

SPS. AMBROSIO DECALENG (SUBSTITUTED BY HIS HEIRS) AND JULIA “WANAY” DECALENG, PETITIONERS, VS. BISHOP OF THE MISSIONARY DISTRICT OF THE PHILIPPINE ISLANDS OF PROTESTANT EPISCOPA...

G.R. No. 171209. June 27, 2012

Ponente: LEONARDO-DE CASTRO, J.

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LEONARDO-DE CASTRO, J.:

Pending action before the Court is G.R. No. 171209, a Petition for Review on Certiorari under Rule 45 of the Rules of Court assailing the Decision[2] dated August 26, 2005 and Resolution[3] dated January 18, 2006 of the Court of Appeals in CA-G.R. CV No. 49978.

The Bishop of the Missionary District of the Philippine Islands of the Protestant Episcopal Church in the United States of America, otherwise known as the Philippine Episcopal Church (PEC), is a religious corporation duly organized and registered under the laws of the Republic of the Philippines, performing mission work in over 500 communities throughout the country. The PEC was previously comprised of five dioceses, namely: Episcopal Diocese of Northern Philippines (EDNP), Episcopal Diocese of Northern Luzon, Episcopal Diocese of North Central Philippines, Episcopal Diocese of Central Philippines, and Episcopal Diocese of Southern Philippines. PEC-EDNP, which has canonical jurisdiction over the provinces of Mountain Province, Ifugao, Isabela, Quirino, Aurora, and Quezon, exercises missionary, pastoral, and administrative oversight of St. Mary the Virgin Parish in the municipality of Sagada, Mountain Province.[4]

On February 18, 1992, PEC-EDNP filed before the Regional Trial Court (RTC) of Bontoc, Mountain Province, Branch 36, a Complaint for Accion Reinvidicatoria and Accion Publiciana against Ambrosio Decaleng and Fabian Lopez (Lopez), docketed as Civil Case No. 797.

PEC-EDNP alleged that it is the owner of two parcels of land in the Municipality of Sagada, located in areas commonly known as Ken-geka and Ken-gedeng.

According to PEC-EDNP, the Ken-geka property is covered by Certificate of Title No. 1[5] of the Register of Deeds of Mountain Province, issued on February 18, 1915, in the name of The Domestic and Foreign Missionary Society of the Protestant Episcopal Church in the United States (U.S. Episcopal Church). According to Certificate of Title No. 1, the U.S. Episcopal Church acquired the Ken-geka property by virtue of a sales patent issued by the Governor-General of the Philippine Islands also on February 18, 1915, in accordance with Section 122 of Act No. 496,[6] otherwise known as the Land Registration Act. The Ken-geka property has an area of 34 hectares, 24 ares, and 60 centares, with the following technical description:

Beginning at point marked 1 on plan Pi-115, N. 68o 48'W. 339.1 m. from Pulpit, a Mon. 7 cm. marked B. L. cross at top of limestone cliff, thence N. 79o 06'E. 484.0m. to point 2; S. 6o 21'E. 651.0m. to point 3; S. 72o 55'W. 609.6m. to point 4; N. 15o 15'E. 369.9m to point 5; N. 4o 59'W. 153.1m. to point 6; N. 51o 11'W. 87.9m to point 7; N. 6o 37'E. 171.0m. to point 1, point of beginning.

Bounded on all sides by public lands. Bearings true. Variation 0o 25'E. points referred to marked on plan Pi-115. Surveyed March 18-19, 1907. Approved November 27, 1907. Containing an area of thirty-four hectares, twenty-four ares, and sixty centares x x x. [7]

PEC-EDNP asserted that the U.S. Episcopal Church donated the Ken-geka property, among other real properties, to the PEC by virtue of a Deed of Donation[8] executed on April 24, 1974. Around the second quarter of 1989, Ambrosio Decaleng entered and cultivated a portion of about 1,635 square meters of the Ken-geka property despite the protestations of PEC-EDNP representatives.[9]

The Ken-gedeng property is described in the complaint as:

A certain parcel of land situated at sitio Poblacion, Sagada, Mt. Province, bounded on the North by Tomas Muting & Kapiz Bacolong; South by Mission Compound, East by Bartolome Gambican; and on the West by Nicolas Imperial and Lizardo Adriano with an area of 20[,]692 sq. meters more or less and declared for taxation purposes under Tax Declaration No. 6306 in the name of the Domestic and Foreign Missionary Society of the Protestant Church of the United States of America.[10]

It is more particularly identified as Lot 3 in Survey Plan PSU-118424, to wit:

Beginning at a point marked "1" on plan, being N. 18 deg. 19'E., 11477.37 m. from B.L.L.M. 1, Mpal. Dist. of Bauko, Mt. Province;

thence N. 65 deg. 01' E., 101.21 m. to point 2;
thence N. 0 deg. 51' E., 39.07 m. to point 3;
thence N. 50 deg. 39' E., 148.20 m. to point 4;
thence S. 54 deg. 10' E., 86.03 m. to point 5;
thence S. 18 deg. 07' E., 57.58 m. to point 6;
thence S. 18 deg. 02' E., 13.82 m. to point 7;
thence S. 79 deg. 06' W., 304.36 m. to the point of

beginning, containing an area of TWENTY THOUSAND SIX HUNDRED NINETY-TWO SQUARE METERS (20,692 sq. m.) more or less.

Bounded on the NE., by property of Bartolome Gambican; on the SE., by property of The Domestic and Foreign Missionary Society of the Protestant Episcopal Church in the United States of America; on the S., by property of Nicolas Imperial & Adriano Lizardo (joint owners); and on the NW., by properties of Nicolas Imperial & Adriano Lizardo (joint owners) and Tomas Moting, Kapiz, Baculong, Bayang, Apaling & Benito Gawaeng (joint owners).

