

REPUBLIC OF THE PHILIPPINES, PETITIONER, VS. BANAL NA PAG-AARAL, PHIL., INC., RESPONDENT.*G.R. No. 193305. January 27, 2021*

Ponente: PERLAS-BERNABE, J.

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Before the Court is a petition for review on certiorari[1] assailing the Amended Decision[2] dated January 8, 2010 and the Resolution[3] dated August 3, 2010 of the Court of Appeals (CA) in CA-G.R. CV No. 82888, which: (a) reversed and set aside its earlier Decision[4] dated July 6, 2009, dismissing Land Registration (LRC) Case No. TG-898 without prejudice; and (b) affirmed the Decision[5] dated April 1, 2003 of the Regional Trial Court of Tagaytay City, Branch 18 (RTC), approving respondent Banal na Pag-aaral, Phil., Inc.'s (respondent) application for registration.

The Facts

Respondent filed an Amended Application for Registration[6] of Lot Nos. 2304 and 2312, Cad. 482-D Amadeo Cadastre (consolidated as Lot No. 9404[7]) with an area of 57,989 square meters (sq. m.) situated in Barangay Dagatan, Amadeo, Cavite (subject lot) with the RTC, docketed as LRC Case No. TG-898. Respondent claimed ownership and actual possession of the subject lot on the ground of its continuous, exclusive and notorious possession and occupation in the concept of an owner long before World War II, reckoned from the possession of its predecessors-in-interest, the Heirs of Hermogenes Bayot[8] (vendors), who executed an Extrajudicial Partition of Estate with Deed of Absolute Sale[9] dated September 4, 1997 (document of sale) conveying the same in its favor.

To prove its claim that the subject lot formed part of the alienable and disposable land of the public domain, respondent presented: (a) a Certification[10] dated May 22, 2002 issued by the Department of Environment and Natural Resources (DENR) – Community Environment and Natural Resources Office of Trece Martires City (CENRO) stating that the subject lot is not covered by any public land application; and (b) a copy of the approved Consolidated Plan Ccn-04-000320-D[11] in the names of the vendors bearing the notation that the survey over the subject lot was done "inside alienable and disposable area per [Project] No. 5, [Land Classification] Map No. 3013, x x x." [12]

On the other hand, to support its claim of possession in the concept of an owner prior to June 12, 1945, it presented documentary and testimonial evidence that: (a) the subject lot was previously owned by Hermogenes Bayot (Hermogenes);[13] (b) no other person had laid any claim of ownership on the subject lot;[14] (c) Hermogenes had been in possession of the subject lot since the early 1940s until his death;[15] (d) Hermogenes held tax declarations in his name; (e) upon Hermogenes' death, was succeeded by his children,[16] herein vendors, who sold the subject lot to respondent;[17] and (f) respondent is in possession of the subject lot[18] which is now covered by TD No. 97 13023.[19]

The RTC Ruling

In a Decision[20] dated April 1, 2003, the RTC approved respondent's application for registration of the subject lot, finding that respondent had: (a) sufficiently established it and its predecessors-in-interest's open, continuous, exclusive and notorious possession and occupation of the subject lot under a bona fide claim of acquisition of ownership since prior to June 12, 1945; and (b) presented convincing evidence that the subject lot is no longer part of the public domain and may now be appropriated for private ownership.[21]

Dissatisfied, petitioner appealed[22] to the CA.

The CA Proceedings

In a Decision[23] dated July 6, 2009, the CA reversed and set aside the RTC ruling and dismissed LRC Case No. TG-898 without prejudice for failure of respondent to establish that the subject lot is alienable and disposable.[24]

Respondent filed a motion for reconsideration[25] attaching therewith the following: (a) a CENRO Certification[26] dated December 9, 2008 stating that the land subject of respondent's application for registration "was verified to fall within the Alienable or Disposable Land established under Project No. 5 per Land Classification Map No. 3013 [LC-3013] as approved and certified as such on March 15, 1982 under [Bureau of Forest Development (BFD) Administrative Order] FAO No. 4-1656;"[27] and (b) a certified true copy of FAO No. 4-1656[28] issued by the then Minister of Natural Resources Teodoro Q. Peña, declaring as alienable or disposable certain portions of the public domain situated, among others, in the Municipality of Trece Martires under LC Project No. 5 which is "designated and described as alienable and disposable in the [BFD] Map LC-3013." [29]

