

REPUBLIC OF THE PHILIPPINES, PETITIONER, VS. MOLDEX REALTY, INC., RESPONDENT.

G.R. No. 171041. February 10, 2016

Ponente: LEONEN, J.

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LEONEN, J.:

This is a Petition for Review on Certiorari[1] of the Court of Appeals' January 6, 2006 Decision.[2] The Court of Appeals affirmed the Regional Trial Court's February 19, 2002 Decision[3] granting respondent Moldex Realty, Inc.'s application for registration of title to Lot Nos. 9715-B and 9715-C in Alulod, Indang, Cavite.

On January 25, 2000, Luis Erce, Rosa Cinense, and Maria Clara Erce Landicho applied for the registration of parcels of land in Alulod, Indang, Cavite, designated as Lot Nos. 9715-A (40,565 square meters), 9715-B (20,000 square meters), and 9715-C (20,000 square meters) before the Regional Trial Court of Naic, Cavite.[4] The properties had a total area of 80,565 square meters.[5]

Eventually, applicants sold Lot Nos. 9715-B and 9715-C, with a total land area of 40,000 square meters, to Moldex Realty, Inc.[6] Applicants were later substituted by Moldex Realty, Inc. in the application for registration pending before the Regional Trial Court.[7] Lot No. 9715-A was dropped from the application for registration.[8]

To prove its title, Moldex Realty, Inc. presented the testimonies of Engineer John Arvin Manaloto (Manaloto) and Pio Atis.[9]

Manaloto was Moldex Realty, Inc.'s Assistant Manager for its Technical Services Department.[10] He testified that Moldex Realty, Inc. purchased the properties from the heirs of Ana Erce and Pedro Erce.[11] The sale was evidenced by two (2) separate deeds of sale executed in 1997.[12]

According to Manaloto, the technical descriptions and the subdivision plan covering the properties were approved by the Bureau of Lands.[13] Tax declarations from the Offices of the Municipal Assessor of Indang, Cavite and of the Provincial Assessor of Trece Martires City indicated that from 1948 to 2001, the properties had been owned by Olimpio Erce, Pedro Erce, Ana Erce, Heirs of Ana Erce, and Moldex Realty, Inc.[14]

Manaloto further testified that he secured from the Forest Management Sector of Community Environment and Natural Resources Office of Trece Martires City a certification that the properties were declared alienable and disposable land of the public domain on March 15, 1982.[15]

Pio Atis, a 77-year-old farmer and resident of Alulod, Indang, Cavite, testified that he knew the owners of the properties before Moldex Realty, Inc.[16] He had been residing in the area since his birth. He was a tenant of the properties.[17] He was also an owner of a lot adjoining the properties.[18] He testified that he had personal knowledge that the Erces possessed the properties before the war.[19]

On February 19, 2002, the Regional Trial Court rendered the Decision granting the application, thus:

WHEREFORE, in view of the foregoing, this Court confirming its previous Order of general default hereby

decrees and adjudges the two (2) parcels of land known as Lot No. 9715-B and Lot No. 9715-C, Cad-459-D, Indang Cadastre, each consisting [of] an area of 20,000 square meters, both situated in Alulod, Indang, Cavite pursuant to the provisions of Act 496 as amended by PD 1529 in the name of MOLDEX REALTY, INC., a corporation organized and existing under Philippine laws, with office address at No. 3 West 6[th] St. corner Times St., Quezon City, Philippines.

Once this decision becomes final, let the corresponding decree of registration be issued.

SO ORDERED.[20]

The Office of the Solicitor General, representing the Republic of the Philippines, appealed the Regional Trial Court's February 19, 2002 Decision before the Court of Appeals. It argued that Moldex Realty, Inc. failed to prove its open, continuous, exclusive, and notorious possession of the property since June 12, 1945, or for more than 30 years.[21] The possession of Moldex Realty, Inc.'s predecessors-in-interest cannot result in adverse possession against the Republic since it was only in 1982 when the properties had been classified as alienable and disposable.[22]

On January 6, 2006, the Court of Appeals rendered the Decision affirming the approval of Moldex Realty, Inc.'s application for registration, thus:

WHEREFORE, premises considered, the appeal is DENIED. The decision of Br. XV, RTC, Naic, Cavite in LRC Case No. NC-2000-1127, LRA Record No. N-72489 is AFFIRMED in toto.

