REPUBLIC OF THE PHILIPPINES, PETITIONER, VS. JOSEFINO O. ALORA AND OSCAR O. ALORA, RESPONDENTS.

G.R. No. 210341. July 01, 2015

Ponente: CARPIO, J.

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CARPIO, J.:

The Case

Before this Court is a petition for review under Rule 45 of the Rules of Court assailing the 5 December 2013 Decision[1] of the Court of Appeals (CA) in CA-G.R. CV No. 99280, which denied the appeal of the Republic of the Philippines (petitioner) and affirmed the 3 July 2012 Resolution of the Regional Trial Court, Branch 31 of San Pedro, Laguna (RTC) in LRC Case No. SPL-0697-10.

The Facts

On 6 May 1969, spouses Pedro and Rafaela Alora sold a parcel of land with an area of 12,710 square meters, located in Barangay San Vicente, San Pedro, Laguna to their sons Josefmo O. Alora and Oscar O. Alora (respondents) for P5,000.00.[2] This parcel of land is more particularly described under Plan Psu-119876, and covered by Tax Declaration No. 24-0017-00507.[3] The parties to the sale executed a Deed of Conveyance dated 8 May 1969.

On 6 June 2010, respondents filed a verified application for registration of title before the RTC, which was docketed as LRC Case No. SPL-0697-10. Oscar, who was in the United States, authorized his brother Josefino to represent him in the proceedings, under a Special Power of Attorney dated 26 November 2010.

In the application, respondents claimed that they purchased the parcel of land, and that they had no knowledge of any mortgage or encumbrance or any person having any interest over the same property.[4] They further claimed that they had been planting crops on the parcel of land from 1969 to 2010. The approved plan showed six lots which respondents intended to develop as a commercial property.[5]

The respondents further claimed that they paid all taxes on the property and registered the Deed of Conveyance with the Registry of Deeds and Assessor's Office, and had traced back the tax declarations of their predecessors-in-interest from 1935. The parcel of land originally belonged to Colegio de San Jose, Inc., and was transferred to Pedro Salandanan. Subsequently, Salandanan conveyed the property to Pedro Alora, respondents' father.

In order to prove that the parcel of land was disposable and alienable, respondents submitted the following as evidence:

> 1. Certification dated 17 May 2010 issued by Jovito Oandasan, Chief of Forest Management Service of the Community Environment and Natural Resources Office (CENRO) of the Department of Environment and Natural Resources (DENR) which stated that the parcel of land is part of "Alienable and Disposable (A & D) land under Project No. 10-A, per BFD Land Classification Map No. 3004 certified and declared as such on

September 28, 1981.";[6]

2. Land certification mark 304 consisting of sheets 1 and 2 from the National Mapping Resource Information Authority (NAMRIA) which bears a certification that the areas set aside are alienable and disposable for cropland and fishpond development under Forestry Administrative Order No. 4-1627 dated 28 September 1981;[7]

3. Certified copy of the polyester film copy (SEPIA) of approved Plan Psu-119876 dated 20 April 1949;[8]

4. Certified technical description of Plan Psu-119876;[9] and

5. Certification in lieu of Geodetic Engineer's Certificate for Registration Purposes.[10]

Respondents were also able to present the following documents:

1. Certified photocopies of Tax Declaration Nos. 1794, 2206 (dated 28 December 1950), 2352 (dated 22 January 1952) and 2381 (dated 28 January 1952) issued to Colegio de San Jose, Inc.;

2. Affidavit of Transfer of Real Property executed by Colegio de San Jose, Inc. in favor of Pedro Salandanan and N.V. Sinclair;

3. Certified photocopy of Tax Declaration No. 2466 issued to Pedro Salandanan on 17 December 1952;

4. Certified copy of the Deed of Absolute Sale executed by Pedro Salandanan in favor of Pedro Alora dated 22 September 1953;

5. Certified photocopy of Tax Declaration No. 2946 issued to Pedro Alora on 21 December 1964;

6. Official Receipt No. 3820443 dated 18 March 2010;

7. Copy of the Deed of Conveyance dated 8 May 1969 executed by Pedro Alora in favor of respondents;

8. Certified photocopy of Tax Declaration No. 8707 issued to respondents in 1985;

9. Official Receipt No. 8594515 dated 14 September 2010;

10. Duplicate original copy of Tax Declaration No. 017-0592 issued to respondents in 2000;

11. Certified photocopy of Tax Declaration No. 0017-000507 issued to respondents in 2006; and

12. Official Receipt No. 9454614 dated 9 February 2010.[11]

The following persons also testified to support respondents' claim:

1. Jovito Oandasan, Chief of Forest Management Service of CENRO;

2. Rodolfo Gonzales, Special Investigator I of the DENR, Provincial Environment and Natural Resources Office (PENRO), Los Banos, Laguna;

