

REPUBLIC OF THE PHILIPPINES PETITIONER, V.S. T.A.N. PROPERTIES, INC., RESPONDENT.

G.R. No. 154953. June 26, 2008

Ponente: CARPIO, J.

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CARPIO, J.:

The Case

Before the Court is a petition for review[1] assailing the 21 August 2002 Decision [2] of the Court of Appeals in CA-G.R. CV No. 66658. The Court of Appeals affirmed in toto the 16 December 1999 Decision[3] of the Regional Trial Court of Tanauan, Batangas, Branch 6 (trial court) in Land Registration Case No. T-635.

The Antecedent Facts

This case originated from an Application for Original Registration of Title filed by T.A.N. Properties, Inc. covering Lot 10705-B of the subdivision plan Csd-04-019741 which is a portion of the consolidated Lot 10705, Cad-424, Sto. Tomas Cadastre. The land, with an area of 564,007 square meters, or 56.4007 hectares, is located at San Bartolome, Sto. Tomas, Batangas.

On 31 August 1999, the trial court set the case for initial hearing at 9:30 a.m. on 11 November 1999. The Notice of Initial Hearing was published in the Official Gazette, 20 September 1999 issue, Volume 95, No. 38, pages 6793 to 6794,[4] and in the 18 October 1999 issue of People's Journal Taliba, [5] a newspaper of general circulation in the Philippines. The Notice of Initial Hearing was also posted in a conspicuous place on the bulletin board of the Municipal Building of Sto. Tomas, Batangas, as well as in a conspicuous place on the land.[6] All adjoining owners and all government agencies and offices concerned were notified of the initial hearing.[7]

On 11 November 1999, when the trial court called the case for initial hearing, there was no oppositor other than the Opposition dated 7 October 1999 of the Republic of the Philippines represented by the Director of Lands (petitioner). On 15 November 1999, the trial court issued an Order [8] of General Default against the whole world except as against petitioner.

During the hearing on 19 November 1999, Ceferino Carandang (Carandang) appeared as oppositor. The trial court gave Carandang until 29 November 1999 within which to file his written opposition.[9] Carandang failed to file his written opposition and to appear in the succeeding hearings. In an Order [10] dated 13 December 1999, the trial court reinstated the Order of General Default.

During the hearings conducted on 13 and 14 December 1999, respondent presented three witnesses: Anthony Dimayuga Torres (Torres), respondent's Operations Manager and its authorized representative in the case; Primitivo Evangelista (Evangelista), a 72-year old resident of San Bartolome, Sto. Tomas, Batangas since birth; and Regalado Marquez, Records Officer II of the Land Registration Authority (LRA), Quezon City.

The testimonies of respondent's witnesses showed that Prospero Dimayuga (Kabesang Puroy) had peaceful,

adverse, open, and continuous possession of the land in the concept of an owner since 1942. Upon his death, Kabesang Puroy was succeeded by his son Antonio Dimayuga (Antonio). On 27 September 1960, Antonio executed a Deed of Donation covering the land in favor of one of his children, Fortunato Dimayuga (Fortunato). Later, however, Antonio gave Fortunato another piece of land. Hence, on 26 April 1961, Antonio executed a Partial Revocation of Donation, and the land was adjudicated to one of Antonio's children, Prospero Dimayuga (Porting).[11] On 8 August 1997, Porting sold the land to respondent.

The Ruling of the Trial Court

In its 16 December 1999 Decision, the trial court adjudicated the land in favor of respondent.

The trial court ruled that a juridical person or a corporation could apply for registration of land provided such entity and its predecessors-in-interest have possessed the land for 30 years or more. The trial court ruled that the facts showed that respondent's predecessors-in-interest possessed the land in the concept of an owner prior to 12 June 1945, which possession converted the land to private property.

