REPUBLIC OF THE PHILIPPINES, PETITIONER, VS. RUBY LEE TSAI, RESPONDENT.

G.R. No. 168184. June 22, 2009

Ponente: CARPIO, J.

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CARPIO, J.:

The Case

Before the Court is a petition for review[1] assailing the 30 January 2004 Decision[2] and 12 May 2005 Resolution[3] of the Court of Appeals in CA G.R. CV No. 70006. The 30 January 2004 Decision affirmed the 21 September 1998 Decision[4] of the Regional Trial Court of Tagaytay City, Branch 18 (trial court) in LRC Case No. TG-788[5] which approved the application of respondent Ruby Lee Tsai for the confirmation and registration of Lot No. 7062, described in plan Ap-04-010084, Cad-355, Tagaytay Cadastre, with an area of 888 square meters (subject property). The 12 May 2005 Resolution denied the motion for reconsideration of petitioner Republic of the Philippines (Republic).

The Facts

On 3 December 1996, respondent filed an application[6] for the confirmation and registration of the subject property under Presidential Decree No. 1529 (PD 1529).[7] Respondent alleged that she is the owner of the subject property and the improvements thereon. Respondent stated that on 31 May 1993, she purchased the subject property from Manolita Gonzales Vda. de Carungcong (Carungcong), through Wendy Mitsuko Sato, Carungcong's daughter and attorney in fact.[8] Respondent declared that she and her predecessors-in-interest have been in open, continuous, exclusive and notorious possession and occupation of the subject property for more than 30 years.

Except for the Republic, there were no other oppositors to the application. The Republic opposed respondent's application on the following grounds: (1) that respondent and her predecessors-in-interest failed to present sufficient evidence to show that they have been in open, continuous, exclusive and notorious possession and occupation of the subject property since 12 June 1945 or earlier as required by Section 48(b)[9] of Commonwealth Act No. 141 (CA 141),[10] as amended by Presidential Decree No. 1073 (PD 1073);[11] (2) that the tax declarations and tax receipt payments attached to the application do not constitute competent and sufficient evidence of a bona fide acquisition of the land applied for or of respondent's open, continuous, exclusive and notorious possession and occupation of the subject property in the concept of an owner since 12 June 1945 or earlier; and (3) that the subject property forms part of the public domain and is not subject to private appropriation.[12]

After establishing the jurisdictional facts, respondent presented the following documents to support her application:

- Deed of Absolute Sale dated 31 May 1993 between respondent and Carungcong;

- Tax Declarations corresponding to different years showing that the subject property has been declared under the name of Carungcong for tax purposes: Tax Declaration No. 02226-A for the year 1948, Tax Declaration No. 010158-A for the year 1960, Tax Declaration No. 013976-A for the year 1965, Tax Declaration No. 07209-B for the year 1974, Tax Declaration No. 016-0635 for the year 1980, Tax Declaration No. GR-016-0735 for the year 1985 and Tax Declaration No. GR-016-1610 for the year 1992;[13]

- Tax Declaration Nos. GR-016-1776-R and 016-1084 for the year 1994 showing that the subject property has been declared under the name of respondent for tax purposes;[14]

- Official Receipts corresponding to different years showing the payment of real property taxes under the name of Carungcong: Official Receipt No. 4641772 dated 27 May 1991, Official Receipt No. 2326477 dated 10 December 1992, Official Receipt No. 0535585 dated 10 June 1992, Official Receipt No. 4879666 dated 28 May 1993 and Official Receipt No. 4879620 dated 3 June 1993;[15]

- Official Receipts corresponding to different years showing the payment of real property taxes under the name of respondent: Official Receipt No. 4997840 dated 10 January 1994, Official Receipt No. 7304615 dated 15 February 1995 and Official Receipt No. 9115050 dated 31 March 1997;[16] and

- Certification of the City Treasurer of Tagaytay City stating that the real property taxes for the years 1994 to 1997 were paid.[17]

On 21 September 1998, the trial court granted respondent's application for registration. The dispositive portion states:

> 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, Lot 7062 described in plan Ap-04-010084, Cad-355, Tagaytay Cadastre, situated in the Brgy. of San Jose, City of Tagaytay, containing an area of Eight Hundred Eighty Eight (888) Square Meters in the name of RUBY LEE TSAI, married to Tsai Yu Lung, both of legal age and residents of Sun Valley Subdivision, Sta. Ana Drive, Parañaque, Metro Manila.
>
> Once this Decision becomes final and executory, the corresponding decree of registration shall forthwith issue.
>
> SO ORDERED.[18]

The Republic appealed to the Court of Appeals on the ground that the trial court erred in granting the application for registration despite respondent's failure to prove open, continuous, exclusive and notorious possession of the subject property since 12 June 1945 or earlier. According to the Republic, it is not sufficient that respondent proved possession of the subject property for more than 30 years.

