

ROBERTO Y. PONCIANO, JR., PETITIONER, VS. LAGUNA LAKE DEVELOPMENT AUTHORITY AND REPUBLIC OF THE PHILIPPINES, RESPONDENTS.

G.R. No. 174536. October 29, 2008

Ponente: CHICO-NAZARIO, J.

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CHICO-NAZARIO, J.:

In the present Petition for Review,[1] petitioner Roberto Y. Ponciano, Jr. primarily assails the Resolution[2] dated 4 September 2006 of the Court of Appeals denying his plea for the admission of his Motion for Reconsideration in CA-G.R. CV No. 80705 and taking no action on said Motion since it was filed beyond the reglementary period. Petitioner prays of this Court to vacate and set aside the assailed Resolution and to order the reinstatement of his Motion for Reconsideration by the appellate court. In the alternative, petitioner implores that this Court directly vacate and set aside the Decision[3] dated 22 February 2006 of the Court of Appeals in CA-G.R. CV No. 80705, the subject of his Motion for Reconsideration, and render judgment reinstating the Decision[4] dated 10 June 2003 of the Metropolitan Trial Court (MeTC), Branch 74, of Taguig, Metro Manila, in LRC Case No. 273, which confirmed and ordered the registration of petitioner's title over the contested parcel of land.

At the crux of the present controversy is a parcel of unregistered land (Lot 8689-D, Csd-00-000627, MCadm-590-D, Taguig Cadastral Mapping), situated in Barangay Wawa, Taguig, Metro Manila, measuring about 2,890 square meters (subject property).

Alleging to be the owner of the subject property, petitioner filed with the MeTC on 5 September 2001 an Application[5] for the original registration thereof, which was docketed as LRC Case No. 273.

The MeTC set LRC Case No. 273 for initial hearing on 30 January 2002 at 10:00 a.m. Copies of the Notice of Initial Hearing were accordingly served, published, and posted.

On 29 January 2002, the Office of the Solicitor General (OSG) entered its appearance in LRC Case No. 273 as counsel for the respondent Republic of the Philippines. At the same time, it deputized the Public Prosecutor of Taguig, Metro Manila, to appear in said case.[6]

Respondent Republic then filed with the MeTC its Opposition[7] dated 29 January 2002 seeking the denial of petitioner's Application for original registration of the subject property based on the following grounds:

- That neither the [herein petitioner] nor his predecessors-in-interest have been in open, continuous, exclusive, and notorious possession and occupation of the land in question for thirty (30) years in accordance with Section 48(b), Public Land Act, as amended by PD 1073 and R.A. No. 6940.
- That the muniments of title, the tax declarations and tax payment receipts of [petitioner], if any, attached to or alleged in the application, do not constitute competent and sufficient evidence of bona-fide acquisition of the land applied for or of his open, continuous, exclusive, and notorious possession and occupation thereof in the concept of owner since June 12, 1945, or prior thereto. Said muniments of title do not appear to be genuine and

the tax declarations and/or tax payment receipts indicate pretended possession of [petitioner] to be of recent vintage.

- That the parcel of land applied for is a portion of the public domain belonging to the Republic of the Philippines not subject to private appropriation.[8]

During the initial hearing of LRC Case No. 273 held on 30 January 2002, the MeTC issued, upon the motion of petitioner's counsel, an Order[9] of general default against the whole world, except against the government (which, more appropriately, should be the respondent Republic), represented by the OSG through the Public Prosecutor.

Hearings were held in LRC Case No. 273 on 6 and 27 February 2002, wherein petitioner presented testimonial and documentary evidence in support of his Application.

