

**JOYCE Y. LIM, REPRESENTED BY HER ATTORNEY-IN-FACT
BERNARDO M. NICOLAS, PETITIONER, VS. REPUBLIC OF THE
PHILIPPINES, RESPONDENT.**

G.R. No. 158630. September 04, 2009

Ponente: CARPIO MORALES, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-158630/>

CARPIO MORALES, J.:

Joyce Lim (petitioner) filed on September 7, 1998 before the Regional Trial Court (RTC) of Tagaytay City an Application for Registration of Title (LRC Case No. TG-857) over Lot 13687, a 9,638-square-meter parcel of land located in Adlas, Silang, Cavite.[1]

Petitioner also filed on September 7, 1998 another application for registration of title (LRC Case No. TG-858) before the same RTC, this time over adjacent Lot 13686 containing 18,997-square-meters.[2]

Petitioner, declaring that she purchased both lots on April 30, 1997 from Spouses Edgardo and Jorgina Pagkalinawan (Spouses Pagkalinawan) as evidenced by a "Kasulatan ng Bilihang Lubusan ng Lupa,"[3] sought the application of Presidential Decree No. 1529 or the Property Registration Decree for both applications, claiming that she and her predecessors-in-interest Trinidad Mercado, Fernanda Belardo, Victoria Abueg and the Spouses Pagkalinawan have been in open, continuous, exclusive and notorious possession and occupancy of the lots under a bona fide claim of ownership for more than thirty (30) years. Petitioner alternatively invoked the provisions of Commonwealth Act No. 141, as amended, or the Public Land Act as basis of her applications.

In LRC Case No. TG-857, petitioner presented the following documentary evidence to support her claim of ownership over Lot 13687: original tracing cloth,[4] technical description of the lot,[5] tax declarations,[6] official receipts showing real estate tax payments[7] and a March 13, 1997 Certification from the Community Environment and Natural Resources Office (CENRO) that no other application/patent has been filed on the lot and that there is no adverse claimant thereto.[8]

She likewise appended a February 3, 1999 CENRO Certification reading

This is to certify that the parcel of land designated as Lot 13687, Cad-452-D, Silang Cadastre as surveyed for Ms. Victoria Abueg situated at Brgy. Adlas, Silang, Cavite containing an area of 9,638 sq. meters more or less as shown and described on the plan on the other side hereof is verified to be within the Alienable or Disposable Land per Land Classification Map No. 3013 established under Project No. 20-A FAO 4-1656 on March 15, 1982.[9] (Emphasis and underscoring supplied)

In LRC Case No. TG-858 involving Lot 13686, petitioner offered the same documentary evidence presented in the other case except the original tracing cloth and technical description of the lot, and another dated February 3, 1999 CENRO Certification reading

This is to certify that the parcel of land designated as Lot 13686, Cad-452-D, Silang Cadastre as surveyed for Ms. Victoria Abueg situated at Brgy. Adlas, Silang, Cavite containing an area of 18,997 sq. meters more or

less as shown and described on the plan on the other side hereof is verified to be within the Alienable or Disposable Land per Land Classification Map No. 3013 established under Project No. 20-A under FAO 4-1656 on March 15, 1982[10] (Emphasis and underscoring supplied)

To prove that she and her predecessors-in-interest had been in continuous and uninterrupted possession of the lots as required under the law, petitioner offered the testimony of Domingo Destura (Destura) as a common witness for both applications.[11]

Destura, who was 71 years old at the time he took the witness stand on March 17, 1999, testified that he was 13 years old when he became a helper at his father's farm which adjoins the subject lots; that he is familiar with Trinidad Mercado, the then owner of the lots as far back as the year 1941; that Trinidad Mercado's daughter, Fernanda Belardo, inherited them; and the latter's daughter, Victoria Abueg, in turn inherited it from them; and that the lots were eventually sold to Edgardo Pagkalinawan sometime in the 1990s.[12]

Herein respondent Republic of the Philippines (the Republic or respondent), represented by an assistant provincial prosecutor, did not present evidence to oppose the applications.[13]

By Decision of October 21, 1999, Branch 18 of the RTC granted petitioner's application in LRC No. TG-857, disposing as follows:

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-04-012230 and containing an area of Nine Thousand Six Hundred Thirty Eight (9,638) 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 JOYCE Y. LIM who is of legal age, single and with postal address at 333 Juan Luna Street, Binondo, Manila.

