

REPUBLIC OF THE PHILIPPINES, PETITIONER, VS. BANTIGUE POINT DEVELOPMENT CORPORATION, RESPONDENT.*G.R. No. 162322. March 14, 2012*

Ponente: SERENO, J.

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This Rule 45 Petition requires this Court to address the issue of the proper scope of the delegated jurisdiction of municipal trial courts in land registration cases. Petitioner Republic of the Philippines (Republic) assails the Decision of the Court of Appeals (CA)[1] in CA-G.R. CV No. 70349, which affirmed the Decision of the Municipal Trial Court (MTC) of San Juan, Batangas[2] in LRC Case No. N-98-20, LRA Record No. 68329, granting respondent Bantigue Point Development Corporation's (Corporation) application for original registration of a parcel of land. Since only questions of law have been raised, petitioner need not have filed a Motion for Reconsideration of the assailed CA Decision before filing this Petition for Review.

The Facts

On 17 July 1997, respondent Bantigue Point Development Corporation filed with the Regional Trial Court (RTC) of Rosario, Batangas an application for original registration of title over a parcel of land with an assessed value of P4,330, P1,920 and P8,670, or a total assessed value of P14,920 for the entire property, more particularly described as Lot 8060 of Cad 453-D, San Juan Cadastre, with an area of more or less 10,732 square meters, located at Barangay Barualte, San Juan, Batangas. [3]

On 18 July 1997, the RTC issued an Order setting the case for initial hearing on 22 October 1997.[4] On 7 August 1997, it issued a second Order setting the initial hearing on 4 November 1997.[5]

Petitioner Republic filed its Opposition to the application for registration on 8 January 1998 while the records were still with the RTC.[6]

On 31 March 1998, the RTC Clerk of Court transmitted *motu proprio* the records of the case to the MTC of San Juan, because the assessed value of the property was allegedly less than P100,000.[7]

Thereafter, the MTC entered an Order of General Default[8] and commenced with the reception of evidence.[9] Among the documents presented by respondent in support of its application are Tax Declarations,[10] a Deed of Absolute Sale in its favor,[11] and a Certification from the Department of Environment and Natural Resources (DENR) Community Environment and Natural Resources Office (CENRO) of Batangas City that the lot in question is within the alienable and disposable zone.[12] Thereafter, it awarded the land to respondent Corporation.[13]

Acting on an appeal filed by the Republic,[14] the CA ruled that since the former had actively participated in the proceedings before the lower court, but failed to raise the jurisdictional challenge therein, petitioner is thereby estopped from questioning the jurisdiction of the lower court on appeal.[15] The CA further found that respondent Corporation had sufficiently established the latter's registrable title over the subject property after having proven

open, continuous, exclusive and notorious possession and occupation of the subject land by itself and its predecessors-in-interest even before the outbreak of World War II.[16]

Dissatisfied with the CA's ruling, petitioner Republic filed this instant Rule 45 Petition and raised the following arguments in support of its appeal:

I.

THE REPUBLIC CANNOT BE ESTOPPED FROM QUESTIONING THE JURISDICTION OF THE MUNICIPAL TRIAL COURT OVER THE APPLICATION FOR ORIGINAL REGISTRATION OF LAND TITLE EVEN FOR THE FIRST TIME ON APPEAL

II.

THE MUNICIPAL TRIAL COURT FAILED TO ACQUIRE JURISDICTION OVER THE APPLICATION FOR ORIGINAL REGISTRATION OF LAND TITLE.[17]

The Court's Ruling

We uphold the jurisdiction of the MTC, but remand the case to the court a quo for further proceedings in order to determine if the property in question forms part of the alienable and disposable land of the public domain.

I

The Republic is not estopped from raising the issue of jurisdiction in this case.

At the outset, we rule that petitioner Republic is not estopped from questioning the jurisdiction of the lower court, even if the former raised the jurisdictional question only on appeal. The rule is settled that lack of jurisdiction over the subject matter may be raised at any stage of the proceedings.[18] Jurisdiction over the subject matter is conferred only by the Constitution or the law.[19] It cannot be acquired through a waiver or enlarged by the omission of the parties or conferred by the acquiescence of the court.[20] Consequently, questions of jurisdiction may be cognizable even if raised for the first time on appeal.[21]

The ruling of the Court of Appeals that "a party may be estopped from raising such [jurisdictional] question if he has actively taken part in the very proceeding which he questions, belatedly objecting to the court's jurisdiction in the event that the judgment or order subsequently rendered is adverse to him"[22] is based on the doctrine of estoppel by laches. We are aware of that doctrine first enunciated by this Court in *Tijam v. Sibonghanoy*. [23] In *Tijam*, the party-litigant actively participated in the proceedings before the lower court and filed pleadings therein. Only 15 years thereafter, and after receiving an adverse Decision on the merits from the appellate court, did the party-litigant question the lower court's jurisdiction. Considering the unique facts in that case, we held that estoppel by laches had already precluded the party-litigant from raising the question of lack of jurisdiction on appeal. In *Figueroa v. People*, [24] we cautioned that *Tijam* must be construed as an exception to the general rule and applied only in the most exceptional cases whose factual milieu is similar to that in the latter case.