Petitioner's evidence, taken as a whole, painted the following picture:

Petitioner purchased the subject property from Dolores Viar Vda. De Roldan (Dolores) on 27 July 1998 as evidenced by a Deed of Absolute Sale[10] bearing the same date. Dolores bought the subject property from her father, Eleuterio Viar (Eleuterio), in 1966 or 1967;[11] who, in turn, inherited the same property from his own father (or Dolores' grandfather). The subject property had been in the possession of the Viar family since 1941, or even earlier. Witness Crispina Viar Vda. De Garcia (Crispina), Dolores' niece and neighbor, testified that the subject property had been in the possession of the Viar family for about 70 to 80 years.[12] The earliest Tax Declaration covering the subject property, though, was issued only in 1949 in the name of Eleuterio Viar.[13]

Petitioner paid to the Bureau of Internal Revenue (BIR) the capital gains and documentary stamp taxes due on the sale of the subject property from Dolores to him; hence, the BIR issued in petitioner's favor a Certificate Authorizing Registration[14] dated 30 July 1998. Petitioner likewise paid the appropriate local transfer taxes due on the same sale, so the Municipal Assessor of Taguig, Metro Manila, issued in petitioner's name Tax Declarations No. D-009-03162[15] and No. EL-009-02683[16] in 1999 and 2000, respectively. Petitioner had been diligently paying the annual real property tax on the subject property since his acquisition thereof in 1998.[17]

Dolores already had the subject property surveyed on 25 March 1998, prior to its sale to petitioner, and the resulting survey plan was approved on 18 February 1999.[18] The Urban Forestry and Law Enforcement Unit of the Department of Environment and Natural Resources-National Capital Region (DENR-NCR) issued a Certification dated 5 February 2002 verifying that the subject property was within the alienable and disposable land certified and released as such on 3 January 1968 under Forestry Administrative Order No. 4-1141.[19]

The subject property was already surrounded by a fence. Although the subject property was declared as bamboo land, it has since been classified as residential. Petitioner intended to build on the subject property a residential house or a warehouse.[20]

Petitioner has taken possession of the subject property. His period of possession, tacked to that of his predecessors-in-interest, has exceeded 60 years. The possession of the subject property by the petitioner and his predecessors-interest has been open, actual, continuous, uninterrupted, and adverse, never been disturbed by anyone. The subject property has not been covered by a patent or administrative title, or mortgaged or encumbered.[21]

The Public Prosecutor, being deputized by the OSG, did not offer any evidence on behalf of respondent Republic.

The MeTC thereafter considered LRC Case No. 273 submitted for decision as of 8 May 2002.[22]

While awaiting the decision of the MeTC in LRC Case No. 273, respondent Laguna Lake Development Authority (LLDA) filed therein its Opposition[23] dated 17 December 2002 also praying for the denial of petitioner's Application for original registration of the subject property. Respondent LLDA averred:

- That projection of the subject lot in our topographic map based on the technical descriptions appearing in the Notice of the Initial Hearing indicated that the lot subject of this application for registration particularly described as Lot 8689-D, Mcadm 590-D containing an area of Two Thousand Eight Hundred Ninety Two (sic) (2,890) square meters more or less are located below the reglementary lake elevation of 12.50 meters referred to datum 10.00 meters below mean lower water. Site is, therefore, part of the bed of Laguna Lake considered public land and is within the jurisdiction of Laguna Lake Development Authority pursuant to its mandate under R. A. 4850, as amended. x x x
- That Section 41 of Republic Act No. 4850, states that, "whenever Laguna Lake or Lake is used in this Act, the same shall refer to Laguna de Bay which is that area covered by the lake water when it is at the average annual maximum lake level of elevation of 12.50 meters, as referred to a datum 10.0 meters below mean low water (MLLW). Lands located at and below such elevation are public lands which form part of the bed of said lake (Section 14, R.A. 4850, as amended, underlining supplied [sic]).
- That on the strength of the [herein respondent LLDA]'s finding and applying the above-quoted provision of law, [herein petitioner's] application for registration of the subject land has no leg to stand on, both in fact and in law;
- That unless the Honorable Court renders judgment to declare the land as part of the Laguna Lake or that of the public domain, the [petitioner] will continue to unlawfully possess, occupy and claim the land as their (sic) own to the damage and prejudice of the Government in general and the Laguna Lake Development Authority in particular;
- That moreover, the land sought to be registered remains inalienable and indisposable in the absence of declaration by the Director of Lands as required by law.[24]

On 10 June 2003, the MeTC promulgated its Decision[25] in LRC Case No. 273. After recounting petitioner's evidence, the MeTC adjudged:

WHEREFORE, finding the allegations in the application to have been sufficiently established by the [herein petitioner's] evidence, this Court hereby confirms the title of [petitioner] ROBERTO Y. PONCIANO, of legal age, Filipino, single with residence at No. 30 S. Santos St., Sto. Rosario, Pateros, Metro Manila over the subject parcel of land designated at Lot 8689-DC, Mcadm-590-D, Taguig, Cadastral Mapping under Conversion-Subdivision Plan Csd-00-000627 consisting of Two Thousand Eight Hundred Ninety (2,890) square meters and hereby order the registration of the same in his name.

