

REPUBLIC OF THE PHILIPPINES, PETITIONER, VS. ALEXANDRA LAO, RESPONDENT.*G.R. No. 150413. July 01, 2003*

Ponente: YNARES-SANTIAGO, J.

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This petition for review assails the decision[1] of the Court of Appeals in CA-G.R. CV No. 56230, which affirmed the judgment[2] of the Regional Trial Court of Tagaytay City, Branch 18, in Land Registration Case No. TG-719.

On September 4, 1995, respondent Alexandra Lao filed with the Regional Trial Court of Tagaytay City, Branch 18, an application for the registration of title over a parcel of land designated as Lot No. 3951, Cad. 452-D, Silang Cadastre, Plan Ap-04-007770, consisting of nine thousand three hundred forty nine (9,349) square meters under Presidential Decree No. 1529, otherwise known as the Property Registration Decree. Respondent alleged that she acquired the land by purchase from the siblings Raymundo Noguera and Ma. Victoria A. Valenzuela, who inherited it from Generosa Medina. The latter, in turn, inherited the land from her father, Jose Medina, who acquired the same from Edilberto Perido by transfer.

In the alternative, respondent prayed that the land be awarded to her under the provisions of Commonwealth Act No. 141, as amended, also known as the Public Land Act, based on her and her predecessor's open, public, actual, continuous, exclusive, notorious and adverse possession and occupancy under bona fide claim of ownership for more than thirty (30) years.

At the hearing in the lower court, respondent presented the following witnesses: Candido Amoroso, who testified on the ownership of the land by Edilberto Perido in 1932; Vicente Laudato, who testified on respondent's purchase of the property from Raymundo and Ma. Victoria; and Fina Victoria So-Liwanag, who assisted respondent in her application for registration. Respondent likewise presented in evidence the Deed of Absolute Sale[3] dated April 19, 1994 executed by Raymundo and Victoria in her favor, the survey plan and technical description of the property, and the tax declarations in the name of respondent as well as her predecessors-in-interest.

On June 28, 1996, the trial court made the following findings, to wit:

x x x the applicant acquired the subject parcel of land by purchase from Raymundo Noguera and Ma. Victoria A. Valenzuela in 1994, and that applicant and her predecessors-in-interest have been in continuous, uninterrupted, open, public, adverse and in the concept of an owner possession of the subject parcel of land for more than thirty (30) years now; and that the same parcel was declared for taxation purposes; that the realty taxes due thereon have been duly paid; that the land involved in this case is not covered by any land patent. Likewise, this Court could well-discern from the survey plan covering the same property, as well as technical description and other documents presented, that the land sought to be registered is agricultural and not within any forest zone or public domain; and that tacking her predecessors-in-interest's possession to hers, applicant appears to be in continuous and public possession thereof for more than thirty (30) years.[4]

The dispositive portion of the decision reads:

WHEREFORE, this Court hereby approves this application for registration and thus places under the operation of Act 141, Act 496 and/or P.D. 1529, otherwise known as Property Registration Law, the land described in Plan Ap-04-007770 and containing an area of nine thousand three hundred forty-nine (9,349) square meters as supported by its technical description now forming part of the record of this case, in addition to other proofs adduced in the name of ALEXANDRA A. LAO, of legal age, married to NELSON O. LAO, Filipino citizen, with residence at 1648 Yakal Street, Sta. Cruz, Manila.

Once this Decision becomes final and executory, the corresponding decree of registration shall forthwith issue.

SO ORDERED.[5]

Petitioner Republic of the Philippines, represented by the Office of the Solicitor General, appealed to the Court of Appeals which was docketed as CA-G.R. CV No. 56230. On October 15, 2001, the appellate court affirmed the judgment of the trial court.[6] Hence, this petition for review raising the following errors:

THERE IS NO SUFFICIENT EVIDENCE TO WARRANT THE ORIGINAL REGISTRATION OF TITLE OF SUBJECT PROPERTY IN THE NAME OF RESPONDENT.[7]

- RESPONDENT FAILED TO COMPLY WITH THE LEGALLY REQUIRED PERIOD AND ACTS OF POSSESSION.[8]

- THE TAX DECLARATIONS PRESENTED BY RESPONDENT DO NOT CORROBORATE HER CLAIM OF THE LEGALLY REQUIRED PERIOD OF POSSESSION.[9]

- RESPONDENT FAILED TO PRESENT A CERTIFICATION FROM THE APPROPRIATE GOVERNMENT AGENCY THAT THE LAND SUBJECT OF HER APPLICATION FOR REGISTRATION IS ALIENABLE AND DISPOSABLE LAND OF THE PUBLIC DOMAIN.[10]

In sum, the issues presented before us are (a) whether or not respondent was able to prove, by the quantum of evidence mandated by law, that she met the required period of open, exclusive, continuous and notorious possession, in the concept of an owner, of the subject parcel of land; and (b) whether or not respondent was able to show that the land subject of her application was disposable and alienable land of the public domain.

