

## REPUBLIC OF THE PHILIPPINES, PETITIONER, VS. MARIA P. LEE AND INTERMEDIATE APPELLATE COURT, RESPONDENTS.

*G.R. No. 64818. May 13, 1991*

Ponente: FERNAN, C.J.

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### FERNAN, C.J.:

In a land registration case, does the bare statement of the applicant that the land applied for has been in the possession of her predecessors-in-interest for more than 20 years constitute the "well-nigh incontrovertible" and "conclusive" evidence required in proceedings of this nature? This is the issue to be resolved in the instant petition for review.

On June 29, 1976, respondent Maria P. Lee filed before the then Court of First Instance (now Regional Trial Court) of Pangasinan, an application[1] for registration in her favor of a parcel of land consisting of 6,843 square meters, more or less, located at Mangaldan, Pangasinan.

The Director of Lands, in representation of the Republic of the Philippines, filed an opposition, alleging that neither the applicant nor her predecessors-in-interest have acquired the land under any of the Spanish titles or any other recognized mode for the acquisition of title; that neither she nor her predecessors-in-interest have been in open, continuous, exclusive and notorious possession of the land in concept of owner at least thirty (30) years immediately preceding the filing of the application; and that the land is a portion of the public domain belonging to the Republic of the Philippines.[2]

After trial, the Court of First Instance[3] rendered judgment on December 29, 1976, disposing as follows:

"WHEREFORE, pursuant to the Land Registration Law, Act No. 496, as amended by Republic Acts Nos. 1942 and 6236, the Court hereby confirms the title of the applicants over the parcel of land described in Plan Psu-251940 and hereby adjudicates the same in the name of the herein applicants, spouses Stephen Lee and Maria P. Lee, both of legal age, Filipino citizens and residents of Dagupan City, Philippines, as their conjugal property.

"Once this decision becomes final, let the corresponding decree and title issue therefor.

"SO ORDERED."[4]

The Republic of the Philippines appealed to the then Intermediate Appellate Court (now Court of Appeals), which however affirmed the lower court's decision in toto on July 29, 1983.[5]

Hence, this petition based on the following grounds:[6]

"The Intermediate Appellate Court erred:

"A. IN NOT FINDING THAT THE RESPONDENT MARIA P. LEE HAS FAILED TO ESTABLISH BY CONCLUSIVE EVIDENCE HER FEE SIMPLE TITLE OR IMPERFECT TITLE WHICH ENTITLES HER TO REGISTRATION EITHER UNDER ACT NO. 496, AS AMENDED (LAND REGISTRATION ACT) OR

SECTION 48 (B), C. A. NO. 141, AS AMENDED (PUBLIC LAND ACT);

“B. IN GIVING WEIGHT AND CREDENCE TO THE CLEARLY INCOMPETENT, SELF-SERVING AND UNRESPONSIVE TESTIMONY OF RESPONDENT THAT THE SPOUSES URBANO DIAZ AND BERNARDA VINLUAN HAD BEEN IN POSSESSION OF THE PROPERTY ‘FOR MORE THAN 20 YEARS,’ LEADING TO REGISTRATION, THEREBY DEPRIVING THE STATE OF ITS PROPERTY WITHOUT DUE PROCESS;

“C. IN ORDERING REGISTRATION SIMPLY BECAUSE PETITIONER FAILED TO ADDUCE EVIDENCE TO REBUT RESPONDENT’S EVIDENCE, WHICH, HOWEVER, STANDING ALONE, DOES NOT MEET THE QUANTUM OF PROOF -- WHICH MUST BE CONCLUSIVE -- REQUIRED FOR REGISTRATION;

“D. IN NOT FINDING THAT RESPONDENT HAS MISERABLY FAILED TO OVERTHROW THE PRESUMPTION THAT THE LAND IS PUBLIC LAND BELONGING TO THE STATE.”

Private respondent, on the other hand, contends that she was able to prove her title to the land in question through documentary evidence consisting of Deeds of Sale and tax declarations and receipts as well as her testimony that her predecessors-in-interest had been in possession of the land in question for more than 20 years; that said testimony, which petitioner characterizes as superfluous and uncalled for, deserves weight and credence considering its spontaneity; that in any event, the attending fiscal should have cross-examined her on that point to test her credibility; and that, the reason said fiscal failed to do so is that the latter is personally aware of facts showing that the land being applied for is a private land.[7]

We find for petitioner Republic of the Philippines.