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

SO ORDERED. (Emphasis, italics and underscoring supplied)

By a separate Decision of October 21, 1999, the same court also granted petitioner's application in LRC TG-858, disposing as follows:

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-04-012229 and containing an area of Eighteen Thousand Nine Hundred Ninety Seven (18,997) 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 JOYCE Y. LIM who is of legal age, single and with postal address at 333 Juan Luna Street, Binondo, Manila.

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

SO ORDERED. (Emphasis and underscoring supplied)

The Solicitor General, on behalf of the Republic, appealed the decisions to the Court of Appeals on the ground that petitioner failed to comply with the provisions of the Property Registration Decree and Article 1137 of the Civil Code both laws of which require at least 30 years of adverse possession.[14]

By Decisions of November 20, 2002[15] and April 28, 2003[16] in CA-G.R. CV No. 67231 and CA-G.R. CV No. 67232, respectively, the appellate court reversed and set aside the decisions of the RTC and dismissed petitioner's applications.

In finding for the Republic in CA-G.R. CV No. 67231, the appellate court noted that petitioner's possession was

short of the 30-year period of possession.

[I]n the case at bench, it is beyond dispute that [petitioner] acquired the subject land through purchased [sic] from Spouses Edgardo and Jorgina Pagkalinawan on April 30, 1997. In addition, [petitioner's] predecessors-in-interests have been in possession of the subject land only as early as 1967 as evidenced by the Tax Declaration No. 1980 (Record, p. 92, Exhibit "R-8-B"); Tax Declaration No. 1981 (Record, p.80, Exhibit "R-5-C") and Tax Declaration No. 1982 (Record, p.84, Exhibit "R-7") issued in their names. However, said possession of [petitioner's] predecessors-in-interest in 1967 could not be used as the basis for the reckoning of the thirty (30) years period [sic] in view of the Certification dated February 3, 1999 (Record, p. 101) issued by the CENR Office declaring that subject land is "within the Alienable or Disposable Land Per Land Classification Map. No. 3013 established under Project No. 20-A under FAO 4-1656 on March 15, 1982", hence, the reckoning period should be March 15, 1982 and not 1967.

Applying March 15, 1982 as the date when the subject land was classified as alienable, it can be concluded that since [petitioner] filed this Application on September 7, 1998 (Record pp. 1-5) and her predecessors-in-interest have been in possession of the subject land for only sixteen (16) years, short of the thirty (30) years possession as required by P.D. [No.] 1529, the application for registration of title should have been denied by the court a quo. Moreover, the number of years from 1967 to 1982 or fifteen (15) years to be exact cannot be credited or included in the computation of the thirty (30)[-]year period since during that time (1967-1982) the subject land was still inalienable and belongs [sic] to [the] public domain. x x x.

x x x [17] (*Italics in the original; emphasis and underscoring supplied*)

Whereas, in CA-G.R. CV No. 67232, the appellate court also noted that petitioner's possession was short of the 30-year period of possession.

[I]n the case at bench, it is beyond dispute that [petitioner] acquired the subject land through purchased [sic] from Spouses Edgardo and Jorgina Pagkalinawan on April 30, 1997. In addition, [petitioner's] predecessors-in-interest have been in possession of the subject land[s] only in 1994 as shown in the Tax Declaration No. 18582 (Record p.10, Annex "A") issued in their name (Spouses Pagkalinawan). No other evidence was adduced by [petitioner] that her predecessors[-]in[-]interest have been in possession of the subject land earlier than 1994. As such, the possession of [petitioner] and her predecessors[-]in[-]interest was only for a period of 3 years (from 1994-1997). This falls short of the required 30 years period [sic] of possession in order to have the land registered and titled.