3. Engineer Marlon Climaco, a licensed Geodetic Engineer;

4. Rolando Rosal, one of respondents' helpers; and

5. Respondent Josefino Alora.[12]

Oandasan testified that as chief of CENRO, his professional duties included issuing certifications as to the status of lands. He also claimed that the subject parcel of land is alienable and disposable under BFD Land Classification No. P004 released on 28 September 1981, and that he was able to secure a land certification mark 304 from the NAMRIA which bears a certification stating that the areas set aside are alienable and disposable for

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cropland and fishpond development under Forestry Administrative Order No. 4-1627 also dated 28 September 1981.[13]

Gonzales testified that he was tasked with investigating public land applications. He conducted an ocular inspection of the property as well as examined documentary evidence relating to respondents' application. Gonzales' report stated that the property is "not within a previously patented title or any public land application or administrative title."[14]

Petitioner, through Assistant Provincial Prosecutor Jose De Leon, Jr., did not present any evidence to oppose the application.[15]

The Ruling of the RTC

The RTC ruled in favor of the respondents. The dispositive portion of the Resolution dated 3 July 2012 reads:

> WHEREFORE, and upon previous confirmation of the Order of General Default, the Court hereby adjudicates and decrees a parcel of land (subdivided into Lots 1 to 6), as shown on Plan Psu-119876 situated in Barangay San Vicente. San Pedro, Laguna containing an area of 12,710 square meters in favor of and in the names of Josefino O. Alora and Oscar O. Alora.
>
> SO ORDERED.[16]

The RTC stated that under the Regalian Doctrine, all lands of the public domain belong to the State. Thus, the applicant bears the burden of proving "through incontrovertible evidence that the land sought to be registered is alienable and disposable based on a positive act of the government."[17] The RTC also cited Sections 14 and 48 of Presidential Decree (P.D.) No. 1529 which provide that an application for land registration must fulfill three requisites: (1) the land is alienable public land; (2) the applicant has been in open, continuous, exclusive, and notorious possession and occupation of the land since 12 June 1945 or earlier; and(3) the applicant's possession must be under a bona fide claim of ownership.[18]

The RTC held that while Republic v. T.A.N. Properties, Inc.[19] clearly stated that "the applicant for land registration 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," the applicable doctrine is that in Republic v. Serrano:[20]

> xxx However, in the case of Republic v. Serrano, which is [on] all fours with this case, the Court held that a DENR Regional Technical Director's certification, which is annotated on the subdivision plan submitted in evidence, constitutes substantial compliance with the legal requirements. Applying the said precedent, this Court finds that a DENR Regional Technical Director's Certification annotated on the subdivision plan and attested to by the CENRO and DENR official representatives declaring under oath that the property subject of this application is within the areas set aside as alienable and disposable for cropland and fishpond development under Forestry Administrative Order No. 4-1627 dated 28 September 1981 constitutes sufficient compliance with the above-stated requirements.[21]

The RTC also held that the applicants had satisfactorily shown that they and their predecessors-in-interest had been in open, continuous, exclusive, adverse, and notorious possession of the property under a bona fide claim of ownership for the period required by the Property Registration Decree.[22]

Thus, petitioner, represented by the Office of the Solicitor General, filed an appeal before the CA.

The Ruling of the CA

Petitioner argued that the RTC erred in applying the doctrine in Republic v. Serrano,[23] which was decided on 24 February 2010, and the applicable doctrine is Republic v. T.A.N. Properties, Inc. which was decided on 26

June 2008 and has been reiterated in subsequent cases.

The CA, however, denied the appeal. The court a quo cited the case of Republic v. Vega,[24] which harmonized the conflicting rulings in Republic v. Serrano and Republic v. T.A.N. Properties, Inc. In Republic v. Vega, this Court ruled that the doctrine enunciated under Republic v. Serrano applies pro hac vice and "it does not in any way detract from our rulings in Republic v. T.A.N. Properties, Inc., and similar cases which impose a strict requirement to prove that public land is alienable x x x."[25] The CA based its ruling on the express declaration in Republic v. Vega, to wit:

> As an exception, however, the courts — in their sound discretion and based solely on the evidence presented on record — may approve the application, pro hac vice, on the ground of substantial compliance showing that there has been a positive act of the government to show the nature and character of the land and an absence of effective opposition from the government. This exception shall only apply to applications for registration currently pending before the trial court prior to this Decision and shall be inapplicable to all future applications.[26] (Underscoring and boldfacing in the original)

Hence, the instant petition.

The Issues

Petitioner alleges that:

1. The CA erred in holding that respondents were able to substantially establish that the subject parcel of land is alienable and disposable; and

2. The CA erred in holding that the respondents were able to sufficiently prove that they and their predecessors-in-interest were in possession of the subject property since 12 June 1945 or earlier.

The Ruling of the Court

The petition is granted.

