REPUBLIC OF THE PHILIPPINES, PETITIONER, VS. ZENAIDA GUINTO-ALDANA, IN HER OWN BEHALF AS ATTORNEY-IN-FACT OF MA. AURORA GUINTO-COMISO, MA. LUISA GUINTO-DIONISIO, ALFREDO GUINTO,...

G.R. No. 175578. August 11, 2010

Ponente: PERALTA, J.

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PERALTA, J.:

In this petition for review under Rule 45 of the Rules of Court, the Republic of the Philippines, through the Office of the Solicitor General, assails the March 30, 2006 Decision[1] and the November 20, 2006 Resolution,[2] both of the Court of Appeals, in CA-G.R. CV No. 80500. The assailed decision reversed and set aside the July 10, 2003 judgment[3] of the Regional Trial Court of Las Piñas City, Branch 199 in LRC Case No. 02-0036, one for original registration of title, whereas the assailed Resolution denied reconsideration.

The facts follow.

On April 3, 2002, respondents Zenaida Guinto-Aldana[4] (Zenaida), Ma. Aurora Guinto-Comiso, Ma. Luisa Guinto-Dionisio, Alfredo Guinto, Jr., Pacita R. Guinto, Ernesto R. Guinto, Natividad R. Guinto and Alberto R. Guinto, filed with the Regional Trial Court (RTC) of Las Piñas City, Branch 199 an Application for Registration of Title[5] over two pieces of land in Talango, Pamplona Uno, Las Piñas City. These lands, identified as Lot No. 4 and Lot No. 5 in Conversion Consolidation Subdivision Plan Ccs-007601-000040-D,[6] measure 1,509 square meters and 4,640 square meters, respectively.[7] Respondents professed themselves to be co-owners of these lots, having acquired them by succession from their predecessors Sergio Guinto (Sergio) and Lucia Rivera-Guinto (Lucia)--Zenaida's parents--who, in turn, had acquired the property under a 1969 document denominated as "Kasulatan sa Paghahati ng Lupa na Labas sa Hukuman na may Pagpaparaya at Bilihan." Under this document, Sergio and Lucia Guinto acquired for a consideration the respective shares on the property of Pastor Guinto, Dionisio Guinto, Potenciana Guinto and Marcelina Bernardo who, together with Luisa, had derived the same from Romulado Guinto.[8] Respondents also alleged that until the time of the application, they and their predecessors-in-interest have been in actual, open, peaceful, adverse, exclusive and continuous possession of these lots in the concept of owner and that they had consistently declared the property in their name for purposes of real estate taxation.[9]

In support of their application, respondents submitted to the court the blueprint of Plan Ccs-007601-000040-D,[10] as well as copies of the technical descriptions of each lot,[11] a certification from the geodetic engineer[12] and the pertinent tax declarations,[13] together with the receipts of payment therefor.[14] Expressly, they averred that the property's original tracing cloth plan had previously been submitted to the RTC of Las Piñas City, Branch 255 (Las Piñas RTC) in connection with the proceedings in LRC Case No. LP-128--a previous registration case involving the subject property which, however, had been dismissed without prejudice.[15]

The trial court found the application to be sufficient in form and substance; hence, it gave due course thereto and ordered compliance with the publication and notification requirements of the law.[16]

Opposing the application, petitioner, through the Office of the City Prosecutor of Las Piñas City, advanced that the lots sought to be registered were inalienable lands of the public domain; that neither respondents nor their predecessors-in-interest had been in prior possession thereof; and that the muniment of title and the tax declaration submitted to the court did not constitute competent and sufficient evidence of bona fide acquisition or of prior possession in the concept of owner.[17]

At the hearing, Zenaida identified her herein co-respondents to be her siblings, nephews and nieces. She likewise identified the adjoining lot owners named in the application and the supporting documents attached to the application as well. She testified that the subject lots had been surveyed at the instance of her family sometime between 1994 and 1995, and that said survey was documented in Plan Ccs-007601-000040-D and in the geodetic engineer's technical description of the lots. She implied that they did obtain the original tracing cloth plan of the property, but it was forwarded to the Land Registration Authority (LRA) by the Las Piñas RTC in connection with the proceedings in LRC Case No. LP-128. Notwithstanding this admission, and without objection from the oppositor, the blueprint of Plan Ccs-007601-000040-D and the technical description of the property were provisionally marked in evidence.[18]

