

**REPUBLIC OF THE PHILIPPINES, PETITIONER, VS. SPOUSES JOEL AND ANDREA NOVAL, ELLEN N. DELOS REYES, DALE Y. NOVAL, WINNIE T. REFI, ZENAIDA LAO, AND DAISY N. MORALES, RESPONDENTS.**

*G.R. No. 170316. September 18, 2017*

Ponente: LEONEN, J.

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**LEONEN, J.:**

When an applicant in the registration of property proves his or her open, continuous, exclusive, and notorious possession of a land for the period required by law, he or she has acquired an imperfect title that may be confirmed by the State. The State may not, in the absence of controverting evidence and in a pro forma opposition, indiscriminately take a property without violating due process.

This Petition for Review on Certiorari[1] seeks to reverse and set aside the August 5, 2005 Decision[2] and the October 28, 200 Resolution[3] of the Court of Appeals in CA-G.R. CV No. 76912. The Court of Appeals sustained the Municipal Trial Court April 19, 2002 Judgment in a land registration case granting the application for registration of title filed by Spouses Joel and Andrea Noval (the Spouses Naval), Ellen N. delos Reyes (delos Reyes), Zenaida Lao (Lao), Winnie T. Refi (Refi), Dale Y. Naval (Dale), and Daisy N. Morales (Morales) (collectively, applicants).

On September 8, 1999, the applicants sought the registration of their titles over the subdivided portions of a land in Barangay Casili, Consolacion, Cebu, designated as Lot 4287 of Consolacion Cadastre. They alleged to have acquired their respective portions of this land by "purchase, coupled with continuous, public, notorious, exclusive and peaceful possession in the concept of an owner for more than 30 years including [the possession] of their predecessors-in-interest." They also alleged that they were in actual possession of their respective portions of the property.[4]

The Republic through the Office of the Solicitor General, filed its Opposition on the ground that the applicants failed to prove open, continuous, exclusive, and notorious possession of the property since June 12, 1945.[5] It also argued that the property sought to be registered was part of the public domain.[6] It alleged that the tax declarations and tax payment receipts attached to the application were not competent to show bona fide acquisition or open and continuous possession of the land.[7]

The applicants' immediate predecessor-in-interest was Cecilia Alilin Quindao (Cecilia), who was already 73 years old when she testified before the trial court. She said that she was familiar with Lot 4287 since she was 15 years old. Her grandmother, Flaviana Seno Alilin (Flaviana), had already possessed and owned this property and enjoyed the fruits of 15 coconut trees already growing there. Her grandmother's possession was "peaceful exclusive, adverse, public and in the concept of [an] owner." [8]

Cecilia's father, Miguel Alilin (Miguel), inherited the property when Flaviana died.[9] Cecilia was then 20 years

old.[10] Miguel tilled and cultivated the land and planted root crops, corn and other plants.[11] Their family enjoyed the fruits of his cultivation of the land.[12] When he died, Cecilia inherited the property.[13] She also tilled the land and declared it in her name for taxation.[14] She even shared the produce of the land with her tenant.[15] Later, she sold the property to Joel Noval (Joel) and Elizabeth Messerli (Messerli).[16] Messerli sold her property to the Spouses Noval and Refi.[17] Soon the property was partitioned as follows: Lot 1 to the Spouses Noval; Lot 2 to Gertrudes Noval, who later donated his share to delos Reyes; Lot 3 to Lao; Lot 4 to Refi; Lot 5 to Dale; and Lot 7 to Dale and Morales.[18] All of them later on took possession of their respective portions and declared them in their respective names.[19]

The Municipal Trial Court granted their application for registration of title. It declared the applicants to be the absolute owners and possessors of their respective lots, having established conclusively that they are the exclusive owners and peaceful possessors of the properties. The trial court ordered the issuance of decrees of registration upon finality of its judgment.[20]

The Republic appealed the Decision of the trial court,[21] arguing that the applicants failed to show open, continuous, exclusive and notorious possession of alienable and disposable lands for 30 years.[22] It reiterated that tax declarations may not be used as bases for the grant of the application.[23] It added that there was no Department of Environment and Natural Resources report submitted to show when the properties were declared alienable and disposable, for the purpose of computing the 30-year period of possession required by law.[24]

