

REPUBLIC OF PHILIPPINES, PETITIONER, VS. SCIENCE PARK OF THE PHILIPPINES, INC., HEREIN REPRESENTED BY ITS EXECUTIVE VICE-PRESIDENT AND GENERAL MANAGER, MR. RICHARD ALBERT I. OSM...*G.R. No. 237714. November 12, 2018*

Ponente: PERLAS-BERNABE, J.

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Before the Court is a petition for review on certiorari[1] assailing the Decision[2] dated October 12, 2017 and the Resolution[3] dated February 9, 2018 of the Court of Appeals (CA) in CA-G.R. CV No. 108099, which affirmed the Decision[4] dated August 10, 2016 of the Municipal Circuit Trial Court of Malvar-Balete, Batangas (MCTC) in Land Registration Case (LRC) No. N-129, granting respondent Science Park of the Philippines, Inc.'s (SPPI) application for original registration in accordance with Presidential Decree No. (PD) 1529,[5] otherwise known as the "Property Registration Decree."

The Facts

On November 20, 2014, SPPI filed with the MCTC an Application[6] for original registration of a 7,691-square meter (sq. m.) parcel of land denominated as Lot 5809, Psc-47, Malvar Cadastre, located in Barangay Luta Norte, Malvar, Batangas (subject land).[7] SPPI claimed that: (a) the subject land formed part of the alienable and disposable land of the public domain; (b) it and its predecessors-in-interest have been in open, continuous, exclusive, and notorious possession and occupation under a bona fide claim of ownership prior to June 12, 1945;[8] (c) the subject land is not mortgaged or encumbered, nor claimed or possessed by any person other than itself;[9] and (d) it bought the land from Cenen D. Torizo (Cenen) as evidenced by a Deed of Absolute Sale[10] dated October 17, 2013.

To prove its claim that the subject land formed part of the alienable and disposable land of the public domain, SPPI presented a certification[11] dated February 26, 2016 issued by the Department of Environment and Natural Resources (DENR) – Community Environment and Natural Resources Office of Batangas City (CENRO) stating that the land is within the alienable and disposable zone under Project No. 39, Land Classification (LC) Map No. 3601, based on DENR Administrative Order No. 97-37 (DAO 97-37) issued by then DENR Secretary Victor O. Ramos on December 22, 1997,[12] as well as certified photocopies[13] of LC Map No. 3601 and DAO 97-37.[14]

On the other hand, to support its claim of possession in the concept of owner prior to June 12, 1945, it presented documentary and testimonial evidence that: (a) the subject land was previously owned by Gervacio Lat (Gervacio),[15] who held a 1955 tax declaration in his name;[16] (b) Gervacio was assisted by his tenant in cultivating the land and harvesting the crops thereon;[17] (c) Gervacio was succeeded by his daughter, Ambrocia Lat, who sold the subject land to Spouses Raymundo Linatoc and Maria Reyes (Sps. Linatoc) through a "Kasulatan ng Bilihang Patuluyan ng Lupa" dated April 25, 1968;[18] (d) after Sps. Linatoc's demise, their heirs executed an "Extrajudicial Settlement of Estate with Waiver and Renunciation of Rights" on June 4, 1995,

waiving their rights, interests, and participation in the subject land in favor of Ernesto Linatoc (Ernesto);[19] (e) Ernesto subsequently sold the same land to Cenen on March 13, 2012 by virtue of a "Kasulatan ng Ganap na Bilihan;"[20] and (f) the subject land is now owned by SPPI which purchased the same from Cenen.[21]

