

REPUBLIC OF THE PHILIPPINES, PETITIONER, V. THE ESTATE OF VIRGINIA SANTOS, REPRESENTED BY PACIFICO SANTOS, RESPONDENT.

G.R. No. 218345. December 07, 2016

Ponente: MENDOZA, J.

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MENDOZA, J.:

This is a Petition for Review on Certiorari seeking to reverse and set aside the May 22, 2015 Decision[1] of the Court of Appeals (CA) in CA-G.R. CV No. 100999, which affirmed the April 5, 2013 Amended Order[2] of the Metropolitan Trial Court, Branch 74, Taguig City (MeTC) in LRC Case No. 326, a land registration case under Section 14 of Presidential Decree (P.D.) No. 1529.

The Antecedents

On October 9, 2006, the Application for Land Registration[3] of a parcel of land identified as Lot No. 10839-C (subject land) located at P. Burgos St., Sta. Ana, Taguig City, with an area of 3,942 square meters and an assessed value of P82,400.00, was filed by respondent Estate of Virginia Santos (respondent estate), through its administrator, Pacifico Santos (Pacifico). The subject land was a subdivision of Lot No. 10839 described under survey Plan Csd-00-000352 (Subdivision Plan of Lot No. 10839, MCadm 590-D, Taguig Cadastral Mapping).

Together with its application for registration, respondent estate submitted the following documents: (1) Letters of Administration[4] showing that Pacifico was appointed as the administrator of the estate of Virginia Santos (Virginia); (2) Oath of Office of Pacifico[5]; (3) Subdivision Plan[6] of Lot No. 10839, MCadm 590-D, Taguig Cadastral Mapping (Csd-00-000352) with the annotation that the survey was inside L.C. Map No. 2623 Proj. No. 27-B classified as alienable/disposable by the Bureau of Forest Development on January 03, 1968; (4) Technical Description of Lot No. 10839-C, Csd-00-000352[7]; (5) Certification in Lieu of Surveyor's/Geodetic Engineer's Certificate[8] issued by the Land Survey Records Section, Department of Environment and Natural Resources (DENR), National Capital Region; (6) Tax Declaration (T.D.) No. FL-013-01057[9] and (7) Extrajudicial Settlement of Estate by Sole Heir of the Late Alejandro Santos,[10] dated March 27, 1975.

Respondent estate alleged that the late Virginia was the only child and heir of Alejandro Santos (Alejandro), who was the owner of the subject land during his lifetime. It further asserted that on March 27, 1975, or after Alejandro's death, Virginia executed an Extrajudicial Settlement of Estate by Sole Heir of the Late Alejandro Santos (Extrajudicial Settlement) and appropriated the subject land for herself. Respondent estate further alleged that Virginia, by her and through her predecessor-in-interest, had been in open, continuous, exclusive, and adverse possession of the property in the concept of owner for more than thirty (30) years.[11]

On October 9, 2006, the MeTC issued a notice of hearing setting the case for initial hearing on February 7, 2007.[12]

On April 30, 2007, petitioner Republic of the Philippines (Republic), through the Office of the Solicitor General

(OSG), filed its Opposition[13] to the Application, raising the following grounds: that neither the applicant nor the predecessors-in-interest of Virginia had been in open, continuous, exclusive, and notorious possession and occupation of the subject land for a period of not less than thirty (30) years; that the tax declarations and/or tax payment receipts attached to the application did not constitute competent and sufficient evidence of a bona fide acquisition of the land applied for; that the claim of ownership in fee simple on the basis of a Spanish title or grant could no longer be availed of by the applicant; and that the subject land was a portion of the public domain belonging to the Republic and not subject to private appropriation.

On July 12, 2007, the Land Registration Authority (LRA) submitted its Report[14] stating that the subject property, as plotted, did not appear to overlap with any previously plotted decreed properties and that it was not in a position to verify whether or not the aforesaid land was already covered by a land patent and previously approved isolated surveys.

Thereafter, trial ensued.

