

**REPUBLIC OF THE PHILIPPINES, (REPRESENTED BY THE DIRECTOR OF LANDS AND DIRECTOR OF FOREST DEVELOPMENT),
PETITIONER, VS. HON. COURT OF APPEALS, JOSE ARQUILLO,
PASTOR VALDEZ, NICO...**

G.R. Nos. 62572-73. February 15, 1990

Ponente: MEDIALDEA, J.

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MEDIALDEA, J.:

From the consolidated decision of the Court of Appeals in CA-G.R. Nos. 56601, entitled "Jose Arquillo, et al., applicants-appellees, versus Director of Lands, et al., oppositors-appellants," and 56602-R, entitled "Salvacion D. Arquillo, et al., applicants-appellees, versus Director of Lands, et al., oppositors-appellants," which affirmed the decision of the Regional Trial Court (then Court of First Instance) of Ilocos Norte, Branch 1, Laoag City ordering the registration of the parcels of land applied for in favor of herein applicants-private respondents, this appeal by certiorari was filed in this Court on February 2, 1983.

This appeal stemmed from two (2) applications for original registration of two (2) different parcels of land situated in the barrio of Umnas, Municipality of Vintar, Province of Ilocos Norte:

1. LRC Case No. N-125, LRC Record No. 39360: On August 14, 1970, herein private respondents Jose Arquillo, Pastor Valdez, Nicolas Manayan, German Manayan and Clemente Manayan applied for the original registration of a parcel of land containing a total area of 972,016 square meters and more specifically and technically described and bounded according to plan Psu-169308 (Lots 1, 2, 3 and 4) as approved by the Director of Lands on November 7, 1958 (p. 2, Record on Appeal).
2. LRC Case No. 126, LRC Record No. 39361: On a date not appearing in the records, private respondents Salvacion D. Arquillo and Cosme Daguio also applied for the original registration of a parcel of land containing 297,348 square meters and covering Lots 1 to 4 of Plan PSU-169307.

The two applications were heard jointly. In both applications, the Director of Lands filed oppositions alleging that neither the applicants nor their predecessors-in-interest possess sufficient title to said parcels of land; that neither the applicants nor their predecessors-in-interest can avail of the provisions of Section 48 of the Public Land Act, it appearing that the application was filed after December 31, 1968; and that the parcels applied for are portions of the public domain belonging to the Republic of the Philippines.

It appears that in LRC No. 126, the Director of Forestry opposed the registration of Lots 1, 2, 3 and 4 of plan PSU-169307 on the ground that certain portions thereof were within the Northern Ilocos Norte Forest Reserve declared as such by Executive Proclamation No. 338, dated October 24, 1938, particularly a portion of 12.5801 hectares of lot 1; an area of 0.25 hectares of lot 2; and an area of 2.1159 hectares of lot 4, (no definite portion of lot 3 was included) (p. 52, Record on Appeal). On the other hand, the Bureau of Lands claimed that said land was intended as a Group Settlement Subdivision known as Gss-366 for award to certain applicants (p. 53, Record on

Appeal).

On July 8, 1971, after the jurisdictional facts had been established, the registration court issued an order of general default (p. 36, Record on Appeal).

On October 6, 1971, the Director of Forestry in Ilocos Norte filed his answer in LRC No. 125, thru a special counsel Leandor G. Rafales. The answer alleged that as to Lot 1 of Plan PSU-169308, a small portion thereof, consisting of 8.8786 hectares and all of Lots 2, 3 and 4, were within forest land, the same forming part of Lot 1 of the Northern Ilocos Norte Forest Reserve declared as such per Executive Proclamation No. 338, dated October 24, 1938 (pp. 36-37, Record on Appeal).