The facts are starkly different in this case, making the exceptional rule in *Tijam* inapplicable. Here, petitioner Republic filed its Opposition to the application for registration when the records were still with the RTC.[25] At that point, petitioner could not have questioned the delegated jurisdiction of the MTC, simply because the case was not yet with that court. When the records were transferred to the MTC, petitioner neither filed pleadings nor requested affirmative relief from that court. On appeal, petitioner immediately raised the jurisdictional question in its Brief.[26] Clearly, the exceptional doctrine of estoppel by laches is inapplicable to the instant appeal.

Laches has been defined as the "failure or neglect, for an unreasonable and unexplained length of time, to do that which, by exercising due diligence, could or should have been done earlier; it is negligence or omission to assert a

right within a reasonable time, warranting the presumption that the party entitled to assert it either has abandoned or declined to assert it.”[27] In this case, petitioner Republic has not displayed such unreasonable failure or neglect that would lead us to conclude that it has abandoned or declined to assert its right to question the lower court's jurisdiction.

II

The Municipal Trial Court properly acquired jurisdiction over the case.

In assailing the jurisdiction of the lower courts, petitioner Republic raised two points of contention: (a) the period for setting the date and hour of the initial hearing; and (b) the value of the land to be registered.

First, petitioner argued that the lower court failed to acquire jurisdiction over the application, because the RTC set the date and hour of the initial hearing beyond the 90-day period provided under the Property Registration Decree.[28]

We disagree.

The Property Registration Decree provides:

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

In this case, the application for original registration was filed on 17 July 1997.[29] On 18 July 1997, or a day after the filing of the application, the RTC immediately issued an Order setting the case for initial hearing on 22 October 1997, which was 96 days from the Order.[30] While the date set by the RTC was beyond the 90-day period provided for in Section 23, this fact did not affect the jurisdiction of the trial court. In *Republic v. Manna Properties, Inc.*,[31] petitioner Republic therein contended that there was failure to comply with the jurisdictional requirements for original registration, because there were 125 days between the Order setting the date of the initial hearing and the initial hearing itself. We ruled that the lapse of time between the issuance of the Order setting the date of initial hearing and the date of the initial hearing itself was not fatal to the application. Thus, we held:

x x x [A] party to an action has no control over the Administrator or the Clerk of Court acting as a land court; he has no right to meddle unduly with the business of such official in the performance of his duties. A party cannot intervene in matters within the exclusive power of the trial court. No fault is attributable to such party if the trial court errs on matters within its sole power. It is unfair to punish an applicant for an act or omission over which the applicant has neither responsibility nor control, especially if the applicant has complied with all the requirements of the law.[32]

Indeed, it would be the height of injustice to penalize respondent Corporation by dismissing its application for registration on account of events beyond its control.

Moreover, since the RTC issued a second Order on 7 August 1997 setting the initial hearing on 4 November 1997,[33] within the 90-day period provided by law, petitioner Republic argued that the jurisdictional defect was still not cured, as the second Order was issued more than five days from the filing of the application, again contrary to the prescribed period under the Property Registration Decree.[34]

Petitioner is incorrect.

The RTC's failure to issue the Order setting the date and hour of the initial hearing within five days from the filing of the application for registration, as provided in the Property Registration Decree, did not affect the court's its jurisdiction. Observance of the five-day period was merely directory, and failure to issue the Order within that period did not deprive the RTC of its jurisdiction over the case. To rule that compliance with the five-day period

is mandatory would make jurisdiction over the subject matter dependent upon the trial court. Jurisdiction over the subject matter is conferred only by the Constitution or the law.[35] It cannot be contingent upon the action or inaction of the court.

This does not mean that courts may disregard the statutory periods with impunity. We cannot assume that the law deliberately meant the provision “to become meaningless and to be treated as a dead letter.”[36] However, the records of this case do not show such blatant disregard for the law. In fact, the RTC immediately set the case for initial hearing a day after the filing of the application for registration,[37] except that it had to issue a second Order because the initial hearing had been set beyond the 90-day period provided by law.