To reiterate, under Section 14 of the Property Registration Decree:

> 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.
>
> x x x x x x x x x

Thus, applicants for registration must prove the following: (1) that the subject land forms part of the disposable and alienable lands of the public domain; and (2) that they have been in open, continuous, exclusive, and notorious possession and occupation of the land under a bona fide claim of ownership since 12 June 1945 or earlier.

In order to prove that the parcel of land is part of the disposable and alienable lands of the public domain, respondents rely on the certification issued by the CENRO. The issue is whether this is sufficient evidence to show that the subject parcel of land falls within the disposable and alienable lands of the public domain.

Petitioner claims that the CA and the RTC should have applied our ruling in Republic v. T.A.N. Properties, Inc., which was promulgated on 26 June 2008. In that case, we held that applicants for land registration 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. If this standard were to be applied in the instant case, the CA decision should be overturned because respondents failed to present a certified classification from the DENR Secretary. Petitioner argues that the standard in Republic v. T.A.N. Properties, Inc. has been applied in more recent decisions of this Court.

The CA, however, did not follow the ruling in Republic v. T.A.N. Properties, Inc. Instead, it followed Republic v. Serrano (decided on 24 February 2010) and Republic v. Vega (decided on 17 January 2011). In Republic v. Serrano, we allowed the approval of a land registration application even without the submission of the certification from the DENR Secretary. As this ruling presented an apparent contradiction with our earlier pronouncement in Republic v. T.A.N. Properties, Inc., we sought to harmonize our previous rulings in Republic v. Vega. We then said that the applications for land registration may be granted even without the DENR Secretary's certification provided that the application was currently pending at the time Republic v. Vega was promulgated. Since respondents' application was pending before the RTC at the time Republic v. Vega was promulgated, the CA ruled in favor of the respondents, despite the lack of certification from the DENR Secretary.

Admittedly, we declared in Republic v. Vega that trial courts may grant applications for registration despite the absence of a certification from the DENR Secretary. It should be emphasized, however, that Republic v. Vega applies on a pro hac vice basis only. After Republic v. Vega, we pointed out in Republic v. San Mateo[27] that:

> In Vega, the Court was mindful of the fact that the trial court rendered its decision on November 13, 2003. way before the rule on strict compliance was laid down in T.A.N. Properties on June 26, 2008. Thus, the trial court was merely applying the rule prevailing at the time, which was substantial compliance. Thus, even if the case reached the Supreme Court after the promulgation of T.A.N. Properties, the Court allowed the application of substantial compliance, because there was no opportunity for the registrant to comply with the Court's ruling in T.A.N. Properties, the trial court and the CA already having decided the case prior to the promulgation of T.A.N. Properties.
>
> In the case here, however, the RTC Decision was only handed down on November 23, 2010, when the rule on strict compliance was already in effect. Thus, there was ample opportunity for the respondents to comply with the new rule, and present before the RTC evidence of the DENR Secretary's approval of the DENR-South CENRO Certification. This, they failed to do.

In the instant case, the RTC Resolution was issued on 3 July 2012, after the promulgation of Republic v. T.A.N. Properties, Inc. Thus, following our ruling in Republic v. San Mateo, the rule requiring certification from the DENR Secretary should be applied.

It is important to emphasize that the more recent case of Republic v. Spouses Castuera,[28] decided on 14 January 2015, applied the rule in Republic v. T.A.N. Properties, Inc. without any qualification.

WHEREFORE, the petition is GRANTED. The 5 December 2013 Decision of the Court of Appeals in CA-G.R. CV No. 99280 and the 3 July 2012 Resolution of the Regional Trial Court, Branch 31 of San Pedro, Laguna in LRC Case No. SPL-0697-10 are hereby REVERSED and SET ASIDE.

SO ORDERED.

Bersamin,[*] Del Castillo, Mendoza, and Leonen, JJ., concur.

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[*] Designated acting member per Special Order No. 2079 dated 29 June 2015.

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[1] Rollo, pp. 40-53. Penned by Associate Justice Agnes Reyes-Carpio, with Associate Justices Noel J. Tijam and Priscilla J. Baltazar-Padilla concurring.

[2] Id. at 11.

[3] Id. at 40-41.

[4] Id. at 11-12.

[5] Id. at 43.

[6] Id. at 93

[7] Id. at 70, 95.

[8] Id. at 72.

[9] Id.

[10] Id.

[11] Id. at 42-43.

[12] Id. at 41-43.

[13] Id. at 41.

[14] Id.

[15] Id. at 44.

[16] Id. at 76.

[17] Id. at 75.

[18] Id.

[19] 578 Phil. 441 (2008).

[20] 627 Phil. 350(2010).

[21] Rollo, p. 75.

[22] Id.

[23] 627 Phil. 350 (2010).

[24] 654 Phil. 511 (2011).

[25] Id. at 527

[26] Id.

[27] G.R. No. 203560, 10 November 2014.

[28] G.R. No. 203384, 14 January 2015.

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