All points referred to are indicated on the plan and marked on the ground as follows: points 1, 2, 3, 4, 5, and 7, by P.L.S. cyl. Conc. Mons; and point 6, by "X" on stone mon.[11]

PEC-EDNP averred that it and its predecessors-in-interest occupied the Ken-gedeng property openly, adversely, continuously, and notoriously in en concepto de dueño since the American Missionaries arrived in the Mountain Province in 1901. PEC-EDNP and its predecessors-in-interest have introduced valuable improvements on the Ken-gedeng property through the years. The Ken-gedeng property was surveyed on August 22, 1947 and said survey was approved by the Director of Lands on June 15, 1948. During the first quarter of 1987, Ambrosio Decaleng illegally and forcibly entered two portions of the Ken-gedeng property, one measuring 1,650 square meters (Portion 1) and the other 419.50 square meters (Portion 2). Ambrosio Decaleng, despite the vehement objections and conciliatory attitude of PEC-EDNP, cut several matured pine trees within the aforementioned portions of the Ken-gedeng property, removed the fence and two monuments found therein, and cultivated and planted the same with plants of economic value. Ambrosio Decaleng made matters worse by selling Portion 2 of the Ken-gedeng property to Fabian Lopez. Lopez went ahead and purchased Portion 2 despite the warning of

PEC-EDNP.[12]

PEC-EDNP contended that Ambrosio Decaleng and Lopez refused to vacate the portions of Ken-geka and Ken-gedeng properties that they are occupying. Ambrosio Decaleng and Lopez claimed to be the owners of said portions, but PEC-EDNP maintained that such claim is illegal and baseless in fact and in law. PEC-EDNP likewise challenged the sale of Portion 2 of Ken-gedeng by Ambrosio Decaleng to Lopez for being unlawful and void.

PEC-EDNP thus prayed of the RTC to render judgment:

- A) To declare the [PEC-EDNP] as the true and real owner of the aforesaid properties and for [Ambrosio Decaleng and Lopez] to perpetually desist from claiming ownership over the respective portion being occupied by them;
- B) To order [Ambrosio Decaleng and Lopez] to refrain from entering the property of [PEC-EDNP] subject of this case;
- C) To order [Ambrosio Decaleng and Lopez] to vacate the premises of the subject portions of the aforescribed land being illegally occupied by them;
- D) To order [Ambrosio Decaleng and Lopez] to pay the [PEC-EDNP] the amount of P20,000.00 as actual damages, P15,000.00 as attorney's fee, plus P500.00 as appearance pay of counsel every time this case is called for hearing and P10,000.00 as necessary expenses of litigation;
- E) To issue a temporary restraining order directing [Ambrosio Decaleng and Lopez] to desist from continuing to expand their aforesaid illegal occupation and to unlawfully enter the property subject of this case and thereafter to make it permanent; and
- F) To sentence [Ambrosio Decaleng and Lopez] to pay the cost of the suit;
- G) Finally [PEC-EDNP] prays for such other measures of reliefs and remedies just and equitable in the premises.[13]

Before Ambrosio Decaleng and Lopez could file their answer to the complaint of PEC-EDNP, the RTC issued an Order[14] dated March 20, 1992, suspending further proceedings in Civil Case No. 797 until the parties have conducted a relocation survey of the properties in question, as agreed upon in open court. The RTC issued another Order[15] of even date requesting the Community Environment and Natural Resources Office-Department of Environment and Natural Resources (CENRO-DENR), Sabangan, Mountain Province, to provide said trial court with a Geodetic Engineer to help in the re-survey of the area subject of the case.

Ambrosio Decaleng and Lopez filed their Answer[16] on April 27, 1992. They stated in their Answer that Certificate of Title No. 1 was inaccurate and depicted a parcel of land much bigger than that generally believed to be owned by PEC-EDNP; that the properties occupied by Ambrosio Decaleng were outside the properties of PEC-EDNP; that Ambrosio Decaleng received the property in Ken-geka, and his wife, Julia Wanay Decaleng, received the property in Ken-gedeng, from their parents as their inheritance on the occasion of their marriage in accordance with the local custom of ay-yeng or liw-liwa; that Ambrosio Decaleng and Julia Wanay Decaleng (spouses Decaleng) and their predecessors-in-interest had been in possession of the subject properties continuously, actually, notoriously, publicly, adversely, and in the concept of an owner, since time immemorial, or at least, certainly for more than 50 years; that the spouses Decaleng had been in peaceful and undisturbed possession of the subject properties until PEC-EDNP surreptitiously moved the existing perimeter fence and encroached upon 240 square meters of their properties; and that Lopez was a mere tenant of the spouses Decaleng who worked on Portion 2 of the Ken-gedeng property. Consequently, Ambrosio Decaleng and Lopez sought the

dismissal of the complaint of PEC-EDNP and the payment by PEC-EDNP in their favor of P50,000.00 as reimbursement of litigation expenses and attorney's fees, P100,000.00 as moral damages, and P25,000.00 as exemplary damages.

The relocation survey ordered by the RTC was conducted on September 17, 1992.

On February 12, 1993, PEC-EDNP filed a Motion to Admit Amended Complaint alleging:

1. That when defendant Ambrosio Decaleng filed his answer, he alleged that subject portions of the properties are owned by his wife, Julia "Wanay" Decaleng;
2. That after the verification survey was conducted on September 17, 1992, it came to the knowledge of [PEC-EDNP] that other parties are making adverse claim of ownership over subject properties; as in fact, some of them requested the surveyor hired by [Ambrosio Decaleng and Lopez] to survey portions of the properties owned by [PEC-EDNP] which they respectively claim to be owned by them.[17]

The RTC admitted the amended complaint of PEC-EDNP in the Order[18] dated February 16, 1993. As a result, Julia Wanay Decaleng, Florentina Madadsec (Madadsec), Dominga D. Maguen (Maguen), and Patrick Bawing (Bawing) were impleaded as additional defendants and summoned to answer the amended complaint.[19]

The spouses Decaleng and Lopez jointly filed their Answer to Amended Complaint[20] on March 1, 1993, essentially reiterating the allegations in the earlier Answer filed by Ambrosio Decaleng and Lopez, but increasing their claim for reimbursement of litigation expenses to P85,000.00. Maguen filed her Answer to Summons/Complaint[21] on March 2, 1993, in which she wrote that she was not interested to appear before the RTC for her deceased father, Kapis, from whom she inherited one of the lots that bound the PEC-EDNP property; and that PEC-EDNP should have pursued its complaint a long time ago when the concerned "boundary owners" were still alive. Madadsec and Bawing did not submit any answer but the RTC, in an Order[22] dated April 27, 1993, denied the Motion to Declare Defendants in Default[23] filed by PEC-EDNP and ruled that the Answer to Amended Complaint of spouses Decaleng and Lopez shall be deemed to also be the answer of Madadsec and Bawing.