On December 13, 1972, the registration court rendered a decision in favor of the applicants (pp. 50-59, Record on Appeal). The dispositive portion of the decision states:

"Consequently, the Court, finding in both cases that applicants have shown their adverse, continuous, notorious possession and in the concept of owners of the lands applied for since time immemorial, and thus their title thereto is proper to be confirmed, and is hereby confirmed, orders that after the judgment shall have become final, a decree be issued adjudicating to:

"In Land Reg. Case No. N-126, LRC Record No. N-39361: Lots 2 and 3 of Psu-169307, in the name of Salvacion D. Arquillo, married to Jose Arquillo, Filipino, resident of Pasuquin, Ilocos Norte; and Lots 1 and 4 to Cosme Dagui, single, Filipino and resident of Pasuquin, Ilocos Norte;

"In Land Reg. Case No. N-125, LRC Record No. N-39360: Lot 3 of Psu-169308 to Jose Arquillo, married to Salvacion Dagui, Filipino, resident of Pasuquin, Ilocos Norte; Lot 2 to Pastor Valdez, single, Filipino, resident of Pasuquin, Ilocos Norte; Lot 4, to Nicolas Manayan, married to Maria Alviar, Filipino, resident of Pasuquin, Ilocos Norte, and German Manayan, married to Florencia Pagaduan, Filipino, resident of Pasuquin, Ilocos Norte; and Lot 1 to Roman Manayan, married to Rosita Agpaoa, Filipino resident of Pasuquin, Ilocos Norte; Santiago Manayan, married to Cresencia Bumagat, Filipino, resident of Pasuquin, Ilocos Norte; and Clemente Manayan, married to Enriqueta Maneja, Filipino and resident of Pasuquin, Ilocos Norte.

"SO ORDERED."

The trial court summarized the parties' evidence as follows:

In LRC No. N-126, LRC Rec. No. 39361:

"The evidence discloses that the Lots 1 to 4, Psu-169307 are in the possession of the applicants Salvacion D. Arquillo and Cosme Dagui, the tenants being Silvino Edu on Lot 1; Santiago Manayan on Lot 2 and Florencio Dalo-dalo on Lots 3 and 4; that these lots have been inherited by the applicants who are sister and brother from their father Jose Dagui upon his death in 1935; that the applicants having discovered that this land was not declared by their father Jose, the same was declared in 1957, when Salvacion who is the older was 22 years old, the four (4) Lots having been declared under Tax No. 43868, Exh.K, lot 3; Tax No. 13379, Exh. J, lots 1 and 4; and Tax No. 43687, Exh. K-1, for lot 2, and the same were subsequently declared to the present time, Exhs. M, N, O, P, Q, R and S; that also taxes had been paid since 1954, Exhs. S, S-1 to S-8, T, T-1 to T-4; that these lots were planted, aside from rice, to mangoes, caimitos, oranges and other fruits by the applicants and some fifty (50) heads of cattle, as shown in the pictures, Exhs. Z, Z-1, to Z-4; that applicants, together with their brother Tinio Dagui and Carlomagno Dagui, registered their possession and claim of ownership in the office of the Register of Deeds of Ilocos Norte on October 21, 1957, Exh. U; that since the death of their father Jose in 1935 and their mother Ines in 1946, they have been in exclusive possession of these lots peacefully, continuously and adversely and in the concept of owners.

"That evidence likewise shows that these lots which comprised one lot before its survey had been in the

possession of the father of Jose Daguió named Lucio Daguió; that among the tenants during this time were Rufino Ida, Nicolas Manayan, Roman Manayan and Nenita Manayan; that Rufino Ida who worked on the land when he was only 10 years old, being now 81 years old, and Nicolas Manayan, 66 years old, are still tenants of the land; that also at this time rice was planted to about nine (9) hectares, mangoes and other fruit trees were planted and two mango trees aged less than 100 years old are still existing, Exh.V-1 in lot 3 and Exh. V-2 in lot 4; that also cattle were raised by Jose Daguió and some of which certificates of ownership dated back to 1923 and 1935, Exhs. Z, Z-1, Z-2, Z-3, and Z-4; that upon the death of Lucio Daguió, his son Jose succeeded in the possession of the same until his death in 1935.