Assuming arguendo that [petitioner's] predecessors-in[-]interest have been in possession of the land for a period of 30 years, the application of said period is misplaced because per Certification dated February 3, 1999 (Record, p. 101) issued by the CENR Office, the subject land was declared as "within the Alienable or Disposable Land Per Land Classification Map. No. 3013 established under Project No. 20-A under FAO 4-1656 on March 15, 1982", hence, the reckoning period should be March 15, 1982. Deducting the year 1997 (date of purchase) from 1982 (the year the land was classified an [sic] alienable and disposable), [petitioner] have [sic] been in possession of the subject land only for a period of 15 years, x x x.

x x x [18] (*Italics in the original; emphasis and underscoring supplied*)

Her motions for reconsideration having been denied,[19] petitioner lodged the present petitions for review. By Resolution[20] of September 6, 2006, the Court consolidated both petitions which fault the appellate court as follow:

I . . . IN FINDING THAT PETITIONER HAS NOT PERFORMED ALL THE CONDITIONS ESSENTIAL TO A GOVERNMENT GRANT AS SET FORTH IN SECTION 48 (B) OF COMMONWEALTH ACT NO. 141, AS AMENDED, OTHERWISE KNOWN AS THE PUBLIC LAND ACT, THAT IS, THE OPEN, CONTINUOUS, EXCLUSIVE AND NOTORIOUS POSSESSION AND OCCUPATION OF PUBLIC

AGRICULTURAL LAND FOR AT LEAST THIRTY (30) YEARS IMMEDIATELY PRECEDING THE FILING OF HER APPLICATION FOR REGISTRATION OF TITLE, THUS, PETITIONER IS NOT ENTITLED TO A CONFIRMATION OF HER INCOMPLETE AND IMPERFECT TITLE OVER [THE] SUBJECT PROPERTY.

II. . . . IN FINDING THAT THE PROVISIONS OF PRESIDENTIAL DECREE NO. 1529, OTHERWISE KNOWN AS THE PROPERTY REGISTRATION ACT, REQUIRING OPEN, CONTINUOUS, EXCLUSIVE, AND NOTORIOUS POSSESSION OF ALIENABLE AND DISPOSABLE LANDS OF [THE] PUBLIC DOMAIN, UNDER A BONAFIDE CLAIM OF OWNERSHIP, PRIOR TO 12 JUNE 1945, MAY DEFEAT PETITIONER'S RIGHT THAT HAS ALREADY BEEN VESTED PRIOR TO PROMULGATION THEREOF.[21]

Petitioner maintains in her Memorandum[22] that she and her predecessors-in-interest have been in possession of the properties since 1941. She draws attention to the testimony of Destura as well as the documentary evidence pointing to the payment of real property taxes as far back as 1967 in the name of Trinidad Mercado.[23]

Respondent, on the other hand, posits that petitioner herself submitted evidence that proves fatal to her applications, citing the CENRO February 3, 1999 Certifications which reflect the failure to satisfy the requirements of the law regarding classification of the lots as alienable and disposable land since June 12, 1945 or earlier, or for 30 years or more at the time of the filing of the applications in 1998.

Respondent emphasizes that the lots were classified to be alienable and disposable only on March 15, 1982, hence, petitioner's possession or occupancy of the lots could only be reckoned from said date onwards.[24]

Respondent further posits that, in any event, petitioner failed to prove that possession was continuous from 1941 up to the filing of the applications in 1998 as no factual evidence thereof was proffered, the testimony of Destura having only established the transfers of ownership over the lots.[25]

The petitions fail.

The twin applications for registration were decided by the trial court on the basis of the Public Land Act "and/or" the Property Registration Decree.

The Property Registration Decree involves original registration through ordinary registration proceedings. Under Section 14 (1) of said law, the requisites for the filing of an application for registration of title are: that the property in question is alienable and disposable land of the public domain; that the applicants by themselves or through their predecessors-in-interest have been in open, continuous, exclusive and notorious possession and occupation; and that such possession is under a bona fide claim of ownership since June 12, 1945 or earlier.[26]

As the Solicitor General proffers, the alienable and disposable character of the lots should have already been established on June 12, 1945 or earlier; and given that they were declared alienable only on March 15, 1982, as reflected in the CENRO Certifications, petitioner could not have maintained a bona fide claim of ownership since June 12, 1945 or earlier.

In *Republic of the Philippines v. Court of Appeals and Naguit*,[27] the Court declared that Section 14(1) of the Property Registration Decree

...merely requires the property sought to be registered as already alienable and disposable at the time the application for registration of title is filed. If the State, at the time the application is made, has not yet deemed it proper to release the property for alienation or disposition, the presumption is that the government is still reserving the right to utilize the property; hence, the need to preserve its ownership in the State irrespective of the length of adverse possession even if in good faith. However, if the property has already been classified as

alienable and disposable, as it is in this case, then there is already an intention on the part of the State to abdicate its exclusive prerogative over the property.