The Court of Appeals, however, affirmed[25] the Decision of the Municipal Trial Court.[26]

The Court of Appeals found that the required period of possession in land registration cases was satisfied. It noted that Cecilia was already 73 years old when she testified in 2000 that the property had already been owned and possessed by Cecilia's grandmother since Cecilia was 15 years old. It held that at 15 years of age, she was already competent to perceive that her grandmother's possession was in the concept of an owner.[27]

The Court of Appeals also found that while the applicants did not submit a Department of Environment and Natural Resources report showing that the property had been declared alienable and disposable, the Republic was not relieved of the duty to present evidence that the land belongs to the public domain. It ruled that the burden is upon the State to prove that land is public domain when it has been possessed and cultivated by an applicant and his or her predecessors-in-interest for a considerable number of years without action from the State. The Court of Appeals added that the open, continuous, adverse, and public possession of land from time immemorial confers an effective title to the possessor.[28]

The Court of Appeals likewise recognized that while tax declarations are not conclusive evidence of ownership, they may give weight to a claim of ownership when coupled with open, adverse, and continuous possession.[29]

The Republic sought the reconsideration of the Court of Appeals Decision, but this was denied in a Resolution[30] dated October 28, 2005.[31]

Hence, this Petition[32] was filed.

Petitioner argues that respondents failed to show that they or their predecessor-in-interest have been in open, continuous, exclusive, and notorious possession and occupation of the land for the period required by law.[33] It also contends that the tax declarations presented by respondents are not conclusive evidence of ownership and possession for at least 30 years.[34] It likewise asserts that the property may not be registered without a certification from the Department of Environment and Natural Resources that it has been declared alienable and disposable.[35] Failure to show such certification means that the land belongs to the State.[36] It submits that the burden of proof is upon respondents to show that Lot 4287 had already been declared alienable and disposable at

the time of their application.[37]

Respondents, on the other hand, counter that Cecilia's testimony was sufficient to establish the nature of her possession and that of her predecessors-in-interest.[38] They submit that the property has been declared for tax purposes since 1945[39] and that while the Department of Environment and Natural Resources did not issue a certification, it did approve their survey plan when the property was partitioned.[40]

For this Court's resolution is the sole issue of whether or not the Court of Appeals erred in affirming the trial court decision to allow the Spouses Joel and Andrea Noval, Ellen N. delos Reyes, Dale Y. Noval, Winnie T. Refi, Zenaida Lao, and Daisy N. Morales to register their respective portions of Lot 4287.

## I

Any person seeking relief under Commonwealth Act No. 141, or the Public Land Act, admits that the property being applied for is public land.

Under the Public Land Act, public lands may be disposed of through confirmation of imperfect or incomplete titles.[41] Confirmation of title may be done judicially or through the issuance of a free patent.[42] The process for judicial confirmation of title is outlined in Section 48 of the Public Land Act, as amended by Presidential Decree No. 1073:[43]

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:

....

(b) Those who by themselves or through their predecessors in interest have been in the open, continuous, exclusive, and notorious possession and occupation of agricultural lands of the public domain, under a bona fide claim of acquisition or ownership, except as against the government, since July twenty-sixth, eighteen hundred and ninety-four, 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.

When a person applies for judicial confirmation of title, he or she already holds an incomplete or imperfect title over the property being applied for, after having been in open, continuous, exclusive, and notorious possession and occupation from June 12, 1945 or earlier. The date "June 12, 1945" is the reckoning date of the applicant's possession and occupation, and not the reckoning date of when the property was classified as alienable and disposable.[44] In *Heirs of Malabanan v. Republic*: [45]

[T]he choice of June 12, 1945 as the reckoning point of the requisite possession and occupation was the sole prerogative of Congress, the determination of which should best be left to the wisdom of the lawmakers. Except that said date qualified the period of possession and occupation, no other legislative intent appears to be associated with the fixing of the date of June 12, 1945. Accordingly, the Court should interpret only the plain and literal meaning of the law as written by the legislators.