After trial, the RTC rendered its Decision[24] on January 20, 1995 finding that:

The documentary and testimonial evidence as a whole, adduced by the [PEC-EDNP] on whose side the onus probandi lies, do not adequately and reliably support by greater weight of credibility, the [proponent's] causes of action, vis-à-vis, the counter-vailing proof proffered by the defensive party (Article 434, New Civil Code; Rule 131, Sec. 1 and Rule 133, Sec. 1, Revised Rules on Evidence).

De consequente, the plaintiff Church is determined not the owner of those three (3) parcels of land situated at Sitio Ken-geka and Sitio Ken-gedeng, Sagada, Mt. Province identified as the bone of contention in this suit. And that said Church has no right of possession of the subject parcels better than that of the defendants who are the present de facto possessors (Art. 433 and Art. 541, NCC). Corollarily, the former can neither recover ownership, which said right it never had from the very beginning, of the lots in question from the latter; nor possessions thereof, by the same token, either as an element of, or independent of ownership (Art. 428, Par. 2, NCC; *Tuazon v. Jaime*, CA-GR 26538-R, Feb.16, 1963; *Lopez v. Franco*, 26-786-R, May 27, 1961).

Re that 1,635 square meters lot at Ken-geka (Exhs. "C-1" and "C-2"), the mere supposed xerox copy of a reputed OCT No. 1 purportedly including the portion within its borders, allegedly registered in the name of the plaintiff Church (Exh. "A"), does not reasonably confirm the fact of its absolute ownership of the said portion (*Reyes vs Borbon*, 50 Phil. 79). Neither does the purported xerox copy of a putative deed of donation (Exh. "B"), sans the original, substantially show that said plaintiff acquired dominion over that particular parcel in issue via gratuitous grant as a mode of acquiring ownership (Art. 712, Par. 2, NCC; *Paras*, Civil Code, Vol. II,

1981 Ed., (b) p. 92). By itself, the plaintiff's survey plans of the premises coupled with its unpaid tax declarations (Exhs. "BB", "CC", "E", "F" and "G") is insufficient and inconclusive to prove ownership ad/or possession of the proponent of the subject area (*Acuña vs City of Manila*, [9] Phil. 225; *Dadivas vs Bunayon*, 54 Phil. 632). While it appears that the Church is the possessor for almost a century of the greater part of that tract of land embraced in its survey plan of P1-115 (Exh. "C"), it cannot be deemed to be in constructive possession of that portion now in question, considering that said plaintiff never materially occupied or exercised control over the same and that it has been in the adverse possession of the Decalengs for quite sometime (Art. 531, NCC; *Rosales vs Director of Lands*, 51 Phil 502). In effect, dominion over the portion have not passed to the plaintiff by operation of law by virtue of long and actual possession as a title or a mode of acquiring ownership (Art. 712, Par. 2, NCC; *Nolan v. Jalandoni*, 23 Phil. 299).

Anent those two (2) separate parcels at Ken-gedeng (Exhs. "D-2", "D-3", "D-4", "D-5"), the survey plans and tax declarations in the name of the plaintiff and predecessors in interest (Exhs. "X", "DD", "G", "H", "I") do not by themselves confer dominion of the proponent over the afore-mentioned parcels, albeit the same are included within the coverage of the documents. To be sure, the Church is the exclusive and continuous possessor, probably since 1902, of the south-eastern portion of the surveyed area where its building are erected and the surroundings thereof improved (Exhs. "X", "X-1" to "X-6"). This fact in conjunction with its said survey plans and tax declarations may prove ownership of the plaintiff of the premises mentioned (*Alamo vs Ignacio*, L-16434, Feb. 28, 1962). It cannot however be presumed, much less adjudged that the Church has constructive possession of the subject two separate parcels absent any showing that it materially occupied, and exercised control over said parcels at any given time in the same manner as it developed the rest of the portions within the plans and tax declarations. Not to mention the fact that the former lots have been all along in the adverse possession of the defendants. Hence, by law, the plaintiff Church did not acquire ownership and/or possession of those disputed lots at Ken-gedeng.

Penultimately, the counterclaim for damages interposed by the defensive party is denied for lack of merit and on the principle that no penalty should be attached on the right to litigate (Art. 2217, NCC; *Ramos vs. Ramos*, 61 SCRA 284)[25]

The fallo of the RTC Decision reads:

WHEREFORE, premises considered, judgment is hereby rendered in accordance with the prayer of the defendants, viz:

I. Dismissing the instant suit;

II. Ordering the plaintiff to pay attorney's fees and litigation expense in the reasonable sum of P120,000.00; and to pay the costs.[26]

The PEC-ENDP filed a Motion for Reconsideration of the aforementioned Decision on February 21, 1995 but the RTC denied said motion in an Order[27] dated May 11, 1995.

PEC-EDNP filed an appeal before the Court of Appeals which was docketed as CA-G.R. CV No. 49978.

While the case was pending before the Court of Appeals, Atty. Paul P. Sagayo, Jr. (Sagayo) and Atty. Floyd P. Lalwet (Lalwet) entered their appearance as counsels for PEC-EDNP on March 28, 1996. In the Notice of Appearance[28] and subsequent pleadings[29] filed by Attys. Sagayo and Lalwet, they included the following names as defendants: Simeon Dapliyan (Dapliyan), Gayagay,[30] Nicolas Imperial (Imperial), Juana Ullocan (Ullocan), and Mary Tudlong (Tudlong).

The Court of Appeals rendered its Decision on August 26, 2005, overturning the appealed RTC Decision because it was based on misplaced premises and contrary to law and jurisprudence. The Court of Appeals declared PEC-EDNP the true and real owner of the Ken-geka and Ken-gedeng properties.

The dispositive portion of the appellate court's Decision reads:

WHEREFORE, the judgment dated January 20, 1995 of the Regional Trial Court, Branch 16, Mountain Province is REVERSED and another one is ENTERED, as follows:

- (1) Declaring the plaintiff as the true and real owner of the properties subject of this controversy, namely, the parcel of land covered by Original Certificate of Title No. 1 and Lot 3 covered by Survey Plan PSU-118424; and
- (2) Ordering the defendants and all persons claiming under them to vacate the premises and surrender the peaceful possession thereof to the plaintiff or its duly authorized representative; and to refrain from further encroaching upon the plaintiff's properties.

