

**REPUBLIC OF THE PHILIPPINES, REPRESENTED BY THE DIRECTOR
OF FOREST DEVELOPMENT AND THE DIRECTOR OF LANDS,
PETITIONER, VS. THE HONORABLE COURT OF APPEALS, AND
MARTINA CARANTES FO...**

G.R. No. 56948. September 30, 1987

Ponente: GUTIERREZ, JR., J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-56948/>

GUTIERREZ, JR., J.:

This is a petition for review on certiorari to set aside the decision of the Court of Appeals affirming in toto the judgment of the Court of First Instance of Baguio and Benguet, Branch III, at La Trinidad in LRC Case No. N-287, Record No. 37205, the dispositive portion of which reads as follows:

"It having been proven convincingly that this land was owned and possessed by the late Salming Piraso and later by his successors-in-interest, who are his children for a period of more than thirty years up to this date, they have shown to have a registerable title on the property which this Court therefore confirms and affirms in accordance with the law. Let the land so described in the technical description of the survey made of the same and in accordance with the corresponding plan be so registered." (p. 50, Rollo)

On May 9, 1968, respondent Martina S. Carantes for and in behalf of the Heirs of Salming Piraso filed with the Court of First Instance of Baguio and Benguet, Land Registration Case No. N-287, covering the following described property:

"A parcel of land (as shown on plan PSU- 43639) situated in the Barrio of Ansagan, Municipality of Tuba, Mountain Province. Bounded in the NE., along line 1-2 by property of Sioco Carino (PSU-43643, Lot 1); on the SE., and SW., along lines 2-3-4-5 by public land, on the W., alone lines 5-6-1 by property of Tunccalo. Containing an area of TWO MILLION ONE HUNDRED NINETY SEVEN THOUSAND EIGHT HUNDRED AND SEVENTY NINE (2,197,879) SQUARE METERS. x x x." (p. 13, Rollo)

On January 13, 1970, the Director of Lands, through the Solicitor General, filed an opposition to the application for registration stating, among others:

"That neither the applicant nor her predecessors-in-interest possess sufficient title to said parcel of land the same not having been acquired by them either by composition title from the Spanish Government or by possessory information title under the Royal Decree of February 13, 1894;

"That neither the applicant nor her predecessors-in-interest have been in open, continuous, exclusive, notorious possession and occupation of the land in question for at least thirty years immediately preceding the filing of the present application;

"That the aforementioned parcel of land is a portion of the public domain belonging to the Republic of the Philippines." (pp. 13-14, Rollo)

On April 7, 1970, the Director of Forestry also filed an opposition to the application for registration on the

following grounds:

"That the whole area applied for registration is within the Central Cordillera Forest Reserve established under Proclamation No. 217, dated February 16, 1929;

"That the area sought to be registered is neither released for disposition nor alienation; and that the herein applicant has no registerable title over the whole parcel of land either in fact or in law." (p. 14, Rollo)

After trial, a decision was rendered by the land registration court, as earlier stated, adjudicating the parcel of land to the applicants. The motion for reconsideration filed by Government oppositors having been denied, an appeal was made to the Court of Appeals which affirmed in toto the decision of the land registration court.

In this petition, the petitioner assigns the following alleges errors of the Court of Appeals:

A. RESPONDENT COURT ERRED IN NOT DECLARING THAT THE LAND IN QUESTION IS NOT CAPABLE OF REGISTRATION BEING PART OF THE PUBLIC FORESTS WITHIN THE CENTRAL CORDILLERA FOREST RESERVE;

B. RESPONDENT COURT ERRED IN NOT FINDING THAT THE ALLEGED POSSESSION OF THE LAND BY PRIVATE RESPONDENTS AND THEIR PREDECESSORS-IN-INTEREST WAS NOT IN CONCEPT OF OWNER UNDER SECTION 48 OF THE PUBLIC LAND LAW, THE LAND BEING INALIENABLE;

C. RESPONDENT COURT ERRED IN FINDING THAT THE LAND IS AGRICULTURAL BECAUSE THE GOVERNMENT FAILED TO SUBMIT PROOF THAT THE LAND IS MORE VALUABLE FOR FOREST PURPOSES;

