

REPUBLIC OF THE PHILIPPINES, PETITIONER, VS. DAMIAN ERMITAÑO DE GUZMAN, DEOGRACIAS ERMITAÑO DE GUZMAN, ZENAIDA ERMITAÑO DE GUZMAN, ALICIA ERMITAÑO DE GUZMAN, SALVADOR ERMITAÑO D...

G.R. No. 137887. February 28, 2000

Ponente: YNARES-SANTIAGO, J.

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YNARES-SANTIAGO, J.:

Before us is a Petition for Review on Certiorari of a decision of the Court of Appeals[1] affirming the judgment of the Regional Trial Court of Tagaytay, Branch 18, in LRC Cases No. TG-362 and TG-396.[2]

The facts are simple:

Conflicting applications for confirmation of imperfect title were filed by Norma Almanzor and private respondent Salvador De Guzman over parcels of land located in Silang, Cavite. After trial on the merits, the lower court rendered judgment in favor of private respondent De Guzman, to wit -

"WHEREFORE, judgment is hereby rendered by this Court as follows:

(1) In LRC Case No. TG-362, this Court hereby denies the application for registration of the parcels of land mentioned therein by applicant Norma R. Almanzor for lack of factual and legal bases;

(2) In LRC Case No. 396, this Court hereby approves the petition for registration and thus places under the operation of Act 141, Act 946 and/or P.D. 1529, otherwise known as the Property Registration Law, the land described in Plan Psu-67537-Amd-2 and containing an area of 308,638 square meters, as supported by its technical descriptions now forming parts of the records of these cases, in addition to other proofs adduced in the names of petitioners Damian Ermitaño De Guzman, Deogracias Ermitaño De Guzman, Zenaida Ermitaño De Guzman, Alicia Ermitaño De Guzman and Salvador De Guzman, all married, of legal age and with residence and postal addresses at Magallanes Street, Carmona, Cavite, subject to the claims of oppositors Dominga Ermitaño, Natividad Encarnacion, Melba E. Torres, Flora Manalo, Socorro de la Rosa, Jose Ermitaño and Esmeranso Ermitaño under an instrument entitled "Waiver of Rights with Conformity" the terms and conditions of which are hereby ordered by this Court to be annotated at the back of the certificates of title to be issued to the petitioners pursuant to the judgment of this Court.

SO ORDERED."[3]

As earlier mentioned, on appeal to the Court of Appeals, said judgment was affirmed and the petition for registration of private respondents over the subject parcels of land was approved.

Hence, the instant Petition, anchored upon the following assignments of error –

I

THE TRIAL COURT ERRED IN NOT FINDING THAT THE DE GUZMANS HAVE NOT SUBMITTED

PROOF OF THEIR FEE SIMPLE TITLE OR POSSESSION IN THE MANNER AND FOR THE LENGTH OF TIME REQUIRED BY LAW TO JUSTIFY CONFIRMATION OF AN IMPERFECT TITLE.

II

THE TRIAL COURT ERRED IN NOT DECLARING THAT THE DE GUZMANS HAVE NOT OVERTHROWN THE PRESUMPTION THAT THE LANDS ARE PORTIONS OF THE PUBLIC DOMAIN BELONGING TO THE REPUBLIC OF THE PHILIPPINES.[4]

We find merit in the instant Petition.

It is not disputed that the subject parcels of land were released as agricultural land only in 1965[5] while the petition for confirmation of imperfect title was filed by private respondents only in 1991.[6] Thus the period of occupancy of the subject parcels of land from 1965 until the time the application was filed in 1991 was only twenty six (26) years, four (4) years short of the required thirty (30) year period possession requirement under Sec. 14, P.D. 29 and R.A. No. 6940.

In finding that private respondents' possession of the subject property complied with law, the Court of Appeals reasoned out that -

"(W)hile it is true that the land became alienable and disposable only in December, 1965, however, records indicate that as early as 1928, Pedro Ermitaño, appellees' predecessor-in-interest, was already in possession of the property, cultivating it and planting various crops thereon. It follows that appellees' possession as of the time of the filing of the petition in 1991 when tacked to Pedro Ermitaño's possession is 63 years or more than the required 30 years period of possession. The land, which is agricultural, has been converted to private property ."[7]

We disagree.