After finality of this Decision and upon payment of the corresponding taxes due on the said lot, let an order for the issuance of decree of registration be issued.[26]

Without seeking reconsideration of the afore-quoted MeTC Decision, respondent Republic, through the OSG, filed its Notice of Appeal.

The appeal of respondent Republic before the Court of Appeals was docketed as CA-G.R. CV No. 80705.

After an exchange of pleadings by the parties, the Court of Appeals rendered its Decision[27] dated 22 February 2006 in CA-G.R. CV No. 80705. The appellate court rejected the argument of respondent Republic that the subject property was unalienable because it formed part of the Laguna Lake bed under Republic Act No. 4890, otherwise known as the Laguna Lake Development Authority Act of 1966, as amended; and still part of the public domain. It took note that respondent Republic failed to present any evidence in support of its position.

However, the Court of Appeals proceeded to rule as follows:

[T]his does not necessarily mean that the application for registration of title would prosper. As pointed out by [herein respondent Republic], [herein petitioner] failed to present any evidence regarding specific acts of ownership to show compliance with the possessory requirements of the law. It is settled that a claimant must present evidence as to acts taken regarding the subject parcel of land, which would show ownership in fee simple and cannot offer merely general statements sans factual evidence of possession. Thus, in *Republic of the Philippines v. Court of Appeals*, 335 SCRA 693 [2000], the Supreme Court held:

"Applicant failed to prove specific acts showing the nature of its possession and that of its predecessors in interest. The applicant must present specific acts of ownership to substantiate the claim and cannot just offer general statements, which are mere conclusions of law than factual evidence of possession. Actual possession of land consists in the manifestation of acts of dominion over it of such a nature as a party would naturally exercise over his own property.

The bare assertion of witnesses that the applicant of land had been in the open, adverse and continuous possession of the property for over thirty (30) years is hardly 'the well-nigh incontrovertible' evidence required in cases of this nature. In other words, facts constituting possession must be duly established by competent evidence."

In the present case, [petitioner] merely showed that he bought the land, paid real estate taxes and had it surveyed. Beyond these actions he failed to site (sic) any other act which he took regarding the land such as cultivation, putting ways and boundaries to prove his claim of ownership.[28]

Consequently, the fallo of the 22 February 2006 Decision of the Court of Appeals reads:

WHEREFORE, premises considered, the Decision of the Metropolitan Trial Court of Taguig, Metro Manila, Branch 74, in LRC Case No. 273 dated 10 June 2003 for registration of title is hereby REVERSED and the application for registration is hereby DENIED.[29]

Records show that Atty. Nestor C. Beltran (Atty. Beltran), petitioner's counsel in CA-G.R. CV No. 80705, received a copy of the Court of Appeals Decision dated 22 February 2006 on 28 February 2006. Petitioner, thus, had until 15 March 2006 to file his Motion for Reconsideration of the said Decision; yet, said Motion was filed only on 16 March 2006, or a day late. Petitioner followed up by filing Manifestations dated 10 and 21 April 2006 begging the indulgence of the appellate court to admit his Motion for Reconsideration, considering that the delayed filing thereof was a procedural lapse which should be considered as excusable negligence, and which did not impair the rights of the respondent Republic.

The Court of Appeals was not persuaded. In its Resolution[30] dated 4 September 2006, the appellate court reasoned:

To begin with, basic is the legal truism in this jurisdiction that any party seeking to reconsider a judgment or final resolution must do so within fifteen (15) days from notice thereof (Section 1, Rule 52 of the 1997 Rules of Civil Procedure).