Moreover, an examination of Section 48 (b) of the Public Land Act indicates that Congress prescribed no requirement that the land subject of the registration should have been classified as agricultural since June 12, 1945, or earlier. As such, the applicant's imperfect or incomplete title is derived only from possession and occupation since June 12, 1945, or earlier. This means that the character of the property subject of the application as alienable and disposable agricultural land of the public domain determines its eligibility for land

registration, not the ownership or title over it.[46]

Thus, a property applied for judicial confirmation of title may be classified as alienable and disposable at any time. For the purposes of judicial confirmation of title, only possession and occupation must be reckoned from June 12, 1945.

## II

The Public Land Act is a special law that applies only to alienable agricultural lands of the public domain, and not to forests, mineral lands, and national parks.[47] *Heirs of Malabanan v. Republic*[48] categorized alienable and disposable lands into: "(a) patrimonial lands of the State, or those classified as lands of private ownership under Article 425 of the Civil Code, without limitation; and (b) lands of the public domain, or the public lands as provided by the Constitution, but with the limitation that the lands must only be agricultural." [49] Thus, for Section 48(b) of the Public Land Act to apply, the property first, must be agricultural land of the public domain, and second, must have been declared as alienable and disposable.[50]

Parenthetically, not all lands and natural resources, by default, belong to the State.

The theory that all lands belong to the State was introduced in this jurisdiction. during the Spanish colonization. When Spain transferred sovereignty of the Philippines to the United States in 1898 through the Treaty of Paris, the United States opted not to adopt this concept. Instead, it created new presumptions with respect to land ownership. This was thoroughly explained in *Carino v. Insular Government*: [51]

It is true that Spain, in its earlier decrees, embodied the universal feudal theory that all lands were held from the Crown, ... It is true also that, in legal theory, sovereignty is absolute, and that, as against foreign nations, the United States may assert, as Spain asserted, absolute power. But it does not follow that, as against the inhabitants of the Philippines, the United States asserts that Spain had such power. When theory is left on one side, sovereignty is a question of strength, and may vary in degree. How far a new sovereign shall insist upon the theoretical relation of the subjects to the head in the pas{, and how far it shall recognize actual facts, are matters for it to decide.

The Province of Benguet was inhabited by a tribe that the Solicitor General, in his argument, characterized as a savage tribe that never was brought under the civil or military government of the Spanish Crown. It seems probable, if not certain, that the Spanish officials would not have granted to anyone in that province the registration to which formerly the plaintiff was entitled by the Spanish laws, and which would have made his title beyond question good. Whatever may have been the technical position of Spain, it does not follow that, in the view of the United States, he had lost all rights and was a mere trespasser when the present government seized his land. The argument to that effect seems to amount to a denial of native titles throughout an important part of the island of Luzon, at least, for the want of ceremonies which the Spaniards would not have permitted and had not the power to enforce.

The acquisition of the Philippines was not like the settlement of the white race in the United States. Whatever consideration may have been shown to the North American Indians, the dominant purpose of the whites in America was to occupy the land. It is obvious that, however stated, the reason for our taking over the Philippines was different. No one, we suppose, would deny that, so far as consistent with paramount necessities, our first object in the internal administration of the islands is to do justice to the natives, not to exploit their country for private gain. By the Organic Act of July 1, 1902, c. 1369, § 12, 32 Stat. 691, all the property and rights acquired there by the United States are to be administered "for the benefit of the inhabitants thereof." It is reasonable to suppose that the attitude thus assumed by the United States with regard to what was unquestionably its own is also its attitude in deciding what it will claim for its own. The same statute made a bill of rights, embodying the safeguards of the Constitution, and, like the Constitution, extends those

safeguards to all. It provides that "no law shall be enacted in said islands which shall deprive any person of life, liberty, or property without due process of law, or deny to any person therein the equal protection of the laws." § 5. In the light of the declaration that we have quoted from § 12, it is hard to believe that the United States was ready to declare in the next breath that "any person" did not embrace the inhabitants of Benguet or that it meant by "property" only that which had become such by ceremonies of which presumably a large part of the inhabitants never had heard, and that it proposed to treat as public land what they, by native custom and by long association - one of the profoundest factors in human thought - regarded as their own.[52] (Emphasis supplied)