Petitioner left the admissibility of the aforesaid documents to the discretion of the CA.[30]

In an Amended Decision[31] dated January 8, 2010, the CA vacated its previous ruling and affirmed the RTC Decision approving respondent's application for registration. It found respondent's submission of the CENRO Certification and FAO 4-1656 as sufficient to establish the true nature or character of the subject lot, holding that the said documents enjoy the presumption of regularity in the absence of contradictory evidence.[32]

Petitioner moved for reconsideration,[33] contending that even with the admission of the said documents, respondent failed to establish its registrable title to the subject lot, there being no substantive evidence that respondent and its predecessors-in-interest have been in possession of the subject lot since June 12, 1945 or earlier, considering that the earliest tax declarations only date back to 1948.[34]

In a Resolution[35] dated August 3, 2010, the CA denied petitioner's motion; hence, the instant petition.

In a Resolution[36] dated February 5, 2018, the Court remanded the case to the CA for further proceedings for the purpose of determining the authenticity and due execution of the CENRO Certification, and to submit its resolution to the Court.[37] In, compliance with the said Resolution, the CA submitted a Report and Recommendation[38] dated June 25, 2019, finding the CENRO Certification to be authentic and duly issued, and recommending that the same be considered accordingly.[39]

The Issues Before the Court

The core issues for the Court's resolution are whether or not respondent has: (a) possessed the subject lot for the length of time required by law; and (b) proven a registrable title thereto.[40]

The Court's Ruling

The petition is meritorious.

Section 14 (1)[41] of Presidential Decree No. (PD) 1529,[42] otherwise known as the "Property Registration

Decree," has three requisites for registration of title, viz.: (a) that the property in question 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; and (c) that such possession is under a bona fide claim of ownership since June 12, 1945 or earlier.[43]

A similar right is granted under Section 48 (b)[44] of Commonwealth Act No. (CA) 141,[45] as amended by PD 1073,[46] otherwise known as "The Public Land Act." There are no material differences between Section 14 (1) of PD 1529 and Section 48 (b) of CA 141, as amended. Section 14 (1) of PD 1529 operationalizes the registration of such lands of the public domain.[47]

A judicious review of the records shows that respondent has adequately met the requirements under Section 14 (1) of PD 1529 for the registration of the subject lot in its name.

1. Respondent has sufficiently established that the subject lot is alienable and disposable.

Verily, the applicant has the burden of overcoming the presumption that the State owns the land applied for, and proving that the land has already been classified as alienable and disposable as of the time of the filing of the application.[48] In *Republic v. T.A.N. Properties, Inc. (T.A.N.)*,[49] which is the prevailing jurisprudence, the Court held that in order to prove that the land subject of the application for registration is alienable, an application for original registration must be accompanied by two (2) documents, i.e., (1) a copy of the original classification approved by the DENR Secretary and certified as a true copy by the legal custodian of the DENR's official records; and (2) a certificate of land classification status, i.e., the land subject of the application for registration falls within the approved area per verification through survey, from the CENRO or the Provincial Environment and Natural Resources Office of the DENR based on the land classification approved by the DENR Secretary.[50]

Here, respondent presented: (a) the CENRO Certification[51] stating that the subject lot containing an area of 57,989 sq. m. was "verified to fall within the Alienable or Disposable Land established under Project No. 5 per Land Classification Map No. 3013 (LC-3013) as approved and certified as such on March 15, 1982 under FAO No. 4-1656;"[52] and (b) a certified copy of FAO No. 4-1656[53] of the then Minister of Natural Resources Teodoro Q. Peña, declaring as alienable and disposable/certain portions of the public domain situated in the Municipality of Trece Martires under LC Project No. 5 which is "designated and described as alienable and disposable in the [BFD] Map LC-3013." [54]

While belatedly submitted only when respondent moved for reconsideration[55] of the CA's earlier July 6, 2009 Decision,[56] the Court notes that petitioner did not contest the admissibility of the said documents, leaving their admissibility to the discretion of the CA.[57] Neither did the Land Registration Authority nor the DENR oppose respondent's application on the ground that the subject lot is inalienable. Hence, since no substantive rights stand to be prejudiced, the benefit of the aforesaid documents, which the CA found to be authentic and duly issued, should therefore be equitably extended in favor of respondent.[58] Clearly, the subject lot is an alienable and disposable land of the public domain. The foregoing documents sufficiently show that the government executed a positive act of declaration that the subject lot is alienable and disposable land of the public domain as of March 15, 1982, which enjoy the presumption of regularity in the absence of contradictory evidence.[59] Besides, respondent filed its application in 1999, and the RTC decided the case in 2003, way before the rule on strict compliance was laid down in *T.A.N.*; hence, substantial compliance may be permitted here.

a. The subject lot need not be alienable and disposable since June 12, 1945 or earlier.