The above rule is too elementary to even cause confusion upon any lawyer for that matter, unless compelling reasons actually exist to justify the relaxation of the prescriptive period mandated by law within which to file a motion for reconsideration.

Having thus established herein [herein petitioner]'s Motion for Reconsideration was actually filed beyond the reglementary period, the assailed Decision dated 22 February 2006 became final and executory, thereby depriving this Court of any power to review, much more, modify or alter the same. In *Philippine Coconut Authority vs. Garrido*, 374 SCRA 154 [2002], the Supreme Court ruled that:

"The period for filing a motion for reconsideration is non-extendible. The Appellate Court is, therefore, correct

in ruling that "(t)he failure of the respondents to file their motion for reconsideration within the reglementary period renders the Decision sought to be reconsidered final and executory, thereby depriving this Court the power to alter, modify or reverse the same."

In his attempt to persuade this Court to act on his plea to admit his Motion for Reconsideration with favor, herein [petitioner] posits:

"It bears stressing once again that the undersigned got hold of the Notice of Judgment on March 2, 2006 and the Motion for Reconsideration was filed on March 16, 2006, or on the 14[th] day from receipt thereof. Upon verification of the records of the case, however, the undersigned counsel found out that the maid received the mail on February 28, 2006 but put the mail on its (sic) table only on March 2, 2006. The maid who received the mail earlier from the postman must have accidentally forgot to place the mail immediately on the undersigned counsel's table as time again instructed to her" (Rollo, pp. 115-116; Underscoring supplied).

While a deviation from the mandated prescriptive period to file a motion for reconsideration has been allowed so many times by the Highest Tribunal due to concrete, valid and compelling reasons, however, this Court cannot really find its way to even give the slightest consideration to the reason adverted to above by the [petitioner]. By any stretch of imagination, the afore-cited explanation offered by the [petitioner] to substantiate his prayer for the admission of his Motion for Reconsideration does not constitute as a justifiable reason as the same is essentially lame, if not down right preposterous.[31]

In the end, the Court of Appeals decreed:

WHEREFORE, premises considered, [herein petitioner]'s plea for the admission of his Motion for Reconsideration is hereby DENIED. Perfunctorily, NO ACTION will be taken by this Court on [herein petitioner]'s Motion for Reconsideration, the same having been filed beyond the reglementary period.[32]

Petitioner presently comes before this Court raising the following issues in his Petition:

- Whether or not the gross negligence of petitioner's counsel binds his client; and
- Whether or not a decision based on a technicality of procedure is favored over a decision based on the merits.[33]

In his Memorandum, petitioner, though, re-states and presents additional issues for resolution of the Court, viz:

- Whether or not the Court of Appeals acted with grave abuse of discretion amounting to lack of, or in excess of, jurisdiction in refusing to consider that the cause of the delay in filing the Motion for Reconsideration was due to excusable negligence, and in effect, denying petitioner's Motion for Reconsideration.
- Whether or not the Court of Appeals acted with grave abuse of discretion amounting to lack or excess of jurisdiction in reversing the Decision, dated June 10, 2003, of the Metropolitan Trial Court, Branch 74, Taguig, Metro Manila.
- Whether or not the Laguna Lake Development Authority acted with grave abuse of discretion in declaring that the subject property cannot be appropriated or be subject of private ownership.
- Whether or not the Court of Appeals acted with grave abuse of discretion tantamount to lack of, or excess of, jurisdiction for overlooking the evidence presented by the petitioner for his confirmation of imperfect title and declaring that petitioner failed to prove specific acts of ownership for confirmation of his title.
- Whether or not petitioner is entitled to confirmation of title over the property subject matter of this petition.[34]

The Court addresses foremost the procedural issue of whether petitioner's Motion for Reconsideration should

have been admitted by the Court of Appeals, for the jurisdiction of this Court over the instant Petition and the other substantive issues raised therein actually depends upon the resolution thereof.

Under Section 1, Rule 52 of the Rules of Court, a party may file a motion for reconsideration of a judgment or final resolution within 15 days from notice thereof, with proof of service on the adverse party.