Furthermore, Zenaida--61 years old at the time of her testimony--declared that she has known that the subject lots were owned by her family since she was 5 years old and from her earliest recollection, she narrated that her grandparents had lived in the subject lots until the death of her grandmother in 1961. She implied that aside from her predecessors there were other persons, caretakers supposedly, who had tilled the land and who had lived until sometime between 1980 and 1990. She remembered her grandmother having constructed a house on the property, but the same had already been destroyed. Also, sometime in 1970, her family built an adobe fence around the perimeter of the lots and later, in the 1990s, they reinforced it with hollow blocks and concrete after an inundation caused by the flood.[19] She claimed that she and her father, Sergio, had been religious in the payment of real estate taxes as shown by the tax declarations and tax receipts which she submitted to the court and which, following identification, were forthwith marked in evidence.[20]

Zenaida's claim of prior, open, exclusive and continuous possession of the land was corroborated by Josefina Luna (Josefina), one of the adjoining lot owners. Josefina, then 73 years old, strongly declared that the subject lots were owned by Zenaida's parents, Sergio Guinto and Lucia Rivera, since she reached the age of understanding, and that she had not come to know of any instance where a third party had placed a claim on the property. When asked whether there was anyone residing in the property and whether there were improvements made thereon, she said there was no one residing therein and that there was nothing standing thereon except for a nipa hut. [21]

At the close of Josefina's testimony, respondents formally offered their exhibits without the oppositor placing any objection thereto.[22] After weighing the evidence, the trial court, on July 10, 2003, rendered its Decision denying the application for registration. It found that respondents were unable to establish with certainty the identity of the lots applied for registration, because of failure to submit to the court the original tracing cloth plan as mandated by Presidential Decree (P.D.) No. 1529. It likewise noted that the fact of adverse, continuous, open, public and peaceful possession in the concept of owner has not been proved by the evidence as Zenaida's and Josefina's respective testimonies did not establish the nature of the possession of respondents' predecessors.[23] The dispositive portion of the Decision reads:

> WHEREFORE, for failure of the applicants to comply with the requirements of Presidential Decree No. 1529, the Application for Original Registration of Title is hereby DENIED.

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ORDERED.[24]

Aggrieved, respondents appealed to the Court of Appeals which, on March 30, 2006, issued the assailed Decision reversing the trial court as follows:

WHEREFORE, premises considered, the assailed decision is hereby REVERSED and SET ASIDE. Accordingly, the instant appeal is hereby GRANTED.

SO ORDERED.[25]

Petitioner's motion for reconsideration was denied.[26] Hence, it filed the instant petition which attributes error to the Court of Appeals in reversing the trial court's July 10, 2003 decision.

Petitioner principally posits that under Section 17 of P.D. No. 1529, the submission in court of the original tracing cloth plan of the property sought to be registered is a mandatory requirement in registration proceedings in order to establish the exact identity of the property. While respondents admitted that the original tracing cloth plan of Lot Nos. 4 and 5 in this case was in the custody of the LRA as a consequence of their first attempt to have the property registered, petitioner, invoking Del Rosario v. Republic of the Philippines,[27] believes that respondents, on that score alone, are not relieved of their procedural obligation to adduce in evidence the original copy of the plan, because they could have easily retrieved it from the LRA and presented it in court.[28]

Furthermore, petitioner suggests that the blueprint of the subdivision plan submitted by respondents cannot approximate substantial compliance with the requirement of Section 17 of P.D. No. 1529. Again, relying on the aforementioned Del Rosario case, petitioner observes that the blueprint in this case, allegedly illegible and unreadable, does not even bear the certification of the Lands Management Bureau.[29] Lastly, petitioner attacks respondents' claim of prior possession. It notes that there is no clear and convincing evidence that respondents and their predecessors-in-interest have been in open, continuous, adverse, public and exclusive possession of Lot Nos. 4 and 5 for 30 years.[30]

Commenting on the petition, respondents observe that petitioner's arguments are mere reiterative theses on the issues that have already been addressed by the Court of Appeals in the assailed Decision and Resolution, and that there are no new matters raised which have not yet been previously passed upon. Accordingly, they prayed that the petition be denied.[31]

We find the petition to be unmeritorious.

Section 17 of P.D. No. 1529, otherwise known as The Property Registration Decree of 1978, materially provides:

Section 17. What and where to file.-The application for land registration shall be filed with the Court of First Instance of the province or city where the land is situated. The applicant shall file, together with the application, all original muniments of titles or copies thereof and a survey plan of the land approved by the Bureau of Lands.

The clerk of court shall not accept any application unless it is shown that the applicant has furnished the Director of Lands with a copy of the application and all annexes.