Costs to be paid by the defendants.[31]

Spouses Decaleng and Lopez timely filed a Motion for Reconsideration of the foregoing Decision but it was denied by the appellate court in a Resolution[32] dated January 18, 2006. The spouses Decaleng (sans Lopez) then sought recourse before this Court via the instant Petition for Review on Certiorari, docketed as G.R. No. 171209.

Meanwhile, in a letter[33] dated February 12, 2006, addressed to then Supreme Court Justice Artemio V. Panganiban, through Assistant Court Administrator and Chief Public Information Officer Ismael G. Khan, Jr., Dapliyan, Gayagay, Imperial, Ullocan, and Tudlong questioned the Court of Appeals Decision dated August 26, 2005 in CA-G.R. CV No. 49978, specifically, their inclusion as party defendants in said case; and prayed that the same Decision be considered null and void.[34] In addition, a Petition (Re: Our lots in Sagada, Mountain Province, Philippines, subject matter of CA- G.R. CV No. 49978, entitled Philippine Episcopal Church represented by Rt. Rev. Robert O. Longid vs. Spouses Ambrosio Decaleng and Julia Wanay Decaleng, et al.) dated February 24, 2006, signed by 40 residents of Sagada,[35] Mountain Province, including Julia Wanay Decaleng, Maguen, Bawing, Gayagay, and Tudlong, likewise challenged the Decision dated August 26, 2005 of the Court of Appeals in CA-G.R. CV No. 49978 for awarding to PEC-EDNP their ancestral properties.[36] The letter dated February 12, 2006 and Petition dated February 24, 2006 were jointly docketed as UDK-13672 as they lack (1) proof of service and affidavit of service; (2) verification and certification on non-forum shopping; and (3) payment of docket fees.

In a Resolution[37] dated July 17, 2006, the Court resolved to consolidate UDK-13672 with G.R. No. 171209 considering that both cases assail the same Court of Appeals Decision; that Julia Wanay Decaleng is one of the signatories in UDK-13672 and at the same time, one of the petitioners in G.R. No. 171209; and five of the signatories of the Petition dated February 24, 2006 in UDK-13672 were defendants-appellees in the assailed Decision of the Court of Appeals.

However, in a Resolution[38] dated September 11, 2006, the Court already resolved to note without action the letter dated February 12, 2006 and Petition dated February 24, 2006 in UDK-13672.

Therefore, only the spouses Decaleng's Petition in G.R. No. 171209 is still pending action by this Court.

In their Petition, the spouses Decaleng made the following assignment of errors:

1. THE HONORABLE COURT OF APPEALS SERIOUSLY ERRED IN UPHOLDING THE SUPPOSED ORIGINAL CERTIFICATE OF TITLE NO. 1, NOTWITHSTANDING THE FINDING OF THE TRIAL COURT THAT IT DOES NOT EXIST AND IS, AT BEST, FICTITIOUS;
2. THE HONORABLE COURT OF APPEALS SERIOUSLY ERRED IN HOLDING THAT RESPONDENT HAS ESTABLISHED ITS OWNERSHIP AND POSSESSION OVER THE LOTS IN DISPUTE,

NOTWITHSTANDING THE FINDING OF THE TRIAL COURT THAT SAID LOTS WERE POSSESSED AND OCCUPIED BY THE PETITIONERS AND THEIR PREDECESSORS IN INTEREST;

3. THE HONORABLE COURT OF APPEALS SERIOUSLY ERRED IN FAILING TO APPLY THE DOCTRINE LAID DOWN IN CARINO VS. INSULAR GOVERNMENT, 41 PHIL 935, AND OTHER RELATED CASES IN FAVOR OF THE PETITIONERS.[39]

Prefatorily, it is already a well-established rule that the Court, in the exercise of its power of review under Rule 45 of the Rules of Court, is not a trier of facts and does not normally embark on a re-examination of the evidence presented by the contending parties during the trial of the case, considering that the findings of facts of the Court of Appeals are conclusive and binding on the Court.[40] This rule, however, admits of exceptions as recognized by jurisprudence, to wit:

(1) [W]hen the findings are grounded entirely on speculation, surmises or conjectures; (2) when the inference made is manifestly mistaken, absurd or impossible; (3) when there is grave abuse of discretion; (4) when the judgment is based on misapprehension of facts; (5) when the findings of facts are conflicting; (6) when in making its findings the Court of Appeals went beyond the issues of the case, or its findings are contrary to the admissions of both the appellant and the appellee; (7) when the findings are contrary to the trial court; (8) when the findings are conclusions without citation of specific evidence on which they are based; (9) when the facts set forth in the petition as well as in the petitioner's main and reply briefs are not disputed by the respondent; (10) when the findings of fact are premised on the supposed absence of evidence and contradicted by the evidence on record; and (11) when the Court of Appeals manifestly overlooked certain relevant facts not disputed by the parties, which, if properly considered, would justify a different conclusion.[41]

The case at bar falls under one of the exceptions, as the factual conclusions of the RTC and the Court of Appeals are in conflict with each other. Thus, the Court must necessarily return to the evidence on record and make its own evaluation thereof.

An accion reivindicatoria is an action to recover ownership over real property.[42] Article 434 of the New Civil Code provides that to successfully maintain an action to recover the ownership of a real property, the person who claims a better right to it must prove two things: first, the identity of the land claimed by describing the location, area, and boundaries thereof; and second, his title thereto.[43]

The Court finds that PEC-EDNP was able to successfully prove both requisites by preponderance of evidence, both documentary and testimonial.

The identity of the properties over which PEC-EDNP asserts ownership is well-established. The Ken-geka property is covered by Certificate of Title No. 1, while the Ken-gedeng property is identified as Lot 3 of Survey Plan PSU-118424. The location, area, and boundaries of said properties were verified by relocation surveys conducted in 1947,[44] 1968,[45] 1987,[46] 1991[47] and 1993.[48]

PEC-EDNP likewise proved its title to the Ken-geka and Ken-gedeng properties. The Ken-geka property was registered in the name of the U.S. Episcopal Church under Certificate of Title No. 1 issued on February 18, 1915. It was conveyed by the U.S. Episcopal Church to PEC through a Deed of Donation dated April 24, 1974. It was declared by the U.S. Episcopal Church and PEC-EDNP for real property tax purposes under Tax Declaration Nos. 6307, 14326, and A-11179.[49] Although not yet covered by any certificate of title, the Ken-gedeng property had been occupied under claim of title (en concepto de dueño) by PEC-EDNP and its predecessor-in-interest, the U.S. Episcopal Church, since the latter's arrival in 1901. It was declared by the U.S. Episcopal Church and PEC-EDNP for real property tax purposes under Tax Declaration Nos. 14325 and 6306.[50] PEC-EDNP's officers, priests, and employees, as well as the Sagada residents testified as to actual possession by PEC-EDNP of the Ken-geka and Ken-gedeng properties by the introduction of improvements such as permanent buildings, pine

trees, fruit trees, and vegetable gardens thereon.