There is no question that petitioner's Motion for Reconsideration in CA-G.R. CV No. 80705 was filed one day beyond the reglementary period for doing so. Atty. Beltran, petitioner's former counsel, received notice and a copy of the 22 February 2006 Decision of the Court of Appeals on 28 February 2006, and had only until 15 March 2006 to file petitioner's Motion for Reconsideration thereof. However, Atty. Beltran filed said Motion on 16 March 2006.

The 15-day reglementary period for filing a motion for reconsideration is non-extendible.[35] Provisions of the Rules of Court prescribing the time within which certain acts must be done or certain proceedings taken, are considered absolutely indispensable to the prevention of needless delays and to the orderly and speedy discharge of judicial businesses. Strict compliance with such rules is mandatory and imperative.[36]

Indeed, there are cases where this Court allowed the liberal application of procedural rules, but these are exceptions, sufficiently justified by meritorious and exceptional circumstances attendant therein. Not every entreaty for relaxation of rules of procedure shall be so lightly granted by the Court for it will render such rules inutile. In *Hon. Fortich v. Hon. Corona*,[37] the Court had the occasion to explain that:

Procedural rules, we must stress, should be treated with utmost respect and due regard since they are designed to facilitate the adjudication of cases to remedy the worsening problem of delay in the resolution of rival claims and in the administration of justice. The requirement is in pursuance to the bill of rights inscribed in the Constitution which guarantees that "all persons shall have a right to the speedy disposition of their cases before all judicial, quasi-judicial and administrative bodies." The adjudicatory bodies and the parties to a case are thus enjoined to abide strictly by the rules. While it is true that a litigation is not a game of technicalities, it is equally true that every case must be prosecuted in accordance with the prescribed procedure to ensure an orderly and speedy administration of justice. There have been some instances wherein this Court allowed a relaxation in the application of the rules, but this flexibility was "never intended to forge a bastion for erring litigants to violate the rules with impunity." A liberal interpretation and application of the rules of procedure can be resorted to only in proper cases and under justifiable causes and circumstances. (Emphasis ours.)

Upon petitioner, thus, falls the burden of proving to the satisfaction of the Court that cogent reasons exist herein to excuse his non-compliance with the reglementary period for filing a motion for reconsideration. Unfortunately, petitioner utterly failed in this regard.

Petitioner can only invoke the supposed excusable negligence of Atty. Beltran, his former counsel in CA-G.R. CV No. 80705. Petitioner points out that his Motion for Reconsideration was dated and ready as of 12 March 2006, yet Atty. Beltran was grossly negligent in filing said Motion only on 16 March 2006. For his part, Atty. Beltran manifested before the appellate court that he filed petitioner's Motion for Reconsideration a day late because his maid, who received the notice and copy of the 22 February 2006 Decision in CA-G.R. CV No. 80705, did not immediately place the same on his desk.

A client is generally bound by the mistakes of his lawyer, otherwise, there would never be an end to a suit as long as a new counsel could be employed who could allege and show that the prior counsel had not been sufficiently diligent or experienced or learned.[38] While it is true that excusable negligence is one of the recognized grounds for a motion for new trial or reconsideration,[39] there can be no excusable negligence when ordinary prudence could have guarded against it.[40]

The Court imposes upon the attorney the duty, to himself and to his clients, to invariably adopt a system whereby he can be sure of receiving promptly all judicial notices during his absence from his address of record. The attorney must so arrange matters that communications sent by mail, addressed to his office or residence, may reach him promptly.[41] In earlier cases, the Court did not excuse a counsel's tardiness in complying with reglementary periods for filing pleadings attributed to the negligence of said counsel's secretary[42] or clerk.[43] In the same light, the Court can neither sanction the late filing by Atty. Beltran of the Motion for Reconsideration in CA-G.R. CV No. 80705 which he blamed on his maid, nor free petitioner from the effect of Atty. Beltran's faux pas.

