

REPUBLIC OF THE PHILIPPINES, PETITIONER, VS. TEODORO P. RIZALVO, JR., RESPONDENT.

G.R. No. 172011. March 07, 2011

Ponente: VILLARAMA, JR., J.

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VILLARAMA, JR., J.:

On appeal under Rule 45 of the 1997 Rules of Civil Procedure, as amended, is the Decision[1] of the Court of Appeals (CA) in CA-G.R. CV No. 73647 which affirmed the Decision[2] of the Municipal Trial Court (MTC) of Bauang, La Union, in LRC Case No. 58-MTCBgLU, approving respondent's application for registration of an 8,957-square meter parcel of land located in Brgy. Taberna, Bauang, La Union.

The facts are undisputed.

On December 7, 2000, respondent Teodoro P. Rizalvo, Jr. filed before the MTC of Bauang, La Union, acting as a land registration court, an application for the registration[3] of a parcel of land referred to in Survey Plan Psu-200706,[4] located in Bauang, La Union and containing an area of 8,957 square meters.

Respondent alleged that he is the owner in fee simple of the subject parcel of land, that he obtained title over the land by virtue of a Deed of Transfer[5] dated December 31, 1962, and that he is currently in possession of the land. In support of his claim, he presented, among others, Tax Declaration No. 22206[6] for the year 1994 in his name, and Proof of Payment[7] of real property taxes beginning in 1952 up to the time of filing of the application.

On April 20, 2001, the Office of the Solicitor General (OSG) filed an Opposition alleging that neither respondent nor his predecessors-in-interest had been in open, continuous, exclusive and notorious possession and occupation of the subject property since June 12, 1945 or earlier and that the tax declarations and tax payment receipts did not constitute competent and sufficient evidence of ownership. The OSG also asserted that the subject property was a portion of public domain belonging to the Republic of the Philippines and hence not subject to private acquisition.

At the hearing of the application, no private oppositor came forth. Consequently, the trial court issued an Order of Special Default against the whole world except the Republic of the Philippines and entered the same in the records of the case.

At the trial, respondent testified that he acquired the subject property by purchase from his mother, Bibiana P. Rizalvo, as evidenced by a Deed of Transfer dated December 31, 1962.[8] He also testified that he was in adverse, open, exclusive and notorious possession of the subject property; that no one was questioning his ownership over the land; and that he was the one paying the real property tax thereon, as evidenced by the bundle of official receipts covering the period of 1953 to 2000. He also stated that he was the one who had the property surveyed; that no one opposed the survey; and that during said survey, they placed concrete markers on the boundaries of the property. Further, he stated that he was not aware of any person or entity which questioned his mother's ownership and possession of the subject property.

Respondent's mother, Bibiana P. Rizalvo, was also presented during the trial. She stated that she purchased the lot

from Eufrecina Navarro, as evidenced by the Absolute Deed of Sale[9] dated July 8, 1952. She confirmed that before she sold the property to her son, she was the absolute owner of the subject property and was in possession thereof, without anyone questioning her status as owner. She further stated that she was the one paying for the real property taxes at that time and that she even installed improvements on the subject property.

After conducting an investigation and verification of the records involving the subject land, Land Investigator/Inspector Dionisio L. Picar of the Community Environment and Natural Resources Office (CENRO) of San Fernando, La Union submitted a report[10] on July 17, 2001. Aside from the technical description of the land, the report certified that indeed the subject parcel of land was within the alienable and disposable zone and that the applicant was indeed in actual occupation and possession of the land.

On the part of the Republic, the OSG did not present any evidence.

As stated above, the MTC of Bauang, La Union, acting as a land registration court, rendered its Decision[11] on November 29, 2001, approving respondent's application. The dispositive portion of the trial court's decision reads--

WHEREFORE, this Court, confirming the Order of Special Default, hereby approves the application and orders the adjudication and registration of the land described in Survey Plan No. PSU-200706 (Exh. "A") and the Technical Description of the land (Exh. "B") situated at Brgy. Taberna, Bauang, La Union containing an area of Eight Thousand Nine Hundred Fifty Seven (...8,957) square meters.

Once this decision becomes final and executory let the corresponding decree be issued.