D. RESPONDENT COURT ERRED IN FINDING THAT THE PROPERTY BECAME SEGREGATED FROM THE LAND OF THE PUBLIC DOMAIN AND ASSUMED THE CHARACTER OF PRIVATE OWNERSHIP UPON APPROVAL OF ITS SURVEY PLAN BY THE DIRECTOR OF LAND IN 1925;

E. ASSUMING THAT PRIVATE RESPONDENTS HAD POSSESSED AND CULTIVATED 10 TO 15 HECTARES OF THE LAND APPLIED FOR, RESPONDENT COURT ERRED IN RULING THAT THEY HAD ACQUIRED OWNERSHIP THRU CONSTRUCTIVE POSSESSION OVER THE REST OF THE 219.7879 HECTARES APPLIED FOR. (p. 18, Rollo)

The issues raised are:

1. Whether or not the land in question is part of the public forest within the Central Cordillera Forest Reserve; and
2. Whether or not private respondents have established registerable title over the land in question.

It is the stand of the petitioner that the land in question covered by Plan Psu-43639 is part of the public forest within the Central Cordillera Forest Reserve established under Proclamation No. 217 of Governor General Henry Stimson dated February 16, 1929. On February 27, 1980, an ocular inspection of said property was made by Land Inspector Crisogono Bartolo, Jr., of the Bureau of Lands together with representatives of the Bureau of Forestry, the Land Registration Court, and the applicants for registration. During the ocular inspection, the land was found to be rolling and stony in nature. Dartolo, Jr., submitted a report on April 17, 1970, stating, among others, that the land is covered with trees, bushes and grasses and being also stony is not suitable for agricultural purposes.

The representative of the Bureau of Forestry, Forester Ricardo D. Zapatero, submitted to the Provincial Fiscal a separate report dated April 6, 1970 to the effect that the whole area falls within the Central Cordillera Forest Reserve and that the same has not been released for agricultural purposes by the Director of Forestry who had

administrative jurisdiction over the same.

The petitioner states that since the land in question is indubitably part of the public forest and has not been reclassified or released from the forest zone, the same can not be the subject of registration either under Act 496, otherwise known as the Land Registration Act, or under Section 48(b) of Commonwealth Act No. 141, otherwise known as the Public Land Act. The petitioner points out that lands within the forest zone or within a duly established reservation do not form part of the disposable portion of the public domain nor can the same be alienated as said lands are not capable of private appropriation or ownership and possession thereof, however long, cannot convert the same into private property.

It is further argued by the petitioner that the private respondents or their predecessors-in-interest, Salming Piraso, had not acquired ownership over the land prior to its classification as part of the Cordillera Forest Reserve because there is no evidence on record that Salming Piraso had possessed the property for any appreciable period prior to 1929 when the land became part of the Cordillera Forest Reserve.

On the other hand, the private respondents assert that the findings of fact of the Court of Appeals show that the land subject of application is not within the Central Cordillera Forest Reserve and the same land applied for registration is disposable and alienable. The private respondents, as applicants, claim to have sufficiently shown by preponderance of evidence that the land being applied for registration had been possessed by Salming Piraso as far back as 1915 when he and his workers planted the arable portion of about 15 hectares to rice and other products and raised cows on the other portion suited for pasture. The late Salming Piraso had the land surveyed by private surveyor Jose Castro on April 3-9, 1924 as Plan Psu-43639 which was approved by the then Director of Lands, Jorge B. Vargas on March 6, 1925, while Proclamation No. 217 Was promulgated only on February 16, 1929. They state that the approval of the said survey by the government thru the Director of Lands Jorge B. Vargas can only mean that said land was no longer included in the overall survey of the government as it was no longer part of the public land. As applicants, they contend that they have possessed the land applied for in concept of owner, openly and publicly, adverse against the whole world and continuously for more than thirty (30) years before they filed application over the land which is agricultural and separate from the public domain.

We find the petition to be meritorious. It is already a settled rule that forest lands or forest reserves are not capable of private appropriation and possession thereof, however long, cannot convert them into private property (*Vano v. Government of Philippine Islands*, 41 Phil. 161; *Adorable v. Director of Forestry*, 107 Phil. 401; *Director of Forestry v. Munoz*, 23 SCRA 1183; *Republic v. De la Cruz*, 67 SCRA 221; *Director of Lands v. Reyes & Alinsunurin v. Director of Lands*, 68 SCRA 177; *Republic v. Court of Appeals*, 89 SCRA 648; and *Director of Lands v. Court of Appeals*, 133 SCRA 701) unless such lands are reclassified and considered disposable and alienable by the Director of Forestry, but even then, possession of the land by the applicants prior to the reclassification of the land as disposable and alienable cannot be credited as part of the thirty-year requirement under Section 48 (b) of the Public Land Act (*Director of Lands v. Court of Appeals*, supra). In this case, there is no showing of reclassification by the Director of Forestry that the land in question is disposable or alienable. This is a matter which cannot be assumed. It calls for proof.

