

THE DIRECTOR OF LANDS, PETITIONER, VS. THE HONORABLE COURT OF APPEALS AND IGLESIA NI CRISTO, RESPONDENTS.

G.R. No. 56613. March 14, 1988

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FERNAN, J.:

A complaint often heard from parties-litigants is the delay in the resolution of their cases. This is one instance where the delay will perhaps be regarded, at least by one of the parties, as a welcome occurrence for had the case at bar been resolved earlier, the result obtained may have been diametrically and extremely different.

This is one of the several cases[*] involving the qualification of private respondent Iglesia ni Cristo, a corporation sole, to have an allege alienable piece of public land registered in its name under the 1973 Constitution.

The antecedents are as follows:

On November 28, 1973, private respondent Iglesia ni Cristo filed an application with the then Court of First Instance of Cavite for registration in its name of parcel of land with an area of 379 square meters located at Poblacion, Municipality of Amadeo, Cavite. In said application, private respondent alleged inter alia that it was the owner in fee simple of the land afore-described, having acquired title thereto by virtue of a Deed of Absolute Sale executed in 1947 by Aquelina de la Cruz in its favor and that applicant and its predecessors-in-interest had been in actual, continuous, public, peaceful, and adverse possession and occupation of said land in the concept of owner for more than thirty [30] years. Private respondent prayed that should the Land Registration Act not applicable, the provisions of Chapter VIII of Commonwealth Act No. 141, as amended by Republic Act No. 6236 be applied as applicant and its predecessors-in-interest had been in possession of the land for more than thirty [30] years and had introduce improvements thereon, including the fencing thereof on all sides.[1]

The Republic of the Philippines, represented by the Director of Lands, opposed the application on the following grounds: 1],the applicant and its predecessors-in-interest did not possess sufficient title to acquire ownership in fee simple of the parcel of land applied for; 2] neither the applicant nor its predecessors-in-interest have been in open, continuous, exclusive and notorious possession and occupation of the land in question; and 3] the subject parcel of land is a portion of the public domain belonging to the Republic of the Philippines not subject to private appropriation.[2]

After trial, the Court of First Instance of Cavite rendered judgment granting private respondent's application for registration of title. It found that private respondent and its predecessors-in-interest had been in continuous, open and adverse possession of the subject property in the concept of owner for more than forty [40] years and that the land was not within any military and naval reservation, nor covered by any kind of public land application or patent, as it is within the proposed alienable or disposable block of the proposed LC Project No. 5-A of Amadeo, Cavite.[3]

Believing that private respondent did not sufficiently identify the land in question by reason of its failure to submit the original tracing cloth plan thereof and that private respondent was disqualified from holding, except by lease, alienable lands of the public domain under Section 11, Article XIV of the 1973 Constitution, the Director of

Lands appealed the decision of the land registration court to the Court of Appeals. The appellate court, however, affirmed in toto the assailed decision. Hence, this petition for review on certiorari, petitioner Director of Lands reiterating as basis therefore the two [2] issues previously raised before the appellate court.

We affirm. No reversible error was committed by the appellate court in ruling that Exhibit “O”, the true certified copy of the white paper plan, was sufficient for the purpose of identifying the land in question. Exhibit “O” was found by the appellate court to reflect the land as surveyed by a geodetic engineer. It bore the approval of the Land Registration Commission, and was re-verified and approved by the Bureau of Lands on April 25, 1974 pursuant to the provision of P.D. No. 239 withdrawing from the Land Registration Commission the authority to approve original survey plans. It contained the following material data: the barrio [poblacion], municipality [Amadeo] and province [Cavite] where the subject land is located, its area of 379 square meters, the land as plotted, its technical descriptions and its natural boundaries. Exhibit “O” was further supported by the Technical Descriptions[4] signed by a geodetic surveyor and attested by the Land Registration Commission. In fine, Exhibit “O” contained all the details and information necessary for a proper and definite identification of the land sought to be registered, thereby serving the purpose for which the original tracing cloth plan is required. The fact therefore that the original survey plan was recorded on white paper instead of a tracing cloth should not detract from the probative value thereof. As observed by the appellate court.

“Now, just because the law requires the filing of a tracing cloth of the plan, that We should be too technical about it that the submission of the certified copy of the white paper plan instead of the original of the tracing cloth of the plan would compel Us to deny the registration? The object of the law in requiring the submission of a tracing cloth of the plan duly approved by the Bureau of Lands is establish the true identity-the location-of the land, in terms of degrees and minutes in order that there is an assurance that it does not overlap a land or portion of land already covered by a previous land registration, or that there will be no possibility that it will be overlapped by a subsequent survey of any adjoining land.