This reading aligns conformably with our holding in *Republic v. Court of Appeals*. Therein, the Court noted that "to prove that the land subject of an application for registration is alienable, an applicant must establish the existence of a positive act of the government such as a presidential proclamation or an executive order; an administrative action; investigation reports of Bureau of Lands investigators; and a legislative act or a statute." In that case, the subject land had been certified by the DENR as alienable and disposable in 1980, thus the Court concluded that the alienable status of the land, compounded by the established fact that therein respondents had occupied the land even before 1927, sufficed to allow the application for registration of the said property. In the case at bar, even the petitioner admits that the subject property was released and certified as within alienable and disposable zone in 1980 by the DENR [28] (Citations omitted; emphasis and underscoring supplied)

As gathered from the CENRO Certifications, the lots were verified to be alienable or disposable lands on March 15, 1982. These Certifications enjoy the presumption of regularity in the absence of contradictory evidence.

In another vein, there is no sufficient proof that petitioner's predecessors-in-interest had been in open, continuous and adverse possession of the lots since June 12, 1945 or earlier. Petitioner's reliance on the testimony of Destura does not lie.

Petitioner's witness Destura merely recounted petitioner's version of the chain of ownership of the lots. His testimony consists of general statements with no specifics as to when petitioner's predecessors-in-interest began actual occupancy of the lots. It did not establish the character of the possession of petitioner and her predecessors-in-interest over the lots. Consider his following testimony:

Q.

When you were 13 years old, do you know who was the owner of these parcels of land?

A.

Trinidad Mercado, ma'm.

x x x x

Q.

Do you know what is the nature of these parcels of land?

A.

Agricultural, sir.

Q.

And why do you say that this is agricultural?

A.

It is planted to seasonal crops.

Q.

After Trinidad Mercado, Mr. Witness, do you remember who became the owner of these parcels of land?

A.

After the death of Trinidad in 1970, it was inherited by Fernanda Belardo.

Q.

Why? Who is this Fernanda Belardo?

A.

She is the only daughter of Trinidad Mercado.

x x x x

ATTY. PINEDA:

Do you know of any crops being planted by this Fernanda Belardo?

A.

The previous crops that they are planting there [sic], ma'm.

Q.

Until when did Fernanda Belardo own these parcels of land?

A.

Up to [sic] 1990s.

Q.

Do you know who became the owner of these parcels of land sometime in the 1990s?

A.

What I know, Victoria Abueg, the daughter of Fernanda Belardo.

Q.

And do you know how this Victoria Abueg became the owner of this land?

A.

Since I am an adjacent owner of the property, I know that the children partitioned the property among themselves.

Q.

Are you saying that these properties were inherited by Victoria Abueg from her mother Fernanda?

A.

That is what I know.

x x x x

Q.

When was this property sold, if you know?

A.

In the 1990s.

Q.

And do you know to whom these parcels of land were sold to? [sic]

A.

To Edgardo Pagkalinawan.

x x x x

Q.

Do these properties continue to be agricultural at the time of Edgardo Pagkalinawan?

A.

Yes, ma'm.

ATTY. PINEDA:

Why do you say so, Mr. Witness?

A.

Because the same crops were planted on the properties by Edgardo Pagkalinawan.

Q.

After this Edgardo Pagkalinawan, who became the owner of these properties?

A.

I came to know that it was sold to Joyce Lim.

x x x x

Q.

Are there any crops still being planted on this parcel of land?

WITNESS:

The same seasonal crops like the previous ones like pineapple and coffee.

x x x x

Q.

And you said you and your father are working on the property belonging, adjoining to these properties [sic], is that correct?

A.

Yes, sir.

Q.

Not on these properties?

A.

No, sir.

FISCAL VELAZCO:

The property that adjoins the parcels of land subject of the application is owned by you, or you just work on it?

A.

As a tenant, sir.

x x x x (Emphasis and underscoring supplied)[29]

Clearly, Destura's avowals are at best hearsay. Even if he were a helper of his father-occupant of an adjoining lot, he does not appear to have personal knowledge of the ownership and possession of the subject lots or any adverse claim thereto.

