

VICENTE YU CHANG AND SOLEDAD YU CHANG, PETITIONERS, VS. REPUBLIC OF THE PHILIPPINES, RESPONDENT.*G.R. No. 171726. February 23, 2011*

Ponente: VILLARAMA, JR., J.

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This petition for review on certiorari under Rule 45 of the 1997 Rules of Civil Procedure, as amended, assails the Decision[1] dated August 26, 2005 and the Resolution[2] dated February 13, 2006 of the Court of Appeals (CA) in CA-G.R. CV No. 67430. The CA reversed and set aside the April 28, 2000 Decision[3] of the Regional Trial Court of Pili, Camarines Sur, Branch 31, in LRC No. P-115, LRA Rec. No. N-68012, which granted petitioners' application for registration of title over two parcels of land, denominated as Lots 2199 and 2200 of Cad. 291, Pili Cadastre.

The antecedent facts, as culled from the records, are as follows:

On March 22, 1949, petitioners' father, L. Yu Chang[4] and the Municipality of Pili, Camarines Sur, through its then Mayor, Justo Casuncad, executed an Agreement to Exchange Real Property[5] wherein the former assigned and transferred to the Municipality of Pili his 400-square-meter residential lot in Barrio San Roque, Pili, Camarines Sur, in exchange for a 400-square-meter piece of land located in San Juan, Pili. Thereafter, L. Yu Chang and his family took possession of the property thus obtained and erected a residential house and a gasoline station thereon. He also declared the property in his name under Tax Declaration No. 01794[6] and 01795[7] and paid the real property taxes thereon as evidenced by twenty-eight (28) official receipts from February 21, 1951 up to March 10, 1976. When L. Yu Chang died on September 30, 1976, his wife, Donata Sta. Ana and his seven children inherited the property and succeeded in the possession of the property.

On March 1, 1978, a Deed of Transfer and Renunciation[8] of their rights over the property was executed by L. Yu Chang's five children, Rafaela, Catalina, Flaviana, Esperanza, and Antonio, in favor of herein petitioners. After the transfer, petitioners had the subject property surveyed and subdivided into two lots, Lot 2199[9] and Lot 2200[10] of Plan SWO-05-000888, Pili Cadastre. Petitioners also declared the lots in their names for taxation purposes as shown in Tax Declaration No. 02633[11] and paid the real property taxes thereon.

On February 21, 1997, petitioner Soledad Yu Chang, for herself and in representation of her brother and co-petitioner, Vicente Yu Chang, filed a petition[12] for registration of title over the aforementioned lots under the Property Registration Decree. In their petition, they declared that they are the co-owners of the subject lots; that they and their predecessors-in-interest "have been in actual, physical, material, exclusive, open, occupation and possession of the above described parcels of land for more than 100 years"[13]; and that allegedly, they have continuously, peacefully, and adversely possessed the property in the concept of owners. Hence, they are entitled to confirmation of ownership and issuance and registration of title in their names.

In support of their application, petitioners submitted the following documents, to wit:

- Agreement to Exchange Real Property;
- Deed of Transfer and Renunciation;
- Approved Plan of Lot 2199 and Lot 2200, Cad. 291, Pili Cadastre;
- Approved Technical Description of Lot 2199;
- Approved Technical Description of Lot 2200;
- Field Appraisal and Assessment Sheet (FAAS) A.R.P. No. 026-044 for Lot 2199 Cad. 291; and
- Field Appraisal and Assessment Sheet (FAAS) A.R.P. No. 026-043 for Lot 2200 Cad. 291 Pili Cadastre.

The Republic, through the Office of the Solicitor General (OSG), filed an Opposition^[14] to the application, alleging, inter alia, that: (1) neither the applicants nor their predecessors-in-interest have been in open, continuous, exclusive and notorious possession of the land since June 12, 1945 or prior thereto; (2) the muniments of title, tax declarations and tax receipts do not constitute competent and sufficient evidence of a bona fide acquisition of the land; and (3) that the parcels of land applied for are portions of the public domain and are not subject to private appropriation.

