

REPUBLIC OF THE PHILIPPINES, PETITIONER, VS. THE HONORABLE COURT OF APPEALS AND CORAZON NAGUIT, RESPONDENTS.*G.R. NO. 144057. January 17, 2005*

Ponente: TINGA, J.

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This is a Petition for Review on Certiorari under Rule 45 of the 1997 Rules of Civil Procedure, Seeking to review the Decision[1] of the Sixth Division of the Court of Appeals dated July 12, 2000 in CA-G.R. SP No. 51921. The appellate court affirmed the decisions of both the Regional Trial Court (RTC),[2] Branch 8, of Kalibo, Aklan dated February 26, 1999, and the 7[th] Municipal Circuit Trial Court (MCTC)[3] of Ibajay-Nabas, Aklan dated February 18, 1998, which granted the application for registration of a parcel of land of Corazon Naguit (Naguit), the respondent herein.

The facts are as follows:

On January 5, 1993, Naguit, a Filipino citizen, of legal age and married to Manolito S. Naguit, filed with the MCTC of Ibajay-Nabas, Aklan, a petition for registration of title of a parcel of land situated in Brgy. Union, Nabas, Aklan. The parcel of land is designated as Lot No. 10049, Cad. 758-D, Nabas Cadastre, AP – 060414-014779, and contains an area of 31,374 square meters. The application Seeks judicial confirmation of respondent's imperfect title over the aforesaid land.

On February 20, 1995, the court held initial hearing on the application. The public prosecutor, appearing for the government, and Jose Angeles, representing the heirs of Rustico Angeles, opposed the petition. On a later date, however, the heirs of Rustico Angeles filed a formal opposition to the petition. Also on February 20, 1995, the court issued an order of general default against the whole world except as to the heirs of Rustico Angeles and the government.

The evidence on record reveals that the subject parcel of land was originally declared for taxation purposes in the name of Ramon Urbano (Urbano) in 1945 under Tax Declaration No. 3888 until 1991.[4] On July 9, 1992, Urbano executed a Deed of Quitclaim in favor of the heirs of Honorato Maming (Maming), wherein he renounced all his rights to the subject property and confirmed the sale made by his father to Maming sometime in 1955 or 1956.[5] Subsequently, the heirs of Maming executed a deed of absolute sale in favor of respondent Naguit who thereupon started occupying the same. She constituted Manuel Blanco, Jr. as her attorney-in-fact and administrator. The administrator introduced improvements, planted trees, such as mahogany, coconut and gemelina trees in addition to existing coconut trees which were then 50 to 60 years old, and paid the corresponding taxes due on the subject land. At present, there are parcels of land surrounding the subject land which have been issued titles by virtue of judicial decrees. Naguit and her predecessors-in-interest have occupied the land openly and in the concept of owner without any objection from any private person or even the government until she filed her application for registration.

After the presentation of evidence for Naguit, the public prosecutor manifested that the government did not intend

to present any evidence while oppositor Jose Angeles, as representative of the heirs of Rustico Angeles, failed to appear during the trial despite notice. On September 27, 1997, the MCTC rendered a decision ordering that the subject parcel be brought under the operation of the Property Registration Decree or Presidential Decree (P.D.) No. 1529 and that the title thereto registered and confirmed in the name of Naguit.[6]

The Republic of the Philippines (Republic), thru the Office of the Solicitor General (OSG), filed a motion for reconsideration. The OSG stressed that the land applied for was declared alienable and disposable only on October 15, 1980, per the certification from Regional Executive Director Raoul T. Geollegue of the Department of Environment and Natural Resources, Region VI.[7] However, the court denied the motion for reconsideration in an order dated February 18, 1998.[8]

Thereafter, the Republic appealed the decision and the order of the MCTC to the RTC, Kalibo, Aklan, Branch 8. On February 26, 1999, the RTC rendered its decision, dismissing the appeal.[9]

Undaunted, the Republic elevated the case to the Court of Appeals via Rule 42 of the 1997 Rules of Civil Procedure. On July 12, 2000, the appellate court rendered a decision dismissing the petition filed by the Republic and affirmed in toto the assailed decision of the RTC.