The dispositive portion of the trial court's Decision reads:

WHEREFORE, and upon previous confirmation of the Order of General Default, the Court hereby adjudicates and decrees Lot 10705-B, identical to Lot 13637, Cad-424, Sto. Tomas Cadastre, on plan Csd-04-019741, situated in Barangay of San Bartolome, Municipality of Sto. Tomas, Province of Batangas, with an area of 564,007 square meters, in favor of and in the name of T.A.N. Properties, Inc., a domestic corporation duly organized and existing under Philippine laws with principal office at 19th Floor, PDCP Bank Building, 8737 Paseo de Roxas, Makati City.

Once this Decision shall have become final, let the corresponding decree of registration be issued.

SO ORDERED.[12]

Petitioner appealed from the trial court's Decision. Petitioner alleged that the trial court erred in granting the application for registration absent clear evidence that the applicant and its predecessors-in-interest have complied with the period of possession and occupation as required by law. Petitioner alleged that the testimonies of Evangelista and Torres are general in nature. Considering the area involved, petitioner argued that additional witnesses should have been presented to corroborate Evangelista's testimony.

The Ruling of the Court of Appeals

In its 21 August 2002 Decision, the Court of Appeals affirmed in toto the trial court's Decision.

The Court of Appeals ruled that Evangelista's knowledge of the possession and occupation of the land stemmed not only from the fact that he worked there for three years but also because he and Kabesang Puroy were practically neighbors. On Evangelista's failure to mention the name of his uncle who continuously worked on the land, the Court of Appeals ruled that Evangelista should not be faulted as he was not asked to name his uncle when he testified. The Court of Appeals also ruled that at the outset, Evangelista disclaimed knowledge of Fortunato's relation to Kabesang Puroy, but this did not affect Evangelista's statement that Fortunato took over the possession and cultivation of the land after Kabesang Puroy's death. The Court of Appeals further ruled that the events regarding the acquisition and disposition of the land became public knowledge because San Bartolome was a small community. On the matter of additional witnesses, the Court of Appeals ruled that petitioner failed to cite any law requiring the corroboration of the sole witness' testimony.

The Court of Appeals further ruled that Torres was a competent witness since he was only testifying on the fact that he had caused the filing of the application for registration and that respondent acquired the land from Porting.

Petitioner comes to this Court assailing the Court of Appeals' Decision. Petitioner raises the following grounds in

its Memorandum:

The Court of Appeals erred on a question of law in allowing the grant of title to applicant corporation despite the following:

- Absence of showing that it or its predecessors-in-interest had open, continuous, exclusive, and notorious possession and occupation in the concept of an owner since 12 June 1945 or earlier; and
- Disqualification of applicant corporation to acquire the subject tract of land.[13]

The Issues

The issues may be summarized as follows:

- Whether the land is alienable and disposable;
- Whether respondent or its predecessors-in-interest had open, continuous, exclusive, and notorious possession and occupation of the land in the concept of an owner since June 1945 or earlier; and
- Whether respondent is qualified to apply for registration of the land under the Public Land Act.

The Ruling of this Court

The petition has merit.

Respondent Failed to Prove

that the Land is Alienable and Disposable

Petitioner argues that anyone who applies for registration has the burden of overcoming the presumption that the land forms part of the public domain. Petitioner insists that respondent failed to prove that the land is no longer part of the public domain.

The well-entrenched rule is that all lands not appearing to be clearly of private dominion presumably belong to the State.[14] The onus to overturn, by incontrovertible evidence, the presumption that the land subject of an application for registration is alienable and disposable rests with the applicant.[15]

In this case, respondent submitted two certifications issued by the Department of Environment and Natural Resources (DENR). The 3 June 1997 Certification by the Community Environment and Natural Resources Offices (CENRO), Batangas City,[16] certified that "lot 10705, Cad-424, Sto. Tomas Cadastre situated at Barangay San Bartolome, Sto. Tomas, Batangas with an area of 596,116 square meters falls within the ALIENABLE AND DISPOSABLE ZONE under Project No. 30, Land Classification Map No. 582 certified [on] 31 December 1925." The second certification [17] in the form of a memorandum to the trial court, which was issued by the Regional Technical Director, Forest Management Services of the DENR (FMS-DENR), stated "that the subject area falls within an alienable and disposable land, Project No. 30 of Sto. Tomas, Batangas certified on Dec. 31, 1925 per LC No. 582."