The Court quotes with approval the following observations of the Court of Appeals in its Decision dated August 26, 2005:

The plaintiff established its ownership and possession of the contested lots through the various documents under and in the name of its predecessor-in-interest, the [U.S. Episcopal Church], specifically: deed of donation; approved plat of sales survey; and the approved survey plan and owner's copies of Tax Declaration Nos. 6307, 14326, A-11179, 14325 and 6306. In contrast, the defendants mainly relied on the supposed non-existence of OCT No. 1 that rested solely on the certification of Atty. Dulay-Papa of the Registry of Deeds-Mountain Province.

We consider the testimonial and documentary evidence of the plaintiff sufficient, clear and competent in establishing its absolute ownership and actual possession of the disputed areas which were within its properties. The survey plans, prepared upon the request of the plaintiff, were approved by the Director of Lands, which, standing alone, might not be conclusive proofs of ownership, but were already proof that the plaintiff had taken steps to assert and protect its ownership and possession of the premises. Being public documents, such survey plans were entitled to great weight and credence as "evidence of the facts which gave rise to their execution." Moreover, the plaintiff's tax declarations, although not proof of ownership, were strong evidence of ownership for being coupled with possession for a period sufficient for prescription. In sum, the plaintiff's documentary evidence was overwhelming.

The plaintiff's testimonial evidence was equally formidable, because it was provided by witnesses who were very knowledgeable and reliable. Fr. Arthur Bosaing had resided in the property for almost 26 years, such that his testimony that the disputed parcels were inside the mission lot where a building and other improvements of the plaintiff were found might not be disputed. Retired Bishop Robert Lee O. Longid attested that he and his father had lived from 1928 to 1931 in a building called the Fox House, which was located near the portion being claimed by the Decalengs. Even defendant Julia Decaleng admitted on cross-examination that there was a building owned by the plaintiff in one of the disputed lots. She was referring to the plaintiff's building known as Doctor's Quarters which was then occupied by Fr. Bosaing.

It is apt to observe that actual possession of an owner did not need to be the actual and physical possession and occupation of every inch or portion of the property. That is an impossibility. Constructive possession is sufficient, for, according to *Ramos v. Director of Lands*: "The claimant has color of title; he acted in good faith; and he has had open, peaceable, and notorious possession of a portion of the property, sufficient to apprise the community and the world that the land was for his enjoyment. (See Arts. 446, 448, Civil Code.) Possession in the eyes of the law does not mean that a man has to have his feet on every square meter of ground before it can be said that he is in possession. x x x"[51]

The spouses Decaleng attempt to raise doubts as to the title of PEC-EDNP over the Ken-geka property by insisting that (1) PEC-EDNP failed to present the original copies of Certificate of Title No. 1 and the Deed of Donation dated April 24, 1974 during the trial before the RTC; and (2) Certificate of Title No. 1 does not exist based on the Certification dated July 20, 1992 of Register of Deeds Angela Dailay-Papa (Dailay-Papa) of the Mountain Province.

It is worthy to point out that PEC-EDNP presented and marked the photocopies of Certificate of Title No. 1 and the Deed of Donation dated April 24, 1974 in the course of the testimony of Rev. Henry Hakcholna on June 10, 1993 before the RTC. Even though the defense counsel stated for the record the defense's position that Certificate of Title No. 1 is non-existent, he did not make any objection to the presentation and marking of the photocopies of Certificate of Title No. 1 and the Deed of Donation dated April 24, 1974 by PEC-EDNP, and even admitted that said photocopies appear to be faithful reproductions of the "purported" original documents.[52]

Relevant herein is the pronouncement of the Court in *Caraan v. Court of Appeals*,^[53] wherein it accepted in evidence a mere photocopy of the document:

Petitioners' asseveration that TCT No. RT-71061 (214949) should not have been admitted into evidence because private respondents merely presented the photocopy thereof is also unmeritorious. Private respondents presented the original of TCT No. RT-71061 (214949) in open court during the hearing held on April 13, 1994.
x x x.

x x x x

Furthermore, no objection was raised by counsel for petitioners in their written opposition/comment to private respondents' offer of evidence regarding the fact that what was marked and submitted to the court was the photocopy. In *Blas vs. Angeles-Hutalla*, the Court held thus:

The established doctrine is that when a party failed to interpose a timely objection to evidence at the time they were offered in evidence, such objection shall be considered as waived. In *Tison v. Court of Appeals*, the Supreme Court set out the applicable principle in the following terms:

[F]or while the documentary evidence submitted by petitioners do not strictly conform to the rules on their admissibility, we are, however, of the considered opinion that the same may be admitted by reason of private respondent's failure to interpose any timely objection thereto at the time they were being offered in evidence. It is elementary that an objection shall be made at the time when an alleged inadmissible document is offered in evidence, otherwise, the objection shall be treated as waived, since the right to object is merely a privilege which the party may waive.

As explained in *Abrenica vs. Gonda, et al.*, it has been repeatedly laid down as a rule of evidence that a protest or objection against the admission of any evidence must be made at the proper time, otherwise, it will be deemed to have been waived. The proper time is when from the question addressed to the witness, or from the answer thereto, or from the presentation of the proof, the inadmissibility of the evidence is, or may be inferred.

Thus, a failure to except to the evidence because it does not conform with the statute is a waiver of the provisions of the law. . . .