Hence, the present petition for review raising a pure question of law was filed by the Republic on September 4, 2000.[10]

The OSG assails the decision of the Court of Appeals contending that the appellate court gravely erred in holding that there is no need for the government's prior release of the subject lot from the public domain before it can be considered alienable or disposable within the meaning of P.D. No. 1529, and that Naguit had been in possession of Lot No. 10049 in the concept of owner for the required period.[11]

Hence, the central question for resolution is whether is necessary under Section 14(1) of the Property Registration Decree that the subject land be first classified as alienable and disposable before the applicant's possession under a bona fide claim of ownership could even start.

The OSG invokes our holding in *Director of Lands v. Intermediate Appellate Court*[12] in arguing that the property which is in open, continuous and exclusive possession must first be alienable. Since the subject land was declared alienable only on October 15, 1980, Naguit could not have maintained a bona fide claim of ownership since June 12, 1945, as required by Section 14 of the Property Registration Decree, since prior to 1980, the land was not alienable or disposable, the OSG argues.

Section 14 of the Property Registration Decree, governing original registration proceedings, bears close examination. It expressly provides:

SECTION 14. Who may apply.— The following persons may file in the proper Court of First Instance an application for registration of title to land, whether personally or through their duly authorized representatives:

(1) those who by themselves or through their predecessors-in-interest have been in open, continuous, exclusive and notorious possession and occupation of alienable and disposable lands of the public domain under a bona fide claim of ownership since June 12, 1945, or earlier.

(2) Those who have acquired ownership over private lands by prescription under the provisions of existing laws.

....

There are three obvious requisites for the filing of an application for registration of title under Section 14(1) – that the property in question is alienable and disposable land of the public domain; that the applicants by themselves or

through their predecessors-in-interest have been in open, continuous, exclusive and notorious possession and occupation, and; that such possession is under a bona fide claim of ownership since June 12, 1945 or earlier.

Petitioner suggests an interpretation that the alienable and disposable character of the land should have already been established since June 12, 1945 or earlier. This is not borne out by the plain meaning of Section 14(1). “Since June 12, 1945,” as used in the provision, qualifies its antecedent phrase “under a bonafide claim of ownership.” Generally speaking, qualifying words restrict or modify only the words or phrases to which they are immediately associated, and not those distantly or remotely located.[13] *Ad proximum antecedents fiat relation nisi impediatur sententia.*

Besides, we are mindful of the absurdity that would result if we adopt petitioner’s position. Absent a legislative amendment, the rule would be, adopting the OSG’s view, that all lands of the public domain which were not declared alienable or disposable before June 12, 1945 would not be susceptible to original registration, no matter the length of unchallenged possession by the occupant. Such interpretation renders paragraph (1) of Section 14 virtually inoperative and even precludes the government from giving it effect even as it decides to reclassify public agricultural lands as alienable and disposable. The unreasonableness of the situation would even be aggravated considering that before June 12, 1945, the Philippines was not yet even considered an independent state.

Instead, the more reasonable interpretation of Section 14(1) is that it merely requires the property sought to be registered as already alienable and disposable at the time the application for registration of title is filed. If the State, at the time the application is made, has not yet deemed it proper to release the property for alienation or disposition, the presumption is that the government is still reserving the right to utilize the property; hence, the need to preserve its ownership in the State irrespective of the length of adverse possession even if in good faith. However, if the property has already been classified as alienable and disposable, as it is in this case, then there is already an intention on the part of the State to abdicate its exclusive prerogative over the property.

This reading aligns conformably with our holding in *Republic v. Court of Appeals*.^[14] Therein, the Court noted that “to prove that the land subject of an application for registration is alienable, an applicant must establish the existence of a positive act of the government such as a presidential proclamation or an executive order; an administrative action; investigation reports of Bureau of Lands investigators; and a legislative act or a statute.”^[15] In that case, the subject land had been certified by the DENR as alienable and disposable in 1980, thus the Court concluded that the alienable status of the land, compounded by the established fact that therein respondents had occupied the land even before 1927, sufficed to allow the application for registration of the said property. In the case at bar, even the petitioner admits that the subject property was released and certified as within alienable and disposable zone in 1980 by the DENR.^[16]

This case is distinguishable from *Bracewell v. Court of Appeals*,^[17] wherein the Court noted that while the claimant had been in possession since 1908, it was only in 1972 that the lands in question were classified as alienable and disposable. Thus, the bid at registration therein did not succeed. In *Bracewell*, the claimant had filed his application in 1963, or nine (9) years before the property was declared alienable and disposable. Thus, in this case, where the application was made years after the property had been certified as alienable and disposable, the *Bracewell* ruling does not apply.