Section 14 (1) of Presidential Decree No. 1529 states:

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 predecessor-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.

On the other hand, Section 48 (b) of Commonwealth Act No. 141, as amended by Section 4 of Presidential Decree No. 1073, provides:

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.

Thus, before one can register his title over a parcel of land, the applicant must show that (a) he, by himself or through his predecessors-in-interest, has been in open, continuous, exclusive and notorious possession and occupation of the subject land under a bona fide claim of ownership since June 12, 1945 or earlier; and (b) the

land subject of the application is alienable and disposable land of the public domain.

Respondent submits that Section 48 (b) of CA 141 was amended by Republic Act No. 6940, which reduced the required period of possession to thirty years immediately prior to the filing of the application. Said law became effective on April 15, 1990. However, petitioner maintains that the required period of possession remained the same. RA 6940 explicitly states that its provisions amended sections 44, 45 and 47 of CA 141. Nothing in RA 6940 amends Section 48 (b). In other words, the requisites for judicial confirmation of imperfect or incomplete title set forth therein remains the same, namely, (1) possession of the subject land from June 12, 1945, and (2) the classification of the land as alienable and disposable land of the public domain. In *Public Estates Authority v. Court of Appeals*,^[11] we held that:

Under the public land act, judicial confirmation of imperfect title required possession en concepto de dueño since time immemorial, or since July 26, 1894. Under C.A. No. 141, this requirement was retained. However, on June 22, 1957, Republic Act No. 1942 was enacted amending C.A. No. 141. This later enactment required adverse possession for a period of only thirty (30) years. On January 25, 1977, the President enacted P.D. No. 1073, further amending C.A. No. 141, extending the period for filing applications for judicial confirmation of imperfect or incomplete titles to December 31, 1987. Under this decree, "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 land of the public domain which have been in open, continuous, exclusive and notorious possession and occupation by the applicant himself or thru his predecessors-in-interest under a bona fide claim of acquisition of ownership, since June 12, 1945.

The aforequoted ruling was reiterated in *Republic v. Court of Appeals*,^[12] thus:

This Court has held in *Republic vs. Doldol* [295 SCRA 359, (1998)] that, originally, "Section 48(b) of C.A. No. 141 provided for possession and occupation of lands of the public domain since July 26, 1894. This was superseded by R.A. No. 1942 which provided for a simple thirty-year prescriptive period of occupation by an applicant for judicial confirmation of imperfect title. The same, however, has already been amended by Presidential Decree No. 1073, approved on January 25, 1977." As amended Section 48 (b) now reads:

(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 or ownership, since June 12, 1945, or earlier, immediately preceding the filing of the application for confirmation of title, except when prevented by wars or force majeure. Those 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.

Petitioner argues that respondent failed to prove by incontrovertible evidence that she had been in open, continuous, exclusive and notorious possession and occupation of the subject land, in the concept of an owner, since June 12, 1945 or earlier. According to petitioner, respondent's witnesses did not state the exact period when respondent's predecessors-in-interest started occupying the subject land. They only made sweeping statements to the effect that respondent had been in possession of the property for more than thirty years. Hence, it can not be conclusively determined whether respondent and her predecessors-in-interest have truly been in possession of the property since June 12, 1945 or earlier. Furthermore, respondent failed to show how the property was transferred from Generosa Medina to Raymundo Noguera and Ma. Victoria A. Valenzuela. No extrajudicial settlement of property was established. Consequently, respondent can not tack her possession with those of Generosa Medina and her predecessors-in-interest.

There is merit in the petition.

Candido Amoroso, respondent's first witness, testified that he first knew of the property in 1932 and that it was owned by a certain Edilberto Perido. However, no evidence was presented to support his claim. Respondent

submitted the tax declarations in the name of her predecessors-in-interest, including that of Edilberto. However, the earliest of these documents pertained to the year 1948 only, three years short of the required period. Respondent's other witness, Vicente Laudato, claimed that he had known about the property since he was ten years old, which was in 1945, and that Edilberto Perido owned the property. On cross-examination, however, he testified that he based his information on Edilberto's ownership of the land on the fact that the latter used to greet him and his family whenever he passed by their house. Vicente later on admitted that he did not know with certainty whether Edilberto was indeed the owner and possessor of the property.[13]

Finally, respondent failed to present the extrajudicial settlement or other document evidencing the transfer of the land from Generosa Medina to Raymundo Noguera and Ma. Victoria A. Valenzuela. She likewise did not show the relationship between these parties. She only presented the deed of sale between her and the latter, where it was stated that Raymundo and Ma. Victoria inherited the property from Generosa. Hence, respondent can not tack her possession with those of Generosa and her predecessors-in-interest. At most, respondent's possession can only be reckoned from the time that Raymundo and Ma. Victoria claimed possession of the property.

