

SUSANA MENGUITO, EMELITA MENGUITO-MANALILI, HELEN MARTA MENGUITO-LUNA, RENATO MENGUITO, BERSAMIN MENGUITO, FROILAN MENGUITO AND GENEROSO MENGUITO, PETITIONERS, VS. REPUBLIC OF T...

G.R. No. 134308. December 14, 2000

Ponente: PANGANIBAN, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-134308/>

PANGANIBAN, J.:

Unless a piece of public land is shown to have been classified as alienable and disposable, it remains part of the inalienable public domain. Even assuming that such land has been classified as alienable, title thereto can be registered only upon presentation of incontrovertible proof of adverse, notorious and open possession in the concept of owner for a period of thirty years.

The Case

Before us is a Petition for Review under Rule 45 of the Rules of Court assailing the September 30, 1997 Decision[1] and the June 23, 1998 Resolution[2] of the Court of Appeals (CA) in CA-GR CV No. 39638. The decretal portion of said Decision reads as follows:

"WHEREFORE, the decision appealed from is hereby REVERSED and SET ASIDE. Accordingly, the appellees' application for registration is hereby DISMISSED."[3]

The Decision of the Regional Trial Court (RTC) of Pasig City (Branch 157),[4] which was reversed by the appellate court, granted petitioners' application for registration in this wise:[5]

"WHEREFORE, the order of general default against the whole world heretofore entered in this case is affirmed, and judgment is hereby rendered confirming the registerable title of the applicants to the land described in their application under plan Swo-13-000227 and its technical descriptions, situated in the Barrio of Ususan, Municipality of Taguig, Metro Manila, and containing an aggregate area of 2,112 square meters; and individual and separate certificates of titles to the lots comprising the said land are hereby ordered registered in the names of the applicants, as follows:

1. For lots 6045-A, 6045-B, 6045-C, and 6045-D in the name of Susana Menguito, of legal age, widow, Filipino citizen, with residence and postal address at T. Sulit, St., Pater[o]s, Metro Manila;
2. For Lot 6045-E -- in the name of Renato Menguito, of legal age, married to Irene Toledo, Filipino citizen, with residence and postal address at T. Sulit, St., Pateros, Metro Manila;
3. For Lot 6045-F -- in the name of Bersamin Menguito, of legal age, Filipino citizen, single, with residence and postal address at T. Sulit, St., Pateros, Metro Manila;
4. For Lot 6045-G -- in the name of Generoso Menguito, of legal age, Filipino citizen, single, with residence and postal address at T. Sulit, St., Pateros, Metro Manila;

5. For Lot 6045-H -- in the name of Helen Marta Menguito, of legal age, Filipino citizen, single, with residence and postal address at T. Sulit, St., Pateros, Metro Manila;

6. For Lot 6046-I -- in the name of Froilan Menguito, of legal age, Filipino citizen, married to Zenaida Carag, with residence and postal address at T. Sulit St., Pateros, Metro Manila;

7. For Lot 6045-J -- in the name of Emelita Menguito, of legal age, Filipino citizen, married to Luciano Manalili, with residence and postal address at T. Sulit, St., Pateros, Metro Manila; and

8. For Lot 6045-K -- in the name of Generoso Menguito, of legal age, Filipino citizen, married to Luciano Manalili; and Froilan Menguito, of legal age, Filipino citizen, married to Zenaida Carag, all with residence and postal address at T. Sulit St., Pateros, Metro Manila.

Upon the finality of this Decision, let an Order be issued to the Commissioner of Land Registration Authority for the issuance of the decree of registration and the corresponding certificates of title in favor of the applicants pursuant to Section 39 of PD No. 1529.

SO ORDERED."

The Facts

The antecedents of the case are adequately summarized by the Court of Appeals as follows:

"On November 10, 1987, in the Regional Trial Court at Pasig, Metro Manila an Application for Registration of Title was filed by the following successors-in-interest of the deceased spouses Cirilo Menguito and Juana Manalo-Menguito, namely: SUSANA MENGUITO, EMELITA MENGUITO-MANALILI, HELEN MARTA MENGUITO-LUNA, RENATO MENGUITO, BERSAMIN MENGUITO, FROILAN MENGUITO and GENEROSO MENGUITO. Docketed in the said court as LRC Case No. N-10938, the application reads:

`APPLICATION FOR REGISTRATION
OF TITLE

The above-named applicants hereby apply to have the land hereinafter described brought under the operation of the Land Registration Act as amended by the Property Registration Decree No. 1529 and to have their title thereto registered and confirmed,