Contrary to petitioner's postulations,[60] the land sought to be registered need not have been declared alienable and disposable since June 12, 1945 or earlier in order for the applicant for registration to secure the judicial

confirmation of its title. Such contention had already been declared as absurd and unreasonable in *Republic v. Naguit*.^[61] Registration under Section 14 (1) of PD 1529 is based on possession and occupation of the alienable and disposable land of the public domain since June 12, 1945 or earlier, without regard as to whether the land was susceptible to private ownership at that time. The applicant needs only to show that the land had already been declared alienable and disposable at any time prior to the filing of the application for registration,^[62] which respondent was able to do.

2. Respondent has established possession and occupation of the subject lot of the nature and duration required by law.

For purposes of land registration under Section 14 (1) of PD 1529, proof of specific acts of ownership must be presented to substantiate the claim of open, continuous, exclusive and notorious possession and occupation of the land subject of the application. Actual possession consists in the manifestation of acts of dominion over it of such a nature as a party would actually exercise over his own property. Possession is: (a) open when it is patent, visible, apparent, notorious, and not clandestine; (b) continuous when uninterrupted, unbroken, and not intermittent or occasional; (c) exclusive when the adverse possessor can show exclusive dominion over the land and an appropriation of it to his own use and benefit; and (d) notorious when it is so conspicuous that it is generally known and talked of by the public or the people in the neighborhood.^[63]

To prove that it and its predecessors-in-interest have been in possession and occupation in the concept of owner of the subject lot since June 12, 1945 or earlier, respondent presented, among others, the testimony of Melanio Ambat (Melanio). Melanio, who was born in 1927,^[64] categorically claimed: (a) to have known of Hermogenes' ownership of the subject lot when he was about 15 years old, or around 1941 before the Japanese-American war broke out, since they are barrio mates, their house being merely 15 meters away from each other;^[65] (b) that the subject lot used to be an agricultural land,^[66] as he in fact used to till and farm a portion thereof;^[67] and (c) that no other person had laid any claim of ownership on the subject lot.^[68] At 15 years of age, Melanio is undoubtedly capable and competent to perceive Hermogenes' possession of the subject lot in the concept of an owner,^[69] which knowledge was reinforced through the years – with the continued possession of Hermogenes' heirs, herein vendors, who tended to the subject lot prior to the sale to respondent – up until he testified in court^[70] in 2002 when he was 74 years of age.^[71] Considering further that the judge below is in a better position to pass judgment on the matter of credibility of the witnesses and their testimony, having personally heard the witnesses testify and observed their deportment and manner of testifying, his finding that such testimony was worthy of belief and credence deserve the highest respect.

The fact that the earliest tax declaration on record is 1948 does not necessarily show that Hermogenes was not in possession of the subject lot since June 12, 1945 or earlier. As long as the testimony supporting possession for the required period is credible, as in this case, the court will grant the petition for registration.^[72] Indeed, the Court, in a long line of cases, has stated that tax declarations or tax receipts are good indicia of possession in the concept of owner. It does not follow that the belated declaration of the same for tax purposes negates the fact of possession, especially in the instant case where there are no other persons claiming any interest over the subject lot.^[73]

In sum, the Court finds that respondent has met the requirements for registration of the subject lot under Section 14 (1) of PD 1529. Accordingly, the CA did not err in affirming the RTC's grant of respondents' application for original registration of its imperfect title over the subject lot.

WHEREFORE, the petition is DENIED. The Amended Decision dated January 8, 2010 and the Resolution dated August 3, 2010 of the Court of Appeals (CA) in CA-G.R. CV No. 82888 approving respondent Banal na

Pag-aaral, Phil., Inc.'s application for original registration of the subject lot are hereby affirmed.

SO ORDERED.

Peralta, C.J., (Chairperson), Delos Santos, and Gaerlan, JJ., concur,
Caguioa, J., with separate concurring opinion.