Second, petitioner contended[38] that since the selling price of the property based on the Deed of Sale annexed to respondent’s application for original registration was P160,000,[39] the MTC did not have jurisdiction over the case. Under Section 34 of the Judiciary Reorganization Act, as amended,[40] the MTC’s delegated jurisdiction to try cadastral and land registration cases is limited to lands, the value of which should not exceed ₱100,000.

We are not persuaded.

The delegated jurisdiction of the MTC over cadastral and land registration cases is indeed set forth in the Judiciary Reorganization Act, which provides:

Sec. 34. Delegated Jurisdiction in Cadastral and Land Registration Cases. - Metropolitan Trial Courts, Municipal Trial Courts, and Municipal Circuit Trial Courts may be assigned by the Supreme Court to hear and determine cadastral or land registration cases covering lots where there is no controversy or opposition, or contested lots where the value of which does not exceed One hundred thousand pesos (P100,000.00), such value to be ascertained by the affidavit of the claimant or by agreement of the respective claimants if there are more than one, or from the corresponding tax declaration of the real property. Their decision in these cases shall be appealable in the same manner as decisions of the Regional Trial Courts. (As amended by R.A. No. 7691) (Emphasis supplied.)

Thus, the MTC has delegated jurisdiction in cadastral and land registration cases in two instances: first, where there is no controversy or opposition; or, second, over contested lots, the value of which does not exceed P100,000.

The case at bar does not fall under the first instance, because petitioner opposed respondent Corporation’s application for registration on 8 January 1998.[41]

However, the MTC had jurisdiction under the second instance, because the value of the lot in this case does not exceed P100,000.

Contrary to petitioner’s contention, the value of the land should not be determined with reference to its selling price. Rather, Section 34 of the Judiciary Reorganization Act provides that the value of the property sought to be registered may be ascertained in three ways: first, by the affidavit of the claimant; second, by agreement of the respective claimants, if there are more than one; or, third, from the corresponding tax declaration of the real property.[42]

In this case, the value of the property cannot be determined using the first method, because the records are bereft of any affidavit executed by respondent as to the value of the property. Likewise, valuation cannot be done through the second method, because this method finds application only where there are multiple claimants who agree on and make a joint submission as to the value of the property. Here, only respondent Bantigue Point Development Corporation claims the property.

The value of the property must therefore be ascertained with reference to the corresponding Tax Declarations

submitted by respondent Corporation together with its application for registration. From the records, we find that the assessed value of the property is P4,330, P1,920 and P8,670, or a total assessed value of P14,920 for the entire property.[43] Based on these Tax Declarations, it is evident that the total value of the land in question does not exceed P100,000. Clearly, the MTC may exercise its delegated jurisdiction under the Judiciary Reorganization Act, as amended.

III

A certification from the CENRO is not sufficient proof that the property in question is alienable and disposable land of the public domain.

Even as we affirm the propriety of the MTC's exercise of its delegated jurisdiction, we find that the lower court erred in granting respondent Corporation's application for original registration in the absence of sufficient proof that the property in question was alienable and disposable land of the public domain.

The Regalian doctrine dictates that all lands of the public domain belong to the State.[44] The applicant for land registration has the burden of overcoming the presumption of State ownership by establishing through incontrovertible evidence that the land sought to be registered is alienable or disposable based on a positive act of the government.[45] We held in *Republic v. T.A.N. Properties, Inc.* that a CENRO certification is insufficient to prove the alienable and disposable character of the land sought to be registered.[46] The applicant must also show sufficient proof that the DENR Secretary has approved the land classification and released the land in question as alienable and disposable.[47]

Thus, the present rule is that an application for original registration must be accompanied by (1) a CENRO or PENRO[48] Certification; and (2) 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.[49]

Here, respondent Corporation only presented a CENRO certification in support of its application.[50] Clearly, this falls short of the requirements for original registration.

We therefore remand this case to the court a quo for reception of further evidence to prove that the property in question forms part of the alienable and disposable land of the public domain. If respondent Bantigue Point Development Corporation presents a certified true copy of the original classification approved by the DENR Secretary, the application for original registration should be granted. If it fails to present sufficient proof that the land in question is alienable and disposable based on a positive act of the government, the application should be denied.

WHEREFORE, premises considered, the instant Petition for Review is DENIED. Let this case be REMANDED to the Municipal Trial Court of San Juan, Batangas, for reception of evidence to prove that the property sought to be registered is alienable and disposable land of the public domain.

SO ORDERED.

Carpio, (Chairperson), Brion, Perez, and Reyes, JJ., concur.

[1] CA Decision dated 13 February 2004, penned by Justice Elvi John S. Asuncion and concurred in by Justices Godardo A. Jacinto and Lucas P. Bersamin, rollo, pp. 31-35.

