

REPUBLIC OF THE PHILIPPINES, PETITIONER, VS. ROSILA ROCHE, RESPONDENT.

G.R. No. 175846. July 06, 2010

Ponente: ABAD, J.

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ABAD, J.:

This case is about the need for applicant for original registration of title to prove that the land applied for is alienable or disposable land of the public domain.

The Facts and the Case

On December 5, 1996 Rosila Roche applied for registration of title^[1] of her 15,353-square-meter land in Barrio Napindan, Taguig, Metro Manila,^[2] denominated as Lot 8698, before the Regional Trial Court (RTC) of Pasig City, Branch 155. Roche alleged that she inherited the land in 1960 from her father, Miguel, who in turn had held the land in the concept of an owner when Roche was only about six years old. She was born on that land on January 10, 1938 and had helped her father cultivate it.^[3] Roche had also paid the realty taxes on the land, which had an assessed value of P490,000.00.

To support her application for registration, Roche presented, among others, a certified true copy of the survey plan of the land,^[4] its technical description,^[5] a Certification from the Department of Environment and Natural Resources (DENR) in lieu of the Geodetic Engineer's Certificate,^[6] tax declarations,^[7] and real property tax receipts.^[8] She also presented certifications that the Land Registration Authority (LRA) and the National Printing Office issued to show compliance with requirements of service of notice to adjoining owners and publication of notice of initial hearing.^[9]

As proof of her open, continuous, and uninterrupted possession of the land, Roche presented Manuel Adriano, a former resident of Napindan who owned an unregistered property adjoining Lot 8698. Adriano testified that he had been a resident of the place where the land was located from 1949 to 1996 when he moved to Pampanga.^[10] He drew a sketch showing the location of Lot 8698 in relation to his own and identified the owners of the other adjoining lots.^[11] He claimed to have known Roche's father since the latter had been cultivating vegetables and rice on the land.^[12]

The Republic of the Philippines (the Government), through the Office of the Solicitor General (OSG), opposed the application on the grounds a) that neither Roche nor her predecessor-in-interest had occupied the land for the required period; and b) that the land belonged to the State and is not subject to private acquisition.^[13] The Laguna Lake Development Authority (LLDA) also opposed^[14] Roche's application on the ground that, based on technical descriptions, her land was located below the reglementary lake elevation of 12.50 meters and, therefore, may be deemed part of the Laguna Lake bed under Section 41^[15] of Republic Act (R.A.) 4850.

On September 7, 1999 the OSG filed a manifestation that, since Roche failed to prove that the land was part of the alienable land of the public domain, the Government did not need to present evidence in the case. It also adopted

LLDA's opposition.[16]

On September 30, 1999 the RTC rendered judgment,[17] granting Roche's application. The RTC held that Roche had proved continued adverse possession of the land in the concept of an owner since June 12, 1945 or earlier, pursuant to Presidential Decree (P.D.) 1959. Assuming that the land was part of the public domain, Roche and her predecessor's occupation and cultivation of more than 30 years vested title on her, effectively segregating it from the mass of public land.[18] Moreover, the LLDA did not prove by substantial evidence that the land was inalienable and part of the Laguna Lake bed.

On appeal by the Government,[19] the Court of Appeals (CA) affirmed the decision of the RTC.[20] The OSG filed a motion for reconsideration but the CA denied the same, prompting the Government to file the present petition.

The Issue Presented

The sole issue the petition presents is whether or not the land subject of Roche's application is alienable or disposable land of the public domain.

The Ruling of the Court

The Government insists that the subject land forms part of the lake bed and that it has not been released into the mass of alienable and disposable land of the public domain. As such, Roche cannot register title to it in her name.[21]

Roche points out, on the other hand, that the lot could not possibly be part of the Laguna Lake's bed since it has always been planted to crops and is not covered by water. R.A. 4850 provides that the Lake is that area covered with water when it is at the average maximum lake level of 12.50 meters. This presupposed that the lake extends only to lakeshore lands. The land in this case does not adjoin the Laguna Lake.[22]