The Court of Appeals' consideration of the period of possession prior to the time the subject land was released as agricultural is in direct contravention of the pronouncement in *Almeda vs. Court of Appeals*,[8] to wit -

"The Court of Appeals correctly ruled that the private respondents had not qualified for a grant under Section 48(b) of the Public Land Act because their possession of the land while it was still inalienable forest land, or before it was declared alienable and disposable land of the public domain on January 13, 1968, could not ripen into private ownership, and should be excluded from the computation of the 30-year open and continuous possession in concept of owner required under Section 48(b) of Com. Act 141. It accords with our ruling in *Director of Lands vs. Court of Appeals, Ibarra Bishar, et al.*, 178 SCRA 708, that:

'Unless and until the land classified as forest is released in an official proclamation to that effect so that it may form part of the disposable lands of the public domain, the rules on confirmation of imperfect title do not apply (*Amunategui vs. Director of Forestry*, 126 SCRA 69; *Director of Lands vs. Court of Appeals*, 129 SCRA 689; *Director of Lands vs. Court of Appeals*, 133 SCRA 701; *Republic vs. Court of Appeals*, 148 SCRA 480; *Vallarta vs. Intermediate Appellate Court*, 151 SCRA 679).

'Thus possession of forest lands, however long, cannot ripen into private ownership (*Vamo vs. Government*, 41 Phil. 161 [1920]; *Adorable vs. Director of Forestry*, 17 Phil. 410 [1960]). A parcel of forest land is within the exclusive jurisdiction of the Bureau of Forestry and beyond the power and jurisdiction of the cadastral court to register under the Torrens System (*Republic vs. Court of Appeals*, 89 SCRA 648; *Republic vs. Vera*, 120 SCRA 210 [1983]; *Director of Lands vs. Court of Appeals*, 129 SCRA 689 [1984].' " (italics ours)

So, too, is the Court of Appeals' reliance on the case of *Director of Land Management vs. Court of Appeals*[9] misplaced. There, while the period of possession of the applicant's predecessor-in-interest was tacked to his own possession to comply with the required thirty year period possession requirement, the land involved therein was

not forest land but alienable public land. On the other hand, in the case before us, the property subject of private respondents' application was only declared alienable in 1965. Prior to such date, the same was forest land incapable of private appropriation. It was not registrable and possession thereof, no matter how lengthy, could not convert it into private property, (unless) and until such lands were reclassified and considered disposable and alienable.[10] *alonzo*

In summary, therefore, prior to its declaration as alienable land in 1965, any occupation or possession thereon cannot be considered in the counting of the thirty year possession requirement. This is in accord with the ruling in *Almeda vs. Court of Appeals*, (*supra*), and because the rules on the confirmation of imperfect titles 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.[11]

While we acknowledge the Court of Appeals' finding that private respondents and their predecessors-in-interest have been in possession of the subject land for sixty three (63) years at the time of the application of their petition, our hands are tied by the applicable laws and jurisprudence in giving practical relief to them. The fact remains that from the time the subject land was declared alienable until the time of their application, private respondents' occupation thereof was only twenty six (26) years. We cannot consider their thirty seven (37) years of possession prior to the release of the land as alienable because absent the fact of declassification prior to the possession and cultivation in good faith by petitioner, the property occupied by him remained classified as forest or timberland, which he could not have acquired by prescription. Further, jurisprudence is replete with cases which reiterate that forest lands or forest reserves are not capable of private appropriation and possession thereof, however long, cannot convert them into private property. Possession of the land by private respondents, whether spanning decades or centuries, could never ripen into ownership. This Court is constrained to abide by the latin maxim "(d)ura lex, sed lex".[12]

WHEREFORE, the instant Petition is GRANTED and the February 26, 1998 decision of the Court of Appeals in CA-G.R. CV No. 48785 as well as that of the Regional Trial Court of Cavite, Branch 38, in LRC Case No. TG-396 are both REVERSED. Judgment is rendered dismissing LRC Case No. 396 for failure of the applicants therein to comply with the thirty year occupancy and possessory requirements of law for confirmation of imperfect title. No pronouncement as to costs.

SO ORDERED.

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

[1] CA-G.R. CV No. 48785, dated 26 February 1998; Petition, Annex "A"; Rollo, p. 24-38.

[2] Dated 8 September 1994; Records, LRC Case No. TG-362, pp. 440-454.

[3] *Id.*, at p. 14; Rollo, p. 454.

[4] Petition, pp. 7-8; Rollo, pp. 12-13.

[5] See Exhibit "S-4"; Records, p. 98.

[6] See Petition; Records, LRC Case No. TG-396, pp. 1-18.

[7] See Note 1, at p. 10; Rollo, p. 33.

[8] G.R. No. 85322, 196 SCRA 476, 480 [1991].

[9] G.R. No. 94525, 205 SCRA 486 [1992].

[10] Palomo vs. Court of Appeals, G.R. No. 95608, 266 SCRA 392, 401 [1997].

[11] Ituralde vs. Falcasantos, G.R. No. 128017, 301 SCRA 293, 296 [1999], citing Sunbeam Convenience Foods, Inc. vs. Court of Appeals, 181 SCRA 443, 448 [1990].

[12] De la Cruz vs. Court of Appeals, G.R. No. 120652, 286 SCRA 230, 235 [1998].

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