SO ORDERED.[23]

The Court of Appeals ruled that based on Republic v. Naguit,[24] an application for registration satisfies the requirement that the property is classified as alienable and disposable if the land has been alienable and disposable at the time of the application for registration.[25]

On March 2, 2006, the Office of the Solicitor General filed a Petition for Review under Rule 45 of the Rules of Court assailing the Court of Appeals January 6, 2006 Decision.[26]

The Office of the Solicitor General argued that Moldex Realty, Inc. failed to prove that it or its predecessors-in-interests had been in open, continuous, exclusive, and notorious possession of the property in the concept of an owner from June 12, 1945[27] or for at least 30 years.[28] It also argued that in affirming the Regional Trial Court Decision,[29] the Court of Appeals erroneously relied on Naguit instead of Republic v. Herbiato.[30]

On the other hand, Moldex Realty, Inc. argued that for purposes of registration, land needs only to have been declared alienable and disposable at the time of the filing of an application for registration.[31] It also argued that unless a public land is clearly being reserved for public or common use, it should be considered patrimonial property.[32]

On March 14, 2012, this court received a Manifestation and Motion from Moldex Realty, Inc. stating that although it had already been issued a favorable decision by the Regional Trial Court and the Court of Appeals, it opted to withdraw its application for registration of the properties in its name.[33] Hence, the case had become moot and academic.[34] Respondent prayed:

WHEREFORE, for all the foregoing, it is most respectfully prayed of this Honorable Court that this Manifestation be noted and this Motion be granted and that the Appeal in the above case be considered withdrawn and/or dismissed for having become moot and academic.[35]

Petitioner filed its Comment on Moldex Realty, Inc.'s Manifestation and Motion. Moldex Realty, Inc. pointed out

that since the trial court and the Court of Appeals had already issued a decision in its favor, this court should not just dismiss petitioner's appeal. Instead, it should reverse and set aside the Decisions of the trial court and of the Court of Appeals in favor of Moldex Realty, Inc.[36]

The issues in this case are:

First, whether respondent Moldex Realty, Inc.'s withdrawal of its application for land registration has rendered this case moot and academic;

Second, whether respondent was able to prove the required length of possession for purposes of land registration; and

Lastly, whether Naguit was erroneously applied by the Court of Appeals.

The Petition has no merit.

Respondent's withdrawal of its application for registration has rendered this case moot and academic.

This court's power of judicial review is limited to actual cases and controversies.[37] Article VIII, Section 1 of the Constitution provides:

SECTION 1. The judicial power shall be vested in one Supreme Court and in such lower courts as may be established by law.

Judicial power includes the duty of the courts of justice to settle actual controversies involving rights which are legally demandable and enforceable, and to determine whether or not there has been a grave abuse of discretion amounting to lack or excess of jurisdiction on the part of any branch or instrumentality of the Government.

There is an actual case or controversy when the case presents conflicting or opposite legal rights that may be resolved by the court in a judicial proceeding. In *David v. Macapagal-Arroyo*:[38]

An actual case or controversy involves a conflict of legal right, an opposite legal claims susceptible of judicial resolution. It is "definite and concrete, touching the legal relations of parties having adverse legal interest"; a real and substantial controversy admitting of specific relief.[39]

A case becomes moot and academic when, by virtue of supervening events, the conflicting issue that may be resolved by the court ceases to exist.[40] There is no longer any justiciable controversy that may be resolved by the court.[41] This court refuses to render advisory opinions and resolve issues that would provide no practical use or value.[42] Thus, courts generally "decline jurisdiction over such case or dismiss it on ground of mootness." [43]

Respondent's Manifestation stating its withdrawal of its application for registration has erased the conflicting interests that used to be present in this case. Respondent's Manifestation was an expression of its intent not to act on whatever claim or right it has to the property involved. Thus, the controversy ended when respondent filed that Manifestation.

A ruling on the issue of respondent's right to registration would be nothing but an advisory opinion. [T]he power of judicial review does not repose upon the courts a "self-starting capacity." [44] This court cannot, through affirmation or denial, rule on the issue of respondent's right to registration because respondent no longer asserts this right.

It is true that this court does not always refuse to assume jurisdiction over a case that has been rendered moot and academic by supervening events. Courts assume jurisdiction over cases otherwise rendered moot and academic

when any of the following instances are present:

- (1) Grave constitutional violations;[45]
- (2) Exceptional character of the case;[46]
- (3) Paramount public interest;[47]
- (4) The case presents an opportunity to guide the bench, the bar, and the public;[48] or
- (5) The case is capable of repetition yet evading review.[49]

None of these circumstances are present in this case. Thus, there is no more reason to go into its substantive issues.

Nevertheless, respondent's Manifestation should not be considered a waiver of its rights over the property. There is nothing in the Manifestation that speaks of respondent's abandonment of its property claims. Nor does the Manifestation have the effect of proving that the property belongs to the public domain and the state.

Respondent's Manifestation has the effect of a waiver of the Decisions of the trial court and of the Court of Appeals in favor of respondent. Respondent's withdrawal of its application for registration, pending resolution of petitioner's Petition for Review before this court and with full knowledge of the Court of Appeals and the trial court's Decisions in its favor, is not a means to render final and executory these Decisions.

However, dismissing this case and setting aside the Decisions of the trial court and of the Court of Appeals in favor of respondent would not render a conclusive judgment on this issue. Respondent, or any interested applicant, is not precluded from filing another application for registration involving the property.