SO ORDERED.[12]

On December 21, 2001 the Republic of the Philippines through the OSG filed a Notice of Appeal. In its Brief,[13] the OSG argued that the trial court erred in ruling that the applicant proved a registrable title to the property. However, the CA found no merit in the appeal and promulgated the assailed Decision[14] on March 14, 2006, affirming the trial court's decision.

The Republic of the Philippines through the OSG now comes to this Court by way of petition for review on certiorari under Rule 45 of the 1997 Revised Rules of Civil Procedure, as amended, to seek relief.

In its petition, the OSG argues that the Republic of the Philippines has dominion over all lands of public domain and that the grant to private individuals of imperfect title by the Republic over its alienable and disposable lands is a mere privilege. Hence, judicial confirmation proceeding is strictly construed against the grantee/applicant.[15]

The OSG further contends that respondent failed to show indubitably that he has complied with all the requirements showing that the property, previously part of the public domain, has become private property by virtue of his acts of possession in the manner and length of time required by law. The OSG maintains that respondent and his predecessors-in-interest failed to show convincingly that he or they were in open, continuous, adverse, and public possession of the land of the public domain as required by law. The OSG points out that there is no evidence showing that the property has been fenced, walled, cultivated or otherwise improved. The OSG argues that without these indicators which demonstrate clear acts of possession and occupation, the application for registration cannot be allowed.[16]

On the other hand, respondent counters that he has presented sufficient proof that the subject property was indeed part of the alienable and disposable land of the public domain. He also asserts that his title over the land can be traced by documentary evidence wayback to 1948 and hence, the length of time required by law for acquisition of an imperfect title over alienable public land has been satisfied.[17]

Further, he argues that although not conclusive proof of ownership, tax declarations and official receipts of payment of real property taxes are at least proof of possession of real property. In addition, he highlights the fact that since the occupancy and possession of his predecessors-in-interest, there has been no question about their status as owners and possessors of the property from adjoining lot owners, neighbors, the community, or any other person. Because of this, he claims that his possession of the land is open, continuous, adverse, and public -- sufficient for allowing registration.

Verily, the main issue in this case is whether respondent and his predecessors-in-interest were in open, continuous, adverse, and public possession of the land in question in the manner and length of time required by law as to entitle respondent to judicial confirmation of imperfect title.

We answer in the negative.

Existing law and jurisprudence provides that an applicant for judicial confirmation of imperfect title must prove compliance with Section 14 of Presidential Decree (P.D.) No. 1529[18] or the Property Registration Decree. The pertinent portions of Section 14 provide:

SEC. 14. Who may apply.--The following persons may file in the proper Court of First Instance an application for registration of title to land, whether personally or through their duly authorized representatives:

(1) Those who by themselves or through their predecessors-in-interest have been in open, continuous, exclusive and notorious possession and occupation of alienable and disposable lands of the public domain under a bona fide claim of ownership since June 12, 1945, or earlier.

(2) Those who have acquired ownership of private lands by prescription under the provisions of existing laws.

x x x x

Under Section 14 (1), applicants for registration of title must sufficiently establish first, that the subject land forms part of the disposable and alienable lands of the public domain; second, that the applicant and his predecessors-in-interest have been in open, continuous, exclusive and notorious possession and occupation of the same; and third, that it is under a bona fide claim of ownership since June 12, 1945, or earlier.

The first requirement was satisfied in this case. The certification and report[19] dated July 17, 2001 submitted by Special Investigator I Dionisio L. Picar of the CENRO of San Fernando City, La Union, states that the entire land area in question is within the alienable and disposable zone, certified as such since January 21, 1987.

In *Limcoma Multi-Purpose Cooperative v. Republic*,[20] we have ruled that a certification and report from the DENR-CENRO enjoys the presumption of regularity and is sufficient proof to show the classification of the land described therein. We held:

In the recent case of *Buenaventura v. Republic*,[21] we ruled that said Certification is sufficient to establish the true nature or character of the subject property as public and alienable land. We similarly ruled in *Republic v. Court of Appeals*[22] and intoned therein that the certification enjoys a presumption of regularity in the absence of contradictory evidence.

Both the DENR-CENRO Certification and Report constitute a positive government act, an administrative action, validly classifying the land in question. As adverted to by the petitioner, the classification or re-classification of public lands into alienable or disposable, mineral, or forest lands is now a prerogative of the Executive Department of the government. Clearly, the petitioner has overcome the burden of proving the alienability of the subject lot.