The provision denotes that it is imperative in an application for original registration that the applicant submit to the court, aside from the original or duplicate copies of the muniments of title, a copy of a duly approved survey plan of the land sought to be registered. The survey plan is indispensable as it provides a reference on the exact identity of the property. This begs the question in the instant case: Does the blueprint copy of the survey plan suffice for compliance with the requirement? In not so many cases,[32] it was held that the non-submission, for any reason, of the original tracing cloth plan is fatal to the registration application, since the same is mandatory in

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original registration of title. For instance, in the Del Rosario case relied on by petitioner, the Court ruled that the submission of the original copy of the duly approved tracing cloth plan is a mandatory condition for land registration as it supplies the means by which to determine the exact metes and bounds of the property. The applicant in that case was unable to submit the original tracing cloth plan of the land he was claiming because apparently, as in the present case, it was previously transmitted by the clerk of court to the LRA. Yet the Court, deeming it the applicant's obligation to retrieve the plan himself and present it in evidence, denied the application, to wit:

> The submission in evidence of the original tracing cloth plan, duly approved by the Bureau of Lands, in cases for application of original registration of land is a mandatory requirement. The reason for this rule is to establish the true identity of the land to ensure that it does not overlap a parcel of land or a portion thereof already covered by a previous land registration, and to forestall the possibility that it will be overlapped by a subsequent registration of any adjoining land. The failure to comply with this requirement is fatal to petitioner's application for registration.
>
> Petitioner contends, however, that he had submitted the original tracing cloth plan to the branch clerk of court, but the latter submitted the same to the LRA. This claim has no merit. Petitioner is duty bound to retrieve the tracing cloth plan from the LRA and to present it in evidence in the trial court. x x x[33]

Yet if the reason for requiring an applicant to adduce in evidence the original tracing cloth plan is merely to provide a convenient and necessary means to afford certainty as to the exact identity of the property applied for registration and to ensure that the same does not overlap with the boundaries of the adjoining lots, there stands to be no reason why a registration application must be denied for failure to present the original tracing cloth plan, especially where it is accompanied by pieces of evidence--such as a duly executed blueprint of the survey plan and a duly executed technical description of the property--which may likewise substantially and with as much certainty prove the limits and extent of the property sought to be registered.

Thus, sound is the doctrinal precept laid down in Republic of the Philippines v. Court of Appeals,[34] and in the later cases of Spouses Recto v. Republic of the Philippines[35] and Republic of the Philippines v. Hubilla,[36] that while the best evidence to identify a piece of land for registration purposes is the original tracing cloth plan issued by the Bureau of Lands (now the Lands Management Services of the Department of Environment and Natural Resources [DENR]), blueprint copies and other evidence could also provide sufficient identification. Pertinently, the Court in Hubilla, citing Recto, pronounced:

> While the petitioner correctly asserts that the submission in evidence of the original tracing cloth plan, duly approved by the Bureau of Lands, is a mandatory requirement, this Court has recognized instances of substantial compliance with this rule. In previous cases, this Court ruled that blueprint copies of the original tracing cloth plan from the Bureau of Lands and other evidence could also provide sufficient identification to identify a piece of land for registration purposes. x x x[37]

In the case at bar, we find that the submission of the blueprint of Plan Ccs-007601-000040-D, together with the technical description of the property, operates as substantial compliance with the legal requirement of ascertaining the identity of Lot Nos. 4 and 5 applied for registration. The blueprint, which is shown to have been duly executed by Geodetic Engineer Rolando Roxas (Roxas), attached to the application and subsequently identified, marked, and offered in evidence, shows that it proceeded officially from the Lands Management Services and, in fact, bears the approval of Surveys Division Chief Ernesto Erive. It also shows on its face that the survey of the property was endorsed by the Community Environment and Natural Resources Office of the DENR.[38] This, compounded by the accompanying technical description of Lot Nos. 4 and 5 duly executed and verified also by Roxas,[39] should substantially supply as it did the means by which the identity of Lot Nos. 4 and 5 may be

ascertained.

