

REPUBLIC OF THE PHILIPPINES, PETITIONER, VS. MANNA PROPERTIES, INC., REPRESENTED BY ITS PRESIDENT, JOSE TANYAO, RESPONDENT.

G.R. NO. 146527. January 31, 2005

Ponente: CARPIO, J.

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CARPIO, J.:

The Case

This is a petition for review[1] seeking to set aside the Court of Appeals' Decision[2] dated 20 December 2000. The Court of Appeals affirmed the Decision of the Regional Trial Court, Branch 26, San Fernando, La Union ("trial court") dated 21 February 1996 in Land Registration Case No. N-2352 ("LRC No. N-2352") approving the application of respondent Manna Properties, Inc. ("Manna Properties") for the registration in its name of a parcel of land located in Barangay Pagdaraoan, San Fernando, La Union.

Antecedent Facts

As culled by the Court of Appeals from the evidence, the facts of the case are as follows:

On September 29, 1994, applicant-appellee filed an Application for the registration of title of two (2) parcels of land, specifically:

- a) Lot No. 9515, Cad. 539-D of As-013314-001434; and
- b) Lot No. 1006, Cad. 539-D of As-013314-001434, located in Barangay Pagdaraoan, San Fernando, La Union measuring around 1,480 square meters.

Initial hearing was set on February 16, 1995 by the court a quo.

Copies of the application, postal money orders for publication purposes and record were forwarded to the Land Registration Authority by the Court a quo on October 7, 1994.

However, per Report dated November 21, 1994 of the Land Registration Authority, the full names and complete postal addresses of all adjoining lot owners were not stated for notification purposes. As a result thereto, per Order dated December 5, 1994, the applicant was directed to submit the names and complete postal addresses of the adjoining owners of Lots 9514 and 9516. On December 14, 1994, the applicant filed its compliance, which was forwarded to the Land Registration Authority on December 22, 1994 together with the notice of the Initial Hearing, which was reset to April 13, 1995.

On January 31, 1995, the Land Registration Authority requested for the resetting of the initial hearing since April 13, 1995 fell on Holy Thursday, a non-working day to a date consistent with LRC Circular No. 353 or ninety (90) days from date of the Order to allow reasonable time for possible mail delays and to enable them to cause the timely publication of the notice in the Official Gazette.

The initial hearing was, accordingly, reset to April 20, 1995 by the court a quo.

On March 14, 1995, the court a quo received a letter dated March 6, 1995 from the LRA with the information that the notice can no longer be published in the Official Gazette for lack of material time since the National Printing Office required submission of the printing materials 75 days before the date of the hearing. It was again requested that the initial hearing be moved to a date consistent with LRC Circular No. 353.

Per Order dated March 15, 1995, the initial hearing was reset to July 18, 1995.

The Opposition to the application stated, among others, that the applicant is a private corporation disqualified under the new Philippine Constitution to hold alienable lands of public domain.

Per Certificate of Publication issued by the LRA and the National Printing Office, the Notice of Initial Hearing was published in the June 12, 1995 issue of the Official Gazette officially released on June 19, 1995. The same notice was published in the July 12, 1995 issue of the The Ilocos Herald.

Applicant-appellee presented its president Jose [Tanyao], who testified on the acquisition of the subject property as well as Manuel Sobrepeña, co-owner of the subject property, who testified on the possession of the applicant-appellee's predecessors-in-interest.

The [documentary] evidence presented were:

- Plan AS-013314-001434 of Lots No. 9515 and 1006;
- Technical Description of Lot No. 9515;
- Technical Description of Lot No. 1006;
- Certificate in lieu of Lost Surveyor's Certificate;
- Certificate of Latest Assessment;
- Notice of Initial Hearing;
- Certificate of Publication of the Notice of Initial Hearing by the LRA;
- Certificate of Publication of the Notice of Initial Hearing by the National Printing Office;
- Certificate of Publication of the Notice of Initial Hearing by the Circulation Manager of the Ilocos Herald;
- Clipping of the Notice of Initial Hearing;
- Whole Issue of the Ilocos Herald dated July 12, 1995;
- Page 3 of Ilocos Herald dated January 12, 1995;
- Sheriff's Return of Posting;
- Certificate of Notification of all adjoining owners of the Notice of Initial Hearing on July 18, 1995.