Hence, considering the fact that counsel for petitioners admitted that the photocopy of TCT No. RT-71061 (214949) is a faithful reproduction of the original thereof, stipulated with private respondents' counsel that what will be marked and submitted to the trial court as Exhibit A is the photocopy, and the lack of objection on such ground which is then deemed a waiver thereof, the admission into evidence of the photocopy of TCT No. RT-71061 was absolutely correct.^[54]

Also instructive on this point is *Quebral v. Court of Appeals*,^[55] where the Court ruled that:

Even if it were true that Exhibit K consisted of a mere photocopy and not the original of the petitioner's letter, petitioner nevertheless failed to make timely objection thereto. As to when an objection to a document must be made, the Court ruled in *Interpacific Transit, Inc. v. Aviles* [186 SCRA 385 (June 6, 1990)]:

Objection to the documentary evidence must be made at the time it is formally offered, not earlier. The identification of the document before it is marked as an exhibit does not constitute the formal offer of the document as evidence for the party presenting it. Objection to the identification and marking of the document is not equivalent to objection to the document when it is formally offered in evidence. What really matters is the objection to the document at the time it is formally offered as an exhibit.

In the case at bench, no such timely objection was ever made. Consequently, the evidence not objected to became property of the case, and all the parties to the case are considered amenable to any favorable or unfavorable effects resulting from the evidence. x x x."^[56]

In any case, PEC-EDNP subsequently submitted to the RTC its original copies of Certificate of Title No. 1 and Deed of Donation dated April 24, 1974, together with its Motion for Reconsideration of the RTC Decision dated January 20, 1995.

As for the spouses Decaleng's contention that Certificate of Title No. 1 does not exist, the Court fully agrees with the Court of Appeals that the same constitutes a collateral attack of Certificate of Title No. 1.

It is a hornbook principle that "a certificate of title serves as evidence of an indefeasible title to the property in favor of the person whose name appears therein." [57] In order to establish a system of registration by which recorded title becomes absolute, indefeasible, and imprescriptible, the legislature passed Act No. 496, which took effect on February 1, 1903. Act No. 496 placed all registered lands in the Philippines under the Torrens system. The Torrens system requires the government to issue a certificate of title stating that the person named in the title is the owner of the property described therein, subject to liens and encumbrances annotated on the title or reserved by law. The certificate of title is indefeasible and imprescriptible and all claims to the parcel of land are quieted upon issuance of the certificate. Presidential Decree No. 1529, known as the Property Registration Decree, enacted on June 11, 1978, amended and updated Act No. 496. [58]

Section 48 of Presidential Decree No. 1529 provides:

Section 48. Certificate not subject to collateral attack. – A certificate of title shall not be subject to collateral attack. It cannot be altered, modified, or cancelled except in a direct proceeding in accordance with law.

A Torrens title cannot be attacked collaterally, and the issue on its validity can be raised only in an action expressly instituted for that purpose. [59] A collateral attack is made when, in another action to obtain a different relief, the certificate of title is assailed as an incident in said action. [60]

In this case, the original complaint filed by PEC-EDNP before the RTC is for accion publiciana and accion reivindicatoria (for recovery of possession and ownership) of the Ken-geka and Ken-gedeng properties. In said complaint, PEC-EDNP alleged ownership of the Ken-geka property as evidenced by Certificate of Title No. 1. In their defense, the spouses Decaleng raised issues as to the validity of Certificate of Title No. 1 (by asserting in their Answer that Certificate of Title No. 1 covered an area much larger than that actually owned by PEC-EDNP), and as to the existence of Certificate of Title No. 1 (by presenting Mountain Province Register of Deeds Dailay-Papa's certification that Certificate of Title No. 1 does not appear in the record of registered titles). Nevertheless, the spouses Decaleng only sought the dismissal of the complaint of PEC-EDNP, plus the grant of their counterclaim for the payment of moral damages, exemplary damages, litigation expenses, and attorney's fees; and they conspicuously did not pray for the annulment or cancellation of Certificate of Title No. 1. Evidently, the spouses Decaleng's attack on the validity, as well as the existence of Certificate of Title No. 1 is only incidental to their defense against the accion publiciana and accion reivindicatoria instituted by PEC-EDNP, hence, merely collateral.

The spouses Decaleng, in an effort to skirt the prohibition against collateral attack of certificates of title, argue that they are not attacking the validity of Certificate of Title No. 1, but, rather, the existence of such a certificate. The Court notes that the spouses Decaleng did not only put in issue the purported non-existence of Certificate of Title No. 1, but also questioned the validity of the certificate itself.

The Court stresses that PEC-EDNP submitted to the RTC the owner's duplicate certificate of Certificate of Title No. 1, which can be used in evidence before Philippine courts in the same way as the original certificates in the registration book. Section 47 of Act No. 496 clearly states:

SEC. 47. The original certificate in the registration book, any copy thereof duly certified under the signature of

the clerk, or of the register of deeds of the province or city where the land is situated, and the seal of the court, and also the owner's duplicate certificate, shall be received as evidence in all the courts of the Philippine Islands and shall be conclusive as to all matters contained therein except as far as otherwise provided in this Act.

Moreover, Mountain Province Register of Deeds Dailay-Papa's certification to the effect that Certificate of Title No. 1 does not appear in the record of registered titles does not necessarily mean that such certificate has never been issued. As the Court held in *Chan v. Court of Appeals*[61]:

Petitioners' submission that OCT 2553 is not in the records of the Registry of Deeds concerned and the xerox copy of subject title exhibited before the trial court was not a genuine and faithful reproduction of the original copy of said certificate of title does not merit serious consideration. The mere fact that the Registry of Deeds of the Province of Rizal does not have the original of a certificate of title does not necessarily mean that such title never existed because the same could have been lost, stolen, or removed from where said title was kept. To show that no record of the original certificate of title in question existed requires a preponderance of proof petitioners failed to adduce.[62] (Emphasis supplied.)

In fact, in the present case, the Records Management Division Chief Jose C. Mariano, for the Director of Lands, wrote a letter dated August 31, 1993 addressed to the counsel for PEC-EDNP, giving the reason for the lack of records on the sales patent for the Ken-geka property and Certificate of Title No. 1 issued to the U.S. Episcopal Church:

In reply to your letter dated August 25, 1993, we regret to inform you that we have no reconstituted records of pre-war sales application of the Domestic and Foreign Missionary Society of the Protestant Episcopal Church in the United States of America, which the basis of the issuance of alleged Sales Patent No. 14 on February 18, 1915. It may be informed further that all our pre-war records were burned and/or destroyed when the Oriente Building where the Bureau of Lands was then housed was razed by fire during the liberation of Manila.[63] (Emphasis supplied.)