The United States chose to limit its sovereign exercise to the fiduciary administration of the Philippines. Instead of exercising absolute power with respect to property rights, it chose to adopt due process as embodied in the Bill of Rights. This due process clause is already found in our present Constitution. Thus, Article III, Section 1 of the Constitution states:

Section 1. No person shall be deprived of life, liberty, or property without due process of law, nor shall any person be denied the equal protection of the laws.

Most notably, however, Carino created a presumption against State ownership and recognized private property rights independent of State grant. Thus:

[E]very presumption is and ought to be against the government in a case like the present. It might, perhaps, be proper and sufficient to say that when, as far back testimony or memory goes, the land has been held by individuals under a claim of private ownership, it will be presumed to have been held in the same way from before the Spanish conquest, and never to have been public land.[53]

Carino did not qualify that the existence of property rights independent of State grant and the presumptions on land registration apply only to the indigenous cultural communities. These principles can be seen in the present land registration laws.

Under the Public Land Act, ownership is recognized if possession dates back since June 12, 1945 or earlier.[54] The law refers to this as "judicial legalization," which allows for agricultural public lands to be disposed of by the State and acquired by Filipino citizens.[55]

Presidential Decree No. 1529, or the Property Registration Decree, has a similar provision, but also recognizes ownership through prescription.[56] Section 14(1) of the Property Registration Decree provides:

Section 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.

Section 14(1) does not vest or create a title to public land.[57] The procedure of registering one's title "simply recognizes and documents ownership and provides for the consequences of issuing paper titles." [58]

These provisions are the latest versions of a catena of provisions on judicial confirmation of imperfect or incomplete titles.[59] All these laws recognize ownership acquired through possession and occupation in the concept of an owner.

That the law provides for confirmation of titles based on possession and occupation is an acknowledgment of the existence of property rights independent of State grants. It is ail. acknowledgment \$at registration is a means only to document ownership already acquired.

Be that as it may, applicants for judicial confirmation of title must still comply with the requisites stated in Section 48(b) of the Public Land Act and Section 14(1) of the Property Registration Decree:

- The applicant, by himself or through his predecessor-in--interest, has been in possession and occupation of the property subject of the application;
- The possession and occupation must be open, continuous, exclusive, and notorious;
- The possession and occupation must be under a bona fide claim of acquisition of ownership;
- The possession and occupation must have taken place since June 12, 1945, or earlier; and
- The property subject of the application must be an agricultural land of the public domain.[60]

### III

Petitioner argues that respondents were unable to prove that they and their predecessor-in-interest were able to prove their open and continuous possession and occupation of the property for the period required by law. It describes respondents' and their predecessor-in-interest's possession as mere casual cultivation, which is not the possession contemplated by land registration laws.

Both the Municipal Trial Court and the Court of Appeals established that respondents and their predecessor-in-interest were the exclusive owners and possessors of the land. Both courts affirmed that respondents have met the required period of possession for land registration cases.[61] They acknowledged the credibility of the testimony of respondents' predecessor--in-interest, which established possession of Lot 4287 in the concept of an owner since 1942 or earlier.[62] This means that respondents and their predecessor-in-interest have already been in occupation and possession of the land for more than 50 years at the time of their application for registration.