The MCTC Decision

In a Decision[22] dated August 10, 2016, the MCTC granted SPPI's application for original registration, holding that it was able to establish that: (a) it has been in open, continuous, exclusive, and notorious possession and occupation of the subject land in the concept of owner even prior to June 12, 1945, tacked to the possession of its predecessors-in-interest; and (b) the land is alienable and disposable per verification by the forester of the DENR CALABARZON Region, CENRO, Batangas City from the land classification map issued pursuant to DAO 97-37.[23] While the legal custodian of the DENR's official records, Chief of the Records Management and Documentation Division, Jane G. Bautista (Ms. Bautista),[24] was not presented to identify the certified copy of DAO 97-37 presented before the court, the MCTC took judicial notice of the authenticity of DAO 97-37 on the basis of a stipulation in LRC No. N-127[25] (a land registration case filed by SPPI involving a different parcel of land previously heard and decided by the same MCTC) between the same handling Government Prosecutor[26] and the same counsel for the applicant, to dispense with the presentation of Ms. Bautista.[27]

Petitioner the Republic of the Philippines, herein represented by the Office of the Solicitor General (petitioner), moved for reconsideration but was denied in an Order[28] dated October 14, 2016.[29] Hence, it appealed[30] to the CA, arguing that the MCTC erred in granting SPPI's application for land registration despite the latter's failure to prove that: (a) the subject land forms part of the alienable and disposable land of the public domain since no DENR official had confirmed that DAO 97-37 was authentic and still in force at the time;[31] and (b) it and its predecessors-in-interest were in open, continuous, and exclusive possession of the subject land under a bona fide claim of ownership prior to June 12, 1945, since the earliest possession was shown to have started only in 1955, and it failed to identify its predecessors prior to that time.[32]

The CA Ruling

In a Decision[33] dated October 12, 2017, the CA affirmed the MCTC Ruling. It declared that the land is alienable and disposable, and held that the MCTC properly took judicial notice of DAO 97-37 in view of the acquiescence of the handling Government Prosecutor after the trial judge announced that the parties in LRC No. N-127 had already stipulated on dispensing with the presentation of Ms. Bautista, and after satisfying himself that the copy of DAO 97-37 presented was certified.[34] It also ruled that SPPI adequately proved through testimonial and documentary evidence that it and its predecessors-in-interest had been in open, public, adverse, continuous, and uninterrupted possession of the subject land in the concept of owner since June 12, 1945.[35]

Petitioner sought reconsideration[36] but was denied in a Resolution[37] dated February 9, 2018; hence, this petition.

The Issue Before the Court

The essential issue in this case is whether or not the CA was correct in upholding the MCTC's grant of SPPI's application for land registration.

The Court's Ruling

In an application for land registration, it is elementary that the applicant has the burden of proving, by clear, positive, and convincing evidence that its alleged possession and occupation were of the nature and duration required by law.[38]

In the instant case, SPPI essentially asked the MCTC for judicial confirmation of its imperfect title pursuant to Section 14 (1) of PD 1529, which 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.

Under the said provision, the applicants for registration of title must sufficiently establish that: (a) the land or property forms part of the disposable and alienable lands of the public domain at the time of the filing of the application for registration; (b) it and its predecessors-in-interest have been in open, continuous, exclusive, and notorious possession and occupation of the same; and (c) the possession is under a bona fide claim of ownership since June 12, 1945, or earlier.[39]

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.[40] To prove the alienability and disposability of the land sought to be registered, 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 issued by the CENRO or the Provincial Environment and Natural Resources Office (PENRO) of the DENR based on the land classification approved by the DENR Secretary.[41]

In the present case, petitioner maintains that SPPI failed to prove that the subject land is within the alienable and disposable portion of the public domain since DAO 97-37 was never properly identified in court, and the MCTC should not have taken judicial notice of the record of other cases even when the said other cases have been heard or pending in the same court.[42]

Judicial notice is the cognizance of certain facts which judges may properly take and act on without proof because they already know them.[43] Section 3, Rule 129 of the Rules of Court pertinently provides:

Section 3. Judicial notice, when hearing necessary. — During the trial, the court, on its own initiative, or on request of a party, may announce its intention to take judicial notice of any matter and allow the parties to be heard thereon.

