

VERNON T. REYES, PETITIONER, VS. REPUBLIC OF THE PHILIPPINES, RESPONDENT.

G.R. NO. 141924. January 23, 2007

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SANDOVAL-GUTIERREZ, J:

For our resolution is the instant Petition for Review on Certiorari[1] assailing the Decision[2] dated October 21, 1999 and Resolution[3] dated February 15, 2000 of the Court of Appeals in CA-G.R. CV No. 57156, entitled “Vernon T. Reyes, applicant-appellee, versus Republic of the Philippines, oppositor-appellant.”

On February 5, 1996, Vernon T. Reyes, herein petitioner, filed with the Regional Trial Court (RTC) of Tagaytay City, Branch 18 an application for confirmation and registration of his imperfect title over a parcel of land located in Silang, Cavite containing an area of 43, 514 square meters.

Petitioner alleged inter alia in his application that on December 24, 1992, he and the other grandchildren of the late Eusebio Vicente executed a Deed of Extra-Judicial Settlement wherein the land was adjudicated in his favor.

On April 4, 1997, after hearing, the trial court rendered its Judgment[4] approving petitioner’s application.

Respondent Republic of the Philippines interposed an appeal to the Court of Appeals. In a Decision dated October 21, 1999, the appellate court reversed the RTC Judgment and dismissed petitioner’s application for registration. The court also denied petitioner’s motion for reconsideration in a Resolution dated February 15, 2000.

Hence, the present petition.

Petitioner contends that the Court of Appeals erred in holding that he failed to present incontrovertible evidence to prove that he has been in possession of the land in question for the length of time required by law.

Respondent Republic, on the other hand, maintains that petitioner failed to satisfy the requisite quantum of evidence in support of his application.

Section 48(b) of Commonwealth Act No. 141, as amended (Public Land Act), and Section 14(1) of Presidential Decree 1529, otherwise known as the Property Registration Decree, require that the applicants must prove that the land is alienable and disposable public land; and that they or through their predecessors in interest, have been in open, continuous, exclusive, and notorious possession and occupation of the alienable and disposable land of the public domain, under a bona fide claim of acquisition or ownership, since June 12, 1945.

Accordingly, applicants for confirmation and registration of imperfect title must prove: (a) that the land forms part of the alienable lands of the public domain; and (b) that they have been in open, continuous, exclusive, and notorious possession and occupation of the same under a bona fide claim of ownership either since time immemorial or since June 12, 1945.[5]

The Court of Appeals found that while the subject property is part of the disposable and alienable lands of the public domain, however, petitioner failed to prove that he and his predecessors-in-interest have been in open, continuous, exclusive, and notorious possession and occupation thereof under a bona fide claim of ownership

either since June 12, 1945 or earlier. Petitioner had been in possession of the land since December 24, 1992 when it was adjudicated to him by virtue of an extrajudicial settlement of the estate of his grandfather, Eusebio Vicente. He filed his application in 1996. Clearly, he was in possession of the land for only four years. To bridge the gap, he proceeded to tack his possession to that of his late grandparents. However, he did not present witnesses to substantiate his claim that they had possessed the land since June 12, 1945 or earlier. Obviously, these are findings of fact.

We defer to the appellate court's findings of fact since they are supported by the record.

Petitioner's bare assertions of possession and occupation by his predecessors-in-interest since 1943[6] are general statements which are mere conclusions of law rather than factual evidence of possession.[7]

It is doctrinally settled that a person who seeks confirmation of an imperfect or incomplete title to a piece of land on the basis of possession by himself and his predecessors-in-interest shoulders the burden of proving by clear and convincing evidence compliance with the requirements of Section 48(b) of Commonwealth Act No. 141, as amended.[8] Unfortunately, petitioner failed to discharge that burden.

WHEREFORE, we DENY the petition and AFFIRM the assailed Decision and Resolution of the Court of Appeals in CA-G.R. No. CV 57156. Costs against petitioner.

SO ORDERED.

Puno, C.J., (Chairperson), Corona, Azcuna, and Garcia, JJ., concur.

[1] Filed under Rule 45, 1997 Rules of Civil Procedure, as amended.

[2] Penned by Associate Justice Oswaldo D. Agcaoili and concurred in by Associate Justice Corona Ibay-Somera (both retired) and Associate Justice Andres B. Reyes, Jr.

[3] Annex "A" of the Petition, rollo, p. 20.

[4] Annex "P" of the Petition, id., pp. 53-54.

[5] Republic v. Alconaba, G.R. No. 155012, April 14, 2004, 427 SCRA 611.

[6] See Petition for Review, id., p. 12.

[7] Republic v. Alconaba, supra, 619.

[8] Republic v. Kalaw, G.R. No. 155138, June 8, 2004, 431 SCRA 401, 414; citing Republic v. Intermediate Appellate Court, G.R. No. 68946, May 22, 1992, 209 SCRA 214.

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