Only questions of law may be raised in a petition for review on certiorari.[63] This Court has repeatedly said that findings of facts of the lower courts deserve high respect since they are in the best position to pass judgment on the credibility of the witnesses and their statements. This Court rarely questions facts as determined by the lower court, especially when they are affirmed by the Court of Appeals. The findings of facts are often conclusive upon this Court, subject only to a few exceptions:

- (1) When the conclusion is a finding grounded entirely on speculation, surmises or conjectures . . .;
  - (2) When the inference made is manifestly mistaken, absurd or impossible . . .;
  - (3) Where there is a grave abuse of discretion . . .;
  - (4) When the judgment is based on a misapprehension of facts . . .;
  - (5) When the findings of fact are conflicting . . .;
  - (6) When the Court of Appeals, in making its findings, went beyond the issues of the case and the same is contrary to the admissions of both appellant and appellee . . .;
  - (7) The findings of the Court of Appeals are contrary to those of the trial court . . .;
  - (8) When the findings of fact are conclusions without citation of specific evidence on which they are based;
  - (9) When the facts set forth in the petition well as in the petitioners' main and reply briefs are not disputed by the respondents; and
  - (10) The finding of fact of the Court of Appeals is premised on the supposed absence of evidence and is contradicted by the evidence on record . . .
- [64]

This case does not fall under any of the exceptions. Since the Court of Appeals affirmed the findings of the trial court, and there is no showing that the conclusions made by both courts are either made with grave abuse of

discretion or contrary to the evidence presented and the law, this Court will not disturb these findings.

Respondents' predecessor-in-interest recalled her grandmother to have already cultivated fruit-bearing trees on Lot 4287 when she was 15 years old. Possession prior to that "can hardly be estimated . . . the period of time being so long that it is beyond the reach of memory." [65]

Hence, respondents' and their predecessor-in-interest's possession is, with little doubt, more than 50 years at the time of respondents' application for registration in 1999. This is more than enough to satisfy the period of possession required by law for acquisition of ownership.

#### IV

The burden of proving that the property is an alienable and disposable agricultural land of the public domain falls on the applicant, not the State. [66] The Office of the Solicitor General, however, has the correlative burden to present effective evidence of the public character of the land. [67]

In order to establish that an agricultural land of the public domain has become alienable and disposable, "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." [68] It is settled that the declaration of alienability must be through executive fiat, as exercised by the Secretary of the Department of Environment and Natural Resources. [69] *Republic v. T.A.N. Properties* [70] provided further:

The applicant for land registration must prove that the [Department of Environment and Natural Resources] 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 [Provincial Environment and Natural Resources Officer] or [City Environment and Natural Resources Officer]. In addition, the applicant for land registration must present a copy of the original classification approved by the [Department of Environment and Natural Resources] Secretary and certified as a true copy by the legal custodian of the official records. [71]

Admittedly, respondents have failed to present any document from the Secretary of the Department of Environment and Natural Resources certifying that the property is part of the alienable and disposable land of the public domain. On the other hand, the Court of Appeals observed, as this Court has, that the Office of the Solicitor General has failed to "present any evidence, testimonial or documentary evidence to support its opposition." [72]

When the State has no effective opposition, except for a pro forma opposition, to controvert an applicant's convincing evidence of possession and occupation, presumptions are tilted to this applicant's favor. [73] In *Republic v. Barandiaran*: [74]

"[W]here it appears that the evidence of ownership and possession are so significant and convincing, the government is not necessarily relieved of its duty from presenting proofs to show that the parcel of land sought to be registered is part of the public domain to enable [the courts] to evaluate the evidence of both sides." . . . [W]hen the records shows that a certain property, the registration of title to which is applied for has been possessed and cultivated by the applicant and his predecessors in interest for a long number of years without the government taking any action to dislodge the occupants from their holdings, and when the land has passed from one hand to another by inheritance or by purchase, the government is duty bound to prove that the land which it avers to be of public domain is really of such nature. [75] (Citations omitted)

Indeed, the Public Land Act itself establishes a conclusive presumption in favor of the possessor that all conditions essential to a State grant, including the conversion of a land in the public domain to a private property,

have been performed, entitling him or her to a certificate of title.[76]

Therefore, when an applicant is shown to have been in open, continuous, exclusive, and notorious possession of a land for the period required by law, he or she has acquired an imperfect title that may be confirmed by the State. The State may not, for the simple reason that an applicant failed to show documents which the State is in the best position to acquire, indiscriminately take an occupied property and unjustly and self-servingly refuse to acknowledge legally recognized rights evidenced by possession, without violating due process.[77]

The burden of evidence lies on the party who asserts an affirmative allegation.[78] Therefore, if the State alleges that lands belong to it, it is not excused from providing evidence to support this allegation.[79] This specially applies when the land in question has no indication of being incapable of registration[80] and has been exclusively occupied by an applicant or his or her predecessor-in-interest without opposition-not even from the State.