In contrast, the spouses Decaleng were unable to present convincing evidence to establish their rights of possession and ownership over the disputed properties superior to those of PEC-EDNP. The spouses Decaleng could not even establish the identity of the properties they claim to own. Although the spouses Decaleng were able to give the purported area measurements of said properties, they could not give the exact location and boundaries thereof. Assuming as true that the spouses Decaleng received properties from their parents as part of the ay-yeng or liw-liwa custom, there is no showing that such properties thus given to them are actually the same as the ones they are now occupying.

The spouses Decaleng were similarly vague as to the basis of their title. The evidence for the spouses Decaleng do not establish how their predecessors-in-interest acquired the disputed properties and how long they and their predecessors-in-interest have been in possession of the same.

While the spouses Decaleng testified that they inherited the properties in Ken-geka and Ken-gedeng from their parents who, in turn, inherited the same from their own parents, there still remains the question as to how the spouses Decaleng's predecessors-in-interest originally came into possession of the subject properties.

In their Answer before the RTC, the spouses Decaleng alleged possession of their properties from time immemorial or, at least, certainly for more than 50 years. These two allegations actually proffer two different bases for title: the first refers to a native title acquired through ancient possession of the land, which means that the land never became public land at all; while the second denotes an imperfect title acquired through the occupation of agricultural public land for the requisite period. The evidence submitted by the spouses Decaleng did not support either allegation.

In *Cariño v. Insular Government*,^[64] the United States Supreme Court granted an Igorot's application for registration of a piece of land in Benguet based on the latter's possession of the land from time immemorial, ratiocinating thus:

It might, perhaps, be proper and sufficient to say that when, as far back as 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. Certainly in a case like this, if there is doubt or ambiguity in the Spanish law, we ought to give the applicant the benefit of the doubt. x x x.

If the applicant's case is to be tried by the law of Spain, we do not discover such clear proof that it was bad by that law as to satisfy us that he does not own the land. To begin with, the older decrees and laws cited by the counsel for the plaintiff in error seem to indicate pretty clearly that the natives were recognized as owning some lands, irrespective of any royal grant. In other words, Spain did not assume to convert all the native inhabitants of the Philippines into trespassers or even into tenants at will. For instance, Book 4, title 12, Law 14 of the *Recopilación de Leyes de las Indias*, cited for a contrary conclusion in *Valenton vs. Murciano*, 3 Philippine, 537, while it commands viceroys and others, when it seems proper, to call for the exhibition of grants, directs them to confirm those who hold by good grants or *justa prescripción*. It is true that it begins by the characteristic assertion of feudal overlordship and the origin of all titles in the King or his predecessors. That was theory and discourse. The fact was that titles were admitted to exist that owed nothing to the powers of Spain beyond this recognition in their books.

Prescription is mentioned again in the royal cedula of October 15, 1754, cited in 3 Philippine, 546; "Where such possessors shall not be able to produce title deeds, it shall be sufficient if they shall show that ancient possession, as a valid title by prescription." It may be that this means possession from before 1700; but at all events, the principle is admitted. As prescription, even against Crown lands, was recognized by the laws of Spain we see no sufficient reason for hesitating to admit that it was recognized in the Philippines in regard to lands over which Spain had only a paper sovereignty.^[65]

From the testimonies of the spouses Decaleng and their witnesses, the Court can glean actual possession of the properties in Ken-geka and Ken-gedeng by the spouses Decaleng and their predecessors-in-interest only as far back as the 1920s.^[66] This hardly constitutes possession since time immemorial judging by the standard set by the Court in *Oh Cho v. Director of Lands*^[67]:

The applicant failed to show that he has title to the lot that may be confirmed under the Land Registration Act. He failed to show that he or any of his predecessors in interest had acquired the lot from the Government, either by purchase or by grant, under the laws, orders and decrees promulgated by the Spanish Government in the Philippines, or by possessory information under the Mortgage Law (section 19, Act 496). All lands that were not acquired from the Government, either by purchase or by grant, belong to the public domain. An exception to the rule would be any land that should have been in the possession of an occupant and of his predecessors in interest since time immemorial, for such possession would justify the presumption that the land had never been part of the public domain or that it had been a private property even before the Spanish conquest. (*Carino vs. Insular Government*, 212 U.S., 449; 53 Law. ed., 594.) The applicant does not come under the exception, for the earliest possession of the lot by his first predecessor in interest began in 1880.^[68] (Emphases supplied.)

Neither can the spouses Decaleng claim imperfect title to the properties in Ken-geka and Ken-gedeng for such can only be acquired by possession of lands of the public domain for the period required by law.^[69] Because the spouses Decaleng failed to provide and prove the necessary details on how and when their predecessors-in-interest came to possess the disputed properties, there is no way for the Court to determine whether or not said properties were still part of the public domain when occupied by the spouses Decaleng's predecessors-in-interest. As the Court previously found herein, the Ken-geka property was already covered by a

Certificate of Title issued in the name of the U.S. Episcopal Church (the predecessor-in-interest of PEC-EDNP) on February 18, 1915 and the Ken-gedeng property had been in the possession under claim of title by the U.S. Episcopal Church ever since its arrival in the Mountain Province in 1901.

WHEREFORE, the Petition of the spouses Decaleng in G.R. No. 171209 is hereby DENIED for lack of merit. The assailed Decision dated August 26, 2005 and Resolution dated January 18, 2006 of the Court of Appeals in CA-G.R. CV No. 49978 are AFFIRMED.

SO ORDERED.

Velasco, Jr.,[*] Del Castillo, Villarama, Jr., and Perlas-Bernabe,[***] JJ., concur.
Leonardo-De Castro,[**] J., (Acting Chairperson).

[1] Per January 25, 1994 Order of the RTC, Bontoc, Mt. Province. The heirs are the children of spouses Ambrosio Decaleng and Julia “Wanay” Decaleng, namely: Mercedes D. Fonite, Elizabeth D. Tzoganatous, Esther D. Tongbaban, Nora D. Sumcad, Mary D. Capuyan, Nellie D. Dagacan, Mariano Decaleng, and Beverly D. Bawing. (Records, p. 190.)

[*] Per Raffle dated March 12, 2012.

[**] Per Special Order No. 1226 dated May 30, 2012.

[***] Per Special Order No. 1227 dated May 30, 2012.

[2] Rollo (G.R. No. 171209), pp. 54-74; penned by Associate Justice Lucas P. Bersamin (now a member of this Court) with Associate Justices Andres B. Reyes, Jr. and Celia C. Librea-Leagogo, concurring.

[3] Id. at 93-95.

[4] Id. at 280.