A petition for reconsideration on the ground of excusable negligence is addressed to the sound discretion of the court. This discretion can not be interfered with except in a clear case of abuse.[44] Taking into account all the circumstances of the instant case, the Court finds no such abuse committed by the Court of Appeals in refusing to admit and act on petitioner's Motion for Reconsideration since the judgment subject of said Motion had already become final upon the lapse of the 15-day reglementary period for the filing of the same. At that point, the appellate court had already lost jurisdiction over the case and the subsequent filing of a motion for reconsideration cannot disturb the finality of the judgment nor restore jurisdiction which had already been lost.[45]

That the Motion for Reconsideration was filed only a day late is of no moment. The Court had previously refused to admit motions for reconsideration which were filed only one[46] or two[47] days late.

Without a motion for reconsideration of the 22 February 2006 Decision in CA-G.R. CV No. 80705 having been timely filed with the Court of Appeals, petitioner had also lost his right to appeal the said Decision to this Court. For purposes of determining its timeliness, a motion for reconsideration may properly be treated as an appeal. As a step to allow an inferior court to correct itself before review by a higher court, a motion for reconsideration must necessarily be filed within the period to appeal. When filed beyond such period, the motion for reconsideration ipso facto forecloses the right to appeal.[48]

Petitioner's Motion for Reconsideration, being filed beyond the reglementary period, did not toll the Decision dated 22 February 2006 of the Court of Appeals in CA-G.R. CV No. 80705 from becoming final and executory. As such the Decision is past appellate review and constitutes *res judicata* as to every matter offered and received in the proceedings below as well as to any other matter admissible therein and which might have been offered for that purpose.[49]

The Court is without jurisdiction to modify, much less, reverse, a final and executory judgment. It has been pronounced by the Court in *Paramount Vinyl Products Corporation v. National Labor Relations Commission*[50] that:

Well-settled is the rule that the perfection of an appeal within the statutory or reglementary period is not only mandatory, but also jurisdictional. Failure to interpose a timely appeal (or a motion for reconsideration) renders the assailed decision, order or award final and executory that deprives the appellate body of any jurisdiction to alter the final judgment [Cruz v. WCC, G.R. No. L-42739, January 31, 1978, 81 SCRA 445; Volkshel Labor Union v. NLRC, G.R. No. L-39686, June 28, 1980, 98 SCRA 314; Acda v. Minister of Labor, G.R. No. 51607, December 15, 1982, 119 SCRA 306; Rizal Empire Insurance Group v. NLRC, G.R. No. 73140, May 29, 1987, 150 SCRA 565; MAI Philippines Inc. v. NLRC, G.R. No. 73662, June 18, 1987, 151 SCRA 196; Narag v. NLRC, G.R. No. 69628, October 28, 1987, 155 SCRA 199; John Clement Consultants, Inc. v. NLRC, G.R. No. 72096, January 29, 1988, 157 SCRA 635; Bongay v. Martinez, G.R. No. 77188, March 14, 1988, 158 SCRA 552; Manuel L. Quezon University v. Manuel L. Quezon Educational Institution, G.R. No. 82312, April 19, 1989, 172 SCRA 597]. This rule "is applicable indiscriminately to one and all since the rule is grounded on fundamental consideration of public policy and sound practice that at the risk of occasional error, the judgment of courts and award of quasi-judicial agencies must become final at some

definite date fixed by law" [Volkschel Labor Union v. NLRC, *supra*, at p. 322]. Although, in a few instances, the Court has disregarded procedural lapses so as to give due course to appeals filed beyond the reglementary period (See *Flexo Manufacturing Corporation v. NLRC*, G.R. No. 55971, February 28, 1985, 135 SCRA 145; *Firestone Tire & Rubber Co. v. Lariosa*, G.R. No. 70479, February 27, 1989, 148 SCRA 187; *Chong Guan Trading v. NLRC*, G.R. No. 81471, April 26, 1989, 172 SCRA 831], the Court did so on the basis of strong and compelling reasons, such as serving the ends of justice and preventing a grave miscarriage thereof. (Emphasis ours.)

It is clear from the foregoing that the unjustified delay in the filing of petitioner's Motion for Reconsideration in CA-G.R. CV No. 80705 is not just a procedural lapse, but also a jurisdictional defect which effectively prevents this Court from taking cognizance of the Petition at bar.