Hence, when a land has been in the possession of the applicants and their predecessor-in-interest since time immemorial and there is no manifest indication that it is unregistrable, it is upon the State to demonstrate that the land is not alienable and disposable. "[A] mere formal opposition on the part of the [Solicitor General] . . . , unsupported by satisfactory evidence, will not stop the courts from giving title to the claimant." [81]

This Court's previous rulings imposing the burden of overcoming the presumption that a land is public should only be strictly applied when a manifestly unregistrable land is in danger of fraudulent titling-not when it will promote unfairness and violation of due process rights.

Respondents' and their predecessor-in-interest's possession was never opposed, even at the time of application, by the government agencies tasked to ensure that public lands remain public. There was neither indication nor mention that Lot 4287 was forest, timber land, or belonging to a reservation.

The State also kept silent on respondents' and their predecessor-in interest's continuously paid taxes. The burden to prove the public character of Lot 4287 becomes more pronounced when the State continuously accepts payment of real property taxes. This Court acknowledges its previous rulings that payment of taxes is not conclusive evidence of ownership.[82] However, it is good indicia of possession in the concept of an owner, and when coupled with continuous possession, it constitutes strong evidence of title.

No person in the right mind would pay taxes on real property over which he or she does not claim any title.[83] Its declaration not only manifests a sincere desire to obtain title to a property; it may be considered as an announcement of an adverse claim against State ownership.[84] It would be unjust for the State to take properties which have been continuously and exclusively held since time immemorial without showing any basis for the taking, especially when it has accepted tax payments without question.

However, despite these circumstances, petitioner failed to show any evidence that Lot 4287 remained public land. Instead, it conveniently relied on the absence of a Department of Environment and Natural Resources certification.

Therefore, this Court is constrained to hold that respondents' evidence, coupled with the absence of contradictory evidence from petitioner, substantially establishes that respondents have complied with the requisites of Section 48(b) of the Public Land Act and Section 14(1) of the Property Registration Decree. The Municipal Trial Court and the Court of Appeals did not err in approving the registration of the property.

WHEREFORE, the Petition is DENIED. The Decision dated August 5, 2005 of the Court of Appeals in CA-G.R. CV No. 76912 is AFFIRMED.

**SO ORDERED.**

Velasco, Jr., (Chairperson), Bersamin, Martires, and Gesmundo, JJ., concur.

November 29, 2017

**NOTICE OF JUDGMENT**

Sirs / Mesdames:

Please take notice that on September 18, 2017 a Decision, copy attached hereto, was rendered by the Supreme Court in the above-entitled case, the original of which was received by this Office on November 29, 2017 at 2:20 p.m.

Very truly yours,

(SGD)

**WILFREDO V. LAPITAN**

Division Clerk of Court

[1] Rollo, pp, 22-77.

[2] Id. at 79-87. The Decision was penned by Associate Justice Arsenio J. Magpale and concurred in by Associate Justices Sesinando E. Villon and Enrico A. Lanzanas of the Nineteenth Division, Court of Appeals, Cebu City.

[3] Id. at 89-90. The Resolution was penned by Associate Justice Arsenio J. Magpale and concurred in by Associate Justices Vicente L. Yap and Enrico A. Lanzanas of the Special Former Nineteenth Division, Court of Appeals, Cebu City.

[4] Id. at 11-12.

[5] Id. at 12, 32-33.

[6] Id. at 12 and 33.

[7] Id.

[8] Id. at 13 and 36.

[9] Id. at 13.

[10] Id.

[11] Id. at 13 and 36.

[12] Id. at 13.

[13] Id. at 13 and 36.

[14] Id. at 13.

[15] Id.