[1] Dated September 17, 2010. Rollo, pp. 11-30.

[2] Id. at 36-40. Penned by Associate Justice Arcangelita M. Romilla-Lontok with Associate Justices Josefina Guevara-Salonga and Romeo F. Barza, concurring.

[3] Id. at 34-35. Penned by Associate Justice Romeo F. Barza with Associate Justices Josefina Guevara-Salonga and Ricardo R. Rosario (now a Member of this Court), concurring.

[4] Id. at 116-126. Penned by Associate Justice Arcangelita M. Romilla-Lontok with Associate Justices Josefina Guevara-Salonga and Romeo F. Barza, concurring.

[5] Id. at 107-115. Penned by Presiding Judge Alfonso S. Garcia.

[6] Dated December 26, 1999. Records, pp. 20-22.

[7] See Consolidated Plan Ccn-04-000320-D in the names of the vendors; id. at 47.

[8] See Amended Application for Registration dated December 26, 1999; id. at 20.

[9] Rollo, pp. 60-62.

[10] Id. at 170.

[11] Id. at 47. Approved on August 24, 1999.

[12] See id.

[13] See TD Nos. 1605 and 1607 in Hermogenes' name (rollo, pp. 440 and 448); as well as a 1948 tax declaration under the name of Fortunato dela Peña, i.e., TD No. 3336 (id. at 458).

[14] See Transcript of Stenographic Records (TSN), January 10, 2002, p. 16.

[15] See TSN, May 23, 2002, pp. 8-9.

[16] See TSN, January 10, 2002, p. 6.

[17] Through the Extrajudicial Partition of Estate with Deed of Absolute Sale dated September 4, 1997; rollo, pp. 60-62.

[18] See TSN, October 25, 2001, p. 5.

[19] I.e., Lot No. 2304, Cad. 482-D with an indicated area of 57,456 sq. m. See rollo, p. 463.

[20] Id. at 107-115.

[21] See id. at 114.

[22] See Notice of Appeal dated April 30, 2003; records, p. 198.

[23] Rollo, pp. 116-126.

[24] See *id.* at 123-125.

[25] Dated July 24, 2009. CA rollo, pp. 136-141.

[26] *Id.* at 143.

[27] See *id.*

[28] *Id.* at 144. Duly certified by the National Mapping and Resource Information Authority (NAMRIA).

[29] See *id.*

[30] See Comment (on the Motion for Reconsideration) dated October 24, 2008; *id.* at 181.

[31] Rollo, pp. 36-40.

[32] See *id.* at 39.

[33] See Motion for Reconsideration dated January 29, 2010; *id.* at 127-140.

[34] See *id.* at 137.

[35] *Id.* at 34-35.

[36] *Id.* at 486-488. Penned by Justice Andres B. Reyes, Jr. (now retired) with Senior Associate Justice and Chairperson Antonio T. Carpio (now retired) and Associate Justices Diosdado M. Peralta (now Chief Justice), Estela M. Perlas-Bemabe (now Senior Associate Justice), and Associate Justice Alfredo Benjamin S. Caguioa, concurring.

[37] See *id.* at 487.

[38] *Id.* at 500-505. Signed by Presiding Justice and Chairperson Romeo F. Barza and Associate Justices Ricardo R. Rosario (now a Member of the Court) and Zenaida T. Galapate-Laguilles.

[39] See *id.* at 505.

[40] See *id.* at 21.

[41] Said Section provides:

Section 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.

[42] Entitled "AMENDING AND CODIFYING THE LAWS RELATIVE TO REGISTRATION OF PROPERTY AND FOR OTHER PURPOSES" (June 11, 1978).

[43] *Republic v. Science Park of the Philippines, Inc.*, G.R. No. 237714, November 12, 2018.

[44] Said Section reads:

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 therefor, under the Land Registration Act, to wit:

x x x x

(b) Those who by themselves or through their predecessors-in-interest have been, in continuous, exclusive, and notorious possession and occupation of agricultural lands of the public domain, under a bona fide claim of acquisition or ownership, for at least thirty years immediately preceding the Filing of the application for confirmation of title, except when prevented by war of force majeure. Those 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. (Underscoring supplied)

[45] Entitled "AN ACT TO AMEND AND COMPILE THE LAWS RELATIVE TO LANDS OF THE PUBLIC DOMAIN" (November 7, 1936).