Petitioner cannot claim that he has been deprived of due process. He was able to fully participate in the proceedings before the Court of Appeals in CA-G.R. CV No. 80705. The Court of Appeals actually took into consideration petitioner's evidence when it rendered its Decision dated 22 February 2006; only, it found that said evidence failed to establish specific acts of ownership over the subject property in compliance with the possessory requirements of the law for an imperfect title. Petitioner was not arbitrarily deprived of his right to file a motion for reconsideration of the Decision dated 22 February 2006 of the Court of Appeals; petitioner failed to avail himself of such a remedy within the reglementary period prescribed by law.

Moreover, even if, for the sake of argument, the Court can take cognizance of the present Petition in its appellate jurisdiction, it would still deny the same for lack of merit.

Section 48 of the Public Land Act, as amended by Presidential Decree No. 1073, specifically identifies the persons who are entitled to the judicial confirmation or legalization of their imperfect or incomplete title to the land, to wit -

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 thereafter, 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 open, continuous, exclusive, and notorious possession and occupation of agricultural lands of the public domain, under a bona fide claim of acquisition of ownership, since June 12, 1945, or earlier, immediately preceding the filing of the applications for confirmation of title, 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 the public domain suitable to agriculture whether disposable or not, under a bona fide claim of ownership since June 12, 1945 shall be entitled to the rights granted in subsection (b) hereof. (Emphasis ours.)

It is true that petitioner was able to present testimonial evidence that his predecessors-in-interest had possessed the land prior to 12 June 1945 or even earlier. Nevertheless, it must be stressed that also by petitioner's own evidence, particularly, the Certification dated 5 February 2002 issued by the Urban Forestry and Law Enforcement Unit of the DENR-NCR, it has been established that the subject property became alienable and disposable only on 3 January 1968 by virtue of Forestry Administrative Order No. 4-1141. It is already settled that any period of possession prior to the date when the subject property was classified as alienable and disposable is

inconsequential and should be excluded from the computation of the period of possession; such possession can never ripen into ownership and unless the land had been classified as alienable and disposable, the rules on confirmation of imperfect title shall not apply thereto.[51]

It is also worthy to point out that petitioner's insistence that the subject property and the other surrounding properties are being used for residential purposes does not work in his favor, and even militates against him. Taken together with the declaration, for realty tax purposes, by petitioner himself that the subject property is bamboo land, as well as the claim of respondent LLDA that the same property is part of the Laguna Lake bed, there is an apparent and unsettled confusion on the proper classification of the subject property.

The classification of the subject property is important for it determines the applicable statutory requirements and procedures for the proper disposition thereof. Confirmation or legalization of an imperfect or incomplete title under Section 48, Title II of the Public Land Act, as amended, applies only to agricultural lands. Lands of the public domain for residential, commercial, or industrial purposes,[52] on the other hand, are governed by Sections 58 to 68, Title III of the same statute. Without a definite classification of the subject property, there results reasonable doubt as to the appropriate legal means for petitioner to acquire title to the same.

WHEREFORE, premises considered, the instant Petition for Review is hereby DENIED. Costs against the petitioner Roberto Y. Ponciano, Jr.

SO ORDERED.

Ynares-Santiago, (Chairperson), Carpio,[*] Azcuna,** and Velasco, Jr.,[***] JJ., concur.

[*] Per Special Order No. 531, dated 20 October 2008, signed by Acting Chief Justice Leonardo A. Quisumbing, designating Associate Justice Antonio T. Carpio to replace Associate Justice Ma. Alicia Austria-Martinez, who is on leave.

[**] Per Special Order No. 521, dated 29 September 2008, signed by Chief Justice Reynato S. Puno, designating Associate Justice Adolfo S. Azcuna to replace Associate Justice Ruben T. Reyes, who is on official leave.

[***] Justice Presbitero J. Velasco, Jr. was designated to sit as additional member replacing Justice Antonio Eduardo B. Nachura per Raffle dated 12 March 2008.

[1] Rollo, pp. 8-18.

[2] Penned by Associate Justice Andres B. Reyes, Jr., with Associate Justices Rosmari D. Carandang and Monina Arevalo-Zenarosa, concurring; rollo , pp. 36-39.

[3] Id. at 28-35.