"As a general rule, courts are not authorized to take judicial notice of the contents of the records of other cases, even when such cases have been tried or are pending in the same court, and notwithstanding the fact that both cases may have been tried or are actually pending before the same judge. However, this rule is subject to the exception that in the absence of objection and as a matter of convenience to all parties, a court may properly treat all or any part of the original record of the case filed in its archives as read into the records of a case pending before it, when with the knowledge of the opposing party, reference is made to it, by name and number or in some other manner by which it is sufficiently designated. Thus, for said exception to apply, the party concerned must be given an opportunity to object before the court could take judicial notice of any record pertaining to other cases pending before it." [44]

As correctly ruled by the CA, the conditions necessary for the exception to be applicable were established in this case. Notably, the handling Government Prosecutor (a) did not object to the dispensation of the testimony of the

DENR legal custodian of official records, Ms. Bautista, in view of the similar stipulation between him and the same counsel of SPPI in LRC No. N-127 previously heard and decided by the MCTC,[45] and (b) satisfied himself that the copy of DAO 97-37 presented was duly certified by Ms. Bautista. Only then was the photocopy of the certified copy duly marked as exhibit.[46]

Moreover, contrary to petitioner's protestation,[47] 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*.^[48] 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 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,"^[49] which SPPI was able to do.

However, notwithstanding the alienability and disposability of the subject land, the Court finds that SPPI failed to present convincing evidence that its alleged possession and occupation were 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.^[50] 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.^[51]

To prove that it and its predecessors-in-interest have been in possession and occupation of the subject land since June 12, 1945 or earlier, SPPI presented, among others, the testimony of Nelia Linatoc-Cabalda (Nelia). Nelia, who was born in 1936, claimed to have known of Gervacio's ownership and cultivation of the subject land when she was about seven (7) years old, or around 1943, as she and other children her age would frequent the subject land where they played and gathered fruits.^[52] However, such testimony was insufficient to establish possession in the nature and character required by law that would give right to ownership. In a number of cases, the Court has repeatedly held that to prove open, continuous, exclusive, and notorious possession and occupation in the concept of owner, the claimant must show the nature^[53] and extent of cultivation^[54] on the subject land, or the number of crops planted or the volume of the produce harvested from the crops supposedly planted thereon;^[55] failing in which, the supposed planting and harvesting of crops in the land being claimed only amounted to mere casual cultivation which is not the nature of possession and occupation required by law. Consequently, SPPI failed to satisfy the requisite exclusivity and notoriety of its claimed possession and occupation of the subject land because exclusive dominion and conspicuous possession thereof were not established.

Furthermore, SPPF's evidence were insufficient to prove that its possession and occupation were for the duration required by law. The earliest tax declaration in Gervacio's name presented by SPPI, i.e., Tax Declaration (TD) No. 6243, dates back to 1955^[56] only, short of the requirement that possession and occupation under a bona fide claim of ownership should be since June 12, 1945 or earlier. That TD No. 6243 cancels a prior tax declaration, i.e., TD 1052, would not help SPPI's cause in view of the absence of any evidence (a) identifying Gervacio or any other prior possessor as the declared owner under TD 1052, and (b) indicating its effectivity date. Thus, the Court cannot subscribe to the CA's conclusion that it can be "reasonably assumed that before the issuance of [TD] No.

6243, the subject [land] had already been occupied by [Gervacio] or other prior claimants." [57] The payment of realty taxes and declaration of the subject land in the name of Gervacio in 1955 gives rise to the presumption that he claimed ownership and possession thereof only in that year. [58]

In sum, the Court finds that SPPI's unsubstantiated and self-serving assertions of possession and occupation do not constitute the well-nigh incontrovertible evidence of possession and occupation of the subject land of the nature and duration required by Section 14 (1) of PD 1529. Accordingly, the CA erred in affirming the MCTC's grant of SPPI's application for original registration of its imperfect title over the subject land.

WHEREFORE, the petition is GRANTED. A new judgment is hereby entered REVERSING and SETTING ASIDE the Decision dated October 12, 2017 and the Resolution dated February 9, 2018 of the Court of Appeals in CA-G.R. CV No. 108099, and accordingly, DENYING respondent Science Park of the Philippines, Inc.'s (SPPI) application for original registration of the subject land.