AND DECLARE:

1. That the applicants are the owners in fee simple of eleven (11) parcels of land situated in the Barrio of Ususan, Municipality of Taguig, Metro Manila, and are bounded and described as shown on plan Swo-13-000227 (lot Nos. 6045-A, 6045-B, 6045-C, 6045-D, 6045-E, 6045-F, 6045-G, 6045-H, 6045-I, 6045-J and 6045-K) and corresponding technical descriptions, x x x;
2. That said parcels of land are assessed for taxation for the current year at P5,910.00 as per Tax Declaration No. B-11-01351 of the land record of Taguig, Metro Manila;
3. That to the best of applicants' knowledge and belief, there is no mortgage or encumbrance of any kind whatsoever affecting the said land nor any other persons having any estate or interest therein, legal or equitable, in possession, remainder, reversion or expectancy;
4. That the applicants acquired the said parcels of land by inheritance;
5. That said parcels of land are occupied by the applicants and their predecessors-in-interest have been in actual, open, peaceful, continuous, and adverse possession, in the concept of owners, of said parcels of land for more than thirty years;

6. That the names in full and addresses as far known to the undersigned, of the owners of all adjoining properties are as follows:

(a) Pilar Menguito
Pateros-Taguig Road
Ususan, Taguig
Metro Manila

b) Andres Filemon
Pateros-Taguig Road
Ususan, Taguig
Metro Manila

c) Beatriz Dumagat
Pateros-Taguig Road
Ususan, Taguig
Metro Manila

d) Maura Cabanatan
Pateros-Taguig Road
Ususan, Taguig
Metro Manila

e) Pateros-Taguig Road
c/o The District Engineer
Pasig, Metro Manila

7. That the applicants' full name, age, citizenship, residence, and postal address, are as follows:

SUSAN MENGUITO, widow; EMELITA M. MANALILI, married to Luciano Manalili; HELEN MARTA M. LUNA, married to Benjamin Luna, Jr.; RENATO MENGUITO, married to Irene Toledo; BERSAMIN MENGUITO, married to Elvira Salvacion; FROILAN MENGUITO, married to Zenaida Carag; and GENEROSO MENGUITO, single; all of legal age, Filipinos, and with residence and postal address at T. Sulit St., Pateros, Metro Manila.

8. That should the Land Registration Act invoked be not applicable in the instant case, the applicants hereby apply for the benefit of Chapter VIII of Commonwealth Act No. 141 as amended;

9. That the following documents are attached hereto and made part hereof:

(a) Tracing cloth plan of Swo-13-000227

(b) Two (2) print copies of said plan Swo-13-000227

(c) Three (3) copies each of the Technical Description of:

Lot 6045-A
Lot 6045-B
Lot 6045-C
Lot 6045-D
Lot 6045-E
Lot 6045-F

Lot 6045-G

Lot 6045-H

Lot 6045-I

Lot 6045-J

Lot 6045-K

(d) Three (3) copies of Engineer's Certificate

(e) Four (4) copies of Tax Declaration No. B-011-01351

x x x x x x x x'

(Amended Record on Appeal, pp. 1-5).

"Acting on the foregoing application, the lower court issued a 'Notice of Initial Hearing' addressed to: the Solicitor General, the Director of the Land Management Bureau, the Secretary of the Department of Public Works and Highways, the Secretary of the Department of Agrarian Reform, the Director of the Bureau of Forest Development, and the owners of the adjacent properties as mentioned in the application, informing them that the application is scheduled for initial hearing on April 25, 1989. The addressees were then ordered 'to present such claims as you may have to said lands or any portion thereof, and to submit evidence in support of such claims and unless you appear at said court at the time and place aforesaid, your default will be recorded and the title to the lands will be adjudicated and determined in accordance with law and the evidence before the Court, and thereafter, you will forever be barred from contesting said application or any decree entered thereon' (Exhibit 'A').

"Said notice of initial hearing was published in the April 5, 1989 issue of Abante, a daily tabloid (Exhs. 'C', 'C-1', 'C-1-A').

"Earlier, or on March 30, 1989, the Republic of the Philippines, through the Solicitor General, filed its Opposition to the application for registration contending:

'1. That neither the applicant nor his predecessors-in-interest have been in open, continuous, exclusive and notorious possession and occupation of the land in question since June 12, 1945 or prior thereto (Sec. 48 [b], C.A. 141, as amended by P.D. 1073).