[2] MTC Decision dated 22 January 2001, penned by Judge Fermin M. Chavez, rollo, pp. 37-41.

[3] Application for Original Registration of Title dated 17 July 1997, MTC records, pp. 1-2.

- [4] Order dated 18 July 1997, MTC records, pp. 25-27.
- [5] Order dated 7 August 1997, MTC records, pp. 28-29.
- [6] Opposition dated 8 January 1998, MTC records, pp. 50-52.
- [7] Order dated 30 April 1998, MTC records, p. 59.
- [8] Order dated 27 August 1998, MTC records, p. 62.
- [9] Id.
- [10] Tax Declarations, Exhibits Q to BB and Exhibit EE of Applicant's Formal Offer of Documentary Evidence dated 29 September 2000.
- [11] Deed of Absolute Sale dated 15 September 1994, Exhibit CC of Applicant's Formal Offer of Documentary Evidence dated 29 September 2000.
- [12] Certification by the Community Environment and Natural Resources Office of Batangas City dated 5 May 1997, Exhibit K of Applicant's Formal Offer of Documentary Evidence dated 29 September 2000.
- [13] Decision dated 22 January 2001, MTC records, pp. 76-85.
- [14] Notice of Appeal dated 12 February 2001, MTC records, p. 86-87.
- [15] CA Decision dated 13 February 2004, p. 3; rollo, p. 8.
- [16] CA Decision dated 13 February 2004, pp. 3-4; rollo, pp. 8-9.
- [17] Petition for Review on Certiorari dated 12 April 2004, p. 8; rollo, p. 20.
- [18] Sps. Pasco v. Pison-Arceo Agricultural and Development Corp., 520 Phil. 387 (2006).
- [19] Sps. Genato v. Viola, G.R. No. 169706, 5 February 2010, 611 SCRA 677.
- [20] Gomez-Castillo v. COMELEC, G.R. No. 187231, 22 June 2010, 621 SCRA 499.
- [21] La Naval Drug Corporation v. Court of Appeals, G.R. No. 103200, 31 August 1994, 236 SCRA 78.
- [22] CA Decision dated 13 February 2004, p. 3; rollo, p. 8.
- [23] 131 Phil. 556 (1968).
- [24] G.R. No. 147406, 14 July 2008, 558 SCRA 63.
- [25] Opposition dated 8 January 1998, MTC records, pp. 50-52.
- [26] Brief for the Appellant dated 27 November 2001, pp. 8-10; CA rollo, pp. 25-27.
- [27] Tijam v. Sibonghanoy, *supra* note 23, at 563.
- [28] Petition for Review on Certiorari dated 12 April 2004, pp. 11-13; rollo, pp. 23-25.
- [29] Application for Original Registration of Title dated 17 July 1997, MTC records, pp. 1-2.
- [30] Order dated 18 July 1997, MTC records, pp. 25-27.
- [31] 490 Phil. 654 (2005).
- [32] Id. at 664.

- [33] Order dated 7 August 1997, MTC records, pp. 28-29.
- [34] Petition for Review on Certiorari dated 12 April 2004, p. 12; rollo, p. 24.
- [35] Sps. Genato v. Viola, *supra* note 19.
- [36] Tatad v. Sandiganbayan, 242 Phil. 563, 575 (1988).
- [37] Order dated 18 July 1997, MTC records, pp. 25-27.
- [38] Petition for Review on Certiorari dated 12 April 2004, pp. 13-15; rollo, pp. 25-27.
- [39] Deed of Absolute Sale dated 15 September 1994, Annex “A” to the Application for Original Registration of Title, MTC records pp. 4-5.
- [40] Batas Pambansa Bilang 129, as amended.
- [41] Opposition dated 8 January 1998, MTC records, pp. 50-52.
- [42] The Judiciary Reorganization Act, as amended, Sec. 34.
- [43] Tax Declaration Nos. 004-00465, 004-00466 and 004-00467; Annexes “B,” “B-1” and “B-2” to the Application for Original Registration of Title, MTC records, pp. 6-8.
- [44] Constitution, Article XII, Section 2.
- [45] Secretary of the Department of Environment and Natural Resources v. Yap, G.R. No. 167707, 8 October 2008, 568 SCRA 164.
- [46] G.R. No. 154953, 26 June 2008, 555 SCRA 477.
- [47] *Id.*
- [48] Provincial Environment and Natural Resources Office.
- [49] Republic v. Vega, G.R. No. 177790, January 17, 2011, 639 SCRA 541.
- [50] Certification by the Community Environment and Natural Resources Office of Batangas City dated 5 May 1997, Exhibit K of Applicant’s Formal Offer of Documentary Evidence dated 29 September 2000.

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