Verily, no error can be attributed to the Court of Appeals when it ruled that respondents were able to approximate compliance with Section 17 of P.D. No. 1529. Also telling is the observation made by the Court of Appeals that there was no objection raised by the oppositor or by the LRA to the admission of the blueprint of Plan Ccs-007601-000040-D despite the fact that they were well-informed of the present proceedings, to wit:

> In the instant case, the plaintiffs-appellants do not deny that only the blueprint copy of the plan of the subject lands (Exh. "J") and not the original tracing cloth plan thereof was submitted to the court a quo since they had previously submitted the original tracing cloth plan to the Land Registration Authority. However, despite the failure of the plaintiffs-appellants to present the original tracing cloth plan, neither the Land Registration Authority nor the oppositor-appellee question[ed] this deficiency. Likewise, when the blueprint copy of the plan (Exh. "J") was offered in evidence, the oppositor-apellee did not raise any objection thereto. Such silence on the part of the Land Registration [Authority] and the oppositor-appellee can be deemed as an implied admission that the original tracing cloth plan and the blueprint copy thereof (Exh. "J") are one and the same, free from all defects and clearly identify the lands sought to be registered. In this regard x x x, the blueprint copy of the plan (Exh. "J"), together with its technical descriptions (Exhs. "K" and "L"), is deemed tantamount to substantial compliance with the requirements of law.[40]

We now proceed to the issue of possession. Petitioner theorizes that not only were respondents unable to identify the lots applied for registration; it also claims that they have no credible evidence tending to establish that for at least 30 years they and their predecessors-in-interest have occupied and possessed the property openly, continuously, exclusively and notoriously under a bona fide claim of ownership since June 12, 1945 or earlier.[41] We do not agree.

In an original registration of title under Section 14(1)[42] P.D. No. 1529, the applicant for registration must be able to establish by evidence that he and his predecessor-in-interest have exercised acts of dominion over the lot under a bona fide claim of ownership since June 12, 1945 or earlier.[43] He must prove that for at least 30 years, he and his predecessor have been in open, continuous, exclusive and notorious possession and occupation of the land. Republic v. Alconaba[44] well explains possession and occupation of this character, thus:

> The law speaks of possession and occupation. Since these words are separated by the conjunction and, the clear intention of the law is not to make one synonymous with the other. Possession is broader than occupation because it includes constructive possession. When, therefore, the law adds the word occupation, it seeks to delimit the all-encompassing effect of constructive possession. Taken together with the words open, continuous, exclusive and notorious, the word occupation serves to highlight the fact that for an applicant to qualify, his possession must not be a mere fiction. Actual possession of a 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.[45]

Proceeding from this fundamental principle, we find that indeed respondents have been in possession and occupation of Lot Nos. 4 and 5 under a bona fide claim of ownership for the duration required by law. This conclusion is primarily factual.

From the records, it is clear that respondents' possession through their predecessor-in-interest dates back to as early as 1937. In that year, the subject property had already been declared for taxation by Zenaida's father, Sergio, jointly with a certain Toribia Miranda (Toribia).[46] Yet, it also can be safely inferred that Sergio and Toribia had declared the land for taxation even earlier because the 1937 tax declaration shows that it offsets a previous tax number.[47] The property was again declared in 1979,[48] 1985[49] and 1994[50] by Sergio, Toribia and by Romualdo.

Certainly, respondents could have produced more proof of this kind had it not been for the fact that, as certified by

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the Office of the Rizal Provincial Assessor, the relevant portions of the tax records on file with it had been burned when the assessor's office was razed by fire in 1997.[51] Of equal relevance is the fact that with these tax assessments, there came next tax payments. Respondents' receipts for tax expenditures on Lot Nos. 4 and 5 between 1977 and 2001 are likewise fleshed out in the records and in these documents, Sergio, Toribia and Romualdo are the named owners of the property with Zenaida being identified as the one who delivered the payment in the 1994 receipts.[52]

The foregoing evidentiary matters and muniments clearly show that Zenaida's testimony in this respect is no less believable. And the unbroken chain of positive acts exercised by respondents' predecessors, as demonstrated by these pieces of evidence, yields no other conclusion than that as early as 1937, they had already demonstrated an unmistakable claim to the property. Not only do they show that they had excluded all others in their claim but also, that such claim is in all good faith.

Land registration proceedings are governed by the rule that while tax declarations and realty tax payment are not conclusive evidence of ownership, nevertheless, they are a good indication of possession in the concept of owner. These documents constitute at least proof that the holder has a claim of title over the property, for no one in his right mind would be paying taxes for a property that is not in his actual or at least constructive possession. The voluntary declaration of a piece of property for taxation purposes manifests not only one's sincere and honest desire to obtain title to the property. It also announces his adverse claim against the state and all other parties who may be in conflict with his interest. More importantly, it signifies an unfeigned intention to contribute to government revenues--an act that strengthens one's bona fide claim of acquisition of ownership.[53]

Indeed, that respondents herein have been in possession of the land in the concept of owner--open, continuous, peaceful and without interference and opposition from the government or from any private individual--itself makes their right thereto unquestionably settled and, hence, deserving of protection under the law.

