

THE DIRECTOR OF LANDS, PETITIONER, VS. MANILA ELECTRIC COMPANY AND HON. RIZALINA BONIFACIO VERA, AS PRESIDING JUDGE, COURT OF FIRST INSTANCE OF RIZAL, PASIG, BRANCH XXIII, RESPO...

G.R. No. 57461. September 11, 1987

Ponente: CORTES, J.

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CORTES, J.:

This is an appeal by certiorari of a decision of the respondent Judge in Land Registration Case No. N-10317, LRC Record No. N-54803 entitled "In Re: Application for Registration of Title, Manila Electric Company, applicant," dated May 29, 1981.

The facts are not disputed. Manila Electric Company filed amended application for registration of a parcel of land located in Taguig, Metro Manila on December 4, 1979. On August 17, 1976, applicant acquired the land applied for registration by purchase from Ricardo Natividad (Exhibit E) who in turn acquired the same from his father Gregorio Natividad as evidenced by a Deed of Original Absolute Sale executed on December 28, 1970 (Exhibit E). Applicant's predecessors-in-interest have possessed the property under the concept of an owner for more than 30 years. The property was declared for taxation purposes under the name of the applicant (Exhibit I) and the taxes due thereon have been paid (Exhibits J and J-1).

On May 29, 1981 respondent Judge rendered a decision ordering the registration of the property in the name of the private respondent. The Director of Lands interposed this petition raising the issue of whether or not a corporation may apply for registration of title to land. After comments were filed by the respondents, the Court gave the petition due course. The legal issue raised by the petitioner Director of Lands has been squarely dealt with in two recent cases [The Director of Lands v. Intermediate Appellate Court and Acme Plywood & Veneer Co., Inc., etc., No. L-73002 (December 29, 1986), 146 SCRA 509; The Director of Lands v. Hon. Bengzon and Dynamarine Corporation, etc., No. 54045 (July 28, 1987)], and resolved in the affirmative. There can be no different answer in the case at bar.

In the Acme decision, this Court upheld the doctrine that "open, exclusive and undisputed possession of alienable public land for the period prescribed by law creates the legal fiction whereby the land, upon completion of the requisite period ipso jure and without the need of judicial or other sanction, ceases to be public land and becomes private property."

As the Court said in that case:

Nothing can more clearly demonstrate the logical inevitability of considering possession of public land which is of the character and duration prescribed by statute as the equivalent of an express grant from the State than the dictum of the statute itself that the possessor(s) "x x x shall be conclusively presumed to have performed all the conditions essential to a Government grant and shall be entitled to a certificate of title x x x." No proof being admissible to overcome a conclusive presumption, confirmation proceedings would in truth be little

more than a formality, at the most limited to ascertaining whether the possession claimed is of the required character and length of time; and registration thereunder would not confer title, but simply recognize a title already vested. The proceedings would not originally convert the land from public to private land, but only confirm such a conversion already affected (sic) from the moment the required period of possession became complete.

Coming to the case at bar, if the land was already private at the time Meralco bought it from Natividad, then the prohibition in the 1973 Constitution against corporation holding alienable lands of the public domain except by lease (1973 Const., Art. XIV, Sec. 11) does not apply.

Petitioner, however, contends that a corporation is not among those that may apply for confirmation of title under Section 48 of Commonwealth Act No. 141, the Public Land Act.

As ruled in the Acme case, the fact that the confirmation proceedings were instituted by a corporation is simply another accidental circumstance, "productive of a defect hardly more than procedural and in nowise affecting the substance and merits of the right of ownership sought to be confirmed in said proceedings." Considering that it is not disputed that the Natividads could have had their title confirmed, only a rigid subservience to the letter of the law would deny private respondent the right to register its property which was validly acquired.

WHEREFORE, the petition is DENIED. The questioned decision of the respondent Judge is AFFIRMED.

SO ORDERED.

Fernan, (Chairman), Feliciano, and Bidin, JJ., concur.
Gutierrez, Jr., J., see dissent.

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DISSENTING OPINION

GUTIERREZ, JR., J.:

It is my view that Article XII, Section 3 of the Constitution which prohibits private corporations or associations from holding alienable lands of the public domain except by lease is circumvented when we allow corporations to apply for judicial confirmation of imperfect titles to public land. I, therefore, reiterate my vote in *Meralco v. Castro Bartolome* (114 SCRA 799), *Republic v. Villanueva and Iglesia ni Cristo* (114 SCRA 875) and *Director of Lands v. Inter-mediate Appellate Court* (146 SCRA 509) and accordingly, dissent from the majority opinion in this case.

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