Thereafter, the court a quo rendered a Decision dated February 21, 1996 granting the application. (sic)[3]

The Office of the Solicitor General, appearing on behalf of petitioner Republic of the Philippines ("petitioner"), promptly appealed the trial court's decision to the Court of Appeals. On 20 December 2000, the Court of Appeals dismissed petitioner's appeal.

Hence, this petition.

The Regional Trial Court's Ruling

The trial court found that Manna Properties has substantiated by clear and competent evidence all its allegations

in the application for original land registration. The Land Registration Authority (“LRA”) did not present any evidence in opposition to the application. The trial court ruled in this wise:

WHEREFORE, premises considered, the Court hereby approves the application, and orders that the parcels of land identified as Lots 9515 and 1006 of Cad. 5[3]9-D San Fernando Cadastre with a total area of One Thousand Four Hundred Eighty (1,480) square meters, situated in Barangay Pagdaraoan, San Fernando, La Union and embraced in Plan AS-1331434 (Exh. “A” and the technical description described in Exhibit “B” and “B-1”) shall be registered in accordance with Presidential Decree No. 1529, otherwise known as the Property Registration Decree in the name of the applicant Manna Properties, Inc., represented by its President Jose [Tanyao], Filipino citizen, of legal age, married to Marry [Tanyao] with residence and postal address at Jackivi Enterprises, Pagdaraoan, San Fernando, La Union, pursuant to the provisions of Presidential Decree No. 1529.[4]

The Court of Appeals’ Ruling

The Court of Appeals upheld the trial court’s ruling and dismissed petitioner’s argument that the applicant failed to comply with the jurisdictional requirements of Presidential Decree No. 1529[5] (“PD 1529”). The Court of Appeals pointed out that the 90-day period for setting the initial hearing under Section 23 of PD 1529 is merely directory and that it is the publication of the notice of hearing itself that confers jurisdiction. The Court of Appeals stated that the records of the case reveal that the testimony of Manuel Sobrepeña was not the sole basis for the trial court’s finding that Manna Properties’s predecessors-in-interest had been in possession of the land in question as early as 1953. The Court of Appeals added that while tax declarations are not conclusive proof of ownership, they are “the best indicia” of possession.

The Issues

Petitioner raises the following issues for resolution:

- WHETHER MANNA PROPERTIES FAILED TO COMPLY WITH THE JURISDICTIONAL REQUIREMENTS FOR ORIGINAL REGISTRATION; and
- WHETHER MANNA PROPERTIES HAS SUFFICIENTLY PROVEN POSSESSION OF THE PROPERTY FOR THE REQUISITE PERIOD.

The Ruling of the Court

On Whether Manna Properties Failed to Comply with the Jurisdictional Requirements for Original Registration

Petitioner contends that PD 1529 sets a 90-day maximum period between the court order setting the initial hearing date and the hearing itself. Petitioner points out that in this case, the trial court issued the order setting the date of the initial hearing on 15 March 1995, but the trial court set the hearing date itself on 18 July 1995. Considering that there are 125 days in between the two dates, petitioner argues that the trial court exceeded the 90-day period set by PD 1529. Thus, petitioner concludes “the applicant [Manna Properties] failed to comply with the jurisdictional requirements for original registration.”

The petitioner is mistaken.

The pertinent portion of Section 23 of PD 1529 reads:

Sec. 23. Notice of initial hearing, publication etc. – The court shall, within five days from filing of the application, issue an order setting the date and hour of initial hearing which shall not be earlier than forty-five days nor later than ninety days from the date of the order.

xxx

The duty and the power to set the hearing date lies with the land registration court. After an applicant has filed his application, the law requires the issuance of a court order setting the initial hearing date. The notice of initial hearing is a court document. The notice of initial hearing is signed by the judge and copy of the notice is mailed by the clerk of court to the LRA. This involves a process to which the party applicant absolutely has no participation.