[5] Records, p. 7; Annex A.

[6] SEC. 122. Whenever public lands in the Philippine Islands belonging to the Government of the United States or to the Government of the Philippine Islands are alienated, granted, or conveyed to persons or to public or private corporations, the same shall be brought forthwith under the operation of this Act and shall become registered lands. It shall be the duty of the official issuing the instrument of alienation, grant, or conveyance in behalf of the Government to cause such instrument, before its delivery to the grantee, to be filed with the register of deeds for the province where the land lies and to be there registered like other deeds and conveyances, whereupon a certificate shall be entered as in other cases of registered land, and an owner’s duplicate certificate issued to the grantee. The deed, grant, or instrument of conveyance from the Government to the grantee shall not take effect as a conveyance or bind the land, but shall operate as a contract between the Government and the grantee and as evidence of authority to the clerk or register of deeds to make registration. The act of registration shall be the operative act to convey and affect the lands, and in all cases under this Act registration shall be made in the office of the register of deeds for the province where the land lies. The fees for registration shall be paid by the grantee. After due registration and issue of the certificate and owner’s duplicate such land shall be registered land for all purposes under this Act.

[7] Records, p. 9; Annex B.

[8] Id. at 8-13.

[9] Id. at 2.

[10] Id. at 3.

[11] Id. at 103.

[12] Id. at 3-4.

[13] Id. at 5-6.

[14] Id. at 26.

[15] Id. at 27.

[16] Id. at 33-38.

[17] Id. at 81.

[18] Id. at 105.

[19] Id. at 106.

[20] Id. at 110-117.

[21] Id. at 118.

[22] Id. at 146-147.

[23] Id. at 121.

[24] Id. at 241-256.

[25] Id. at 254-256.

[26] Id. at 256.

[27] Id. at 285.

[28] CA rollo, pp. 12-13.

[29] Id. at 14-61, 62-64, and 66-68.

[30] One name only.

[31] Rollo (G.R. No. 171209), p. 73.

[32] Id. at 93-95.

[33] They were those who were included as defendants-appellants when the case was on appeal before the Court of Appeals.

[34] Rollo (UDK-13672), pp. 8-9.

[35] Although 46 petitioners were named in the Petition, only 40 actually signed the same.

[36] Rollo (UDK-13672), pp. 4-5.

[37] Id. at 49.

[38] Id. at 51.

- [39] Rollo (G.R. No. 171209), pp. 5-36.
- [40] Apex Mining Co., Inc. v. Southeast Mindanao Gold Mining Corp., 525 Phil. 436 (2006).
- [41] Id. at 459.
- [42] Evadel Realty and Development Corporation v. Spouses Soriano, 409 Phil. 450, 461 (2001).
- [43] Spouses Hutchison v. Buscas, 498 Phil. 276, 262 (2005).
- [44] Records, p. 16; Annex E.
- [45] Id. at 15; Annex D.
- [46] Testimony of Lorenzo Agagen; TSN, January 12, 1993, pp. 3-7.
- [47] Testimony of Paul Sapaen; TSN, November 9, 1992, p. 28.
- [48] Testimony of Fred Yamashita; TSN, April 29, 1993, pp. 22-23.
- [49] Records, pp. 125-127; Exhibits E, F and G.
- [50] Id. at 128-129; Exhibits H and I.
- [51] Rollo (G.R. No. 171209), pp. 68-70.
- [52] TSN, June 10, 1993, pp. 5-6.
- [53] 511 Phil. 162 (2005).
- [54] Id. at 172-173.
- [55] 322 Phil. 387 (1996).
- [56] Id. at 401.
- [57] Caraan v. Court of Appeals, supra note 53 at 169-170.
- [58] Collado v. Court of Appeals, 439 Phil. 149, 168 (2002).
- [59] Datu Kiram Sampaco v. Hadji Serad Mingca Lantud, G.R. No. 163551, July 18, 2011, 654 SCRA 36, 54-55.
- [60] S.J. Vda. de Villanueva v. Court of Appeals, 403 Phil. 721, 732 (2001).
- [61] 359 Phil. 242 (1998).
- [62] Id. at 257.
- [63] Records, p. 152.
- [64] 41 Phil. 935 (1909).
- [65] Id. at 941-942.
- [66] A rough determination based on the ages of the witnesses (who were around 70-80 years old when they took the witness stand before the RTC in 1993-1994) and their testimonies that they actually saw the parents of the spouses Decaleng working on the properties.
- [67] 75 Phil. 890 (1946).

[68] Id. at 892.

[69] Imperfect or incomplete titles to public agricultural lands may be confirmed by judicial legalization or by administrative legalization (free patent). (Sec. 11 [Commonwealth Act No. 141, otherwise known as the Public Land Act].)

Sec. 44 of the Public Land Act provides:

Sec. 44. Any natural-born citizen of the Philippines who is not the owner of more than twelve (12) hectares and who, for at least thirty (30) years prior to the effectivity of this amendatory Act, has continuously occupied and cultivated, either by himself or through his predecessors-in-interest a tract or tracts of agricultural public land subject to disposition, who shall have paid the real estate tax thereon while the same has not been occupied by any person shall be entitled, under the provisions of this Chapter, to have a free patent issued to him for such tract or tracts of such land not to exceed twelve (12) hectares. (As amended by RA No. 782, and by RA No. 6940, approved March 28, 1990.)

A member of the national cultural minorities who has continuously occupied and cultivated, either by himself or through his predecessors-in-interest, a tract or tracts of land, whether disposable or not since July 4, 1955, shall be entitled to the right granted in the preceding paragraph of this section: Provided, That at the time he files his free patent application he is not the owner of any real property secured or disposable under this provision of the Public Land Law. (As amended by Rep. Act No. 3872, approved June 18, 1964.) Emphasis supplied.)

Section 48 of the Public Land Act, as amended by Presidential Decree No. 1073, reads:

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:

(a) [Repealed by Presidential Decree No. 1073].

(b) Those who by themselves or through their predecessors in interest have been in the open, continuous, exclusive, and notorious possession and occupation of alienable and disposable 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.

(c) Members of the national cultural minorities who by themselves or through their predecessors-in-interest have been in open, continuous, exclusive and notorious possession and occupation of lands of alienable lands of the public domain, under a bona fide claim of ownership shall be entitled to the rights granted in subsection (b) hereof. (Emphasis supplied.)

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