Respondent has likewise met the second requirement as to ownership and possession. The MTC and the CA both

agreed that respondent has presented sufficient testimonial and documentary evidence to show that he and his predecessors-in-interest were in open, continuous, exclusive and notorious possession and occupation of the land in question. Said findings are binding upon this Court absent any showing that the lower courts committed glaring mistakes or that the assailed judgment is based on a misapprehension of facts. In *Buenaventura v. Pascual*,^[23] we reiterated,

Time and again, this Court has stressed that its jurisdiction in a petition for review on certiorari under Rule 45 of the Rules of Court is limited to reviewing only errors of law, not of fact, unless the findings of fact complained of are devoid of support by the evidence on record, or the assailed judgment is based on the misapprehension of facts. The trial court, having heard the witnesses and observed their demeanor and manner of testifying, is in a better position to decide the question of their credibility. Hence, the findings of the trial court must be accorded the highest respect, even finality, by this Court. x x x.

However, the third requirement, that respondent and his predecessors-in-interest be in open, continuous, exclusive and notorious possession and occupation of the subject property since June 12, 1945 or earlier, has not been satisfied. Respondent only managed to present oral and documentary evidence of his and his mother's ownership and possession of the land since 1958 through a photocopy of the Deed of Absolute Sale^[24] dated July 8, 1958 between Eufrecina Navarro and Bibiana P. Rizalvo. He presented Tax Declaration No. 11078^[25] for the year 1948 in the name of Eufrecina Navarro and real property tax receipts beginning in 1952.^[26] In *Llanes v. Republic*,^[27] the Court held that tax declarations are good indicia of possession in the concept of an owner, for no one in his right mind would be paying taxes for a property that is not in his actual or constructive possession.^[28] However, even assuming that the 1948 Tax Declaration in the name of Eufrecina Navarro and the tax payment receipts could be taken in this case as proof of a claim of ownership, still, respondent lacks proof of occupation and possession beginning June 12, 1945 or earlier. What is categorically required by law is open, continuous, exclusive, and notorious possession and occupation under a bona fide claim of ownership since June 12, 1945 or earlier.^[29]

But given the fact that respondent and his predecessors-in-interest had been in possession of the subject land since 1948, is respondent nonetheless entitled to registration of title under Section 14 (2) of P.D. No. 1529? To this question we likewise answer in the negative.

An applicant may be allowed to register land by means of prescription under existing laws. The laws on prescription are found in the Civil Code and jurisprudence. It is well settled that prescription is one of the modes of acquiring ownership and that properties classified as alienable public land may be converted into private property by reason of open, continuous and exclusive possession of at least thirty years.^[30]

On this basis, respondent would have been eligible for application for registration because his claim of ownership and possession over the subject property even exceeds thirty (30) years. However, it is jurisprudentially clear that the thirty (30)-year period of prescription for purposes of acquiring ownership and registration of public land under Section 14 (2) of P.D. No. 1529 only begins from the moment the State expressly declares that the public dominion property is no longer intended for public service or the development of the national wealth or that the property has been converted into patrimonial.^[31] In *Heirs of Mario Malabanan v. Republic*, the Court ruled,

Accordingly, there must be an express declaration by the State that the public dominion property is no longer intended for public service or the development of the national wealth or that the property has been converted into patrimonial. Without such express declaration, the property, even if classified as alienable or disposable, remains property of the public dominion, pursuant to Article 420(2)^[32], and thus incapable of acquisition by prescription. It is only when such alienable and disposable lands are expressly declared by the State to be no longer intended for public service or for the development of the national wealth that the period of acquisitive prescription can begin to run. Such declaration shall be in the form of a law duly enacted by Congress or a

Presidential Proclamation in cases where the President is duly authorized by law.[33]

In the case at bar, respondent merely presented a certification and report from the DENR-CENRO dated July 17, 2001 certifying that the land in question entirely falls within the alienable and disposable zone since January 21, 1987; that it has not been earmarked for public use; and that it does not encroach any area devoted to general public use.[34] Unfortunately, such certification and report is not enough in order to commence the thirty (30)-year prescriptive period under Section 14 (2). There is no evidence in this case indicating any express declaration by the state that the subject land is no longer intended for public service or the development of the national wealth. Thus, there appears no basis for the application of the thirty (30)-year prescriptive period in this case.