Petitioner is correct that in land registration cases, the applicant must strictly comply with the jurisdictional requirements. In this case, the applicant complied with the jurisdictional requirements.

The facts reveal that Manna Properties was not at fault why the hearing date was set beyond the 90-day maximum period. The records show that the Docket Division of the LRA repeatedly requested the trial court to reset the initial hearing date because of printing problems with the National Printing Office, which could affect the timely publication of the notice of hearing in the Official Gazette. Indeed, nothing in the records indicates that Manna Properties failed to perform the acts required of it by law.

We have held that “a party to an action has no control over the Administrator or the Clerk of Court acting as a land court; he has no right to meddle unduly with the business of such official in the performance of his duties.”[6] A party cannot intervene in matters within the exclusive power of the trial court. No fault is attributable to such party if the trial court errs on matters within its sole power. It is unfair to punish an applicant for an act or omission over which the applicant has neither responsibility nor control, especially if the applicant has complied with all the requirements of the law.

Petitioner limited itself to assailing the lapse of time between the issuance of the order setting the date of initial hearing and the date of the initial hearing itself. Petitioner does not raise any other issue with respect to the sufficiency of the application. Petitioner does not also question the sufficiency of the publication of the required notice of hearing. Consequently, petitioner does not dispute the real jurisdictional issue involved in land registration cases — compliance with the publication requirement under PD 1529. As the records show, the notice of hearing was published both in the Official Gazette and a newspaper of general circulation well ahead of the date of hearing. This complies with the legal requirement of serving the entire world with sufficient notice of the registration proceedings.

On Whether Manna Properties Sufficiently Established Possession of the Land For the Period Required by Law

Petitioner asserts that Manna Properties has failed to prove its possession of the land for the period of time required by law. Petitioner alleges that the trial court and the Court of Appeals based their findings solely on their evaluation of the tax declarations presented by Manna Properties.

The jurisdiction of this Court under Rule 45 of the 1997 Rules of Civil Procedure is limited to the review and revision of errors of law.[7] This Court is not bound to analyze and weigh evidence already considered in prior proceedings. Absent any of the established grounds for exception, this Court is bound by the findings of fact of the trial and appellate courts.

The issue of whether Manna Properties has presented sufficient proof of the required possession, under a bona fide claim of ownership, raises a question of fact.[8] It invites an evaluation of the evidentiary record. Petitioner invites us to re-evaluate the evidence and substitute our judgment for that of the trial and appellate courts. Generally, Rule 45 does not allow this. Matters of proof and evidence are beyond the power of this Court to review under a Rule 45 petition, except in the presence of some meritorious circumstances.[9] We find one such circumstance in this case. The evidence on record does not support the conclusions of both the trial court and the Court of Appeals.

Petitioner claimed in its opposition to the application of Manna Properties that, as a private corporation, Manna Properties is disqualified from holding alienable lands of the public domain, except by lease. Petitioner cites the constitutional prohibition in Section 3 of Article XII in the 1987 Constitution. Petitioner also claims that the land in question is still part of the public domain.

On the other hand, Manna Properties claims that it has established that the land in question has been in the open and exclusive possession of its predecessors-in-interest since the 1940s. Thus, the land was already private land when Manna Properties acquired it from its predecessors-in-interest.

The governing law is Commonwealth Act No. 141 (“CA 141”) otherwise known as the “Public Land Act.” Section 48(b) of the said law, as amended by Presidential Decree No. 1073, provides:

(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, since June 12, 1945 or earlier, 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. (Emphasis supplied)

Lands that fall under Section 48 of CA 141 are effectively segregated from the public domain by virtue of acquisitive prescription. We have held that open, exclusive and undisputed possession of alienable public land for the period prescribed by CA 141 ipso jure converts such land into private land.[10] Judicial confirmation in such cases is only a formality that merely confirms the earlier conversion of the land into private land, the conversion having occurred in law from the moment the required period of possession became complete.[11]

Under CA 141, the reckoning point is June 12, 1945. If the predecessors-in-interest of Manna Properties have been in possession of the land in question since this date, or earlier, Manna Properties may rightfully apply for confirmation of title to the land. Following our ruling in *Director of Lands v. IAC*, [12] Manna Properties, a private corporation, may apply for judicial confirmation of the land without need of a separate confirmation proceeding for its predecessors-in-interest first.

