REPUBLIC OF THE PHILIPPINES, PETITIONER, VS. CHERYL B. BIBONIA AND JOSELITO G. MANAHAN, RESPONDENTS.

G.R. NO. 157466. June 21, 2007

Ponente: SANDOVAL-GUTIERREZ, J.

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SANDOVAL-GUTIERREZ, J.:

For our resolution is the instant Petition for Review on Certiorari[1] seeking to reverse the Decision[2] of the Court of Appeals dated February 28, 2003 in CA-G.R. CV No. 54874 affirming in toto the Decision of the Regional Trial Court (RTC), Branch 39, Daet, Camarines Norte dated September 17, 1996 in Land Registration Case No. N-775 (LRA Record No. N-61762).

The facts are:

On September 1, 1994, Cheryl B. Bibonia, respondent, and Ricardo L. Fernandez, substituted by Joselito G. Manahan, also a respondent, filed with the RTC, Branch 39, Daet, Camarines Norte, an application for registration of two parcels of land, docketed as LRA Record No. N-61762.

Respondent Bibonia's application covers Lot 1, while that of respondent Manahan covers Lot 2. Both lots, included in Plan Psu-05-006012, are located in Vinzons, Camarines Norte.

Respondent Bibonia alleged in her application that she bought Lot 1 from Marita King as shown by a Deed of Absolute Sale dated September 29, 1992. Marita, in turn, received the property from her father, Mariano Morales, by virtue of a Deed of Donation Inter Vivos dated November 23, 1987. Morales, on the other hand, purchased the same lot from Sisenando Barco who, in turn, bought it from Restituto Paraon on September 10, 1955.

For his part, Ricardo L. Fernandez, substituted by respondent Manahan, alleged in the same application that he bought Lot 2 on September 29, 1992 from Remedios Cribe. It was donated to the latter by her father, Mariano Morales, on December 18, 1987, who purchased the same lot from Basilia Barco and the heirs of Liberato Salome on July 31, 1968.

In the course of the proceedings, or on August 3, 1995, the trial court ordered the substitution of Fernandez by respondent Manahan, the former having transferred his rights and interest over Lot 2 in favor of the latter by virtue of a Deed of Assignment dated May 25, 1995.

In its Decision,[3] dated September 17, 1996, the trial court granted respondents' application for registration, thus:

> WHEREFORE, finding the applicants, Cheryl B. Bibonia, of legal age, single, Filipino [C]itizen, with address at 84 Esteban Abada cor. Gonzales Street, Loyola Heights, Quezon City, and Joselito G. Manahan, of legal age, single, Filipino citizen with address at 2501 CM Roxas St., Sta. Ana, Manila to have registrable titles over Lot 1 and Lot 2, respectively, of Plan PSU-05-006012 with their corresponding technical descriptions, judgment is hereby rendered confirming their respective titles thereto and ordering the registration thereof in their respective names.

SO ORDERED.

On appeal by the Republic of the Philippines, herein petitioner, the Court of Appeals, in a Decision[4] dated February 28, 2003, affirmed in toto the trial court's judgment.

Hence, the present petition.

Petitioner Republic contends, among others, that the Court of Appeals erred when it departed from settled jurisprudence by ruling that respondents have occupied the lots for thirty (30) years; and that they could not have maintained a bona fide claim of ownership because at the time of the filing of their application on September 1, 1994, the lots had been alienable for only eight (8) years, per Certification from the Community and Environment Natural Resources Office (CENRO) of the Department of Environment and Natural Resources (DENR).

For their part, respondents maintain that the petition should be denied for lack of merit.

In sum, the issues presented before us are: (a) whether respondents were able to prove that the lots subject of their application were then disposable and alienable land of the public domain; and (b) whether they were able to show that they have been in open, exclusive, continuous and notorious possession of the lots in the concept of owners.

Section 14 of Presidential Decree (P.D.) No. 1529, otherwise known as the Property Registration Decree, provides:

> SEC. 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:
> 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.

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

Relative to the first requisite, it is undisputed that the subject lots have been declared as alienable and disposable by a positive government act. The evidence on record shows that a Certification[6] was issued by the CENRO, DENR to the effect that the lots are "within Camarines Norte Project No. 4-E, alienable and disposable area, certified as such on January 17, 1986."

Petitioner Republic argues, however, that since the lots were declared alienable only on January 17, 1986, respondents could not have occupied and possessed the same in the concept of owners since June 12, 1945.

We disagree.

Adopting petitioner's view would lead to an absurd situation wherein all lands of the public domain which were not declared alienable or disposable before June 12, 1945 would not be susceptible to original registration, notwithstanding the occupant's length of unchallenged possession. This could not have been the intent of the law since it is anathema to the State's policy of encouraging and promoting the distribution of alienable public lands to spur economic growth.