The certifications are not sufficient. DENR Administrative Order (DAO) No. 20,[18]dated 30 May 1988, delineated the functions and authorities of the offices within the DENR. Under DAO No. 20, series of 1988, the CENRO issues certificates of land classification status for areas below 50 hectares. The Provincial Environment and Natural Resources Offices (PENRO) issues certificate of land classification status for lands covering over 50 hectares. DAO No. 38,[19]dated 19 April 1990, amended DAO No. 20, series of 1988. DAO No. 38, series of 1990 retained the authority of the CENRO to issue certificates of land classification status for areas below 50 hectares, as well as the authority of the PENRO to issue certificates of land classification status for lands covering over 50 hectares.[20] In this case, respondent applied for registration of Lot 10705-B. The area covered by Lot

10705-B is over 50 hectares (564,007 square meters). The CENRO certificate covered the entire Lot 10705 with an area of 596,116 square meters which, as per DAO No. 38, series of 1990, is beyond the authority of the CENRO to certify as alienable and disposable.

The Regional Technical Director, FMS-DENR, has no authority under DAO Nos. 20 and 38 to issue certificates of land classification. Under DAO No. 20, the Regional Technical Director, FMS-DENR:

- Issues original and renewal of ordinary minor products (OM) permits except rattan;
- Approves renewal of resaw/mini-sawmill permits;
- Approves renewal of special use permits covering over five hectares for public infrastructure projects; and
- Issues renewal of certificates of registration for logs, poles, piles, and lumber dealers.

Under DAO No. 38, the Regional Technical Director, FMS-DENR:

- Issues original and renewal of ordinary minor [products] (OM) permits except rattan;
- Issues renewal of certificate of registration for logs, poles, and piles and lumber dealers;
- Approves renewal of resaw/mini-sawmill permits;
- Issues public gratuitous permits for 20 to 50 cubic meters within calamity declared areas for public infrastructure projects; and
- Approves original and renewal of special use permits covering over five hectares for public infrastructure projects.

Hence, the certification issued by the Regional Technical Director, FMS-DENR, in the form of a memorandum to the trial court, has no probative value.

Further, it is not enough for the PENRO or CENRO to certify that a land is alienable and disposable. The applicant for land registration must prove that the DENR Secretary had approved the land classification and released the land of the public domain as alienable and disposable, and that the land subject of the application for registration falls within the approved area per verification through survey by the PENRO or CENRO. In addition, the applicant for land registration must present a copy of the original classification approved by the DENR Secretary and certified as a true copy by the legal custodian of the official records. These facts must be established to prove that the land is alienable and disposable. Respondent failed to do so because the certifications presented by respondent do not, by themselves, prove that the land is alienable and disposable.

Only Torres, respondent's Operations Manager, identified the certifications submitted by respondent. The government officials who issued the certifications were not presented before the trial court to testify on their contents. The trial court should not have accepted the contents of the certifications as proof of the facts stated therein. Even if the certifications are presumed duly issued and admissible in evidence, they have no probative value in establishing that the land is alienable and disposable.

Public documents are defined under Section 19, Rule 132 of the Revised Rules on Evidence as follows:

- (a) The written official acts, or records of the official acts of the sovereign authority, official bodies and tribunals, and public officers, whether of the Philippines, or of a foreign country;
- (b) Documents acknowledged before a notary public except last wills and testaments; and
- (c) Public records, kept in the Philippines, of private documents required by law to be entered therein.