WHEREFORE, the Petition for Review is DENIED. The Decisions of the Court of Appeals dated January 6, 2006 and of the Regional Trial Court dated February 19, 2002 are SET ASIDE, without prejudice to the filing of a new application for registration by interested parties.

SO ORDERED.

Carpio, (Chairperson), Brion, Del Castillo, and Mendoza, JJ., concur.

[1] Rollo, pp. 19-48, Petition. The Petition was filed under Rule 45 of the Rules of Court.

[2] Id. at 10-16. The Decision, docketed as CA-G.R. CV No. 79964, was penned by Associate Justice Arcangelita M. Romilla-Lontok and concurred in by Associate Justices Marina L. Buzon and Aurora Santiago-Lagman of the Special Sixth Division, Court of Appeals Manila.

[3] Id. at 79-87. The Decision, docketed as LRC Case No. NC-2000-1127, was penned by Judge Napoleon V. Dilag of Branch XV, Regional Trial Court of Naic, Cavite.

[4] Id. at 11, Court of Appeals Decision.

[5] Id.

[6] Id. at 70-78, Motion for Substitution of Parties and for Dropping of Lot #9715-A.

[7] Id. at 11.

[8] Id.

- [9] Id.
- [10] Id.
- [11] Id.
- [12] Id. at 11, Court of Appeals Decision, and 73-78, Deed of Absolute Sale.
- [13] Id. at 12, 73-78.
- [14] Id. at 12.
- [15] Id. at 182, Petitioner's Memorandum.
- [16] Id. at 13.
- [17] Id. at 13 and 86, Regional Trial Court Decision.
- [18] Id. at 86.
- [19] Id. at 14 and 86.
- [20] Id. at 87.
- [21] Id. at 14.
- [22] Id.
- [23] Id. at 15.
- [24] 489 Phil. 405 (2005) [Per J. Tinga, Second Division].
- [25] Rollo, p. 15.
- [26] Id. at 19.
- [27] Id. at 14.
- [28] Id. at 14 and 30.
- [29] Id at 185-190, Petitioner's Memorandum.
- [30] 498 Phil. 227 (2005) [Per J. Chico-Nazario, Second Division].
- [31] Id. at 123, Comment.
- [32] Id. at 159-161, Respondent's Memorandum.
- [33] Id. at 196, Respondent's Manifestation and Motion.
- [34] Id.
- [35] Id. at 197.
- [36] Id. at 212, Petitioner's Comment on Respondent's Manifestation and Motion.
- [37] CONST., art. VIII, sec. 1.
- [38] 522 Phil. 705 (2006) [Per J. Sandoval-Gutierrez, En Banc].
- [39] Id. at 753, citing ISAGANI A. CRUZ, PHILIPPINE POLITICAL LAW 259 (2002 ed.).

[40] Id. See also *Province of Batangas v. Romulo*, 473 Phil. 806 (2004) [Per J. Callejo, Sr., En Banc]; *Sanlakas v. Executive Secretary*, 466 Phil. 482 (2004) [Per J. Tinga, En Banc].

[41] Id. at 754.

[42] *Lu v. Lu Ym*, 585 Phil. 251 (2008) [Per J. Nachura, Third Division].

[43] *David v. Macapagal-Arroyo*, 522 Phil. 705, 754 (2006) [Per J. Sandoval-Gutierrez, En Banc].

[44] Id. at 753, citing MARTIN SHAPIRO & ROCCO TRESOLINI, *AMERICAN CONSTITUTIONAL LAW* 79 (6th ed, 1983).

[45] *Province of Batangas v. Romulo*, 473 Phil. 806 (2004) [Per J. Callejo, Sr., En Banc]; *Lu v. Lu Ym*, 585 Phil. 251 (2008) [Per J. Nachura, Third Division].

[46] *David v. Macapagal-Arroyo*, 522 Phil. 705, 754 (2006) [Per J. Sandoval-Gutierrez, En Banc]; *Lu v. Lu Ym*, 585 Phil. 251 (2008) [Per J. Nachura, Third Division].

[47] Id.

[48] *Province of Batangas v. Romulo*, 473 Phil. 806 (2004) [Per J. Callejo, Sr., En Banc]; *Lu v. Lu Ym*, 585 Phil. 251 (2008) [Per J. Nachura, Third Division].

[49] *David v. Macapagal-Arroyo*, 522 Phil. 705, 754 (2006) [Per J. Sandoval-Gutierrez, En Banc]; *Province of Batangas v. Romulo*, 473 Phil. 806 (2004) [Per J. Callejo, Sr., En Banc]; *Sanlakas v. Executive Secretary*, 466 Phil. 482 (2004) [Per J. Tinga, En Banc]; and *Alunan v. Mirasol*, 342 Phil. 467 (1997) [Per J. Mendoza, En Banc].

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