:

Before us is a petition for review of the decision of the Court of Appeals dated October 27, 1997, reversing the decision of the Regional Trial Court and dismissing herein petitioner's complaint, as well as its resolution of March 5, 1998, denying petitioner's motion for reconsideration.

The facts are as follows:

Sometime in 1959, respondent Nicanor Doldol occupied a portion of land in Barrio Pontacan, Municipality of Opol, Misamis Oriental. On October 23, 1963, he filed an application for saltwork purposes for the said area with the Bureau of Forest Development. The Director of Forestry, however, rejected the same on April 1, 1968. Meanwhile, the Provincial Board of Misamis Oriental passed a resolution in 1965 reserving Lot 4932, Cad-237, Opol Cadastre as a school site. This reserved lot unfortunately included the area occupied by Doldol.

In accordance with said resolution, the Opol High School transferred to the site in 1970. Seventeen years later, on November 2, 1987, then President Corazon Aquino issued Proclamation No. 180 reserving the area, including the portion in dispute, for the Opol High School, now renamed the Opol National Secondary Technical School (hereafter Opol National School). Needing the area occupied by Doldol for its intended projects, the school made several demands for him to vacate said portion, but he refused to move.

In view of Doldol's refusal to vacate, Opol National School filed in 1991 a complaint for accion possessoria with the Regional Trial Court of Cagayan de Oro. The trial court ruled in the school's favor and ordered Doldol to vacate the land. On appeal, the Court of Appeals reversed the decision of the court a quo, ruling that Doldol was entitled to the portion he occupied, he having possessed the same for thirty-two years, from 1959 up to the time of the filing of the complaint in 1991.

Opol National School's motion for reconsideration of said decision having been denied by the Court of Appeals in its resolution of March 5, 1998, Opol National School elevated its case to this Court, claiming that the Court of Appeals erred on a question of law when it held, contrary to the evidence on record, that respondent had been in open, continuous, notorious and exclusive possession of the land in dispute for thirty-two years.

The petition is meritorious.

In ruling in Doldol's favor, the Court of Appeals grounded its decision on Section 48 of Commonwealth Act No. 141 (otherwise known as the Public Land Act). Said provision, as amended by Republic Act No. 1942, provides as follows:

"Section 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 certification of title therefor under the Land Registration Act, to wit:

x x x x x 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. 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." (Italics ours)

In accordance with the above provision, the appellate court averred that a citizen of the Philippines may acquire alienable land of the public domain if he has possessed the same for thirty years. Finding Doldol to have occupied the disputed lot for thirty-two years, it ruled that the former had acquired ownership of the same, thereby negating Opol National School's claim over the questioned area.

To further bolster its argument, the appellate court cited *Republic vs. CA[1]* where this Court, citing *Director of Lands vs. Iglesia ni Cristo*, 200 SCRA 606 (1991) 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 x x x x x

"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.

x x 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.

The appellate court has resolved the question as to who between the parties had a better right to possess the lot through the erroneous application of an outdated version of Section 48 of the Public Land Act. Likewise, Solicitor Renan E. Ramos of the Office of the Solicitor General erred in assuming that the thirty-year proviso in the aforementioned section was still good law. 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,[2] 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." (Italics ours)

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 either 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.

The evidence presented shows that the land in dispute is alienable and disposable, in accordance with the District Forester's Certification dated September 20, 1978, that the subject area is within Project 8, an alienable and disposable tract of public land, as appearing in Bureau of Forest Land Classification Map No. 585. Doldol, thus, meets the first requirement.

The parties, however, stipulated during the pre-trial hearing that Doldol had been occupying the portion reserved for the school site only since 1959. The law, as presently phrased, requires that possession of lands of the public domain must be from June 12, 1945 or earlier, for the same to be acquired through judicial confirmation of imperfect title.

Consequently, Doldol could not have acquired an imperfect title to the disputed lot since his occupation of the same started only in 1959, much later than June 12, 1945. Not having complied with the conditions set by law, Doldol cannot be said to have acquired a right to the land in question as to segregate the same from the public domain. Doldol cannot, therefore, assert a right superior to the school, given that then President Corazon Aquino had reserved the lot for Opol National School. As correctly pointed out by the Solicitor General:

"(T)he privilege of occupying public lands with a view of preemption confers no contractual or vested right in the lands occupied and the authority of the President to withdraw such lands for sale or acquisition by the public, or to reserve them for public use, prior to the divesting by the government of title thereof stands, even though this may defeat the imperfect right of a settler. Lands covered by reservation are not subject to entry, and no lawful settlement on them can be acquired." [3]

In sum, Opol National School has the better right of possession over the land in dispute.

WHEREFORE, premises considered, the decision of the Court of Appeals dated October 27, 1997, and Resolution dated March 27, 1998, are hereby ANNULLED and SET ASIDE and the Decision of the Regional Trial Court dated August 25, 1992, is hereby REINSTATED.

SO ORDERED.

Narvasa, C.J., (Chairman), Kapunan, and Purisima, JJ., concur.

[1] 235 SCRA 567 (1994).

[2] Approved on June 22, 1957.

[3] Republic vs. CA, 73 SCRA 146 (1976).

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