In the assailed 30 January 2004 Decision, the Court of Appeals affirmed the trial court's decision.

The Republic filed a motion for reconsideration. The Court of Appeals denied Republic's motion.

Hence, this petition.

The Ruling of the Regional Trial Court

According to the trial court, respondent was able to establish her title and interest over the subject property. The trial court found that respondent and her predecessors-in-interest have been in actual possession of the subject property for more than 30 years. The trial court also declared that the subject property was residential and not within any forest zone or the public domain.

The Ruling of the Court of Appeals

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The Court of Appeals affirmed the trial court's finding that respondent and her predecessors-in-interest have been in open, continuous, exclusive and notorious possession of the subject property in the concept of an owner for more than 30 years. According to the Court of Appeals, respondent need not prove that she and her predecessors-in-interest have been in possession of the subject property since 12 June 1945 or earlier because Section 48(b) of CA 141 was already superseded by Republic Act No. 1942 (RA 1942),[19] which provides for a simple 30 year prescriptive period of occupation by an applicant for judicial confirmation of title.

The Issue

The Republic raises the sole issue of whether the trial court can grant the application for registration despite the lack of proof of respondent's open, continuous, exclusive and notorious possession of the subject property since 12 June 1945 or earlier.

The Court's Ruling

The petition has merit.

The Republic argues that respondent failed to present sufficient evidence to show that she and her predecessors-in-interest have been in open, continuous, exclusive and notorious possession of the subject property in the concept of an owner since 12 June 1945 or earlier. According to the Republic, respondent only proved possession since 1948, which is in violation of Section 48(b) of CA 141, as amended by PD 1073.[20]

On the other hand, respondent insists that it is sufficient that she proved that she and her predecessors-in-interest have been in open, continuous, exclusive and notorious possession and occupation of the subject property under a bona fide claim of ownership for more than 30 years.

The Court notes that in respondent's original application before the trial court, she claimed that she was entitled to the confirmation and registration of her title to the subject property under PD 1529. However, respondent did not specify under what paragraph of Section 14 of PD 1529 she was filing the application. But going over respondent's application and the evidence she presented before the trial court, it appears that respondent filed her application under Section 14(1) of PD 1529, which states:

> 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. (Emphasis supplied)

Thus, there are three requisites for the filing of an application for registration of title under Section 14(1) of PD 1529: (1) that the property in question is alienable and disposable land of the public domain; (2) that the applicant by himself or through his predecessors-in-interest have been in open, continuous, exclusive and notorious possession and occupation; and (3) that such possession is under a bona fide claim of ownership since 12 June 1945 or earlier. The right to file the application for registration derives from a bona fide claim of ownership going back to 12 June 1945 or earlier, by reason of the claimant's open, continuous, exclusive and notorious possession of alienable and disposable land of the public domain.

A similar right is given under Section 48(b) of CA 141, as amended by PD 1073, which provides:

> Sec. 48. The following described citizens of the Philippines, occupying lands of the public domain or claiming to own any such land 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
>
> (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 supplied)

According to the Court of Appeals, respondent need not prove possession of the subject property since 12 June 1945 or earlier because Section 48(b) of CA 141 was amended by RA 1942, which provided for a simple 30-year prescriptive period. The Court of Appeals appears to have an erroneous interpretation of Section 48(b) of CA 141.