We rule, however, that the land in question has not become private land and remains part of the public domain.

Under the Regalian doctrine, the State is the source of any asserted right to ownership of land. This is premised on the basic doctrine that all lands not otherwise appearing to be clearly within private ownership are presumed to belong to the State.[13] Any applicant for confirmation of imperfect title bears the burden of proving that he is qualified to have the land titled in his name.[14] Although Section 48 of CA 141 gives rise to a right that is only subject to formal recognition, it is still incumbent upon any claimant to first prove open, continuous and adverse possession for the requisite period of time.[15] It is only when the applicant complies with this condition that he may invoke the rights given by CA 141.

The evidence submitted by Manna Properties to prove the required length of possession consists of the testimony of one of its predecessors-in-interest, Manuel Sobrepeña (“Manuel”), [16] transferee’s affidavits, and several tax declarations covering the land in question.

We have ruled that while a tax declaration by itself is not sufficient to prove ownership, it may serve as sufficient basis for inferring possession.[17] However, the tax declarations presented by Manna Properties do not serve to prove their cause. Although Manna Properties claimed during trial that they were presenting the tax declaration proving possession since 12 June 1945, [18] a scrutiny of the tax declaration reveals that it is not the tax declaration Manna Properties claimed it to be. Exhibit Q-16 was in fact a substitute tax declaration allegedly

issued on 28 November 1950. The annotation at the back of this tax declaration indicates that it was issued to replace the 1945 tax declaration covering the land in question. A substitute is not enough.

The 1945 tax declaration must be presented considering that the date, 12 June 1945, is material to this case. CA 141 specifically fixes the date to 12 June 1945 or earlier. A tax declaration simply stating that it replaces a previous tax declaration issued in 1945 does not meet this standard. It is unascertainable whether the 1945 tax declaration was issued on, before or after 12 June 1945. Tax declarations are issued any time of the year. A tax declaration issued in 1945 may have been issued in December 1945. Unless the date and month of issuance in 1945 is stated, compliance with the reckoning date in CA 141 cannot be established.

There is another reason why the application for registration of Manna Properties must fail. The tax declaration allegedly executed in 1950 and marked as Exhibit Q-16 bears several irregularities. A small annotation found at the bottom of the back page of Exhibit Q-16 states it cancels a previous tax declaration. Beyond stating that the cancelled tax declaration was issued in 1945, Exhibit Q-16 does not provide any of the required information that will enable this Court or any interested party to check whether the original 1945 tax declaration ever existed.¹⁹ The blanks left by Exhibit Q-16 render any attempt to trace the original tax declaration futile. Moreover, on its face Exhibit Q-16 lacks any indication that it is only a substitute or reconstituted tax declaration. The net effect is an attempt to pass off Exhibit Q-16 as the original tax declaration.

The form used to prepare the tax declaration marked as Exhibit Q-16 states that it was “FILED UNDER SECTION 202 OF R.A. 7160.” Republic Act No. 7160 is the Local Government Code of 1991. The sworn undertaking by the Deputy Assessor who allegedly prepared the tax declaration reads, “Subscribed and sworn before me this 28 (sic) day of Nov. 1950...” This means that the tax declaration was issued more than forty (40) years before the form used came into existence. Manna Properties gave no explanation why its tax declaration used a form that did not exist at the time of the alleged issuance of the tax declaration. The totality of these circumstances leads this Court to conclude that Exhibit Q-16 was fabricated for the sole purpose of making it appear that Manna Properties’ predecessors-in-interest have been in possession of the land in question since 12 June 1945.