Respondent having thus failed to show by incontrovertible evidence that her possession of the land commenced on June 12, 1945 or earlier, she failed to meet the first requisite under the pertinent provisions of PD 1529 and CA 141.

Petitioner further submits that respondent failed to show that the land subject of her application is classified as alienable and disposable land of the public domain. Under the Regalian doctrine which is embodied in our Constitution,[14] all lands of the public domain belong to the State, which is the source of any asserted right to ownership of land.[15] All lands not appearing to be clearly within private ownership are presumed to belong to the State.[16] 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.[17] To overcome this presumption, incontrovertible evidence must be established that the land subject of the application is alienable or disposable.[18]

In *De Ocampo v. Arlos*,[19] it was held that:

x x x a title may be judicially confirmed under Section 48 of the Public Land Act only if it pertains to alienable lands of the public domain. Unless such assets are reclassified and considered disposable and alienable, occupation thereof in the concept of owner, no matter how long, cannot ripen into ownership and be registered as a title. Verily, Presidential Decree No. 1073 clarified Section 48 (b) of the Public Land Act by specifically declaring that the latter applied only to alienable and disposable lands of the public domain.

In the case at bar, no certification from the appropriate government agency or official proclamation reclassifying the land as alienable and disposable was presented by respondent. Respondent merely submitted the survey map and technical descriptions of the land, which contained no information regarding the classification of the property. These documents are not sufficient to overcome the presumption that the land sought to be registered forms part of the public domain.

Respondent argues that she was not required to present any certification stating that the land is open for disposition because no opposition to her application was ever made by the appropriate government agencies. She claims that in the absence of any proof to the contrary, lands of the public domain are agricultural in nature and thus susceptible to private ownership.

As an applicant for registration of a parcel of land, respondent had the initial obligation to show that the property involved is agricultural. Being the interested party, it was incumbent upon her to prove that the land being registered is indeed alienable or disposable. She cannot rely on the mere presumption that it was agricultural and, therefore, alienable part of the public domain.[20] Thus, in *Director of Lands v. Funtilar*,[21] we held:

It was rather sweeping for the appellate court to rule that after an applicant files his application for registration, the burden shifts totally to the government to prove that the land forms part of the unclassified forest zone. The ruling in *Heirs of Amunategui v. Director of Forestry* (126 SCRA 69) governs applications for confirmation of imperfect title. The applicant shoulders the burden of overcoming the presumption that the land sought to be registered forms part of the public domain.

Moreover, the absence of opposition from the government agencies is of no moment because the State cannot be estopped by the omission, mistake or error of its officials or agents.[22]

It bears stressing at this point that declassification of forest land and its conversion into alienable or disposable land for agricultural or other purposes requires an express and positive act from the government.[23] It cannot be presumed; but must be established by convincing proof.[24]

WHEREFORE, in view of the foregoing, the petition is GRANTED. The decision of the Court of Appeals in CA-G.R. CV No. 56230 is REVERSED and SET ASIDE. The application for original registration of title over Lot No. 3951, Cad. 452-D, Silang Cadastre, Plan Ap-04-007770, which was docketed as Land Registration Case No. TG-719 before the Regional Trial Court of Tagaytay City, Branch 18, is DENIED.

SO ORDERED.

Davide, Jr., C.J., Vitug, Carpio, and Azcuna, JJ., concur.

[1] Rollo, pp. 27-33.

[2] RTC Records, pp. 68-69.

[3] *Id.*, at 5.

[4] RTC Records, pp. 68-69.

[5] *Id.*, at 69.

[6] Rollo, p. 33.

[7] *Id.*, at 14.

[8] *Id.*

[9] *Id.*, at 21.

[10] *Id.*

[11] G.R. No. 112172, 20 November 2000, 345 SCRA 96.

[12] G.R. No. 116372, 18 January 2001, 349 SCRA 451.

[13] TSN, April 19, 1996, p. 10.

[14] Section 2, Article XII of the 1987 Constitution: 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. xxx.

[15] *Seville v. National Development Company*, G.R. No. 129401, 2 February 2001, 351 SCRA 112, 120.

[16] *Bracewell v. Court of Appeals*, 380 Phil. 156 (2000).

- [17] Menguito v. Republic, G.R. No. 134308, 14 December 2000, 348 SCRA 128, 139.
- [18] Pagkatipunan, et al. v. Court of Appeals, et al., G.R. No. 129682, 21 March 2002.
- [19] G.R. No. 135527, 19 October 2000, 343 SCRA 716.
- [20] Director of Lands v. Court of Appeals, G.R. No. 50260, 29 July 1992, 211 SCRA 868, 876.
- [21] G.R. No. L-68533, 23 May 1986, 142 SCRA 57.
- [22] Director of Lands v. Court of Appeals, 214 Phil. 606, 610.
- [23] Republic v. Court of Appeals, G.R. No. 48327, 21 August 1991, 201 SCRA 1, 9.
- [24] Pagkatipunan, et al. v. Court of Appeals, et al., supra.

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