To support its allegation of possession and occupation, respondent estate presented Romualdo B. Flores (Romualdo) who testified that Virginia owned the subject land; that he had been tilling the land since 1970; that his father, Sixto Cuevas Flores (Sixto), tilled the land for Alejandro even before the Japanese occupation in 1941; and that he knew this for a fact as he was already nine (9) years old and attained the age of reason at that time. Respondent estate also offered in evidence several tax declarations covering Lot No. 10839, the earliest of which was T.D. No. 6532 issued on August 19, 1949.[15]

The MeTC Ruling

In its August 31, 2011 Decision[16] the MeTC denied respondent estate's application for registration of the subject land. It opined that respondent estate failed to present sufficient evidence to establish its claim of possession and ownership over the subject land. The MeTC reasoned that mere casual cultivation of portions of the subject land did not constitute sufficient basis for a claim of ownership. It did not give much weight either to the tax declarations offered in evidence as it stated that these documents were mere indication of claim of ownership and not ownership itself. [17]

The MeTC added that respondent estate failed to prove the alienable and disposable character of the subject land. It opined that the certification at the dorsal portion of the survey plan was not the kind of evidence contemplated in an application for original registration of title to land. The decretal portion of the decision, thus, reads:

WHEREFORE, all premises considered, the instant application for registration of land filed by the Estate of Virginia Santos represented by Pacifico S. Santos, is hereby denied.

SO ORDERED.[18]

On September 16, 2011, respondent estate filed its Motion for Reconsideration (With Alternative Motion for New Trial).[19] On February 24, 2012, the MeTC granted the motion and allowed respondent estate to present further evidence in support of its application. In granting the motion, the MeTC explained that respondent committed mistake or excusable negligence which ordinary prudence could not have guarded against xxx."[20]

Respondent estate presented, among others, Felino Flores (Felino), who, through his judicial affidavit,[21] testified that he had been tilling the subject land for Virginia and her estate since 1979; that before him, his father, Romualdo, tilled the land from 1969 until he took over in 1979; that before his father, his grandfather, Sixto, tilled the land even before the Second World War; and that such claim was an accepted fact in their family history.

On April 5, 2013, the MeTC issued the Order[22] granting the subject application. In completely reversing itself,

the trial court stated that the tax declarations submitted by respondent estate and the certification appearing at the dorsal portion of the survey plan of Lot No. 10839, showing that the land was disposable and alienable, were already sufficient to establish respondent estate's claim over the property as well as the alienable and disposable character of the subject land.

On the same day, the MeTC issued the Amended Order[23] correcting the dispositive portion of the earlier order where the area of the subject property was omitted:

WHEREFORE, all premises considered, this Court hereby confirms the title of applicant ESTATE OF VIRGINIA M. SANTOS, represented herein by the duly appointed administrator, PACIFICO M. SANTOS, Filipino, of legal age, married to Priscilla Santos and a resident of No. 93 P. Mariano Street, Ususan, Taguig City over the subject parcel of land designated as Lot 10839-C, as shown on subdivision plan Csd-00-000352, being a portion of Lot 10839, MCadm-590-D, Taguig Cadastral Mapping, situated at Barangay Sta. Ana, Taguig City, Metro Manila consisting of Three Thousand Nine Hundred Forty Two (3,942) Square Meters, more or less and hereby order the registration thereof in its name.

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

SO ORDERED.[24] [Emphasis and underscoring in the original]

Aggrieved, the Republic, through the OSG, elevated an appeal to the CA.[25]

The CA Ruling

In its assailed Decision, dated May 22, 2015, the CA dismissed the Republic's appeal and affirmed the Amended Order, dated August 5, 2013 of the MeTC. The appellate court noted that the cadastral survey in this case was the same cadastral survey in the case of *Natividad Sta. Ana Victoria vs. Republic*[26] (*Sta. Ana Victoria*), wherein the Court granted the application for registration of property. The CA concluded that it could not take a view contrary to the ruling in the aforesaid case. It also concurred with the trial court that the DENR certification at the dorsal portion of the subdivision plan of Lot No. 10839 was sufficient evidence to prove the character of Lot No. 10839-C as alienable and disposable.