The earliest of the “un-cancelled” tax declarations presented by Manna Properties is dated 1950. This is clearly insufficient to prove possession of the land since 12 June 1945. The same can be said of the transferee’s affidavit, which was dated 1955. Manna Properties’ reliance on Manuel’s testimony is similarly misplaced. Not only is such evidence insufficient and self-serving on its own but, Manuel did not also specifically testify that he, or his parents or predecessors-in-interest were in possession of the land since 12 June 1945 or earlier. The only clear assertion of possession made by Manuel was that his family used to plant rice on that piece of land.²⁰

Other than the mentioned pieces of evidence, Manna Properties did not present sufficient proof that its predecessors-in-interest have been in open, continuous and adverse possession of the land in question since 12 June 1945. At best, Manna Properties can only prove possession since 1952. Manna Properties relied on shaky secondary evidence like the testimony of Manuel and substitute tax declarations. We have previously cautioned against the reliance on such secondary evidence in cases involving the confirmation of an imperfect title over public land.²¹ Manna Properties’ evidence hardly constitutes the “well-nigh incontrovertible” evidence necessary to acquire title through adverse occupation under CA 141.²²

WHEREFORE, we GRANT the instant petition. We REVERSE the Decision of the Court of Appeals dated 20 December 2000 in CA-G.R. CV No. 52562. The Application for Registration filed by Manna Properties, Inc. over Lots No. 9515 and 1006 of Cad. 539-D, with a total area of One Thousand Four Hundred Eighty (1,480) square meters situated in Barangay Pagdaraosan, San Fernando, La Union, is DENIED.

SO ORDERED.

Davide, Jr., C.J., (Chairman), Quisumbing, Ynares-Santiago, and Azcuna, JJ., concur.

[1] Under Rule 45 of the 1997 Rules on Civil Procedure.

[2] Penned by Justice Remedios A. Salazar-Fernando, with Associate Justices Quirino D. Abad Santos, Jr. and Salvador J. Valdez, Jr., concurring.

[3] Rollo, pp. 18-20.

[4] Records, pp. 110-111.

[5] Entitled “Amending and Codifying the Laws Relative to Registration of Property and for other Purposes.”

[6] *Banco Español-Filipino v. Palanca*, 37 Phil. 921 (1918).

[7] Section 1 of Rule 45 states:

SECTION 1. Filing of petition with Supreme Court. – A party desiring to appeal by certiorari from a judgment or final order or resolution of the Court of Appeals, the Sandiganbayan, the Regional Trial Court or other courts whenever authorized by law, may file with the Supreme Court a verified petition for review on certiorari. The petition shall raise only questions of law which must be distinctly set forth.

[8] *Republic v. Court of Appeals*, G.R. No. 116372, 18 January 2001, 349 SCRA 451.

[9] As laid out in *Ramos, et al. v. Pepsi-Cola Bottling Co. of the Phils., et al.*, 125 Phil. 701 (1967):

- when the conclusion is a finding grounded entirely on speculation, surmises and conjectures;
- when the inference made is manifestly mistaken, absurd or impossible;
- where there is a grave abuse of discretion;
- when the judgment is based on a misapprehension of facts;
- when the findings of fact are conflicting;
- when the Court of Appeals, in making its findings, went beyond the issues of the case and the same is contrary to the admissions of both appellant and appellee.

[10] *Cariño v. Insular Government*, 41 Phil. 935 (1909).

[11] *The Director of Lands v. IAC*, 230 Phil. 590 (1986).

[12] *Ibid.*

[13] *Pagkatipunan v. Court of Appeals*, 429 Phil. 377 (2002).

[14] *Collado v. Court of Appeals*, 439 Phil. 149 (2002).

[15] *Republic of the Philippines v. Court of Appeals*, 440 Phil. 697 (2002).

[16] TSN, 24 October 1995, p. 25.

[17] *Republic v. Court of Appeals*, G.R. No. 108926, 12 July 1996, 258 SCRA 712.

[18] Exhibit Q-16.

19 Exhibit Q-16 left the following items blank: (a) the year when the previous tax declaration ceased; (b) the year the previous tax declaration was entered into the Real Property Assessment Roll; (c) the name of the Assessor who executed the previous tax declaration; (d) the previous owner of the land and its improvements; and (e) the prior assessed value of the land.

20 TSN, 24 October 1995, pp. 25-29.

21 Alba Vda. De Raz v. Court of Appeals, 372 Phil. 710 (1999).

22 Abejaron v. Nabasa, 411 Phil. 552 (2001).

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