[4] Penned by Assisting Judge Silvino T. Pampilo, Jr.; rollo , pp. 19-26.

[5] Records, pp. 1-6.

[6] Id. at 293-296.

[7] Id. at 291-292.

[8] Id. at 291.

[9] Penned by Judge Benjamin T. Pozon; id. at 28-30.

- [10] Records, pp. 222-225,
- [11] According to petitioner, Dolores informed him that she bought the subject property from her father Eleuterio in 1967 (TSN, 6 February 2002, p. 9). However, petitioner's witness, Crispina Viar Vda. De Garcia, narrated that the subject property was bought by Dolores from Eleuterio in 1966 (TSN, 6 February 2002, p. 19).
- [12] TSN, 6 February 2002, p. 20.
- [13] Records, p. 282.
- [14] Id. at 233.
- [15] Id. at 252-253.
- [16] Id. at 250-251.
- [17] Id. at 226-232.
- [18] Id. at 13, 284-285.
- [19] Id. at 286-287.
- [20] TSN, 6 February 2002, p. 13-16.
- [21] Id.
- [22] Order penned by Judge Benjamin T. Pozon; records, p. 297.
- [23] Records, pp. 301-305.
- [24] Id. at 30-302.
- [25] Rollo , pp. 19-26.
- [26] Id. at 25-26.
- [27] Id. at 28-35.
- [28] Id. at 32-33.
- [29] Id. at 33-34.
- [30] Rollo , pp. 36-39.
- [31] Id. at 37-39.
- [32] Id. at 39.
- [33] Id. at 10.
- [34] Id. at 103-104.
- [35] Philippine Coconut Authority v. Garrido, 424 Phil. 904, 909 (2002).
- [36] Tan v. Tan, G.R. No. 133805, 29 June 2004, 433 SCRA 44, 49, citing Basco v. Court of Appeals, 383 Phil. 671, 685-686 (2000). Macabingkil v. People's Homesite and Housing Corp., 164 Phil. 328, 340-341 (1976).
- [37] 359 Phil. 210, 220 (1998).
- [38] Tesoro v. Court of Appeals, 153 Phil. 580, 588 (1973).

[39] Rule 37, Rules of Court.

[40] *Amil v. Court of Appeals*, 374 Phil. 659, 665 (1999).

[41] *Republic v. Arro*, G.R. No. L-48241, 11 June 1987, 150 SCRA 625, 630.

[42] *Id.*

[43] *Fabella v. Tancinco*, 86 Phil. 543, 547 (1950).

[44] *Id.* at 548.

[45] *Bolaños v. Intermediate Appellate Court*, G.R. No. L-68458, 7 August 1985, 138 SCRA 99, 104.

[46] *Philippine Coconut Authority v. Garrido*, *supra* note 35 at 909.

[47] *Vda . De Victoria v. Court of Appeals*, G.R. No. 147550, 26 January 2005, 449 SCRA 319, 330-331.

[48] *Insular Life Assurance Co., Ltd v. National Labor Relations Commission*, G.R. No. L-74191, 21 December 1987, 156 SCRA 740, 746.

[49] *Melotindos v. Tobias*, 439 Phil. 910, 916 (2002).

[50] G.R. No. 81200, 17 October 1990, 190 SCRA 525, 533-534.

[51] *Republic v. Herbieto*, G.R. No. 156117, 26 May 2005, 459 SCRA 183, 201-202; *Almeda v. Court of Appeals*, G.R. No. 85322, 30 April 1991, 196 SCRA 476, 480-481; *Vallarta v. Intermediate Appellate Court*, G.R. No. L-74957, 30 June 1987, 151 SCRA 679, 690; *Republic v. Court of Appeals*, G.R. No. L-40402, 16 March 1987, 148 SCRA 480, 492.

[52] According to Section 59 of the Public Land Act, as amended, the lands disposable under Title III shall be classified as follows:

- (a) Lands reclaimed by the Government by dredging, filling, or other means;
- (b) Foreshore;
- (c) Marshy lands or lands covered with water bordering upon the shores or banks of navigable lakes or rivers;
- (d) Lands not included in any of the foregoing classes.

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