In Republic v. Court of Appeals,[7] a case with similar factual antecedents, we held:

> 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

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> 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. (Emphasis ours)

Here, when respondents filed their application in 1994, the lots were already declared alienable and disposable by the DENR 49 years ago, or in 1945.

As to the second requisite, both the trial court and the Court of Appeals found that respondents were able to prove, through testimonial and documentary evidence, that they and their predecessors-in-interest have been in open, exclusive, continuous and notorious possession of the lots for the period required by law. The basis of such conclusion is primarily factual. It is basic that matters of proof and evidence are beyond the power of this Court to review except in some meritorious circumstances. We find one such circumstance in this case.

In granting respondents' application for registration, the trial court concluded:

> The foregoing facts contain all the essential requirements for the acquisition and confirmation of an imperfect title to an agricultural land in favor of the applicants whose possession and that of their predecessors-in-interest is more than thirty (30) years, hence sufficient to confer a registrable title to the applicants.

However, the trial court overlooked the fact that the required thirty-year period of occupation by an applicant for registration has already been amended by P.D. No. 1073,[8] that took effect on January 25, 1977. Thus, instead of the thirty-year requirement, applicants, by themselves or through their predecessors-in-interest, must prove that they have been in open, exclusive, continuous and notorious possession and occupation of alienable and disposable lands of the public domain, under a bona fide claim of acquisition or ownership, since June 12, 1945, or earlier.

Unfortunately, evidence on record shows that their predecessors-in-interest have been in open, exclusive and continuous possession of the disputed property only since 1955. On this point, the Court of Appeals held:

> In the present case, applicants-appellees' predecessors-in-interest have been in open, continuous, exclusive possession of the disputed land as early as 1955 (Commissioner's Report, p. 2; Record, p. 123), thus, they only stepped into the shoes of their predecessors-in-interest and by virtue thereof, acquired all the legal rights necessary to confirm what would otherwise be deemed as an imperfect title.[9]

Although respondents' possession and that of their predecessors-in-interest was more than 39 years when they filed their application for registration in 1994, that period of possession will not suffice for purposes of registration of title. What is required is open, exclusive, continuous and notorious possession by respondents and their predecessors-in-interest, under a bona fide claim of ownership, since June 12, 1945 or earlier.[10] Much as we want to conform to the State's policy of encouraging and promoting the distribution of alienable public lands to spur economic growth and remain true to the ideal of social justice, our hands are tied by the law's stringent safeguards against registering imperfect titles.[11]

WHEREFORE, we GRANT the petition. The Decision of the Court of Appeals dated February 28, 2003 in CA-G.R. CV No. 54874 affirming in toto the Decision dated September 17, 1996 of the RTC, Branch 39, Daet, Camarines Norte in Land Registration Case No. N-775 (LRA Record No. N-61762) is REVERSED. Respondents' application for registration of title is DENIED.

SO ORDERED.

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

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

[2] Penned by Associate Justice B.A. Adefuin-De La Cruz (retired) and concurred in by Associate Justice Mercedes Gozo-Dadole (retired) and Associate Justice Mariano C. Del Castillo.

[3] Annex "B" of the Petition, rollo, pp. 39-42.

[4] Annex "A" of the Petition, id., pp. 34-38.

[5] Vernon T. Reyes v. Republic of the Philippines, G.R. No. 141924, January 27, 2007, citing Republic v. Alconaba, 427 SCRA 611 (2004).

[6] The Certification reads:

THIS IS TO CERTIFY THAT per available records/references on file at the CENRO show that the parcels of land (agricultural) under Psu-05-006012 containing a total area of 6, 0114 hectares under Tax Declaration (ARP) No. 019-0036 and 019-0037 in the names of Cheryl B. Bibonia and Ricardo Fernandez, respectively, located at Quinamanucan Island, Vinzons, Camarines Norte, as shown on the sketch plan hereto attached, are within Camarines Norte Project No. 4-E, Alienable and Disposable area, certified as such on January 17, 1986 per B.F. Map L.C. 3105. The same therefore are subject to disposition under the Public Land Law.

Issued upon request of the interested party this 19[th] day of July, 1995 for "TITLING" purposes. The certification fee of P20.00 was paid under O.R. No. 7229474 C dated 14 June 1995 at the CENRO, Daet, Camarines Norte.

[7] Republic v. Court of Appeals, G.R. No. 144057, January 17, 2005, 448 SCRA 442.

[8] Extending the period of filing applications for free patent and judicial confirmation of imperfect and incomplete titles to alienable and disposable lands of the public domain under Commonwealth Act No. 141, as amended.

Section 4 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.

[9] Rollo, p. 38.

[10] Republic v. Kalaw, G.R. No. 155138, June 8, 2004, 431 SCRA 401.

[11] Menguito v. Republic, G.R. No. 134308, December 14, 2000, 348 SCRA 128, 141.

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