WHEREFORE, the petition is DENIED. The March 30, 2006 Decision and the November 20, 2006 Resolution of the Court of Appeals, in CA-G.R. CV No. 80500, are AFFIRMED.

SO ORDERED.

Carpio, (Chairperson), Leonardo-De Castro,[*] Abad, and Mendoza, JJ., concur.

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[*] Designated as an additional member in lieu of Associate Justice Antonio Eduardo B. Nachura per raffle dated August 9, 2010.

[1] Penned by Associate Justice Bienvenido L. Reyes, with Associate Justices Arturo D. Brion (now a member of this Court) and Mariflor Punzalan Castillo, concurring; rollo, pp. 40-49.

[2] Rollo, pp. 50-51.

[3] The decision was signed by Judge Joselito Vibandor; records, pp. 556-561.

[4] Zenaida Guinto-Aldana was duly constituted as attorney-in-fact of and by herein co-respondents under a Special Power of Attorney dated January 30, 2002, with specific power to apply for registration of title; id. at 47-48.

[5] Records, pp. 1-4.

[6] Id. at 473.

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[7] Id. at 474-475.

[8] Id. at 477-478.

[9] Id. at 3-4.

[10] Id. at 10.

[11] Id. at 11-12.

[12] Id. at 13.

[13] Id. at 479-485.

[14] Id. at 487-497.

[15] Id. at 4.

[16] Orders dated April 10, 2002 and June 3, 2002; id. at 15-16, 58-59.

[17] Records, pp. 135-138.

[18] TSN, February 5, 2003, p. 4.

[19] Id. at 16-25, 35.

[20] Id. at 12-17, 27-33.

[21] TSN, March 17, 2003, pp. 6-7, 12-13.

[22] Records, p. 498.

[23] Rollo, pp. 84-89.

[24] Id. at 89.

[25] Id. at 50-51.

[26] CA rollo, pp. 141-142.

[27] 432 Phil. 824 (2002).

[28] Rollo, pp. 19-21.

[29] Id. at 24-25.

[30] Id. at 28-30.

[31] Id. at 111-113.

[32] Del Rosario v. Republic of the Philippines, supra note 27; Director of Lands v. Intermediate Appellate Court, G.R. No. 73246 March 2, 1993, 219 SCRA 339; Director of Lands v. Intermediate Appellate Court, G.R. No. 65663, October 16, 1992, 214 SCRA 604; Director of Lands v. Reyes, G.R. No. L-27594, November 28, 1975, 68 SCRA 177.

[33] Del Rosario v. Republic of the Philippines, supra note 27, at 834.

[34] G.R. No. L-62680, November 9, 1988, 167 SCRA 150, 154, citing Republic of the Philippines v. Intermediate Appellate Court, 229 Phil. 20 (1986) and Director of Lands v. Court of Appeals, 158 SCRA 568

(1980).

[35] 483 Phil. 81, 91 (2004).

[36] 491 Phil. 371 (2005).

[37] Id. at 373.

[38] See Exhibit "J," records, p. 473.

[39] See Exhibits "K" and "L," id. at 474-475.

[40] Rollo, p. 47.

[41] Id. at 28-29.

[42] Section 14 (1) of Presidential Decree No. 1529 states:

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 predecessor-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.

[43] See Republic of the Philippines v. Cayetano L. Serrano, et al., G.R. No. 183063, February 24, 2010.

[44] 471 Phil. 607 (2004).

[45] Id. at 620. (Emphasis supplied).

[46] Exhibit "O," records, p. 479.

[47] Exhibit "O-1," id. at 479 (the back page of the 1937 Tax Declaration).

[48] Exhibits "O-2" and "O-3," id. at 480-481.

[49] Exhibits "O-4" and "O-5," id. at 482-483.

[50] Exhibits "O-6" and "O-7," id. at 484-485.

[51] Exhibit "P," id. at 486.

[52] Exhibits "Q" to "Q-11," id. at 487-497.

[53] See Alonso v. Cebu Country Club, Inc., 426 Phil. 61 (2002); Director of Lands v. Court of Appeals, 367 Phil. 597 (1999); Republic v. Court of Appeals, 325 Phil. 674 (1996); Heirs of Placido Miranda v. Court of Appeals, G.R. No. 109312, March 29, 1996, 255 SCRA 368; Rivera v. Court of Appeals, G.R. No. 107903, May 22, 1995, 244 SCRA 218; Director of Lands v. Intermediate Appellate Court, G.R. No. 70825, March 11, 1991, 195 SCRA 38.

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