The evidence adduced in the trial court showed that the land in question was owned by the spouses Urbano Diaz and Bernarda Vinluan, who on August 11, 1960, sold separate half portions thereof to Mrs. Laureana Mataban and Mr. Sixto Espiritu. On March 18, 1963, and July 30, 1963, respectively, Mrs. Mataban and Mr. Espiritu sold their half portions to private respondent Maria P. Lee. Private respondent had the property recorded for taxation purposes in her name and that of her husband Stephen Lee, paying taxes thereon on March 25, 1975 and March 9, 1976 for the same years.

At the time of the filing of the application for registration on June 29, 1976, private respondent had been in possession of the subject area for about thirteen (13) years. She, however, sought to tack to her possession that of her predecessors-in-interest in order to comply with the requirement of Section 48 (b) of Commonwealth Act No. 141, as amended, to wit:

“(b) 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 of ownership, since June 12, 1945, or earlier, immediately preceding the filing of the applications for confirmation of title, except when prevented by war or force majeure. 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.”

Private respondent's testimony on her predecessors-in-interest's possession is contained in a one-page declaration given before a commissioner on December 22, 1976. It reads in full as follows:[8]

"Commissioner : Atty. Surdilla, you can now present your evidence.

"Atty. Surdilla : I am presenting the applicant, your Honor.

Commissioner : Swearing under oath the applicant.

Atty. Surdilla:

"Q -

Please state your name and other personal circumstances.

"A -

Maria P. Lee, of legal age, Filipino citizen, married to Stephen Lee, proprietor, and resident of Dagupan City.

"Q -

Are you the applicant in this case now?

"A -

Yes, sir, including that of my husband, Stephen Lee.

"Q -

From whom did you acquire said property, subject of registration now?

"A -

From Mr. Sixto Espiritu and Mrs. Laureana T. Mataban, sir.

"Q -

Do you have evidence of such acquisition of yours over said property?

"A -

Yes, sir.

"Q -

Showing to you these documents styled as Deed of Absolute Sale dated March 18, 1963 and also Deed of Absolute Sale dated July 30, 1963, what can you say to them?

"A -

The deed of sale dated March 18, 1963 is the conveyance to us by Mrs. Laureana T. Mataban over the 1/2 portion of the property and the deed of sale dated July 30, 1963 likewise refers to sale of the 1/2 portion of the property by Sixto Espiritu to us, sir.

"Atty. Surdilla : At this juncture, may I pray that said Deeds of Absolute Sale adverted to above be marked as Exhibits "I" and "J", your Honor.

"Commissioner : Please mark them accordingly.

"Q -

Do you know from whom did Mr. Sixto Espiritu and Mrs. Laureana Mataban (your vendors) acquired likewise the property sought by you to be registered?

"A -

Yes, sir. They purchased it from the spouses Urbano Diaz and Bernarda Vinluan who possessed the same for more than 20 years.

"Q -

Showing to you this document styled as Deed of Absolute Sale, dated August 11, 1970, is this the sale adverted or referred by you?

"A -

Yes, sir.

"Atty. Surdilla : At this juncture, may I pray that said deed be marked as Exhibit "H", your Honor.

"Commissioner: Please mark it.

"Q -

Who is in possession of the property now? What is the nature thereof?

"A -

I and my husband are in possession of the property, which possession tacked to that of our predecessors-in-interest is adverse, continuous, open, public, peaceful and in concept of owner, your Honor.

"Q -

Whose name/names is the property declared for taxation purposes?

"A -

We spouses Stephen Lee and Maria P. Lee, sir.

"Atty. Surdilla : At this juncture, may I pray, sir, that Tax Declaration Nos. 22253 and 24128, be marked as Exhibits "K" and "K-1", respectively.

"Commissioner: Please mark them accordingly.

"Q -

Who has been paying taxes over the property?

"A -

We the spouses Stephen Lee and myself, sir.

"Atty. Surdilla : At this juncture, may I pray that Official Receipts Nos. H-6048922 and G-9581024, dated March 9, 1976 and March 25, 1975 be marked as Exhibits "L" and "L-1", respectively.

"Commissioner: Please mark them accordingly.

"Q -

Is the property ever mortgaged or encumbered in the bank or private person/persons?

"A -

No, sir. It is free from liens and encumbrances.

"That's all, your Honor."