Applying Section 24 of Rule 132, the record of public documents referred to in Section 19(a), when admissible for any purpose, may be evidenced by an official publication thereof or by a copy attested by the officer having legal custody of the record, or by his deputy x x x. The CENRO is not the official repository or legal custodian of the issuances of the DENR Secretary declaring public lands as alienable and disposable. The CENRO should have attached an official publication[21] of the DENR Secretary's issuance declaring the land alienable and disposable.

Section 23, Rule 132 of the Revised Rules on Evidence provides:

Sec. 23. Public documents as evidence. Documents consisting of entries in public records made in the performance of a duty by a public officer are prima facie evidence of the facts stated therein. All other public documents are evidence, even against a third person, of the fact which gave rise to their execution and of the date of the latter.

The CENRO and Regional Technical Director, FMS-DENR, certifications do not fall within the class of public documents contemplated in the first sentence of Section 23 of Rule 132. The certifications do not reflect "entries in public records made in the performance of a duty by a public officer," such as entries made by the Civil Registrar[22] in the books of registries, or by a ship captain in the ship's logbook. [23] The certifications are not the certified copies or authenticated reproductions of original official records in the legal custody of a government office. The certifications are not even records of public documents.[24] The certifications are conclusions unsupported by adequate proof, and thus have no probative value. [25] Certainly, the certifications cannot be considered prima facie evidence of the facts stated therein.

The CENRO and Regional Technical Director, FMS-DENR, certifications do not prove that Lot 10705-B falls within the alienable and disposable land as proclaimed by the DENR Secretary. Such government certifications do not, by their mere issuance, prove the facts stated therein. [26] Such government certifications may fall under the class of documents contemplated in the second sentence of Section 23 of Rule 132. As such, the certifications are prima facie evidence of their due execution and date of issuance but they do not constitute prima facie evidence of the facts stated therein.

The Court has also ruled that a document or writing admitted as part of the testimony of a witness does not constitute proof of the facts stated therein.[27] Here, Torres, a private individual and respondent's representative, identified the certifications but the government officials who issued the certifications did not testify on the contents of the certifications. As such, the certifications cannot be given probative value. [28] The contents of the certifications are hearsay because Torres was incompetent to testify on the veracity of the contents of the certifications.[29] Torres did not prepare the certifications, he was not an officer of CENRO or FMS-DENR, and he did not conduct any verification survey whether the land falls within the area classified by the DENR Secretary as alienable and disposable.

Petitioner also points out the discrepancy as to when the land allegedly became alienable and disposable. The DENR Secretary certified that based on Land Classification Map No. 582, the land became alienable and disposable on 31 December 1925. However, the certificate on the blue print plan states that it became alienable and disposable on 31 December 1985.

We agree with petitioner that while the certifications submitted by respondent show that under the Land Classification Map No. 582, the land became alienable and disposable on 31 December 1925, the blue print plan states that it became alienable and disposable on 31 December 1985. Respondent alleged that "the blue print plan merely serves to prove the precise location and the metes and bounds of the land described therein x x x and does not in any way certify the nature and classification of the land involved." [30] It is true that the notation by a surveyor-geodetic engineer on the survey plan that the land formed part of the alienable and disposable land of the

public domain is not sufficient proof of the land's classification.[31] However, respondent should have at least presented proof that would explain the discrepancy in the dates of classification. Marquez, LRA Records Officer II, testified that the documents submitted to the court consisting of the tracing cloth plan, the technical description of Lot 10705-B, the approved subdivision plan, and the Geodetic Engineer's certification were faithful reproductions of the original documents in the LRA office. He did not explain the discrepancy in the dates. Neither was the Geodetic Engineer presented to explain why the date of classification on the blue print plan was different from the other certifications submitted by respondent.

There was No Open, Continuous, Exclusive, and Notorious Possession and Occupation in the Concept of an Owner

Petitioner alleges that the trial court's reliance on the testimonies of Evangelista and Torres was misplaced. Petitioner alleges that Evangelista's statement that the possession of respondent's predecessors-in-interest was open, public, continuous, peaceful, and adverse to the whole world was a general conclusion of law rather than factual evidence of possession of title. Petitioner alleges that respondent failed to establish that its predecessors-in-interest had held the land openly, continuously, and exclusively for at least 30 years after it was declared alienable and disposable.