The appellate court further ratiocinated that the alleged discrepancies in the area of the property applied for could be explained by the fact that the subject land was a subdivision of Lot No. 10839. It also found that respondent estate was able to prove its open, continuous, exclusive, and notorious possession in the concept of owner. Relying again on *Sta. Ana Victoria*, the CA held that a tax declaration issued in 1949 could be accepted as proof of open, continuous, exclusive, and notorious possession and occupation in the concept of an owner. The dispositive portion of the said decision states:

WHEREFORE, the appeal is DISMISSED. The Amended Order dated April 5, 2013 of the Regional Trial Court (sic), Branch 74, Taguig City in LRC Case No. 326, is AFFIRMED.

SO ORDERED.[27]

Hence, this petition, anchored on the following

GROUND

I

THE COURT OF APPEALS GRAVELY ERRED IN TAKING "JUDICIAL NOTICE" OF A "CADASTRAL SURVEY" SUBMITTED IN A DIFFERENT CASE ENTITLED "STA. ANA VICTORIA VS. REPUBLIC" TO PROVE, DURING THE APPEAL PROCEEDINGS, THE DATE WHEN THE SUBJECT LAND WAS FIRST DECLARED ALIENABLE AND DISPOSABLE.

II

THE COURT OF APPEALS GRAVELY ERRED IN GRANTING THE SUBJECT APPLICATION FOR LAND REGISTRATION DESPITE THE EXISTENCE OF DOUBT IN THE TOTAL AREA OF THE PARCEL OF LAND BEING APPLIED FOR REGISTRATION.

III

THE COURT OF APPEALS GRAVELY ERRED IN RELYING ON THE STA. ANA VICTORIA CASE AND IN UTTERLY DISREGARDING THAT THERE IS ABSENCE OF EVIDENCE TO PROVE POSSESSION AND OCCUPATION BY RESPONDENT OR ITS PREDECESSORS-IN-INTEREST SINCE JUNE 12, 1945, OR EARLIER.[28]

The Republic argues, first, that the CA gravely erred in its over-reliance on Sta. Ana Victoria. It posits that although the CA could take judicial notice of Sta. Ana Victoria, it could not hastily rule that the subject land was also alienable and disposable based merely on the allegation that the subject property and the property registered in the said case belonged to the same cadastral survey. Second, the Republic asserts that respondent estate failed to establish its open, exclusive, continuous and notorious possession and occupation under a bona fide claim of ownership over the subject land since June 12, 1945, or earlier. It contends that the tax declarations submitted by respondent estate were considered not proofs of ownership. Moreover, the earliest tax declaration submitted by respondent estate was for the year 1949, short of the required possession under the law. Lastly, the Republic insists that respondent estate's witnesses merely gave shady statements on the supposed ownership of Virginia and Alejandro, without showing any manifestation of acts of dominion over the property.

In its Comment,[29] respondent estate countered that judicial decisions of this Court, including the findings of facts which were integral parts thereof, formed part of the legal system which all other courts were bound to follow and be familiar with. It asserted that since the subject land emanated from the same cadastral survey declared as alienable and disposable in Sta. Ana Victoria, the subject property must likewise be declared as alienable and disposable. It further advanced that the contents of the certification at the dorsal portion of the survey plan and the technical description of the property enjoyed the presumption of their accuracy.

With regard to possession and occupation, respondent estate averred that its witnesses testified on the identity of the property, the crops planted thereon, and the three generations of tenancy agreement involving the subject land. It claimed that these testimonies were further supplemented by the tax declarations it presented, which showed that Virginia and her predecessor-in-interest were in possession of the subject land for more than fifty (50) years.

In its Reply,[30] the Republic reiterated its position that respondent estate failed to adduce sufficient evidence of possession and occupation on or before June 12, 1945; and that the appellate court erred in concluding that the subject land was declared alienable and disposable based merely on the facts sustained in Sta. Ana Victoria.