“In the case at bar, such identity can be well-established by the white paper plan. To Us, it would not matter if the plan introduced to establish the identity of the land is made of cloth of the plan is required to be submitted to the Bureau of Lands. It must have a file copy of the same.”[5]

Petitioner’s Heavy reliance on the case of *Director of Lands v. Reyes*, 68 SCRA 177, is misplaced. The original tracing cloth plan was deemed essential in that case as the lands involved were vast tracts of uncultivated, mountainous and thickly forested lands which were necessarily difficult to identify, unlike the land subject matter of the instant registration case which is more readily identifiable by reason of its location, its comparatively smaller size of 379 square meters as well as the chapel constructed thereon by private respondent in 1968. Moreover, the documentary evidence presented therein consisting in the blue prints of two [2] survey plans were not approved by the Director of Lands unlike Exhibit “O” which bore the approval of the Land Registration Commission at the time it was empowered by law to approve original survey plans and which was re-verified and approved by the Bureau of Lands when the authority to approve original survey plans was withdrawn from the Land Registration Commission by P.D. No. 239.

As observed at the outset, had this case been resolved immediately after it was submitted for decision, the result may have been quite adverse to private respondent. For the rule then prevailing under the case of *Manila Electric Company v. Castro-Bartolome, et al.*, 114 SCRA 799, reiterated in *Republic v. Villanueva*, 114 SCRA 875 as well as the other subsequent cases involving private respondent adverted to above, is that a juridical person, private respondent in particular, is disqualified under the 1973 Constitution from applying for registration in its name alienable public land, as such land cases to be public land “only upon the issuance of title to any Filipino citizen claiming it under section 48[b]” of Commonwealth Act No. 141, as amended. These are precisely the cases cited by petitioner in support of its theory of disqualification.

Since then, however, this Court had occasion to re-examine the rulings in these cases vis-à-vis the earlier cases of *Cariño v. Insular Government*, 41 Phil. 935; *Susi v. Razon*, 48 Phil. 424 and *Herico v. Dar*, 95 SCRA 437, among others. Thus, in the recent case of *Director of Lands v. Intermediate Appellate Court*, 146 SCRA 509, We categorically stated that the majority ruling in *Meralco* is “no longer deemed to be binding precedent”, and that “[T]he correct rule, x x x is that alienable public land held by a possessor, personally or through his predecessors-in-interest, openly, continuously and exclusively for the prescribed statutory period [30 years under the Public Land Act, as amended] is converted to private property by mere lapse or completion of said period, ipso jure.”[6] We further reiterated therein the time honored principle of non-impairment of vested rights.

The crucial factor to be determined therefore is the length of time private respondent and its predecessors-in-interest had been in possession of the land in question prior to the institution of the instant registration proceedings. The land under consideration was acquired by private respondent from Aquelina de la Cruz in 1947, who, in turn, acquired by same by purchase from the Ramos brothers and sisters, namely: Eusebia, Eulalia, Mercedes, Santos and Agapito, in 1936. Under section 48[b] of Commonwealth Act No. 141, as amended, “those who by themselves or through their predecessors-in-interest have been in open, 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 or force majeure” 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 therefore, under the Land Registration Act. Said paragraph [b] further provides that “these 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.” Taking the year 1936 as the reckoning point, there being no showing as to when the Ramoses first took possession and occupation of the land in question, the 30-year period of open, continuous, exclusive and notorious possession and occupation required by law was completed in 1966. The Completion by private respondent of this statutory 30-year period has dual significance in the light of Section 48[b] of Commonwealth Act No. 141, as amended and prevailing jurisprudence: [1] at this point, the land in question ceased by operation of law to be part of the public domain; and [2] private respondent could have its title thereto confirmed through the appropriate proceedings as under the Constitution then in force, private corporations or associations were not prohibited from acquiring public lands, but merely prohibited from acquiring, holding or leasing such type of land in excess of 1,024 hectares.

If in 1966, the land in question was converted ipso jure into the private land, it remained so in 1974 when the registration proceedings were commenced. This being the case, the prohibition under the 1973 Constitution would have no application. Otherwise construed, if in 1966, private respondent could have its title to the land confirmed, then it had acquired a vested right thereto, which the 1973 Constitution can neither impair nor defeat.[7]

WHEREFORE, the instant petition for review on certiorari is hereby DENIED. The decision of the Court of Appeals in CA-G.R. No. 63498-R is AFFIRMED IN TOTO. This decision is immediately executory. No pronouncement as to cost.

SO ORDERED.

Feliciano, Bidin and Cortes, JJ., concur.

Gutierrez, Jr., J., following my concurrence in the *Meralco* case, I dissent.

[*] The other cases are: *Director of Lands v. Villanueva*, 114 SCRA 875; *Director of Lands v. Gonong*, 118

SCRA 729; Republic v. Cendana, 119 SCRA 449; Republic v. Iglesia ni Cristo, 127 SCRA 687; Republic v. Iglesia ni Cristo, 128 SCRA 44 and Iglesia ni Cristo v. Court of First Instance of Nueva Ecija, 123 SCRA 516.

[1] Annex “A”, Petition, pp.27-29, Rollo.

[2] Annex “B”, Petition, pp.31-32, Rollo.

[3] Annex “C”, Petition, pp.34-35, Rollo.

[4] Exh. “O-1”.

[5] Annex “D”, Petition, p.40, Rollo.

[6] at p.522.

[7] Dir. Of Lands v. Intermediate Appellate Court, *supra*; Ayog v. Cusi, 118 SCRA 492.

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