Indeed, even assuming arguendo that the DENR-CENRO certification and report is enough to signify that the land is no longer intended for public service or the development of the national wealth, respondent is still not entitled to registration because the land was certified as alienable and disposable in 1987, while the application for registration was filed on December 7, 2000, a mere thirteen (13) years after and far short of the required thirty (30) years under existing laws on prescription.

Although we would want to adhere 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[35] we are constrained by the clear and simple requisites of the law to disallow respondent's application for registration.

WHEREFORE, the petition is GRANTED. The Decision dated March 14, 2006 of the Court of Appeals in C.A.-G.R. CV No. 73647 affirming the Decision dated November 29, 2001 of the Municipal Trial Court of Bauang, La Union, in LRC Case No. 58-MTCBgLU is REVERSED and SET ASIDE. Respondent's application for registration is DENIED.

No costs.

SO ORDERED.

Carpio Morales, (Chairperson), Bersamin, Abad,[*] and Sereno, JJ., concur.

[*] Designated additional member per Special Order No. 940 dated February 7, 2011.

[1] Rollo, pp. 99-109. Dated March 14, 2006. Penned by Associate Justice Vicente Q. Roxas, with Associate Justices Godardo A. Jacinto and Juan Q. Enriquez, Jr., concurring.

[2] Records, pp. 183-189. Dated November 29, 2001. Penned by Judge Romeo V. Perez.

[3] Id. at 1-3.

[4] Id. at 4.

[5] Id. at 72-73.

[6] Id. at 76.

[7] Id. at 91-173.

[8] Supra note 5.

[9] Id. at 175-176. The date appearing on the Deed is July 8, 1952 but was referred to as July 8, 1958 in the TSN and other parts of the records.

[10] Id. at 181-182.

[11] Supra note 2.

[12] Id. at 189.

[13] CA rollo, pp. 20-32.

[14] Supra note 1.

[15] Id. at 81.

[16] Id. at 81, 87-89.

[17] Id. at 180-181.

[18] AMENDING AND CODIFYING THE LAWS RELATIVE TO REGISTRATION OF PROPERTY AND FOR OTHER PURPOSES, which took effect on June 11, 1978.

[19] Supra note 10.

[20] G.R. No. 167652, July 10, 2007, 527 SCRA 233, 243-244, citing Republic v. Carrasco, G.R. No. 143491, December 6, 2006, 510 SCRA 150; Bureau of Forestry v. Court of Appeals, No. L-37995, August 31, 1987, 153 SCRA 351, 357 and Republic v. Court of Appeals, 440 Phil. 697 (2002).

[21] G.R. No. 166865, March 2, 2007, 517 SCRA 271, 284-285.

[22] Supra note 20, at 711.

[23] G.R. No. 168819, November 27, 2008, 572 SCRA 143, 157.

[24] Records, pp. 175-176.

[25] Id. at 90.

[26] Id. at 91.

[27] G.R. No. 177947, November 27, 2008, 572 SCRA 258.

[28] Id. at 270-271, citing Consolidated Rural Bank (Cagayan Valley), Inc. v. Court of Appeals, G.R. No. 132161, January 17, 2005, 448 SCRA 347, 369.

[29] Republic v. Enciso, G.R. No. 160145, November 11, 2005, 474 SCRA 700, 712.

[30] Heirs of Mario Malabanan v. Republic, G.R. No. 179987, April 29, 2009, 587 SCRA 172, 197, citing Art. 1113, Civil Code; Director of Lands v. Intermediate Appellate Court, G.R. No. 65663, October 16, 1992, 214 SCRA 604, 611; Republic v. Court of Appeals, G.R. No. 108998, August 24, 1994, 235 SCRA 567, 576; Group Commander, Intelligence and Security Group, Philippine Army v. Dr. Malvar, 438 Phil. 252, 275 (2002).

[31] Heirs of Mario Malabanan v. Republic, id. at 203.

[32] Article 420, CIVIL CODE.

[33] Supra note 31.

[34] Records, pp. 181-182.

[35] Republic v. Bibonia, G.R. No. 157466, June 21, 2007, 525 SCRA 268, 277, citing Menguito v. Republic,

G.R. No. 134308, December 14, 2000, 348 SCRA 128, 141.

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