The Court's Ruling

Essentially, the Court is asked to resolve the issue of whether the CA erred in granting respondent estate's application for registration despite its failure to comply with the requirements for original registration of title to/and under Section 14 of P.D. No. 1529.

The petition is meritorious.

At the onset, the Court notes that there was some confusion as to what law on which the application for registration of the subject land was based. As per examination of respondent estate's application, it would seem that the basis for their application was Section 14(2) of P.D. No. 1529 considering its allegation of possession and occupation in the concept of owner for more than thirty (30) years. The MeTC, and later the appellate court, however, granted the application under Section 14(1) of the same law making reference to June 12, 1945, or prior thereto, as the earliest date of possession and occupation. Thus, the Court deems it proper to discuss respondent estate's application for registration of title to the subject property vis-a-vis the provisions of Section 14(1) and (2) of P.D. No. 1529.

Respondent Estate Failed to Comply with the Requirements under Section 14(1) of P.D. No. 1529

In *Republic of the Philippines vs. Cortez*,^[31] the Court explained that applicants for original registration of title to land must first establish compliance with the provisions of either Section 14(1) or Section 14(2) of P.D. No. 1529. Section 14(1) provides that:

Sec. 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.

Under Section 14(1), applicants for registration of title must sufficiently establish the following: first, that the land or property forms part of the disposable and alienable lands of the public domain; second, that the applicant and his predecessors-in-interest have been in open, continuous, exclusive, and notorious possession and occupation of the same; and third, that it is under a bona fide claim of ownership since June 12, 1945, or earlier.

The first requisite of Section 14(1) only entails that the property sought to be registered be alienable and disposable at the time of the filing of the application for registration.^[32]

In this case, to prove that the subject land formed part of the alienable and disposable lands of the public domain, respondent estate relied on the annotation on the subdivision plan of Lot No. 10839 and on the certification issued by Rodelina M. De Villa, Forester II of the Forest Management Services (FMS) of the DENR, which both stated that the subject land was verified to be "within the alienable and disposable land under Project No. 27-B, Taguig Cadastral Mapping as per LC Map No. 2623."^[33]

These pieces of evidence, however, would not suffice. The present rule is that to prove the alienability and disposability of the land sought to be registered, an application for original registration must be accompanied by (1) a City Environment and Natural Resources Office (CENRO) or Provincial Environment and Natural Resources Officer (PENRO) Certification; and (2) 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.^[34] Clearly, the annotation on the subdivision plan and the certification from the FMS fall short of these requirements.^[35]

The judicial notice by the appellate court of the cadastral survey submitted in *Sta. Ana Victoria* will not cure respondent estate's shortcomings.

In *Spouses Latip vs. Chua*,^[36] it was ruled that a court cannot take judicial notice of any fact which, in part, was dependent on the existence or non-existence of a fact of which the court has no constructive knowledge.^[37]

In this case, in concluding that the subject land formed part of the alienable and disposable lands of the public domain, the CA, in effect, assumed and took judicial notice that it was located within L.C. Map No. 2623. This is, however, erroneous considering that the CA had no constructive knowledge as to the location of the subject land and the technical boundaries of L.C. Map No. 2623. Furthermore, the CA erred in assuming the identity and location of the subject land because such matter was still under dispute. In fact, the Republic relentlessly raised this issue even during the trial arguing that the identity of the land in question was doubtful. This position was further reiterated by the Republic in its Reply when it argued that respondent estate failed to prove that the subject property was actually covered by the same cadastral survey submitted in *Sta. Ana Victoria*.

Accordingly, the CA erred in taking judicial notice of the identity and location of subject land. Its declaration that the subject land was alienable and disposable based merely on the declaration in *Sta. Ana Victoria* was erroneous.

Proof of Possession

Aside from the alienable and disposable character of the land sought to be registered, the applicant must also prove that he/she and/or his/her predecessors-in-interest have been in open, continuous, exclusive, and notorious possession and occupation of the land under a bona fide claim of ownership since June 12, 1945, or earlier. Possession is open when it is patent, visible, apparent, notorious, and not clandestine. It is continuous when uninterrupted, unbroken and not intermittent or occasional. It is exclusive when the adverse possessor can show exclusive dominion over the land and an appropriation of it to his own use and benefit. And it is notorious when it is so conspicuous that it is generally known and talked of by the public or the people in the neighborhood.^[38] Respondent estate in this case also failed to prove this requirement.