"The Director of Forestry opposes the registration of lots 1, 2, 3 and 4 on the ground that certain portions are within the Northern Ilocos Norte Forest Reserve by Executive Proclamation No. 338, dated October 24, 1938, particularly a portion of 12, 5801 has of lot 1; and area of 0.25 has over lot 2; an area of 2.1159 has of lot 4, which are within the forest reserve area aforesaid. The Bureau of Lands, on the other hand, has premised its opposition on the ground that these lots have not been acquired by acquisitive title from the Spanish government or possessory information and further the application was filed after December 31, 1968, hence, the applicants cannot avail themselves of the provisions of section 48 of the Public Land Act. The overlapping of these claims is indicated in Exh. 3, the claim of the Bureau of Forestry being enclosed in blue pencil covering lots 1 and 4 of Psu-169307 and portions of lots 1, 2, 3, 4, 5, 6 and 26 of plan Gss-366, while lot 2 of Psu-169307 overlaps lot 11 of plan Gss-366 and lot 3 of Psu-169307 overlaps lot 14 of Gss-366.

"The evidence for the oppositor Bureau of Lands shows that a parcel of land comprised within the municipalities of Vintar, Burgos, and Bangui, Ilocos Norte, was intended as a group settlement subdivision known as Gss-366, Exh. 3, X; that the parcel of land being agricultural, applications for homestead were filed for lot 1 by one Isidro Peralta on September 8, 1965; lot 2, Irineo Gaces, on November 4, 1964; lot 3, Paterna Albano, on September 8, 1965; lot 4, Teodoro Gervacio, on June 1, 1966; lot 5, Pablo Bautista, on October 16, 1964; lot 7, Ricarte Bautista, on October 16, 1964; lot 8, Elmo Adam, new; lot 9, Bernardo Martinez, new; lot 10, Wilfredo Garvida, November 4, 1966, and others. It appears, however, that the aforesaid group settlement subdivision was protested by the applicants as shown in Exh. W and which protest was favorably considered by the Director of Lands; thus, the said plan was disapproved, Exh. Y. And furthermore, from the said disapproval, it is indubitable that the Bureau of Lands recognizes as alienable and disposable the lands described in Psu-169307 and Psu-169308; and likewise, by excluding the said land covered by the approved plan Psu-169307, it recognized them as '(c) Lands which have been acquired and become private property' (Exh. Y). Consequently, with this admission by the Bureau of Lands, the opposition interposed by the Bureau of Forestry is unavailing; likewise, although the Bureau of Forestry had indeed claimed that a substantial portion of lot 1, a small portion of lot 2 and the whole of lot 4, of plan Psu-169307, are within the Northern Ilocos Norte Forest Reserve according to Executive Proclamation No. 338 of October 24, 1938, yet not only has the Bureau of Lands dispelled this claim as heretofore alluded to but also the evidence of uninterrupted possession of the applicants since time immemorial had not been disproved. Furthermore, the evidence adduced by said oppositor delineating the areas covered by the said proclamation and identifying the areas in plan Psu-169307 that are within the said forest reserve has not been satisfactorily established. And added to this, the oppositor Bureau of Lands affirmed at the trial that a verification of the reserved areas was jointly made by the Bureau of Lands and the Bureau of Forestry and no area was found to be within the forest reserve. Indeed, the executive proclamation, Exh. 8, itself provides that it shall be 'subject to private rights' and having been issued only on October 24, 1938, the same cannot despoil applicants' vested rights." (p. 63, Rollo; pp. 50-55, Record on Appeal)

In LRC No. N-125; Rec. No. 39361:

"xxx xxx xxx .