[46] Entitled "EXTENDING THE PERIOD OF FILING APPLICATIONS FOR ADMINISTRATIVE LEGALIZATION (FREE PATENT) AND JUDICIAL CONFIRMATION OF IMPERFECT AND INCOMPLETE TITLES TO ALIENABLE AND DISPOSABLE LANDS IN THE PUBLIC DOMAIN UNDER CHAPTER VII AND CHAPTER VIII OF COMMONWEALTH ACT NO. 141, AS AMENDED, FOR ELEVEN (11) YEARS COMMENCING JANUARY 1, 1977" (January 25, 1977).

[47] See *Victoria v. Republic*, 666 Phil. 519, 523-524 (2011).

[48] *Republic v. Science Park of the Philippines, Inc.*, supra note 43.

[49] 578 Phil. 441, 452-453 (2008).

[50] *Republic v. Science Park of the Philippines, Inc.*, supra note 43.

[51] See CA rollo, p. 143.

[52] See *id.*

[53] *Id.* at 144.

[54] See *id.*

[55] *Id.* at 136-141.

[56] Rollo, pp. 116-126.

[57] See Comment (on the Motion for Reconsideration) dated October 24, 2008; CA rollo, p. 181.

[58] See *Republic v. Consunji*, 559 Phil. 683, 699-700 (2007).

[59] *Id.*

[60] Essentially, that possession prior to the declaration that public lands are alienable and disposable cannot be considered as possession under a bona fide claim of ownership. See rollo, pp. 21-27.

[61] 489 Phil. 405, 413-414 (2005). In the said case, the Court held:

Petitioner suggests an interpretation that the alienable and disposable character of the land should have already been established since June 12, 1945 or earlier. This is not borne out by the plain meaning of Section 14 (1). "Since June 12, 1945," as used in the provision, qualifies its antecedent phrase "under a bona fide claim of ownership." Generally speaking, qualifying words restrict or modify only the words or phrases to which they are immediately associated, and not those distantly or remotely located. *Ad proximum antecedents fiat relation nisi impediatur sententia.*

Besides, we are mindful of the absurdity that would result if we adopt petitioner's position. Absent a legislative

amendment, the rule would be, adopting the OSG's view, that all lands of the public domain which were not declared alienable or disposable before June 12, 1945 would not be susceptible to original registration, no matter the length of unchallenged possession by the occupant. Such interpretation renders paragraph (1) of Section 14 virtually inoperative and even precludes the government from giving it effect even as it decides to reclassify public agricultural lands as alienable and disposable. The unreasonableness of the situation would even be aggravated[,] considering that before June 12, 1945, the Philippines was not yet even considered an independent state.

Instead, the more reasonable interpretation of Section 14 (1) is that it merely requires the property sought to be registered as already alienable and disposable at the time the application for registration of title is filed. If the State, at the time the application is made, has not yet deemed it proper to release the property for alienation or disposition, the presumption is that the government is still reserving the right to utilize the property; hence, the need to preserve its ownership in the State irrespective of the length of adverse possession even if in good faith. However, if the property has already been classified as alienable and disposable, as it is in this case, then there is already an intention on the part of the State to abdicate its exclusive prerogative over the property.

[62] Republic v. Science Park of the Philippines, Inc., supra note 43, citing Republic v. Heirs of Spouses Ocol, 799 Phil. 514, 529 (2016).

[63] Republic v. Science Park of the Philippines, Inc., supra note 43, citing Republic v. Estate of Santos, 802 Phil. 800, 814 (2016).

[64] See TSN, January 10, 2002, p. 4.

[65] See id. at 7-9.

[66] See id. at 17.

[67] See id. at 9-10.

[68] See id. at 16.

[69] See Spouses Recto v. Republic, 483 Phil. 81, 88-90 (2004).

[70] See Republic v. CA, 402 Phil. 498, 509-510 (2001).

[71] See TSN, January 10, 2002, p. 4.

[72] See Spouses Recto v. Republic, supra note 69 at 89.

[73] See Republic v. Caraig, G.R. No. 197389, October 12, 2020.