Respondent estate presented several tax declarations in the name of Virginia and Alejandro. The earliest of these tax declarations, however, dates back to 1949 only, short of the requirement that possession and occupation under a bona fide claim of ownership should be since June 12, 1945 or earlier.

Respondent also offered the testimonies of Romualdo and Felino to prove that Virginia's predecessor-in-interest had been in possession and occupation under a bona fide claim of ownership since June 12, 1945. Romualdo testified as follows:

Atty. Valdez

Q.

At the time you started to farm the property, please describe the condition thereof?

A. It was being farmed and planted to rice, sir.

Q.

Who planted it with rice?

A.

My father, Sixto Cuevas Flores, sir.

Q.

Since when did your father start tilling the land?

A.

He started tilling the land even before the Japanese time in 1942?

Q.

How do you know?

A.

I have already reached the age of reason at the time being nine (9) years old in 1941, sir.[39]

It needs to be pointed out, however, that in *Republic vs. Remman Enterprises, Inc.*[40] (Remman), the Court held that for purposes of land registration under Section 14(1) of P.D. No. 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. "Applicants for land registration cannot just offer general statements which are mere conclusions of law rather than factual evidence of possession. Actual possession consists in the manifestation of acts of dominion over it of such nature as a party would actually exercise over his own property." [41]

In a plethora of cases, the Court has repeatedly held that unsubstantiated claims of cultivation of land do not suffice to prove open, continuous, exclusive, and notorious possession and occupation of the public land applied for in the concept of an owner. In *Remman*, the Court denied the application for original registration of title to land located in Taguig City as the testimony of the applicant's witness lacked specifics as to the nature of the alleged cultivation. It was observed that:

Although Cerquena testified that the respondent and its predecessors-in-interest cultivated the subject properties, by planting different crops thereon, his testimony is bereft of any specificity as to the nature of such cultivation as to warrant the conclusion that they have been indeed in possession and occupation of the subject properties in the manner required by law. There was no showing as to the number of crops that are planted in the subject properties or to the volume of the produce harvested from the crops supposedly planted thereon.[42] (Underscoring supplied)

In *Aranda vs. Republic of the Philippines*,[43] the Court held that mere statements regarding cultivation of land would not establish possession in the concept of an owner, stating that:

X x x And even assuming that Lucio actually planted rice and corn on the land, such statement is not sufficient to establish possession in the concept of owner as contemplated by law. Mere casual cultivation of the land does not amount to exclusive and notorious possession that would give rise to ownership. Specific acts of dominion must be clearly shown by the applicant.[44] (Underscoring supplied)

In *Republic vs. Candy Maker, Inc.*,[45] the Court did not give credit to the unsupported claim of the respondent-applicant's predecessor-in-interest that he and his father cultivated the property applied for since 1937 by planting palay during the rainy season and vegetables during the dry season. The Court emphasized the importance of showing specific acts of dominion by the applicant or his predecessors-in-interest, to wit:

Fourth. When he testified on October 5, 2001, Antonio Cruz declared that he was "74 years old." He must have been born in 1927, and was thus merely 10 years old in 1937. It is incredible that, at that age, he was already

cultivating the property with his father. Moreover, no evidence was presented to prove how many cavans of palay were planted on the property, as well as the extent of such cultivation, in order to support the claim of possession with a bona fide claim of ownership. (Underscoring supplied)

Similarly in this case, assuming the veracity of the claim that Alejandro and/or Virginia cultivated the subject land through Romualdo and Sixto, the Court finds that the same could only be considered as a mere casual cultivation because his testimony was bereft of any specificity to warrant the conclusion that Alejandro and/or Virginia had been indeed in possession and occupation of the subject land. Romualdo's statements failed to show the nature of the cultivation and the volume of crops planted and harvested on the property. Respondent estate, therefore, failed to satisfy the requisite exclusivity and notoriety of the possession and occupation of the property because exclusive dominion and conspicuous possession over the subject land were not established.