A different rule obtains for forest lands,^[18] such as those which form part of a reservation for provincial park purposes^[19] the possession of which cannot ripen into ownership.^[20] It is elementary in the law governing natural resources that forest land cannot be owned by private persons. As held in *Palomo v. Court of Appeals*,^[21] forest land is not registrable and possession thereof, no matter how lengthy, cannot convert it into private

property, unless such lands are reclassified and considered disposable and alienable.[22] In the case at bar, the property in question was undisputedly classified as disposable and alienable; hence, the ruling in Palomo is inapplicable, as correctly held by the Court of Appeals.[23]

It must be noted that the present case was decided by the lower courts on the basis of Section 14(1) of the Property Registration Decree, which pertains to original registration through ordinary registration proceedings. The right to file the application for registration derives from a bona fide claim of ownership going back to June 12, 1945 or earlier, by reason of the claimant's open, continuous, exclusive and notorious possession of alienable and disposable lands of the public domain.

A similar right is given under Section 48(b) of the Public Land Act, which reads:

Sec. 48. The following described citizens of the Philippines, occupying lands of the public domain or claiming to own any such land or an interest therein, but those 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:

xxx xxx xxx

(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 of 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. These 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.

When the Public Land Act was first promulgated in 1936, the period of possession deemed necessary to vest the right to register their title to agricultural lands of the public domain commenced from July 26, 1894. However, this period was amended by R.A. No. 1942, which provided that the bona fide claim of ownership must have been for at least thirty (30) years. Then in 1977, Section 48(b) of the Public Land Act was again amended, this time by P.D. No. 1073, which pegged the reckoning date at June 12, 1945. This new starting point is concordant with Section 14(1) of the Property Registration Decree.

Indeed, there are no material differences between Section 14(1) of the Property Registration Decree and Section 48(b) of the Public Land Act, as amended. True, the Public Land Act does refer to "agricultural lands of the public domain," while the Property Registration Decree uses the term "alienable and disposable lands of the public domain." It must be noted though that the Constitution declares that "alienable lands of the public domain shall be limited to agricultural lands." [24] Clearly, the subject lands under Section 48(b) of the Public Land Act and Section 14(1) of the Property Registration Decree are of the same type.

Did the enactment of the Property Registration Decree and the amendatory P.D. No. 1073 preclude the application for registration of alienable lands of the public domain, possession over which commenced only after June 12, 1945? It did not, considering Section 14(2) of the Property Registration Decree, which governs and authorizes the application of "those who have acquired ownership of private lands by prescription under the provisions of existing laws."

Prescription is one of the modes of acquiring ownership under the Civil Code.[25] There is a consistent jurisprudential rule that properties classified as alienable public land may be converted into private property by reason of open, continuous and exclusive possession of at least thirty (30) years.[26] With such conversion, such property may now fall within the contemplation of "private lands" under Section 14(2), and thus susceptible to registration by those who have acquired ownership through prescription. Thus, even if possession of the alienable

public land commenced on a date later than June 12, 1945, and such possession being open, continuous and exclusive, then the possessor may have the right to register the land by virtue of Section 14(2) of the Property Registration Decree.

The land in question was found to be cocal in nature, it having been planted with coconut trees now over fifty years old.[27] The inherent nature of the land but confirms its certification in 1980 as alienable, hence agricultural. There is no impediment to the application of Section 14(1) of the Property Registration Decree, as correctly accomplished by the lower courts.

The OSG posits that the Court of Appeals erred in holding that Naguit had been in possession in the concept of owner for the required period. The argument begs the question. It is again hinged on the assertion—shown earlier to be unfounded—that there could have been no bona fide claim of ownership prior to 1980, when the subject land was declared alienable or disposable.