There is an erroneous assumption implicit in the challenged decision of the Court of Appeals which the government oppositors also appear to have overlooked. This is the reliance on Proclamation No. 217 of Governor General Henry L. Stimson as the operative act which converted the lands covered by the Central Cordillera Forest Reserve into forest lands. This is wrong. The land was not non-forest or agricultural land prior to the 1929 proclamation. It did not earn a classification from non-forest into forest land because of the proclamation. The proclamation merely declared a special forest reserve out of already existing forest lands. The land was already forest or timber land even before the proclamation. The alleged entry in 1915 of Salming Piraso and the

cultivation of 15 hectares out of a 219.7879 hectares claimed area has no legal significance. A person cannot enter into forest land by the simple act of cultivating portion of that land, earn credits towards an eventual confirmation of imperfect title. The Government must first declare the forest land to be alienable and disposable agricultural land before the year of entry, cultivation, an exclusive and adverse possession can be counted for purposes of an imperfect title.

The records positively establish that the land in question is part of the public forest which the Executive formally proclaimed as the Central Cordillera Forest Reserve to further preserve its integrity and to give it a status which is more special for certain purposes than that of ordinary forest lands.

One reason for the respondent court's decision finding a registerable title for the private respondents is its observation that the Government failed to show that the disputed land is more valuable for forest purposes. The court noted a failure to prove that trees are thriving in the land.

The Court of Appeals finding is based on a wrong concept what is forest land. There is a big difference between "forest" as defined in a dictionary and "forest or timber land" as a classification of lands of the public domain in the Constitution. (Section 3, Article XII of the 1987 Constitution; Section 10, Article XIV of the 1973 Constitution, as amended; and Section 1, Article XIII of the 1935 Constitution).

One is descriptive of what appears on the land while the other is a legal status, a classification for legal purposes.

The "forest land" started out as a "forest" or vast tracts of wooded land with dense growths of trees and underbush. However, the cutting down of trees and the disappearance of virgin forest did not automatically convert the lands of the public domain from forest as timber land to alienable agricultural land.

As stated by this Court in *Heirs of Amunatequi v. Director of Forestry* (126 SCRA 69, 75):

"A forested area classified as forest land of the public domain does not lose such classification simply because loggers or settlers may have stripped it of its forest cover. Parcels of land classified as forest land may actually be covered with grass or planted to crops by kaingin cultivators or other farmers. 'Forest lands' do not have to be on mountains or in out of the way places. Swampy areas covered by mangrove trees, nipa palms, and other trees growing in brackish or sea water may also be classified as forest land. The classification is descriptive of its legal nature or status and does not have to be descriptive of what the land actually looks like. Unless and until the land classified as 'forest' is released in an official proclamation to that effect so that it may form part of the disposable agricultural lands of the public domain, the rules on confirmation of imperfect title do not apply.

"This Court ruled in the leading case of *Director of Forestry v. Munoz* (23 SCRA 1184) that possession of forest lands, no matter how long, cannot ripen into private ownership. And in *Republic v. Animas* (56 SCRA 499), we granted the petition on the ground that the area covered by the patent and title was not disposable public land, it being a part of the forest zone and any patent and title to said area is void ab initio. It bears emphasizing that a positive act of Government is needed to declassify land which is classified as forest and to convert it into alienable or disposable land for agricultural or other purposes." (at p. 75)

On February 27, 1970, an ocular inspection of the questioned property was conducted by Land Inspector Crisogono Bartolo, Jr., of the Bureau of Lands, together with Forester Ricardo D. Zapatero of the Bureau of Forestry, Deputy Clerk of Court Roberto Gogoling as representative of the land registration court, Fiscal Navarro and Andres Carantes as representative of the applicant.

Land Inspector Crisogono Bartolo, Jr., submitted his report dated April 17, 1970, which states, among others, that the land is covered with trees, bushes and grasses and being stony is not suitable for agricultural purposes. This negates the claim of the private respondents that the land has been cultivated since 1915.