We agree with petitioner.

Evangelista testified that Kabesang Puroy had been in possession of the land before 1945. Yet, Evangelista only worked on the land for three years. Evangelista testified that his family owned a lot near Kabesang Puroy's land. The Court of Appeals took note of this and ruled that Evangelista's knowledge of Kabesang Puroy's possession of the land stemmed "not only from the fact that he had worked thereat but more so that they were practically neighbors." [32] The Court of Appeals observed:

In a small community such as that of San Bartolome, Sto. Tomas, Batangas, it is not difficult to understand that people in the said community knows each and everyone. And, because of such familiarity with each other, news or events regarding the acquisition or disposition for that matter, of a vast tract of land spreads like wildfire, thus, the reason why such an event became of public knowledge to them.[33]

Evangelista testified that Kabesang Puroy was succeeded by Fortunato. However, he admitted that he did not know the exact relationship between Kabesang Puroy and Fortunato, which is rather unusual for neighbors in a small community. He did not also know the relationship between Fortunato and Porting. In fact, Evangelista's testimony is contrary to the factual finding of the trial court that Kabesang Puroy was succeeded by his son Antonio, not by Fortunato who was one of Antonio's children. Antonio was not even mentioned in Evangelista's testimony.

The Court of Appeals ruled that there is no law that requires that the testimony of a single witness needs corroboration. However, in this case, we find Evangelista's uncorroborated testimony insufficient to prove that respondent's predecessors-in-interest had been in possession of the land in the concept of an owner for more than 30 years. We cannot consider the testimony of Torres as sufficient corroboration. Torres testified primarily on the fact of respondent's acquisition of the land. While he claimed to be related to the Dimayugas, his knowledge of their possession of the land was hearsay. He did not even tell the trial court where he obtained his information.

The tax declarations presented were only for the years starting 1955. While tax declarations are not conclusive evidence of ownership, they constitute proof of claim of ownership.[34] Respondent did not present any credible explanation why the realty taxes were only paid starting 1955 considering the claim that the Dimayugas were allegedly in possession of the land before 1945. The payment of the realty taxes starting 1955 gives rise to the presumption that the Dimayugas claimed ownership or possession of the land only in that year.

Land Application by a Corporation

Petitioner asserts that respondent, a private corporation, cannot apply for registration of the land of the public domain in this case.

We agree with petitioner.

Section 3, Article XII of the 1987 Constitution provides:

Sec. 3. Lands of the public domain are classified into agricultural, forest or timber, mineral lands, and national parks. Agricultural lands of the public domain may be further classified by law according to the uses to which they may be devoted. Alienable lands of the public domain shall be limited to agricultural lands. Private corporations or associations may not hold such alienable lands of the public domain except by lease, for a period not exceeding twenty-five years, renewable for not more than twenty-five years, and not to exceed one thousand hectares in area. Citizens of the Philippines may lease not more than five hundred hectares, or acquire not more than twelve hectares thereof by purchase, homestead or grant.

Taking into account the requirements of conservation, ecology, and development, and subject to the requirements of agrarian reform, the Congress shall determine, by law, the size of lands of the public domain which may be acquired, developed, held, or leased and the conditions therefor.

The 1987 Constitution absolutely prohibits private corporations from acquiring any kind of alienable land of the public domain. In *Chavez v. Public Estates Authority*,^[35] the Court traced the law on disposition of lands of the public domain. Under the 1935 Constitution, there was no prohibition against private corporations from acquiring agricultural land. The 1973 Constitution limited the alienation of lands of the public domain to individuals who were citizens of the Philippines. Under the 1973 Constitution, private corporations, even if wholly owned by Filipino citizens, were no longer allowed to acquire alienable lands of the public domain. The present 1987 Constitution continues the prohibition against private corporations from acquiring any kind of alienable land of the public domain.^[36] The Court explained in *Chavez*:

The 1987 Constitution continues the State policy in the 1973 Constitution banning private corporations from acquiring any kind of alienable land of the public domain. Like the 1973 Constitution, the 1987 Constitution allows private corporations to hold alienable lands of the public domain only through lease. x x x x

[I]f the constitutional intent is to prevent huge landholdings, the Constitution could have simply limited the size of alienable lands of the public domain that corporations could acquire. The Constitution could have followed the limitations on individuals, who could acquire not more than 24 hectares of alienable lands of the public domain under the 1973 Constitution, and not more than 12 hectares under the 1987 Constitution.

If the constitutional intent is to encourage economic family-size farms, placing the land in the name of a corporation would be more effective in preventing the break-up of farmlands. If the farmland is registered in the name of a corporation, upon the death of the owner, his heirs would inherit shares in the corporation instead of subdivided parcels of the farmland. This would prevent the continuing break-up of farmlands into smaller and smaller plots from one generation to the next.

In actual practice, the constitutional ban strengthens the constitutional limitation on individuals from acquiring more than the allowed area of alienable lands of the public domain. Without the constitutional ban, individuals who already acquired the maximum area of alienable lands of the public domain could easily set up corporations to acquire more alienable public lands. An individual could own as many corporations as his means would allow him. An individual could even hide his ownership of a corporation by putting his nominees as stockholders of the corporation. The corporation is a convenient vehicle to circumvent the constitutional limitation on acquisition by individuals of alienable lands of the public domain.

The constitutional intent, under the 1973 and 1987 Constitutions, is to transfer ownership of only a limited area

of alienable land of the public domain to a qualified individual. This constitutional intent is safeguarded by the provision prohibiting corporations from acquiring alienable lands of the public domain, since the vehicle to circumvent the constitutional intent is removed. The available alienable public lands are gradually decreasing in the face of an ever-growing population. The most effective way to insure faithful adherence to this constitutional intent is to grant or sell alienable lands of the public domain only to individuals. This, it would seem, is the practical benefit arising from the constitutional ban.[37]

In *Director of Lands v. IAC*, [38] the Court allowed the land registration proceeding filed by Acme Plywood Veneer Co., Inc. (Acme) for five parcels of land with an area of 481,390 square meters, or 48.139 hectares, which Acme acquired from members of the Dumagat tribe. The issue in that case was whether the title could be confirmed in favor of Acme when the proceeding was instituted after the effectivity of the 1973 Constitution which prohibited private corporations or associations from holding alienable lands of the public domain except by lease not to exceed 1,000 hectares. The Court ruled that the land was already private land when Acme acquired it from its owners in 1962, and thus Acme acquired a registrable title. Under the 1935 Constitution, private corporations could acquire public agricultural lands not exceeding 1,024 hectares while individuals could acquire not more than 144 hectares.[39]

In *Director of Lands*, the Court further ruled that open, exclusive, and undisputed possession of alienable land for the period prescribed by law created the legal fiction whereby the land, upon completion of the requisite period, ipso jure and without the need of judicial or other sanction ceases to be public land and becomes private property. The Court ruled:

Nothing can more clearly demonstrate the logical inevitability of considering possession of public land which is of the character and duration prescribed by statute as the equivalent of an express grant from the State than the dictum of the statute itself that the possessor(s) "x x x shall be conclusively presumed to have performed all the conditions essential to a Government grant and shall be entitled to a certificate of title x x x." No proof being admissible to overcome a conclusive presumption, confirmation proceedings would, in truth be little more than a formality, at the most limited to ascertaining whether the possession claimed is of the required character and length of time; and registration thereunder would not confer title, but simply recognize a title already vested. The proceedings would not originally convert the land from public to private land, but only confirm such a conversion already effected by operation of law from the moment the required period of possession became complete.