We find no reason to disturb the conclusion of both the RTC and the Court of Appeals that Naguit had the right to apply for registration owing to the continuous possession by her and her predecessors-in-interest of the land since 1945. The basis of such conclusion is primarily factual, and the Court generally respects the factual findings made by lower courts. Notably, possession since 1945 was established through proof of the existence of 50 to 60-year old trees at the time Naguit purchased the property as well as tax declarations executed by Urbano in 1945. Although tax declarations and realty tax payment of property are not conclusive evidence of ownership, nevertheless, they are good indicia of the possession in the concept of owner for no one in his right mind would be paying taxes for a property that is not in his actual or at least constructive possession. They constitute at least proof that the holder has a claim of title over the property. The voluntary declaration of a piece of property for taxation purposes manifests not only one's sincere and honest desire to obtain title to the property and announces his adverse claim against the State and all other interested parties, but also the intention to contribute needed revenues to the Government. Such an act strengthens one's bona fide claim of acquisition of ownership.[28]

Considering that the possession of the subject parcel of land by the respondent can be traced back to that of her predecessors-in-interest which commenced since 1945 or for almost fifty (50) years, it is indeed beyond any cloud of doubt that she has acquired title thereto which may be properly brought under the operation of the Torrens system. That she has been in possession of the land in the concept of an owner, open, continuous, peaceful and without any opposition from any private person and the government itself makes her right thereto undoubtedly settled and deserving of protection under the law.

WHEREFORE, foregoing premises considered, the assailed Decision of the Court of Appeals dated July 12, 2000 is hereby AFFIRMED. No costs.

SO ORDERED.

Puno, (Chairman), Austria-Martinez, Callejo, Sr., and Chico-Nazario, JJ., concur.

[1] Penned by Justice P. Aliño-Hormachuelos, concurred in by Justices A. Austria-Martinez and E.J. Asuncion.

[2] Penned by Judge E. Terencio.

[3] Penned by Judge R. Barrios.

[4] Rollo, p. 31.

[5] *Ibid.*

[6] Id. at 50.

[7] Id. at 40.

[8] Id. at 16; but See 103.

[9] Id. at 77.

[10] Id. at 10.

[11] Id. at 19.

[12] G.R. No. 65663, 16 October 1992, 214 SCRA 604.

[13] R. Agpalo, Statutory Construction, 3[rd] ed., 1995 at 182.

[14] G.R. No. 127060, 19 November 2002, 392 SCRA 190.

[15] Id. at 201.

[16] Rollo, p. 21.

[17] 380 Phil. 156 (2000).

[18] See e.g., Almeda v. Court of Appeals, G.R. No. 85322, 30 April 1991, 196 SCRA 476, 480; Director of Lands v. Court of Appeals, 218 Phil. 666,674 (1984); Heirs of Amunategui v. Director of Forestry, 211 Phil 260 (1983); Pagkatipunan v. Court of Appeals 429 Phil. 377 (2002).

[19] See Palomo v. Court of Appeals, 334 Phil 357 (1997).

[20] Director of Lands v. Court of Appeals, supra note 12 citing Director of Forestry v. Muñoz, G.R. No. 24796, 28 June 1968, 23 SCRA 1183.

[21] Supra note 19.

[22] Id. citing Vano v. Government of P.I., 41 Phil. 161 [1920]; Li Seng Giap y CIAA v. Director, 55 Phil. 693 [1931]; Fernandez Hermanos v. Director, 57 Phil. 929 [1931]; Military Reservations v. Marcos, 52 SCRA 238 [1973]; Republic v. Court of Appeals, 154 SCRA 476; Vallarta v. IAC, 152 SCRA 679; Director of Forest Administration v. Fernandez, 192 SCRA 121.

[23] See Rollo, at 35.

[24] Section 3, Article XII, Constitution.

[25] See Article 1113, Civil Code, which states: “All things which are within the commerce of men are susceptible of prescription, unless otherwise provided. Property of the State or any of its subdivisions not patrimonial in character shall not be the object of prescription.”

[26] See e.g., Director of Lands v. IAC, G.R. No. 65663, 16 October 1992, 214 SCRA 604, 611; Republic v. Court of Appeals, G.R. No. 108998, 24 August 1994, 235 SCRA 567, 576; Group Commander, Intelligence and Security Group v. Dr. Malvar, 438 Phil. 252, 275 (2002).

[27] Rollo, p. 35.

[28] Director of Lands v. Court of Appeals, 367 Phil. 597 (1999); Director of Lands v. Intermediate Appellate Court, G.R. No. 70825, March 11, 1991, 195 SCRA 38; Rivera v. Court of Appeals, G.R. No. 130876, January 31, 2002, 244 SCRA 218; Republic v. Court of Appeals, 325 Phil. 674 (1996); Heirs of Placido Miranda v. Court

of Appeals, 255 SCRA 368; *Alonso v. Cebu Country Club, Inc.*, 375 SCRA 390.

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