SEPARATE CONCURRING OPINION

CAGUIOA, J.:

I agree that the respondent sufficiently established that the subject lot is alienable and disposable.[1]

In the instant case, respondent presented; 1) a Community Environment and Natural Resources Office (CENRO) Certification stating that the land subject of respondent's application for registration was verified to fall within the Alienable or Disposable Land established under Project No. 5 per Land Classification (LC) Map No. 3013 (LC-3013) as approved and certified as such on March 15, 1982 under Forestry Administrative Order (FAO) No. 4-1656, and 2) a certified copy of FAO No. 4-1656 issued by the then Minister of Natural Resources Teodoro Q. Peña, declaring as alienable or disposable certain portions of the public domain situated, among others, in the

Municipality of Trece Martires under LC Project No. 5 which is "designated and described as alienable and disposable in the [BFD] Map LC-3013." [2] As the CENRO Certification was issued on December 9, 2008, [3] the instant Decision correctly applied *Republic v. T.A.N. Properties* [4] (T.A.N.), which requires the presentation of (i) a certificate of land classification status issued by the CENRO or Provincial Environment and Natural Resources Office (PENRO) of the Department of Environment and Natural Resources (DENR); and (ii) a copy of the original classification approved by the DENR Secretary and certified as a true copy by the legal custodian of the official records, to prove that property is part of the alienable and disposable lands of the public domain. [5]

I submit this Separate Concurring Opinion only to reiterate my position in *Dumo v. Republic of the Philippines* [6] (*Dumo*), that the second requirement established in T.A.N. has been rendered superfluous and unnecessary by the issuance of DENR Administrative Order No. 2012-9 (DENR AO 2012-9) on November 14, 2012, which delegated unto the CENRO, PENRO and the National Capital Region (NCR) Regional Executive Director (RED-NCR) the authority to issue not only certifications on land classification status, but also certified true copies of approved LC maps [7] with respect to lands falling within their respective jurisdictions.

DENR AO 2012-9 pertinently provides:

In view of the thrust of the government to [make] public service more accessible to the public, the authority to sign and/or issue the following documents is hereby delegated to the [CENROs], except in the National Capital Region (NCR) where the same shall be vested upon the [RED-NCR]:

- Certification on land classification status regardless of area based on existing approved [LC maps]; and
- Certified true copy of the approved [LC maps] used as basis in the issuance of the certification on the land classification status of a particular parcel of land x x x (Emphasis supplied)

Like the instant case, the certification in question in T.A.N. was issued prior to DENR AO 2012-9, i.e., in 1997. As such, the Court's decision in T.A.N. was correctly premised upon the lack of authority on the part of CENRO to issue certified true copies of approved LC maps or to serve as repository for said copies. The same may be said of the CENRO certifications presented in *Republic v. Lualhati* [8] (*Lualhati*) and *Republic v. Nicolas* [9] (*Nicolas*), which correctly applied T.A.N.

However, this lack of authority no longer holds true under the regime of DENR AO 2012-9. On this score, it is my view that pursuant to DENR AO 2012-9, certifications of land classification status issued by the CENRO, PENRO, and the RED-NCR should be deemed sufficient for purposes of proving the alienable and disposable character of property subject of land registration proceedings, provided only that these certifications expressly bear references to: (i) the LC map; and (ii) the document through which the original classification had been effected, such as a Bureau of Forest Development Administrative Order [10] (BFDAO) issued and signed by the DENR Secretary.

The BFDAO usually contains the following language:

[BFDAO]

x x x Pursuant to Section 13 of PD 705, [11] otherwise known as the Revised Forestry Code of the Philippines, as amended, I hereby declare an aggregate area of [x x x] hectares, more or less, as alienable or disposable for cropland and other purposes and place the same under the control and management of the Bureau of Lands, for disposition pursuant to the provisions the Public Land Act, located in [x x x], shown and described in BFD Map [x x x], which is attached hereto and forms and integral part of this Order x x x [12]

Precisely, the BFDAO (or any other issuance of the same tenor) constitutes the original classification required in T.A.N. (i.e., a copy of the original classification approved by the DENR Secretary and certified as a true copy by

the legal custodian of the official records). As the language of the BFDAO quoted above indicates, it serves to: (i) confirm the State's intention to release the land identified therein from the public dominion and classify the same as alienable and disposable; and (ii) define the specific metes and bounds of the subject land by incorporating, through reference, the LC map covering the same.

Hence, I submit that the presentation of the original classification and LC map no longer serves any further purpose when references thereto already appear on the face of the CENRO, PENRO or RED-NCR certificate submitted by the applicant, since these references already provide the State with a way to verify the correctness of the certificate against said public documents which are, in turn, in the State's custody.