[16] Id. at 13 and 37-38.

[17] Id. at 13.

[18] Lot 6 remained in Cecilia's ownership and possession. (Rollo, pp. 38-39)

[19] Rollo, p. 13.

[20] Id. at 13-14 and 38-40.

[21] Id. at 40.

[22] Id. at 15.

[23] Id.

[24] Id.

[25] Id. at 79-87.

[26] Id. at 87.

[27] Id. at 16.

[28] Id. at 18.

[29] Id. at 17-18.

[30] Id. at 89-90.

[31] Id. at 24 and 40.

[32] Id. at 22-77.

[33] Id. at 43-62.

[34] Id. at 62-65

[35] Id. at 65-72.

[36] Id.

[37] Id. at 71.

[38] Id. at 223.

[39] Id. at 224.

[40] Id. at 225.

[41] Com. Act No. 141 (1936), Sec. 11 (4).

[42] Com. Act No. 141 (1936), Sec. 11 (4)(a) and (b).

[43] Pres. Decree No. 1073, sec. 4 provides:

Section 4. The provisions of Section 46(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.

[44] *Heirs of Malabanan v. Republic*, 717 Phil. 141, 165 (2013) [Per J. Bersamin, En Banc].

[45] 717 Phil. 141 (2013) [Per J. Bersamin, En Banc].

[46] *Id.* at 165.

[47] *Id.* at 164.

[48] 717 Phil. 141 (2013) [Per J. Bersamin, En Banc].

[49] *Id.* at 164.

[50] *Id.*

**[51] 212 US 449 (1909).**

[52] *Id.* at 457-458.

[53] *Id.* at 460.

[54] Com. Act, Sec. 48(b).

[55] Com. Act No. 141, sec. 11 provides:

Section 11. Public lands suitable for agricultural purposes can be disposed of only as follows, and not otherwise:

(1) For homestead settlement;

(2) By sale;

(3) By lease; and

(4) By confirmation of imperfect or incomplete titles:

(a) By judicial legalization; or

(b) By administrative legalization (free patent).

[56] Presidential Decree No. 1529, sec. 14(2).

[57] See Concurring and Dissenting Opinion of J. Leonen in *Heirs of Malabanan v. Republic*, 717 Phil. 141, 207 (2013) [Per J. Bersamin, En Banc] and *Republic v. Bautista, Jr.*, G.R. No. 66890, June 28, 2016 <<http://sc.judiciary.gov.ph/pdf/web/viewer.html?file=/jurisprudence/2016/june2016/166890.pdf>> 5 [Per J. Bersamin, First Division].

[58] Concurring and Dissenting Opinion of J. Leonen in *Heirs of Malabanan v. Republic*, 717 Phil. 141, 207 (2013) [Per J. Bersamin, En Banc].

[59] See also Act. Nos. 926, 2874, 3164, 3219, 3346 and 3517; Com. Act No. 141 (1936); Rep. Act No. 1942 (1957); Pres. Decree No. 1073 (1977).

[60] *La Tondeña, Inc. v. Republic*, 765 Phil. 795, 811 (2015) [Per J. Leonen, Second Division] citing *Heirs of Mario Malabanan v. Republic*, 717 Phil. 141 (2013) [Per J. Bersamin, En Banc].

[61] *Rollo*, pp. 16-17.

[62] Respondents' predecessor-in-interest is Cecilia Alilin, whose first recollection of her grandmother's ownership and possession of Lot 4287 was when she was 15 years old. If she was 73 years old in 2000, the first recollection of her grandmother's possession was in 1942.

[63] RULES OF COURT, Rule 45, Sec. 1.

[64] *Medina v. Mayor Asistio, Jr.*, 269 Phil. 225, 232 (1990) [Per J. Bidin, Third Division].

[65] *Susi v. Razon*, 48 Phil. 424, 427 (1925) [Per J. Villareal, En Banc].

[66] See *Republic v. T.A.N. Properties, Inc.*, 578 Phil. 441 (2008) [Per J. Carpio, First Division]; *Republic v. Naguiat*, 515 Phil. 560 (2006) [Per J. Garcia, Second Division].