No other parties filed their opposition. Thus, on December 14, 1998, an Order of General Default^[15] was issued by the trial court.

After hearing, the trial court rendered a Decision granting petitioners' application. The fallo of the trial court's decision reads:

WHEREFORE, in view of the foregoing, decision is hereby rendered as follows:

1. Confirming the imperfect title of the herein applicants Vicente Yu Chang and Soledad Yu Chang over the two (2) parcels of land described in paragraph two (2) page 2 of the Petition, particularly Lot 2199, Plans S"0-05-000888, Cad. 291, Pili Cadastre and Lot 2200, Plan SWO-05-000888, Cad. 291, Pili Cadastre; both Filipino citizens, residents of #14 Joaquin St., Corinthian Garden, Quezon City and San Juan, Pili, Camarines Sur respectively;
2. Ordering the dismissal of the application in the Cadastral proceeding with respect to Lots 2199 and 2200, Cad. 291, Pili Cadastre under CAD Case No. N-9;
3. After finality of this decision, let the corresponding decree of registration be issued by the Administrator, Land Registration Authority to the herein applicants above-mentioned.

SO ORDERED.^[16]

The Republic appealed the decision to the CA on the ground that the court a quo erred in granting petitioners' application for registration of Lots 2199 and 2200 despite their failure to show compliance with the requirements of the law. In addition, the Republic asserted that the land was classified as public forest land; hence, it could not be subject to appropriation and alienation.

As aforesaid, the CA reversed the trial court's decision on August 26, 2005, and dismissed petitioners' application for land registration. The CA considered the petition to be governed by Section 48(b) of Commonwealth Act (C.A.) No. 141 or the Public Land Act, as amended, and held that petitioners were not able to present incontrovertible evidence that the parcels of land sought to be registered are alienable and disposable.^[17] The CA relied on the testimony of Lamberto Orcena, Land Management Officer III of CENRO, Iriga City, who testified that prior to October 30, 1986, the entire area encompassing the right side of the Naga-Legaspi Highway,

including the subject properties, was classified as forest land. According to the CA, even if the area within which the subject properties are located is now being used for residential and commercial purposes, such fact will not convert the subject parcels of land into agricultural land.[18] The CA stressed that there must be a positive act from the government declassifying the land as forest land before it could be deemed alienable or disposable land for agricultural or other purposes.[19]

Additionally, the CA noted that the lands sought to be registered were declared disposable public land only on October 30, 1986. Thus, it was only from that time that the period of open, continuous and notorious possession commenced to toll against the State.

Aggrieved, petitioners are now before this Court via the present appeal, raising the sole issue of whether the appellate court erred in dismissing their application for registration of title on the ground that they failed to prove compliance with the requirements of Section 48(b) of the Public Land Act, as amended.

Petitioners insist that the subject properties could no longer be considered and classified as forest land since there are buildings, residential houses and even government structures existing and standing on the land.[20] In their Memorandum,[21] petitioners point out that the original owner and possessor of the subject land was the Municipal Government of Pili which was established in 1930. The land was originally part of the municipal ground adjacent to the Municipal Building located at the right side of the Naga-Legaspi National Highway.[22] From 1949, when L. Yu Chang acquired the property through barter and up to the filing of petitioners' application in 1997, petitioners and their predecessors-in-interest had been in actual physical and material possession of the land in the concept of an owner, notorious and known to the public and adverse to the whole world.

The Republic, through the OSG, for its part, maintains that petitioners failed to prove their open, continuous, exclusive and notorious possession of the subject lots for the period of time required by law. The OSG also submits that the subject lands were declared as alienable and disposable only on October 30, 1986.

We deny the petition for lack of merit.