2. That the muniments of title and tax payment receipts of applicant, if any, attached to or alleged in the application, do not constitute competent and sufficient evidence of a bona fide acquisition of the lands applied for or his open, continuous, exclusive and notorious possession and occupation thereof in the concept of owner, since June 12, 1945, or prior thereto. Said muniments of title do not appear to be genuine and indicate the pretended possession of applicant to be of recent vintage.

3. That the claim of ownership in fee simple on the basis of Spanish title or grant can no longer be availed of by the applicant who has failed to file an appropriate application for registration within the period of six (6) months from February 16, 1976 as required by Presidential Decree No. 892. From the records, it appears that the instant application was filed on July 31, 1990.

4. That the parcel applied is part of the public domain belonging to the Republic of the Philippines not subject to private appropriation.' (Amended Record on Appeal, pp. 5-6).

"The Solicitor General therefore prayed for the denial of the application for registration and for the declaration of the properties subject thereof as part of the public domain belonging to the Republic of the Philippines.

"At the scheduled initial hearing of the case on April 25, 1989, a certain Jose Tangco, Jr. appeared and registered a verbal opposition to the application. On motion of counsel for the applicants, the court issued an Order of

General Default against the whole world, except as against the oppositors Republic of the Philippines and Jose Tangco, Jr., who was directed to file his written opposition but never did. Thereafter, trial on the merits ensued.

"On June 13, 1990, the applicants filed their 'Formal Offer of Evidence,' submitting therewith the following documentary exhibits: (1) Plan Swo-13-000227 (Exh. 'F'); (2) technical descriptions of Lot Nos. 6045-A to 6045-J, inclusive (Exhs. 'F' to 'F-10', inclusive); (3) Engineer's Certificate (Exh. 'G'); (4) Extra-judicial Settlement and Partition executed by the applicants dated December 12, 1985 (Exh. 'H'); (5) description of the land and the apportionment thereof among the applicants (Exhs.'H-1' and 'H-2', respectively); (6) Tax Declarations (Exhs. 'I', 'J', 'K', 'L', 'M', 'N' and 'O') (7) Tax Receipts (Exhs. 'O', 'O-1', 'P', 'P-1', 'Q' and 'R'); (8) Kasulatan ng Pagkakaloob dated May 7, 1969 executed by Cirilo Menguito in favor of Pedro Menguito (Exh. 'S'); and (9) Deed of Partition dated November 7, 1990 executed by the applicants (Exh. 'T').

"On September 12, 1990, the oppositor Republic filed its Manifestation and Opposition to applicants' formal offer of evidence. The said manifestation reads:

'It interposes no objection to the admission of Exhibits 'A', 'B', 'C', 'D', relative to jurisdictional requirements. It has no objection to Exhibits 'E', 'F', 'F-1', to 'F-10' relating to the plan and the technical description of the lots being applied for and Exhibit 'G' which is the Engineer's certificate.

It objects to Exhibits 'H', 'H-1' to 'H-2' the extrajudicial settlement and partition dated December 12, 1985 for being self serving. It objects to Exhibits 'I', 'J', 'K', 'L', 'M' and 'N' for being incompetent and insufficient proof of possession of the lot in question by applicants or their predecessors-in interest. In fact the said tax declarations do not date back to at least June 12, 1945. It objects to Exhibits 'O', 'P', 'Q', and 'R', the same being incompetent and insufficient to prove possession since June 12, 1945. It objects to Exhibits 'O', 'P', 'Q', and 'R', the same being incompetent and insufficient to prove possession since June 12, 1945. It objects to Exhibit 'S' as being self-serving being a mere photocopy of the alleged Kasulatan ng Pagkakaloob dated May 7, 1989 executed by Cirilo Menguito the same cannot be accepted in evidence, applicants not having first laid the basis for the presentation of secondary evidence. It objects to the first page of Exhibit 'T', being self-serving and a mere photocopy. Furthermore, page 2 of said exhibit, where the supposed acknowledgment of the instrument appears, refers to different parcels of land other than those being applied for.

WHEREFORE, considering that the applicants have failed to prove their title to the lands applied for, it is respectfully prayed that the application for registration be denied and that the land applied for be declared as part of the public domain belonging to the Republic of the Philippines.

Considering the above, oppositor respectfully manifests that there is no need for it to submit evidence in support of its opposition.' (Amended Record on Appeal, pp. 11-13).