To note, CENRO, PENRO or RED-NCR certificates do not fall within the class of public documents which, under Section 23,[13] Rule 132, constitute prima facie evidence of their contents. Like private documents, the authenticity of these certificates and the veracity of their contents remain subject to proof in the manner set forth under Section 20, Rule 132:

SEC. 20. Proof of private document. — Before any private document offered as authentic is received in evidence, its due execution and authenticity must be proved either:

- (a) By anyone who saw the document executed or written; or
- (b) By evidence of the genuineness of the signature or handwriting of the maker.

Any other private document need only be identified as that which it is claimed to be.

Necessarily, the submission of a CENRO, PENRO or RED-NCR certificate as evidence of registrability entails the presentation of the testimony of the proper issuing officer before the trial court for the purpose of authentication and verification. This exercise renders the presentation of the original classification and LC map in addition to the CENRO, PENRO or RED-NCR certificate redundant, inasmuch as the matters to which the original classification and LC map pertain may already be threshed out during the direct and cross-examination of the CENRO, PENRO or RED-NCR officer concerned. Once the certification in question is authenticated and verified by the proper officer, I submit that the burden of proof to establish that the land subject of the proceeding is unregistrable then shifts, as it should, to the State.

I am of the belief that the observance of the proper authentication and verification procedures and the State's participation (through the Office of the Solicitor General) in the trial process are sufficient safeguards against the grant of registration on the basis of falsified or inaccurate certifications.[14] To require the applicant to still carry the burden of proof to establish registrability despite presentation of duly authenticated and verified documents showing the same unduly tips the scale in favor of the State, and compromises the efficiency and accessibility of public service.

It bears noting that under Executive Order No. 192[15] (EO 192), the DENR is mandated to exercise supervision and control over forest lands and alienable and disposable lands.[16] To carry out this mandate, EO 192 vests the DENR Secretary with the power to "[e]stablish policies and standards for the efficient and effective operations of the [DENR] in accordance with the programs of the government"; "[p]romulgate rules, regulations and other issuances necessary in carrying out the [DENR]'s mandate, objectives, policies, plans, programs and projects"; and "[d]elegate authority for the performance of any administrative or substantive function to subordinate officials of the [DENR]".[17] One such policy is DENR AO 2012-9.

Contrary to the majority opinion in *Dumo*, I maintain that the simplification of the requirements set forth in T.A.N, neither sanctions the amendment of judicial precedent, nor does it place primacy on administrative issuances. This simplification merely aligns with the specific thrust of government underlying the issuance of

DENR AO 2012-9, that is, to make public service more accessible to the public. It is but a recognition of the DENR Secretary's powers under EO 192 to "[p]romulgate rules, regulations and other issuances necessary in carrying out the [DENR]'s mandate, objectives, policies, plans, programs and projects"; and "[d]elegate authority for the performance of any administrative or substantive function to subordinate officials of the [DENR]",^[18] which issuances, in turn, carry the same force and effect of law.^[19]

In sum, I reiterate that the scope and application of T.A.N. should now be limited to CENRO certifications issued prior to the effectivity of DENR AO 2012-9.

[1] Ponencia, p. 5.

[2] Id. at 6.

[3] Id. at 3.

[4] G.R. No. 154953, June 26, 2008, 555 SCRA 447 [First Division, per J. Carpio].

[5] Id. at 489.

[6] G.R. No. 218269, July 30, 2018, 865 SCRA 119.

[7] Under the Guidelines for the Assessment and Delineation of Boundaries Between Forestlands, National Parks and Agricultural Lands [DENR AO 2008-24, December 8, 2008], land classification maps are defined as those which show "the classification of lands of the public domain based on the land classification system undertaken by the then Department of Agriculture and Natural Resources, through the Bureau of Forestry, the Ministry of Natural Resources, through the Bureau of Forest Development, and the [DENR]" (DENR AO 2008-24, Sec. 4[h].)

[8] G.R. No. 183511, March 25, 2015, 754 SCRA 352 [Third Division, per C.J. Peralta], While the date of the CENRO certificate considered in Lualhati cannot be ascertained from the Court's decision, the fact that the same had been issued prior to the effectivity of DENR AO 2012-9 can be inferred from the date of the RTC and CA rulings assailed therein, that is, October 4, 2005 and March 31, 2008, respectively.