More important, however, than the appearance of the land is its status, as stated in the separate report dated April 6, 1970 submitted to the Provincial Fiscal of Benguet Province by Forester Ricardo D. Zapatero which declares that the whole area applied for by the applicant falls within the Central Cordillera Forest Reserve and that the same has not been released for agricultural purposes by the Director of Forestry who has administrative jurisdiction over the same. This has not been successfully refuted. It has not been proved erroneous.

Testifying in connection with the matters stated in his report, Forester Ricardo D. Zapatero stated that:

"Q Do you know the land in question here in this case?

"A I know sir.

"Q. In connection with your duty to inspect the lands that are subject matters of land registration cases, have you inspected this land in question also?

"A Yes, I inspected it, sir.

"Q What is the purpose of your inspection?

"A The purpose of my inspection is to determine the status of the area if it falls within the reservation, or within the alienable or disposable area.

"Q What is your finding, if any?

"A My finding was that the area falls within the Central Cordillera Forest Reserve.

"Q Was that finding reduced into writing?

"A Yes, sir.

"Q I am showing to you a report found on Pages Sixty-Eight (68) of the records which for purposes of identification, we pray that the same be marked as Exhibit "A" for the government oppositors, your Honor.

"COURT:

As what?

"FISCAL BRAWNER:

Rather as Exhibit "1".

"COURT:

Have it marked.

"Q What is the relation of this report with that report that you made?

"A This is the original copy of the Report which I submitted to the Provincial Fiscal.

"Q. There appears a signature above the typewritten name 'Ricardo D. Zapatero', whose signature is that?

"A That is mine, sir.

"Q You stated that in paragraph 3 of your report, Exhibit 1 that the land falls within the Central Cordillera Forest Reserve, how did you arrive at that conclusion?

"A Because of what I have seen of the improvements of the applicant and because of the Bureau of Forestry map.

"Q. Did you actually go to the land in question or the land applied for?

"A Yes, sir

"Q So, you actually saw this land applied for?

"A Yes, sir.

"Q What is the nature of this land applied for?

"A It is generally stony and the topography is level to rolling and there are certain species of plants inside the land, in some area.

"COURT:

"Q What are the species of plants?

"A There are species of Binayuyu.

"Q That is for lumber?

"A No, that is not.

"FISCAL BRAWNER:

"Q You stated in paragraph 2 of your report that the topography of the land applied for is generally stony, and because of the binayuyu species, the condition of the land is not suited for agricultural purposes?

"A Yes, sir.

"Q What is the basis of that statement?

"A Because of the topography which is of solid inclination, we believe that is not good for agricultural purposes. The land applied for is more suited for pasture purposes." (pp. 203-206, tsn., September 6, 1971; Emphasis supplied)

The reports and testimonies of Land Inspector Bartolo and Forester Zapatero support contention of the petitioner that the area applied for by the applicant is forest land within Central Cordillera Forest Reserve. In the case of *Ramos v. Director of Lands* (39 Phil. 175) we have stated:

"Great consideration, it may be stated should, and undoubtedly will be, paid by the courts to the opinion of the technical expert who speaks with authority on Forestry matters."

There is no factual basis for the conclusion of the appellate court that the property in question was no longer part of the public land when the Government through the Director of Lands approved on March 6, 1925, the survey plan (Plan Psu-43639) for Salming Piraso. The existence of a sketch plan of real property even if approved by the Bureau of Lands is no proof in itself of ownership of the land covered by the plan. (*Gimeno v. Court of Appeals*, 80 SCRA 623). The fact that a claimant or a possessor has a sketch plan or a survey map prepared for a parcel of land which forms part of the country's forest reserves does not convert such land into alienable land, much less private property. Assuming that a public officer erroneously approves the sketch plan, such approval is null and void. There must first be a formal Government declaration that the forest land has been re-classified into alienable and disposable agricultural land which may then be acquired by private persons in accordance with the various modes of acquiring public agricultural lands.

WHEREFORE, the petition is hereby GRANTED. The decision of the Court of Appeals affirming the decision of the land registration court which granted the private respondents' application for registration of the land in

question is REVERSED and SET ASIDE. The application for land registration is DISMISSED.

SO ORDERED.

Fernan, (Chairman), Feliciano, Bidin, and Cortes, JJ., concur.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.