"On May 15, 1991, the lower court rendered its decision disposing as follows:

'WHEREFORE, the order of general default against the whole world heretofore entered in this case is affirmed, and judgment is hereby rendered confirming the registerable title of the applicants x x x'

"On June 11, 1991, the oppositor Republic, through the Solicitor General, moved for a reconsideration of the afore-quoted decision, to which a written opposition was interposed by the applicants.

"On July 8, 1991, the lower court issued an order denying the motion for reconsideration for lack of merit." [6]

Ruling of the Court of Appeals

The Court of Appeals agreed with respondent that the lower court had failed to consider the legal requirements for registration of imperfect titles; namely: (1) the land is alienable and disposable; and (2) the applicants and their predecessors-in-interest have occupied and possessed the land openly, continuously, exclusively, and adversely

since June 12, 1945. It was not convinced that the land in question had been classified as alienable or disposable and that petitioners or their predecessors-in-interest had been in possession of it since June 12, 1945.

Hence, this Petition.[7]

The Issue

In their Memorandum, petitioners submit a single issue for our consideration:

"Whether or not the court a quo erred in reversing the findings of facts of the trial court." [8]

In fine, the Court will resolve whether the CA erred in rejecting petitioners' application for the registration of their respective titles.

The Court's Ruling

The Petition is devoid of merit.

Sole Issue: Registration of Petitioners' Titles

Section 48 of Commonwealth Act (CA) No. 141,[9] as amended, provides for the registration of imperfect titles to lands of the public domain in this wise:

"SECTION 48. The following described citizens of the Philippines, occupying lands of public domain or claiming to own any such lands or an interest thereon, but whose titles have not been perfected or completed, may apply to the Court of First Instance 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 x x x x x

(b) those who by themselves or through their predecessor 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 war or force majeure. They 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."

Presidential Decree (PD) No. 1073[10] clarified paragraph "b" of the said provision by specifically declaring that it applied only to alienable and disposable lands of the public domain.[11]

Hence, as observed by the appellate court, petitioners were duty-bound to prove two legal requirements: (1) the land applied for was alienable and disposable; and (2) the applicants and their predecessors-in-interest had occupied and possessed the land openly, continuously, exclusively, and adversely since June 12, 1945.

The records show that petitioners failed to establish these two requisites.

Classification of the Land

To prove that the land in question formed part of the alienable and disposable lands of the public domain, petitioners relied on the printed words which read: "This survey plan is inside Alienable and Disposable Land Area, Project No. 27-B as per L.C. Map No. 2623, certified by the Bureau of Forestry on January 3, 1968," appearing on Exhibit "E" (Survey Plan No. Swo-13-000227).

This proof is not sufficient. Section 2, Article XII of the 1987 Constitution, provides: "All lands of the public domain, waters, minerals, coal, petroleum, and other mineral oils, all forces of potential energy, fisheries, forests

or timber, wildlife, flora and fauna, and other natural resources are owned by the State. x x x." (Emphasis supplied.)

For the original registration of title, the applicant (petitioners in this case) must overcome the presumption that the land sought to be registered forms part of the public domain.[12] Unless public land is shown to have been reclassified or alienated to a private person by the State, it remains part of the inalienable public domain. Indeed, "occupation thereof in the concept of owner, no matter how long, cannot ripen into ownership and be registered as a title." [13] To overcome such presumption, incontrovertible evidence must be shown by the applicant.[14] Absent such evidence, the land sought to be registered remains inalienable.

In the present case, petitioners cite a surveyor-geodetic engineer's notation in Exhibit "E" indicating that the survey was inside alienable and disposable land. Such notation does not constitute a positive government act validly changing the classification of the land in question. Verily, a mere surveyor has no authority to reclassify lands of the public domain. By relying solely on the said surveyor's assertion, petitioners have not sufficiently proven that the land in question has been declared alienable.

Period of Possession

Even assuming *arguendo* that petitioners have been able to prove that the land is alienable, their Petition for confirmation of their imperfect titles and registration thereof under the law will still be denied. The reason is that they have failed to establish possession of the lots in question -- openly, continuously, exclusively and adversely -- in the concept of owner for at least 30 years, since June 12, 1945.

Petitioners do not claim that they are the original possessors of the lots in question, which had allegedly belonged to Cirilo Menguito before he donated it to his son Pedro. When Pedro died in 1978, these lots allegedly passed down to petitioners.