[67] See *Republic v. Barandiaran*, 563 Phil. 1030 (2007) [Per J. Carpio Morales, Second Division].

[68] *Republic v. Court of Appeals*, 440 Phil. 697, 710 (2002) [Per J. Ynares-Santiago, First Division] citing *Republic v. Bacus*, 257 Phil. 387 (1989) [Per J. Cruz, First Division]; *Republic v. De Porkan*, 235 Phil. 93 (1987) [Per J. Fernan, Second Division]; and *International Hardwood and Veneer Co. of the Philippines v. University of the Philippines*, 277 Phil. 636 (1991) [Per J. Davide, Jr., Third Division].

[69] See *Republic v. T.A.N. Properties, Inc.*, 578 Phil. 441 (2008) [Per J. Carpio, First Division], *Republic v. Hanover Worldwide Trading Corp.*, 636 Phil. 739 (2010) [Per J. Peralta, Second Division], *Republic v. Sese*, G.R. No. 185092, June 4, 2014 [Per J. Mendoza, Third Division], *Republic v. Vda. de Joson*, 728 Phil. 550 (2014) [Per J. Bersamin, First Division], *Republic v. Lualhati*, 757 Phil. 119 (2015) [Per J. Peralta, Third Division], *Republic v. Local Superior of the Institute of the Sisters of the Sacred Heart of Jesus of Ragusa*, G.R. No. 185603, February 10, 2016, <<http://sc.judiciary.gov.ph/pdf/web/viewer.html?file=/jurisprudence/2016/february2016/185603.pdf>> [Per J. Reyes, Third Division]; *Republic v. Vega*, 654 Phil. 511 (2011) [Per J. Sereno, Third Division].

[70] 578 Phil. 441 (2008) [Per J. Carpio, First Division].

[71] *Id.* at 452-453,

[72] *Rollo*, p. 87.

[73] See *Republic v. Vega*, 654 Phil. 511 (2011) [Per J. Sereno, Third Division].

[74] 563 Phil. 1030 (2007) [Per J. Carpio Morales, Second Division].

[75] *Id.* at 1036 citing *Guido Sinsuat v. Director of Lands, et al.*, 56 O.G. No. 42, 6487, 6489-6490, October 17, 1960 and *Raymundo v. Bureau of Forestry and Diaz*, 58 O.G. No. 37, 6019, 6021.

[76] *Com. Act No. 141* (1936), Sec. 48 (b); See also *Susi v. Razon*, G.R. No. 24066, 48 Phil. 424, 427 (1925) [Per J. Villareal, En Banc].

[77] *CONST.*, art. III, sec. 1.

[78] See *Clado-Reyes v. Limpe*, 579 Phil. 669 (2008) [Per J. Quisumbing, Second Division].

[79] See *Republic v. Barandiaran*, 563 Phil. 1030 (2007) [Per J. Carpio Morales, Second Division].

[80] *Rollo*, pp. 169 and 193. On cross-examination, respondent-applicants testified that they bought the property for residential purposes, and that Barangay Casili is already populated with so many houses. See Memorandum of petitioner.

[81] *Republic v. Court of Appeals and Arquillo*, 261 Phil. 393, 408 (1990) [Per J. Medialdea, First Division]

citing *Ramos v. Director of Lands*, 39 Phil. 175, 186 (1918) [Per J. Malcolm, En Banc] and *Republic v. Court of Appeals*, 250 Phil. 82 (1988) [Per J. Regalado, Second Division].

[82] See *Republic v. Court of Appeals*, 328 Phil. 238 (1996) [Per J. Torres, Jr., Second Division]; *Clado-Reyes v. Limpe*, 579 Phil. 669 (2008) [Per J. Quisumbing, Second Division].

[83] See *Clado-Reyes v. Limpe*, 479 Phil. 669 (2008) [Per J. Quisumbing, Second Division].

[84] *Republic v. Court of Appeals*, 328 Phil. 238 (1996) [Per J. Torres, Jr., Second Division].

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