"The evidence discloses that lots 1, 2, 3 and 4 of Plan Psu-169308 were originally owned by Mateo Manayan and passed on to his son Anastacio Manayan who for himself had been in possession of the same for more than

thirty (30) years; that his death before the war or in 1938, his heirs succeeded him, namely; Nicolas Manayan, German Manayan, Roman Manayan and Clemente Manayan; that however, the said heirs, having received monetary contributions, labor and working animals for the development, cultivation and planting of other big parcels of land, had ceded in 1954, but formalized the same only in 1970., Exh. U-1, to Jose Arquillo and Pastor Valdez, lots 2 and 3 of plan Psu-169308, among others; that the entire land was planted to rice, fruit-growing trees and a big portion of grazing of cattle, Exhs. Z, Z-1 to Z-20, V, W, X, X-1 to X-9, AA, AA-1 to AA-6; that an irrigation system was built over the area and a communal irrigators association was established, Exh. Y and duly approved by the Securities and Exchange Commission, Exh. R; that a group settlement project was executed by the Bureau of Lands under Gss-366, Project No. 7, Block XV, Exhs. EE & 3, on April 7-16, 1958, Exh. 4-2, but the same was protested by the Manayans, Exh. T, and consequently was disapproved by the Director of Lands, Exh. CC, in spite of the report of Marcelo Ines, Exh. 4. Among others, said Exh. CC states:

'2. A considerable part of the total area covered by the survey are reported to be occupied and that the occupants thereof have been paying due taxes therefor.

'The foregoing appear strongly to indicate a violation of section 478, subsection (c) of the Philippine Land Surveyors Manual, to wit:

'478. Extensive areas of public land classified as a alienable and disposable shall be delimited and subdivided for disposal; excluding therefrom the following:

'(c) Lands which have been acquired and become private property.'

'For purposes of equity, the lots cited in the instances above are construed to fall in this category and should, therefore, have been excluded from the survey, but were obviously not.'

"The Bureau of Lands claim that it has pending application for homestead of lots as delineated in its group settlement subdivision, Gss-366, Exhs. Y, 1, CC, 3 & EE, which covers the lots in question, of which fifteen (15) persons filed in the year 1966, Exhs. 2, 2-1 to 2-14, although only a few or only four (4) lots, Nos. 26, 27, 28 and 29, were in occupation while the rest have not occupied the same; neither have they introduced any improvement; that lot 1 of Psu-169308 overlaps lot 17 of plan Gss-366; lots 2 and 3 of Psu-169308 overlaps lots 21, 22, 23 and 24 of Gss-366; that a party of land classification, LC for short, in 1957, consisting of ten (10) employees from the Bureau of Forestry and Bureau of Lands, delineated the alienable and disposable portions and the areas in Exhs. 1 and 3 are outside of the forest zone and are alienable and disposable." (pp. 55-58, Record on Appeal).

On December 18, 1972, the Director of Lands and the Director of Forestry filed a notice of appeal (p. 60, Rollo). On January 19, 1973, Assistant Provincial Fiscal Florencio B. Cabanos filed a motion to lift order of general default and for new trial (p. 61, Record) which motion was granted on February 28, 1973 and the decision in LRC No.125 was set aside. The Answer of the Bureau of Forestry was admitted and it was allowed to present additional evidence (p. 51, Rollo).

On November 20, 1973, the trial court rendered a new decision in LRC No. 125, adjudicating the land applied for to the applicants. The dispositive portion of the decision reads (pp. 73-74, Record on Appeal):

"Consequently, the Court finding that the applicants have shown their adverse, continuous and notorious possession and in the concept of owners of the lands applied for since time immemorial, and thus their title thereto is proper to be confirmed, and is hereby confirmed, orders that after the judgment shall have become final, a decree be issued adjudicating to:

"Lot 1 to Roman Manayan, married to Rosita Agpaoa, Filipino, resident of Pasuquin, Ilocos Norte; Santiago Manayan, married to Cresencia Bumagat, Filipino and resident of Pasuquin, Ilocos Norte; and Clemente

Manayan, married to Enriqueta Maneja, Filipino and resident of Pasuquin, Ilocos Norte; Lot 2 to Pastor Valdez, single, Filipino, resident of Pasuquin, Ilocos Norte; Lot 3 to Jose Arquillo, married to Salvacion Daguio, Filipino, resident of Pasuquin, Ilocos Norte, and Lot 4 to Nicolas Manayan, married to Maria Alviar, Filipino, resident of Pasuquin, Ilocos Norte; and German Manayan, married to Florencia Pagaduan, Filipino, resident of Pasuquin, Ilocos Norte.