Although petitioners can trace their possession of the land from as far back as 1968 only, they would tack it to that of their predecessors, who had supposedly been in possession thereof even before the Second World War. There is not enough convincing proof, however, to support such claim.

Petitioners presented evidence that they had been paying real estate taxes since 1974.[15] Their predecessors-in-interest, they claimed, have also been paying taxes on the land for several years before them, and Cirilo Menguito had declared the land for tax purposes in 1943.[16] However, they did not present any documents or any other satisfactory proof to substantiate this claim. General statements, which are mere conclusions of law and not proofs of possession, are unavailing and cannot suffice.[17]

Cirilo's six children were not presented as witnesses by petitioners during the hearing of their application for registration of the lots in question. In fact, of the six children, only Pilar Menguito was personally informed of petitioners' application. Still, she was not presented as a witness.

There can be no question that Cirilo's children were the best witnesses, because they could have substantiated petitioners' claim that indeed the lots in question had been donated to Pedro Menguito. Moreover, they may even have in their possession documents that can adequately support their supposed claim. Instead, petitioners presented only Raymunda Bautista, the alleged tenant of Cirilo Menguito, who had tilled the land before petitioners built their houses thereon. Neither Cirilo's children nor the documents that they might have had in their possession were presented.

Furthermore, serious doubts are cast on petitioners' claim that their predecessors-in-interest have been in open, continuous, exclusive and adverse possession and occupation of the land. Because they are of recent vintage, the

tax declarations (Exhs. "I" to "N"), tax receipts (Exhs. "O". "O'1", "P", and "P-1") and the Municipal Treasurer's certifications of tax payments (Exhs. "Q" and "R") presented in evidence are incompetent and insufficient to prove petitioners' and their predecessors-in-interest's possession of the lots in question.

Because the factual findings of the trial and the appellate courts were contrary to each other, we waded into the records,[18] but found no reason to modify the assailed CA Decision. Much as we want to conform to the State's policy of encouraging and promoting the distribution of alienable public lands to spur economic growth and remain true to the ideal of social justice, our hands are tied by the law's stringent safeguards against registering imperfect titles. In this case, we agree with the CA that petitioners have not presented sufficient proof of their compliance with the legal requirements for registration of imperfect titles.

WHEREFORE, the Petition is DENIED and the assailed Decision AFFIRMED. Costs against petitioners.

SO ORDERED.

Melo, (Chairman), Vitug, and Gonzaga-Reyes, JJ., concur.

[1] Rollo, pp. 20-34. It was penned by Justice Cancio C. Garcia (Division chairman), with the concurrence of Justices Delilah Vidallon-Magtolis and Marina L. Buzon (members).

[2] Rollo, p. 36.

[3] CA Decision, p. 15; rollo, p. 34.

[4] Penned by Judge Domingo R. Garcia.

[5] RTC Decision, pp. 4-5.

[6] CA Decision, pp. 1-9; rollo, pp. 20-28.

[7] The case was deemed submitted for decision on January 13, 2000, upon the Court's receipt of respondent's Memorandum, signed by Sol. Gen. Ricardo P. Galvez, Asst. Sol. Gen. Karl B. Miranda, and Sol. Alma Valerie C. Soriano. Filed earlier was petitioners' Memorandum, signed by Atty. Dennis E. Angeles.

[8] Petitioners' Memorandum, p. 6; rollo, p. 99.

[9] Public Land Act. The application of the statute to the present case is not disputed.

[10] Promulgated on January 25, 1977.

[11] §4 thereof reads as follows: "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 of ownership, since June 12, 1945."

[12] Republic v. Register of Deeds of Quezon, 244 SCRA 537, 546, May 31, 1995; Director of Lands v. Aquino, 192 SCRA 296, 303, December 17, 1990; Director of Lands v. Funtilar, 142 SCRA 57, May 23, 1986; Director of Lands v. CA, 129 SCRA 689, 692, June 22, 1984.

[13] De Ocampo v. Arlos, GR No. 135527, October 19, 2000, per Panganiban, J.

[14] Santiago v. De Los Santos, 61 SCRA 146, 152, November 22, 1974.

[15] TSN, November 27, 1984, p. 19.

[16] Ibid., p. 14.

[17] The Director, Lands Management Bureau v. CA, G.R. No. 112567, February 7, 2000.

[18] See Fuentes v. Court of Appeals, 268 SCRA 703, February 26, 1997; Solid Homes, Inc. v. Court of Appeals, 275 SCRA 267, 279, July 8, 1997.

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.