The same holds true with respect to the testimonies of petitioner's other witnesses -Fernando Cortez, who is the caretaker of the lots since 1997,[30] and Bernardo Nicolas, the liaison officer of the law firm engaged by petitioner to trace back the lots' previous owners and secure the requisite documents and certifications from government agencies and offices. Both witnesses' testimonies are extraneous as they failed to even mention a single act of dominion over the lots on June 12, 1945 or earlier.

As Republic v. Alconaba [31] holds:

The law speaks of possession and occupation. Since these words are separated by the conjunction and, the clear intention of the law is not to make one synonymous with the other. Possession is broader than occupation because it includes constructive possession. When, therefore, the law adds the word occupation, it seeks to delimit the all encompassing effect of constructive possession. Taken together with the words open, continuous, exclusive and notorious, the word occupation serves to highlight the fact that for an applicant to qualify, his possession must not be a mere fiction. Actual possession of a land consists in the manifestation of acts of dominion over it of such a nature as a party would naturally exercise over his own property. (Emphasis, italics and underscoring supplied)[32]

As for petitioner's reliance on the tax declarations and receipts of realty tax payments, the documents - tax declarations for Lot No. 13687 and Lot No. 13686 which were issued only in 1991 and 1994,[33] respectively, are indicia of the possession in the concept of an owner.[34] There is no showing of tax payments before these years.

Furthermore, an examination of the tax declaration marked as Exhibit "R-10" reveals that the realty taxes on Lots 13686 and 13687 from 1982 to 1991 were paid only on August 1, 1991.[35] And while the tax declarations marked as Exhibits "R" to "R-4" specifically pertain to Lot 13687 with an area of 9,638 square meters,[36] Exhibits "R-5" to "R-9-D" neither contain the cadastral lot number nor the total area of the lot covered thereby. Additionally, these Exhibits relate to a lot located in "Biluso," not in "Adlas" in Silang, Cavite, the adjacent lots or boundaries of which are not even detailed.[37]

An applicant in a land registration case cannot just harp on mere conclusions of law to embellish the application but must impress thereto the facts and circumstances evidencing the alleged ownership and possession of the land.[38]

As for petitioner's alternative invocation of the provisions of the Public Land Act to have her applications considered as confirmations of imperfect titles, the same fails too. The Public Land Act provides:

Section 48. The following described citizens of the Philippines, occupying lands of the public domain or claiming to own any such lands or an interest therein, but whose titles have not been perfected or completed, may apply to the Court of First Instance of the province where the land is located for confirmation of their claims and the issuance of a certificate of title therefor, under the Land Registration Act, to wit:

x x x x

(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 and underscoring supplied.)

When Section 48 (b) of the Public Land Act was amended by Presidential Decree No. 1073,[39] which made June 12, 1945 as the cut-off date, the amendment made the law concordant with Section 14 (1) of the Property Registration Decree.

Section 48(b) of the Public Land Act and Section 14(1) of the Property Registration Decree vary, however, with respect to their operation since the latter operates when there exists a title which only needs confirmation, while the former works under the presumption that the land applied for still belongs to the State.[40]

As earlier discussed, while the subject lots were verified to be alienable or disposable lands since March 15, 1982, there is no sufficient proof that open, continuous and adverse possession over them by petitioner and her predecessors-in-interest commenced on June 12, 1945 or earlier. Petitioner's applications cannot thus be granted.

While a property classified as alienable and disposable public land may be converted into private property by reason of open, continuous, exclusive and notorious possession of at least 30 years,[41] public domain lands become patrimonial property not only with a declaration that these are alienable or disposable but also with an express government manifestation that the property is already patrimonial or no longer retained for public use, public service or the development of national wealth.[42] And only when the property has become patrimonial can the prescriptive period for the acquisition of property of the public dominion begin to run.

While the subject lots were declared alienable or disposable on March 15, 1982, there is no competent evidence that they are no longer intended for public use or for public service. The classification of the lots as alienable and disposable lands of the public domain does not change its status as properties of the public dominion. Petitioner cannot thus acquire title to them by prescription as yet.

WHEREFORE, the petitions are DENIED. The Decisions and Resolutions of the Court of Appeals in CA-G.R. CV Nos. 67231 and 67232 are hereby AFFIRMED.

No costs.

SO ORDERED.

Quisumbing, (Chairperson), Carpio,[*] and Abad, JJ., conur.
Brion, J., in the result.