Through the years, Section 48(b) of the CA 141 has been amended several times.[21] The Court of Appeals failed to consider the amendment introduced by PD 1073. In Republic v. Doldol,[22] the Court provided a summary of these amendments:

> The original Section 48(b) of C.A. No.141 provided for possession and occupation of lands of the public domain since July 26, 1894. This was superseded by R.A. No. 1942, which provided for a simple thirty-year prescriptive period of occupation by an applicant for judicial confirmation of imperfect title. The same, however, has already been amended by Presidential Decree No. 1073, approved on January 25, 1977. As amended, Section 48(b) now reads:
> (b) Those who by themselves or through their predecessors in interest have been in open, continuous, exclusive, and notorious possession and occupation of agricultural lands of the public domain, under a bona fide claim of acquisition 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.[23] (Emphasis supplied)

As the law now stands, a mere showing of possession and occupation for 30 years or more is not sufficient. Therefore, since the effectivity of PD 1073 on 25 January 1977, it must now be shown that possession and occupation of the piece of land by the applicant, by himself or through his predecessors-in-interest, started on 12 June 1945 or earlier. This provision is in total conformity with Section 14(1) of PD 1529.[24]

In this case, respondent failed to comply with the period of possession and occupation of the subject property, as required by both PD 1529 and CA 141. We agree with the Republic that respondent's evidence was not enough to prove that her possession of the subject property started since 12 June 1945 or earlier because respondent's earliest evidence can be traced back to a tax declaration issued in the name of her predecessors-in-interest only in the year 1948. In view of the lack of sufficient showing that respondent and her predecessors-in-interest possessed the subject property under a bona fide claim of ownership since 12 June 1945 or earlier, respondent's application for confirmation and registration of the subject property under PD 1529 and CA 141 should be denied.

Finally, we note that respondent also failed to prove that the subject property has been declared alienable and disposable by the President or the Secretary of the Department of Environment and Natural Resources. In Republic v. T.A.N. Properties, Inc.,[25] the Court said:

> [T]he 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.[26]

WHEREFORE, we GRANT the petition. We SET ASIDE the 30 January 2004 Decision of the Court of Appeals in CA G.R. CV No. 70006 and the 21 September 1998 Decision of the Regional Trial Court of Tagaytay City, Branch 18, in LRC Case No. TG-788. We DENY respondent Ruby Lee Tsai's application for confirmation and registration of Lot No. 7062 described in plan Ap-04-010084, Cad-355, Tagaytay Cadastre.

SO ORDERED.

Puno, C.J., (Chairperson), Quisumbing,[*] Corona, and Leonardo-De Castro, JJ., concur.

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* Designated additional member per Special Order No. 660.

[1] Under Rule 45 of the Rules of Court.

[2] Rollo, pp. 25-30. Penned by Associate Justice Elvi John S. Asuncion, with Associate Justices Godardo A. Jacinto and Lucas P. Bersamin (now Associate Justice of the Supreme Court), concurring.

[3] Id. at 32.

[4] CA rollo, pp. 35-36. Penned by Judge Alfonso S. Garcia.

[5] Erroneously appears in the 21 September 1998 Decision as LRC Case No. TG-588.

[6] Records, pp. 1-4.

[7] Also known as "The Property Registration Decree."

[8] Records, pp. 8-9.

[9] Section 48(b) of Commonwealth Act No. 141, as amended by Presidential Decree No. 1073, reads:

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

(b) 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 agricultural lands of the public domain, under a bona fide claim of acquisition or ownership, since June 12, 1945, 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.

[10] Also known as "The Public Land Act."

[11] Approved on 25 January 1977.

[12] Records, pp. 33-34.

[13] Id. at 64-70 (Exhibits "J" to "J-5" and "I-4").

[14] Id. at 71-72 (Exhibits "J-6" and "J-7").

[15] Id. at 73-77 (Exhibits "K" to "K-4").

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[16] Id. at 78-80 (Exhibits "K-5" to "K-7").

[17] Id. at 81 (Exhibit "L").

[18] CA rollo, p. 36.

[19] Approved on 22 June 1957. Republic Act No. 1942 amended Section 48(b) of Commonwealth Act No. 141 by shortening the period of possession to "at least thirty years immediately preceding the filing of the application."

[20] Amended further by Republic Act No. 9176 entitled "An Act Extending the Period until December 31, 2020 for the Filing of Applications for Administrative Legalization (Free Patent) and Judicial Confirmation of Imperfect and Incomplete Titles to Alienable and Disposable Lands of the Public Domain, Amending for this Purpose Commonwealth Act Numbered 141, as amended, otherwise known as The Public Land Act." Approved on 13 November 2002.

[21] Del Rosario-Igtiben v. Republic, 484 Phil. 145 (2004).

[22] 356 Phil. 671 (1998).

[23] Id. at 676-677.

[24] Id.

[25] G.R. No. 154953, 26 June 2008, 555 SCRA 477.

[26] Id. at 489.

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