SO ORDERED.

Carpio, (Chairperson), Caguioa, A. Reyes, Jr., and J. Reyes, Jr.,[*] JJ., concur.

[*] Designated Additional Member per Special Order No. 2587 dated August 28, 2018.

[1] Rollo, pp. 15-32.

[2] Id. at 38-51. Penned by Associate Justice Remedios A. Salazar-Fernando with Associate Justices Mario V. Lopez and Ramon Paul L. Hernando (now a Member of the Court), concurring.

[3] Id. at 53-54.

[4] Id. at 56-64. Penned by Presiding Judge Charito M. Macalintal-Sawali.

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

[6] In Re: Application for Original Registration of Title dated November 18, 2014. Rollo, pp. 69-75.

[7] Id. at 76.

[8] See id. at 70.

[9] See id. at 70-71.

[10] Id. at 80-84.

[11] Not attached to the rollo.

[12] See rollo, pp. 41-43.

[13] See id.

[14] See id. at 60.

[15] See id. at 40 and 58.

[16] See id. at 43 and 60.

[17] See id. at 40 and 58.

- [18] See *id.* at 40-41 and 58.
- [19] See *id.* at 41 and 58-59.
- [20] See *id.* at 41 and 59.
- [21] See *id.*
- [22] *Id.* at 56-64.
- [23] See *id.* at 62-63.
- [24] See *id.* at 45 and 60.
- [25] See *id.* at 48.
- [26] See *id.* at 199-200.
- [27] See *id.* at 49.
- [28] Not attached to the rollo.
- [29] See rollo, p. 44.
- [30] See Brief for the Oppositor-Appellant dated May 2, 2017; *id.* at 90-99.
- [31] See *id.* at 94.
- [32] See *id.* at 97.
- [33] *Id.* at 38-51.
- [34] See *id.* at 48-50.
- [35] See *id.* at 50-51.
- [36] See Motion for Reconsideration (of the Decision dated October 12, 2017) dated November 29, 2017; *id.* at 65-68.
- [37] *Id.* at 53-54.
- [38] See *Dumo v. Republic*, G.R. No. 218269, June 6, 2018.
- [39] See *Espiritu, Jr. v. Republic*, G.R. No. 219070, June 21, 2017, 828 SCRA 77, 88; and *Republic v. Estate of Santos*, 802 Phil. 800, 811-812 (2016);
- [40] See *Dumo v. Republic*, *supra* note 38; citing *Heirs of Malabanan v. Republic*, 605 Phil. 244, 269 (2009).
- [41] See *Dumo v. Republic*, *id.*; citing *Republic v. T.A.N. Properties, Inc.*, 578 Phil. 441, 452-453 (2008).
- [42] See rollo, p. 23.
- [43] See *Pilipinas Shell Petroleum Corporation v. Commissioner of Customs*, G.R. No. 195876, December 5, 2016, 812 SCRA 1, 50.
- [44] See *id.* at 52; underscoring supplied.
- [45] See rollo, pp. 49-50.

[46] See *id.*

[47] See *id.* at 27.

[48] 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.

[49] *Republic v. Heirs of Spouses Ocol*, 799 Phil. 514, 529 (2016).

[50] *Republic v. Remman Enterprises, Inc.*, 727 Phil. 608, 625 (2014).

[51] *Republic v. Estate of Santos*, *supra* note 39, at 814.

[52] See *rollo*, p. 50.

[53] See *Republic v. Estate of Santos*, *supra* note 39, at 816.

[54] See *Republic v. Candy Maker, Inc.*, 525 Phil. 358, 380 (2006).

[55] See *Republic v. Remman Enterprises, Inc.*, *supra* note 50, at 626.

[56] See *rollo*, pp. 43 and 60.

[57] See *id.* at 50.

[58] See *Republic v. T.A.N. Properties, Inc.*, *supra* note 41, at 457-458.

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