The most basic rule in land registration cases is that "no person is entitled to have land registered under the Cadastral or Torrens system unless he is the owner in fee simple of the same, even though there is no opposition presented against such registration by third persons. . . . In order that the petitioner for the registration of his land shall be permitted to have the same registered, and to have the benefit resulting from the certificate of title, finally issued, the burden is upon him to show that he is the real and absolute owner, in fee simple." [9]

Equally basic is the rule that no public land can be acquired by private persons without any grant, express or implied, from government. A grant is conclusively presumed by law when the claimant, by himself or through his predecessors-in-interest, has occupied the land openly, continuously, exclusively, and under a claim of title since July 26, 1894 [10] or prior thereto. [11]

The doctrine upon which these rules are based is that all lands that were not acquired from the government, either by purchase or by grant, belong to the public domain. As enunciated in the case of *Santiago vs. de los Santos*: [12]

" . . . Both under the 1935 and the present Constitutions, the conservation no less than the utilization of the natural resources is ordained. There would be a failure to abide by its command if the judiciary does not scrutinize with care applications to private ownership of real estate. To be granted, they must be grounded in well-nigh incontrovertible evidence. Where, as in this, case no such proof would be forth-coming, there is no justification for viewing such claim with favor. It is a basic assumption of our polity that lands of whatever classification belong to the state. Unless alienated in accordance with law, it retains its rights over the same as dominus. . . ."

Based on the foregoing, it is incumbent upon private respondent to prove that the alleged twenty year or more possession of the spouses Urbano Diaz and Bernarda Vinluan which supposedly formed part of the thirty (30) year period prior to the filing of the application, was open, continuous, exclusive, notorious and in concept of owners. This burden, private respondent failed to discharge to the satisfaction of the Court. The bare assertion that the spouses Urbano Diaz and Bernarda Vinluan had been in possession of the property for more than twenty (20) years found in private respondent's declaration is hardly the "well-nigh in controvertible" evidence required in cases of this nature. Private respondent should have presented specific facts that would have shown the nature of such possession. The phrase "adverse, continuous, open, public, peaceful and in concept of owner" by which she described her own possession in relation to that of her predecessors-in-interest are mere conclusions of law which require factual support and substantiation.

That the representing fiscal did not cross-examine her on this point does not help her cause because the burden is upon her to prove by clear, positive and absolute evidence that her predecessors' possession was indeed adverse, continuous, open, public, peaceful and in concept of owner. Her bare allegation, without more, did not constitute such preponderant evidence that would shift the burden of proof to the oppositor.

Neither does the supposition that the fiscal had knowledge of facts showing that the land applied for is private land helpful to private respondent. Suffice it to say that it is not the fiscal, but the court which should be convinced, by competent proof, of private respondent's registerable right over the subject parcel of land.

Private respondent having failed to prove by convincing, positive proof that she has complied with the requirements of the law for confirmation of her title to the land applied for, it was grave error on the part of the lower court to have granted her application.

WHEREFORE, the instant petition is hereby GRANTED. The decision appealed from is SET ASIDE. No pronouncement as to costs.

**SO ORDERED.**

Gutierrez, Jr., Feliciano, and Davide, Jr., JJ., concur.

Bidin, J., no part. I participated in the appealed decision as member of respondent court.

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[1] Annex "A", Petition, pp. 46-49, Rollo.

[2] Annex "B", Petition, pp. 50 -51, Rollo.

[3] Per Judge Modesto S. Bascos

[4] p. 55, Rollo.

[5] The decision was penned by Associate Justice Porfirio V. Sison, and concurred in by then IAC now Supreme Court Associate Justice Abdulwahid A. Bidin, Associate Justices Marcelino R. Veloso and Desiderio P. Jurado, pp. 56-59, Rollo.

[6] pp. 102-103, Rollo.

[7] pp. 144-149, Rollo.

[8] pp. 25-28, Rollo.

[9] Director of Lands vs. Agustin, 42 Phil. 227, citing Maloles and Malvar vs. Director of Lands, 25 Phil. 548; De los Reyes vs. Paterno, 34 Phil. 420, 424; Roman Catholic Bishop of Lipa vs. Municipality of Taal, 38 Phil. 367, 376.

[10] Now June 12, 1945, as amended by P. D. 1073)

[11] Padilla vs. Reyes & Director of Lands, 60 Phil. 967, citing Ongsiaco vs. Magsilang, 50 Phil. 380).

[12] G. R. No. L-20241, November 22, 1974, 61 SCRA 146.

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