Section 48(b) of the Public Land Act, as amended by P.D. 1073, under which petitioners' application was filed, provides:

SEC. 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 Regional Trial Court of the province or city where the land is located for confirmation of their claims and the issuance of a certificate of title therefor, under the Property Registration Decree, to wit:

x x x x

(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 agricultural lands of the public domain, under a bona fide claim of acquisition or ownership, since June 12, 1945, except when prevented by war or force majeure. These shall be conclusively presumed to have performed all the conditions essential to a Government grant and shall be entitled to a certificate of title under the provisions of this chapter.

x x x x[23]

Under this provision, in order that petitioners' application for registration of title may be granted, they must first establish the following: (1) that the subject land forms part of the disposable and alienable lands of the public domain and (2) that they have been in open, continuous, exclusive and notorious possession and occupation of the same under a bona fide claim of ownership, since June 12, 1945, or earlier.[24] Applicants must overcome the presumption that the land they are applying for is part of the public domain and that they have an interest therein

sufficient to warrant registration in their names arising from an imperfect title.[25]

In the instant case, petitioners did not adduce any evidence to the effect that the lots subject of their application are alienable and disposable land of the public domain. Instead, petitioners contend that the subject properties could no longer be considered and classified as forest land since there are building structures, residential houses and even government buildings existing and standing on the area. This, however, is hardly the proof required under the law. As clarified by this Court in *Heirs of Jose Amunategui v. Director of Forestry*,[26] a forested area classified as forest land of the public domain does not lose such classification simply because loggers or settlers may have stripped it of its forest cover. Parcels of land classified as forest land may actually be covered with grass or planted with crops by kaingin cultivators or other farmers. "Forest lands" do not have to be on mountains or in out-of-the-way places. The classification of land is descriptive of its legal nature or status and does not have to be descriptive of what the land actually looks like.[27] Unless and until the land classified as forest land is released in an official proclamation to that effect so that it may form part of the disposable agricultural lands of the public domain, the rules on confirmation of imperfect title do not apply.[28] As aptly held by the appellate court:

[T]he fact that the area within which the subject parcels of land are located is being used for residential and commercial purposes does not serve to convert the subject parcels of land into agricultural land. It is fundamental that before any land may be declassified from the forest group and converted into alienable or disposable land for agricultural or other purposes, there must be a positive act from the government. A person cannot enter into forest land and by the simple act of cultivating a portion of that land, earn credits towards an eventual confirmation of imperfect title. The Government must first declare the forest land to be alienable and disposable agricultural land before the year of entry, cultivation and exclusive and adverse possession can be counted for purposes of an imperfect title.[29]

Moreover, during the hearing of petitioners' application, the Republic presented a Report[30] of Rene Gomez, Land Investigator/Inspector, CENRO No. V-2-3, which disclosed that the lots applied for by the petitioners were classified as alienable and disposable under Project No. 9-E, L.C. Map No. 3393 and released and certified as such only on October 30, 1986. A Compliance[31] dated January 19, 1999 submitted by OIC-CENR Officer Joaquin Ed A. Guerrero to the trial court also stated that Lots. 2199 and 2200 of Cad. 291 were "verified to be within Alienable and Disposable area under Project No. 9-E, L.C. Map No. 3393, as certified on October 30, 1986 by the then Bureau of Forestry". Evidently, therefore, the subject lots were declared alienable and disposable only on October 30, 1986. Prior to that period, the same could not be the subject of confirmation of imperfect title. Petitioners' possession of the subject forest land prior to the date when it was classified as alienable and disposable is inconsequential and should be excluded from the computation of the period of possession.[32] To reiterate, it is well settled that possession of forest land, prior to its classification as alienable and disposable land, is ineffective since such possession may not be considered as possession in the concept of owner.[33] The adverse possession which can be the basis of a grant of title in confirmation of imperfect title cases cannot commence until after forest land has been declared and alienable.[34]

Much as this Court wants to conform to the State's policy of encouraging and promoting the distribution of alienable public lands to spur economic growth and remain true to the ideal of social justice, our hands are tied by the law's stringent safeguards against registering imperfect titles.[35] Here, petitioners failed to pre

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