An application for registration of title must, under Section 14(1), P.D. 1529, meet three requirements: a) that the property is alienable and disposable land of the public domain; b) that the applicants by themselves or through their predecessors-in-interest have been in open, continuous, exclusive and notorious possession and occupation of the land; and c) that such possession is under a bona fide claim of ownership since June 12, 1945 or earlier.[23]

Under the Regalian doctrine, all lands of the public domain belong to the State and the latter is the source of any asserted right to ownership in land. Thus, the State presumably owns all lands not otherwise appearing to be clearly within private ownership. To overcome such presumption, incontrovertible evidence must be shown by the applicant that the land subject of registration is alienable and disposable.[24]

Respecting the third requirement, the applicant bears the burden of proving the status of the land.[25] In this connection, the Court has held that he must present a certificate of land classification status issued by the Community Environment and Natural Resources Office (CENRO)[26] or the Provincial Environment and Natural Resources Office (PENRO)[27] of the DENR. He must also prove that the DENR Secretary had approved the land classification and released the land as alienable and disposable, and that it is within the approved area per verification through survey by the CENRO or PENRO. Further, the applicant must present a copy of the original classification approved by the DENR Secretary and certified as true copy by the legal custodian of the official records. These facts must be established by the applicant to prove that the land is alienable and disposable.[28]

Here, Roche did not present evidence that the land she applied for has been classified as alienable or disposable land of the public domain. She submitted only the survey map and technical description of the land which bears

no information regarding the land's classification. She did not bother to establish the status of the land by any certification from the appropriate government agency. Thus, it cannot be said that she complied with all requisites for registration of title under Section 14(1) of P.D. 1529.[29]

Since Roche was unable to overcome the presumption that the land she applied for is inalienable land that belongs to the State, the Government did not have to adduce evidence to prove it.

WHEREFORE, the Court REVERSES and SETS ASIDE the decision of the Court of Appeals dated August 31, 2006 in CA-G.R. CV 65567 as well as the decision of the Regional Trial Court of Pasig City in LRC N-11330 dated September 30, 1999 and DENIES respondent Rosila Roche's application for registration of title over Lot 8698 located in Barrio Napindan, Taguig, Metro Manila, without prejudice to her proving by appropriate evidence her right to registration of the same at a future time.

SO ORDERED.

Carpio, (Chairperson), Peralta, Bersamin,[*] and Del Castillo,* JJ., concur.

[*] Designated as additional members in lieu of Associate Justices Antonio Eduardo B. Nachura and Jose Catral Mendoza, per raffle dated June 16, 2010.

[1] Docketed as LRC-N-11330.

[2] Pursuant to Presidential Decree 1529.

[3] TSN, January 18, 1999, pp. 5-7.

[4] Records, p. 17.

[5] Id. at 10.

[6] Id. at 147.

[7] Id. at 14-16.

[8] Id. at 12-13.

[9] Id. at 62 & 76.

[10] TSN, March 8, 1999, pp. 3-4.

[11] Id. at 9-11.

[12] Id. at 12-14.

[13] Records, pp. 21-22.

[14] Id. at 80-83.

[15] Section 41, R.A. 4850 states: 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 elevation of 12.50 meters as referred to a datum 10.0 meters below mean lower low water (MLLW). Lands located at and below such elevation are public lands which form part of the bed of said lake.

[16] Records, pp. 161-162.

[17] Rollo, pp. 111-118.

[18] Id. at 117.

[19] Docketed as CA-G.R. CV 65567.

[20] Rollo, pp. 119-127, penned by Associate Justice Sesonando E. Villon and concurred in by Associate Justices Elvi John S. Asuncion and Jose C. Mendoza (now a member of this Court).

[21] Id. at 88-89.

[22] Id. at 103-107.

[23] Republic of the Philippines v. Court of Appeals, 489 Phil. 405, 413 (2005).

[24] Pagkatipun v. Court of Appeals, 429 Phil. 377, 386-387 (2002).

[25] See Bracewell v. Court of Appeals, 380 Phil. 156, 162 (2000).

[26] For lands with an area below 50 hectares.

[27] For lands with an area over 50 hectares.

[28] Republic v. T.A.N. Properties, Inc., June 26, 2008, 555 SCRA 477, 487-489.

[29] See Republic of the Philippines v. Lao, 453 Phil. 189, 199 (2003).

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