[9] G.R. No. 181435, October 2, 2017, 841 SCRA 328 [First Division, per C.J. Sereno], While the date of the CENRO certificate considered in Nicolas cannot be ascertained from the Court's decision, the fact that the same had been issued prior to the effectivity of DENR AO 2012-9 can be inferred from the date of the RTC and CA rulings assailed therein, that is, July 31, 2002 and August 23, 2007, respectively.

[10] BFDAOs declaring portions of the public forest as alienable and disposable are issued under the signature of the Secretary of Natural Resources upon the recommendation of the Director of the Bureau of Forest.

[11] REVISING PRESIDENTIAL DECREE NO. 389, OTHERWISE KNOWN AS THE FORESTRY REFORM CODE OF THE PHILIPPINES, May 19, 1975.

[12] Based on BFDAO No. 4-2003 dated June 29, 1987.

[13] Section 32, Rule 132 states:

SEC. 23. Public documents as evidence. — Documents consisting of entries in public records made in the performance of a duty by a public officer are prima facie evidence of the facts stated therein. All other public documents are evidence, even against a third person, of the fact which gave rise to their execution and of the date of the latter.

[14] In fact, in *Victoria v. Republic*, 666 Phil. 519 (2011) (*Victoria*), the Court ordered the OSG to directly

undertake the verification and authentication of documentary evidence belatedly presented by the petitioner in the interest of justice. In *Victoria*, a certain *Natividad Sta. Ana Victoria* (*Natividad*) applied for the original registration of a 1,729-square meter lot in *Bambang*, *Taguig City* before the *Metropolitan Trial Court (MeTC)*. The *MeTC* granted *Natividad's* application, prompting the Republic to file an appeal. When *Natividad* filed her *Appellee's Brief*, she attached thereto a *Certification* dated November 6, 2006 issued by the *DENR* certifying that the *Bambang* lot forms part of the alienable and disposable land of the public domain.

The *CA* held that *Natividad* failed to prove that the *Bambang* lot is alienable and disposable, and thus, granted the Republic's appeal. The *CA* held that it could not take cognizance of the *DENR Certification* since *Natividad* failed to offer it in evidence during the hearing before the *MeTC*.

Aggrieved, *Natividad* filed a petition for review before the Court. Resolving *Natividad's* petition, the Court observed that "the only reason the *CA* gave in reversing the decision of the *MeTC* is that [*Natividad*] failed to submit the [*DENR Certification*] x x x during the hearing x x x." Accordingly, the Court issued a resolution "requiring the *OSG* to verify from the *DENR* whether the Senior Forest Management Specialist of its National Capital Region, Office of the Regional Technical Director for Forest Management Services, who issued the [*DENR Certification*], is authorized to issue certifications on the status of public lands as alienable and disposable, and to submit a copy of the administrative order or proclamation that declares as alienable and disposable the area where the property involved in this case is located, if any there be."

In compliance, the *OSG* submitted: (i) a certification confirming the Senior Forest Management Specialist's authority to issue said *DENR Certification*; and (ii) a certified true copy of *Forestry Administrative Order 4-1141* dated January 3, 1968, signed by then Secretary of Agriculture and Natural Resources *Arturo R. Tanco, Jr.*, which declared portions of the public domain covered by *Bureau of Forestry Map LC-2623*, as alienable and disposable. Considering that *LC-2623* covered the *Bambang* lot, the Court granted the petition for review, and in turn, granted *Natividad's* application for registration.

[15] Entitled "PROVIDING FOR THE REORGANIZATION OF THE DEPARTMENT OF ENVIRONMENT, ENERGY AND NATURAL RESOURCES, RENAMING IT AS THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES, AND FOR OTHER PURPOSES, OTHERWISE BE KNOWN AS THE REORGANIZATION ACT OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES", June 10, 1987.

[16] See *EO 192*, Sec. 5(d).

[17] *Id.*, Sec. 7(b), (c), and (e).

[18] *Id.*, Sec. 7(c) and (e).

[19] *EO 293* was issued by then President *Corazon Aquino* pursuant to her law-making powers prior to the convention of Congress on July 27, 1987. See generally *Philippine Association of Service Exporters, Inc. v. Torres*, G.R. No. 98472, August 19, 1993, 225 SCRA 417 [En Banc, per *J. Bellosillo*].

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