x x x [A]lienable public land held by a possessor, personally or through his predecessors-in-interest, openly, continuously and exclusively for the prescribed statutory period of (30 years under The Public Land Act, as amended) is converted to private property by the mere lapse or completion of said period, ipso jure. Following that rule and on the basis of the undisputed facts, the land subject of this appeal was already private property at the time it was acquired from the Infuels by Acme. Acme thereby acquired a registrable title, there being at the time no prohibition against said corporation's holding or owning private land. x x x.[40] (Emphasis supplied)

Director of Lands is not applicable to the present case. In *Director of Lands*, the "land x x x was already private property at the time it was acquired x x x by Acme." In this case, respondent acquired the land on 8 August 1997 from Porting, who, along with his predecessors-in-interest, has not shown to have been, as of that date, in open, continuous, and adverse possession of the land for 30 years since 12 June 1945. In short, when respondent acquired the land from Porting, the land was not yet private property.

For *Director of Lands* to apply and enable a corporation to file for registration of alienable and disposable land, the corporation must have acquired the land when its transferor had already a vested right to a judicial confirmation of title to the land by virtue of his open, continuous and adverse possession of the land in the concept of an owner for at least 30 years since 12 June 1945. Thus, in *Natividad v. Court of Appeals*, [41] the

Court declared:

Under the facts of this case and pursuant to the above rulings, the parcels of land in question had already been converted to private ownership through acquisitive prescription by the predecessors-in-interest of TCMC when the latter purchased them in 1979. All that was needed was the confirmation of the titles of the previous owners or predecessors-in-interest of TCMC.

Being already private land when TCMC bought them in 1979, the prohibition in the 1973 Constitution against corporations acquiring alienable lands of the public domain except through lease (Article XIV, Section 11, 1973 Constitution) did not apply to them for they were no longer alienable lands of the public domain but private property.

What is determinative for the doctrine in Director of Lands to apply is for the corporate applicant for land registration to establish that when it acquired the land, the same was already private land by operation of law because the statutory acquisitive prescriptive period of 30 years had already lapsed. The length of possession of the land by the corporation cannot be tacked on to complete the statutory 30 years acquisitive prescriptive period. Only an individual can avail of such acquisitive prescription since both the 1973 and 1987 Constitutions prohibit corporations from acquiring lands of the public domain.

Admittedly, a corporation can at present still apply for original registration of land under the doctrine in Director of Lands. Republic Act No. 9176[42] (RA 9176) further amended the Public Land Act[43] and extended the period for the filing of applications for judicial confirmation of imperfect and incomplete titles to alienable and disposable lands of the public domain until 31 December 2020. Thus:

Sec. 2. Section 47, Chapter VIII of the same Act, as amended, is hereby further amended to read as follows:

Sec. 47. The persons specified in the next following section are hereby granted time, not to extend beyond December 31, 2020 within which to avail of the benefits of this Chapter: Provided, That this period shall apply only where the area applied for does not exceed twelve (12) hectares: Provided, further, That the several periods of time designated by the President in accordance with Section Forty-five of this Act shall apply also to the lands comprised in the provisions of this Chapter, but this Section shall not be construed as prohibiting any of said persons from acting under this Chapter at any time prior to the period fixed by the President.

Sec. 3. All pending applications filed before the effectivity of this amendatory Act shall be treated as having been filed in accordance with the provisions of this Act.

Under RA 9176, the application for judicial confirmation is limited only to 12 hectares, consistent with Section 3, Article XII of the 1987 Constitution that a private individual may only acquire not more than 12 hectares of alienable and disposable land. Hence, respondent, as successor-in-interest of an individual owner of the land, cannot apply for registration of land in excess of 12 hectares. Since respondent applied for 56.4007 hectares, the application for the excess area of 44.4007 hectares is contrary to law, and thus void ab initio. In applying for land registration, a private corporation cannot have any right higher than its predecessor-in-interest from whom it derived its right. This assumes, of course, that the corporation acquired the land, not exceeding 12 hectares, when the land had already become private land by operation of law. In the present case, respondent has failed to prove that any portion of the land was already private land when respondent acquired it from Porting in 1997.