Felino's testimony during the new trial of this case was likewise insufficient to prove the required possession and occupation since June 12, 1945 or earlier. Felino's pertinent testimony in his judicial affidavit was as follows:

Atty. Valdez

Q.

Since when did you start tilling the property?

A.

In 1979 at the age of 17.

Q.

Before you, who cultivated the property, if any?

A.

Romualdo Flores, my father then as tenant of the owner.

Q.

Since when did Romualdo cultivate or till the property?

A.

Since 1969.

Q.

As tenant, up to when did your father till the property?

A.

Up to 1979 when I took over.

Q.

In 1969 when Romualdo took over, who was cultivating or tilling the property, if any?

A.

Sixto Flores, his father and my grandfather.

Q.

Since when did Sixto start to cultivate the property?

A.

Before the Second World War.

Q. How do you know when you were born only in 1962?

A.

It is an accepted fact in our family history. I heard my parents and grandparents talk about it very, very often. Everyone assumes it to be true. Besides during the days of my grandfather Sixto, there was not much source of livelihood of the people but the farm. Many people worked or derived their income from the farms.

Clearly, Felino failed to convincingly show that he had personal knowledge of the ownership or possession over Lot No. 10839-C on or before June 12, 1945 having been born only in 1962. He also talked of how his father and grandfather cultivated the land based on their family stories which were not substantiated. Hence, the above testimony of Felino does not deserve any credit for being hearsay.

From all the foregoing, the subject land cannot be registered in the name of Virginia and/or her estate under Section 14(1) of P.D. No. 1529 for respondent estates failure to prove its alienable and disposable character, and its possession and occupation from June 12, 1945 or earlier.

Respondent Failed to Comply with the
Requirements under Section 14(2) of
P.D. No. 1529

The subject land cannot also be registered under Section 14(2) of P.D. No. 1529, which states:

(2) Those who have acquired ownership of private lands by prescription under the provision of existing laws.

In *Heirs of Mario Malabanan vs. Republic*[46] (Malabanan), the Court explained that when Section 14(2) of P.D. No. 1529 stated that persons "who have acquired ownership over private lands by prescription under the provisions of existing laws," it unmistakably referred to the Civil Code as a valid basis for the registration of lands. The Civil Code is the only existing law that specifically allows the acquisition of private lands by prescription, including patrimonial property belonging to the State.

Section 14(2) explicitly refers to the principles on prescription, as set forth in the Civil Code. In this regard, the Civil Code makes it clear that patrimonial property of the State may be acquired by private persons through prescription. This is brought about by Article 1113, which provides that all things which are within the commerce of man are susceptible to prescription, and that property of the State or any of its subdivisions not patrimonial in character shall not be the object of prescription.[47]

This does not necessarily mean, however, that when a piece of land is declared alienable and disposable, it can

already be acquired by prescription. In *Malabanan*, this Court ruled that declaration of alienability and disposability was not enough — there must be an express declaration that the public domain property was no longer intended for public service or the development of the national wealth or that the property had been converted into patrimonial, thus:

(2) In complying with Section 14(2) of the Property Registration Decree, consider that under the Civil Code, prescription is recognized as a mode of acquiring ownership of patrimonial property. However, public domain lands become only patrimonial property not only with a declaration that these are alienable or disposable. There must also be an express government manifestation that the property is already patrimonial or no longer retained for public service or the development of national wealth, under Article 422 of the Civil Code. And only when the property has become patrimonial can the prescriptive period for the acquisition of property of the public domain begin to run.[48] (Underscoring supplied)

In this case, and as already stated, respondent estate merely relied on the annotation on the subdivision plan of Lot No. 10839 and on the certification issued by FMS-DENR which certified the subject land to be "within the alienable and disposable land under Project No. 27-B, Taguig Cadastral Mapping as per LC Map No. 2623." No certification or any competent evidence, however, was ever presented to the effect that the subject land, or even the lands covered by L.C. Map No. 2623, were no longer intended for public service or for the development of the national wealth pursuant to Article 422 of the Civil Code. The classification of the subject property as alienable and disposable land of the public domain does not change its status as property of the public domain under Article 420(2) of the Civil Code. Thus, it is insusceptible to acquisition by prescription. Hence, respondent estate failed to prove that acquisitive prescription had begun to run against the State, much less that it had acquired title to the subject property by virtue thereof.