[*] Additional member vice Justice Mariano C. del Castillo, who took no part due to prior participation in the Court of Appeals.

[1] Rollo (G.R. No. 158630), p. 15, records (LRC No. TG-857), p. 1.

[2] Rollo (G.R. No. 162047), p. 16.

[3] Exhibit "N;" Records (LRC Case No. TG-857), pp. 6-10; The Records in LRC Case No. TG-858 were not elevated to the Court.

[4] Records (LRC No. TG-857), p. 12, Exhibit "K."

[5] Id. at 13; Exhibit "P."

[6] Id. at 72-98; Exhibits "R" to "R-10."

[7] Id. at 99-100; Exhibits "S" to "S-2."

[8] Id. at 102; Exhibit "U."

[9] Rollo (G.R. No. 158630), p. 83; Records (LRC Case No. TG-857), p. 101.

[10] Rollo (G.R. No. 162047), p. 124. Respondent's Memorandum quoted the Certification verbatim since the Records in LRC Case No. TG-858 were not elevated to the Court.

[11] Records (LRC Case No. TG-857), p.53.

[12] Transcript of Stenographic Notes (TSN), March 17, 1999, pp. 6-12.

[13] Records (LRC Case No. TG-857), p. 105.

[14] CA rollo, pp. 17-31.

[15] Penned by Associate Justice Mercedes Gozo-Dadole with Associate Justices B.A. Adefuin-Dela Cruz and Mariano C. Del Castillo concurring.

[16] Penned by Associate Justice Mercedes Gozo-Dadole with Associate Justices Conrado M. Vasquez Jr. and Rosmari D. Carandang concurring.

[17] Rollo (G.R. No 158630), pp. 46-47.

[18] Rollo (G.R. No. 162047), pp. 49-51.

[19] Rollo (G.R. No. 158630), p.51; Id. at 55-56.

[20] Rollo (G.R. No. 162047), p. 159.

[21] Rollo (G.R. No. 158630), p. 20; Id. at 21-22.

[22] Rollo (G.R. No. 162047), pp. 164-195.

[23] Vide: Records (LRC No. TG-857), p. 97; Exhibit "R-9-D." The dorsal portion thereof reflects that "tax under said declaration begins with the year 1967.

[24] Rollo (G.R. No. 162047), pp. 203-205.

[25] Id. at 206-209.

[26] 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:

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

x x x x.

[27] G.R. No. 144057, January 17, 2005, 489 Phil. 405. .

[28] Id. at 414-415.

[29] TSN, March 17, 1999, pp. 6-14.

[30] TSN, April 21, 1999, pp. 4-7.

[31] 471 Phil. 607 (2004).

[32] Id. at 620 citing Director of Lands v. IAC, G.R. No. 68946, 209 SCRA 214 (1992), Ramos v. Director of Lands, 39 Phil. 175 (1918) and Republic v. Court of Appeals, G.R. Nos. 115747 and 116658, November 20, 000, 345 SCRA 104.

[33] The CA Decision mentioned Tax Declaration No. 18582 (with reference to p.10 of the Record in LRC Case No. TG-858 the records of which were not elevated to the Court).

[34] Republic v. Kalaw, G.R. No. 155138, June 8, 2004, 431 SCRA 401, 413.

[35] Records (LRC No. TG-857), p. 98 (at dorsal portion).

[36] Id. at 72-76.

[37] Id. at 77-97.

[38] Director of Lands Management Bureau v. CA, 381 Phil. 761, 770 (2000).

[39] Section 4. - 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 predecessors-in-interest, under a bona fide claim of acquisition of ownership since June 12, 1945.

[40] Republic v. Herbierto, G.R. No. 156117, May 26, 2005, 459 SCRA 183, 203 citing Aquino v. Director of Lands, 39 Phil. 850, 858 (1919).

[41] Vide: Group Commander, Intelligence and Security Group, Philippine Army v. Dr. Malvar, 438 Phil. 252, 275 (2002).

[42] The CIVIL CODE states that:

Art. 420. The following things are property of public dominion:

x x x x.

(2) Those which belong to the State, without being for public use, and are intended for some public service or for the development of the national wealth.

Art. 422. Property of public dominion, when no longer intended for public use or for public service, shall form part of the patrimonial property of the State.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.