WHEREFORE, we SET ASIDE the 21 August 2002 Decision of the Court of Appeals in CA-G.R. CV No. 66658 and the 16 December 1999 Decision of the Regional Trial Court of Tanauan, Batangas, Branch 6 in Land Registration Case No. T-635. We DENY the application for registration filed by T.A.N. Properties, Inc.

SO ORDERED.

Puno, C.J. (Chairperson), Corona, Azcuna, and Leonardo-De Castro., JJ., concur.

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

[2] Rollo, pp. 63-70. Penned by Associate Justice Buenaventura J. Guerrero with Associate Justices Rodrigo V. Cosico and Perlita J. Tria Tirona, concurring.

[3] Id. at 56-61. Penned by Judge Flordelis Ozaeta Navarro.

[4] Records, p. 78.

[5] Id. at 81.

[6] Id. at 66.

[7] Id. at 69.

[8] Id. at 99.

[9] Id. at 101.

[10] Id. at 111.

[11] Also referred to as Forting.

[12] Rollo, pp. 60-61.

[13] Id. at 173-174.

[14] Republic v. Naguiat, G.R. No. 134209, 24 January 2006, 479 SCRA 585.

[15] Id.

[16] Records, p. 143. Signed by CENR Officer Pancrasio M. Alcantara.

[17] Id. at 91. Signed by Wilfredo M. Riña.

[18] Delineation of Regulatory Functions and Authorities.

[19] Revised Regulations on the Delineation of Functions and Delineation of Authorities.

[20] On 2 June 1998, DAO No. 98-24 was issued, adopting a DENR Manual of Approvals delegating authorities and delineating functions in the DENR Central and Field Offices. DAO No. 98-24 superseded DAO Nos. 38 and 38-A and all inconsistent orders and circulars involving delegated authority. DAO No. 98-24 is silent on the authority to issue certificates of land classification status, whether for areas below 50 hectares or for lands covering over 50 hectares. The CENRO certification in this case was issued prior to the adoption of the DENR Manual of Approvals.

[21] Salic v. Comelec, 469 Phil. 775 (2004).

[22] Article 410, Civil Code.

[23] Haverton Shipping Ltd. v. NLRC, 220 Phil. 356 (1985).

[24] Delfin v. Billones, G.R. No. 146550, 17 March 2006, 485 SCRA 38.

[25] *Ambayec v. Court of Appeals*, G.R. No. 162780, 21 June 2005, 460 SCRA 537.

[26] *Supra* note 23.

[27] *Id.*

[28] *Id.*

[29] *People v. Patamama*, 321 Phil. 193 (1995).

[30] *Rollo*, p. 152.

[31] *Menguito v. Republic*, 401 Phil. 274 (2000).

[32] *Rollo*, p. 67.

[33] *Id.* at 68.

[34] *Ganila v. Court of Appeals*, G.R. No. 150755, 28 June 2005, 461 SCRA 435.

[35] 433 Phil. 506 (2002).

[36] *Id.*

[37] *Id.* at 557-559.

[38] 230 Phil. 590 (1986).

[39] Section 2, Article XIII of the 1935 Constitution provides: "No private corporation or association may acquire, lease, or hold public agricultural lands in excess of one thousand and twenty four hectares, nor may any individual acquire such lands by purchase in excess of one hundred and forty four hectares, or by lease in excess of one thousand and twenty four hectares, or by homestead in excess of twenty-four hectares. Lands adapted to grazing, not exceeding two thousand hectares, may be leased to an individual, private corporation, or association."

[40] 230 Phil. 590, 602 and 605 (1986).

[41] G.R. No. 88233, 4 October 1991, 202 SCRA 493.

[42] Approved on 13 November 2002. An earlier law, Republic Act No. 6940, had extended the period up to 31 December 2000 under the same conditions.

[43] Commonwealth Act No. 141, as amended.

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