In fine, respondent failed to satisfy all the requisites for registration of title to land under either Sections 14(1) or (2) of P.D. No. 1529. Respondent's application for original registration of imperfect title over Lot No. 10839-C must be denied.

Without Prejudice

This denial, however, is without prejudice. As the FMS-DENR certified the subject land to be "within the alienable and disposable land under Project No. 27-B, Taguig Cadastral Mapping as per LC Map No. 2623," the respondent must be given the opportunity to present the required evidence. This is but fair and reasonable because a property within an alienable and disposable land must be deemed to be of the same status and condition. As earlier stated, however, the respondent must prove that the subject property was actually covered by the same cadastral survey and that they and their predecessors in interest were in possession and ownership since June 12, 1945 or earlier.

WHEREFORE, the petition is GRANTED. The May 22, 2015 Decision of the Court of Appeals in CA-G.R. CV No. 100999 is hereby REVERSED and SET ASIDE.

The Application for Registration of the Estate of Virginia Santos in LRC Case No. 326 is DENIED, without prejudice.

SO ORDERED.

Carpio, (Chairperson), Brion, Del Castillo, and Leonen, JJ., concur.

[1] Penned by Associate Justice Agnes Reyes-Carpio with Associate Justice Rosmari D. Carandang and Associate Justice Maria Elisa Sempio Diy, concurring; rollo, pp. 49-57.

- [2] Penned by Presiding Judge Donna B. Pascual; id. at 141-147.
- [3] Records, pp. 1-4.
- [4] Id. at 5.
- [5] Id. at 6.
- [6] Id. at 7.
- [7] Id. at 8.
- [8] Id. at 9.
- [9] Id. at 10-11
- [10] Id. at 12-19.
- [11] Id. at 2.
- [12] Id. at 20.
- [13] Id. at 188-189.
- [14] Id. at 197.
- [15] Id. at 242.
- [16] Penned by the Presiding Judge Maria Paz R. Reyes-Yson; id. at 294-302.
- [17] Id. at 299.
- [18] Id. at 301.
- [19] Id. at 303-306.
- [20] Id. at 321-322.
- [21] Id. at 331-334.
- [22] Id. at 361-367.
- [23] Id. at 368-374.
- [24] Id. at 373-374.
- [25] Id. at 375-376.
- [26] 666 Phil. 519 (2011).
- [27] Rollo, p. 56.
- [28] Id. at 26.
- [29] Id. at 223-227.
- [30] Id. at 235-243.
- [31] 726 Phil. 212 (2014).
- [32] Naguit v. Republic, 489 Phil. 405, 414 (2005).

[33] Rollo, pp. 203.

[34] Republic v. De Guzman Vda. De Joson, G.R. No. 163767, March 10, 2014, 718 SCRA 228.

[35] Republic v. Sese, G.R. No. 185092, June 4, 2014, 724 SCRA 592; Republic v. Santos, G.R. No. 191516, June 4, 2014, 724 SCRA 660.

[36] 619 Phil. 155 (2009).

[37] Id. at 166.

[38] Republic v. Gielczyk, 720 Phil. 385, 403 (2013).

[39] TSN, March 28, 2007, pp. 5-6.

[40] 727 Phil. 608 (2014).

[41] Id. at 625.

[42] Id. at 625-626.

[43] 671 Phil. 651, 660 (2011).

[44] Id. at 660-661.

[45] 525 Phil. 358, 380 (2006).

[46] 605 Phil. 244, 274 (2009).

[47] Id.

[48] Id.

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