"SO ORDERED."

The records of the case were elevated to the respondent Court of Appeals on November 25, 1974. On November 22, 1982, the respondent Court of Appeals rendered a decision affirming the trial court's decision (pp. 50-62, Rollo). It was pointed out in the appellate court's decision that oppositor Bureau of Forestry failed to file and perfect its appeal from the trial court's decision of November 20, 1973, hence, the decision in LRC No. 125 has become final and executory insofar as it is concerned. The appeal treated in the appellate court was therefore only the appeal of the Bureau of Lands in both cases and the appeal of the Bureau of Forestry in LRC N-126 (p. 52, Rollo).

Not satisfied with the decision of the Court of Appeals, Republic, through the office of the Solicitor General filed the instant appeal by certiorari.

Petitioner Republic alleged that:

"In rendering the questioned decision, the Court of Appeals decided questions in a manner that is not in accordance with law and the applicable decisions of this Honorable Court. In particular, the Court of Appeals:

‘(a) Allowed the titling of lands which are part of a forest reservation and, therefore, inalienable as provided by law and declared repeatedly in decisions of this Honorable Court.

‘(b) Allowed titling of land through confirmation of alleged imperfect title although the conditions laid down by law and the decisions of this Honorable Court have not been complied with.’" (p. 10-11, Rollo)

The instant appeal prays specifically that the private respondents be declared without any registrable title to the properties subject of their application in Land Registration Case No. 125 of the then Court of First Instance of Ilocos Norte and that their application for original registration be dismissed. (p.147, Rollo).

1. It is petitioner's main contention that the evidence presented by them in the hearings conducted in the lower court positively proved that the parcels of land in question are within the forest reserve established under Presidential Proclamation No. 338 dated October 24, 1938.

Private respondents, on the other hand, argue that the decision of the trial court in LRC No. 125 is already final and executory in view of petitioner counsel's failure to file a notice of appeal (p. 156, Rollo).

The failure of petitioner Bureau of Forestry to file a notice of appeal with the trial court which rendered a new decision in LRC No. 125 is not fatal. It has been the consistent pronouncement of this Court that estoppel does not lie against the Republic or its government. In the case of Republic vs. Aquino, L-33983, January 27, 1983, 120 SCRA 186, 191-192, the Bureau of Lands failed to file an opposition in a land registration case and an order of general default was rendered therein. A decision decreeing registration was subsequently rendered which the government appealed by way of a petition for review. We held therein that:

"Relative to the allegation that the Director of Lands or that the government did not oppose the application of herein respondent, as in fact on December 26, 1969 an order of general default was issued by the court against the whole world, suffice it to say that as stated by this court in Luciano vs. Estrella, 34 SCRA 769, ‘it is a well known and settled rule in our jurisdiction that the Republic, or its government is usually not estopped by mistake or error on the part of its officials or agents.’ And, in an earlier case, Republic vs. Philippine Rabbit

Bus Lines, Inc., 32 SCRA 211, 'there was an enunciation of such a principle in this wise: 'Thus did the lower court, as pointed out by the then Solicitor General, conclude that the government was bound by the mistaken interpretation arrived at by the national treasurer and the auditor general.' It would consider estoppel as applicable. That is not the law. Estoppel does not lie. Such a principle dates back to Aguinaldo de Romero vs. Director of Lands, a 1919 decision."

It is settled that forest lands or forest reserves are not capable of private appropriation and possession thereof, however long, cannot convert them into private property (Republic v. CA, 154 SCRA 476 (1987)). Whether or not the land involved in a land registration case is a forest land or forest reserve is a matter of proof. In the case at bar, petitioner's allegation that the parcels sought to be registered are within the Northern Ilocos Norte Forest Reserve declared under Presidential Proclamation No. 338 has not been clearly established. "The case of a party is constituted by his own affirmative allegations. Under Section 1, Rule 131 Of the Rules of Court, each party must prove his own affirmative allegations by the amount of evidence required by law (i.e., preponderance of evidence in civil cases, or proof beyond reasonable doubt, in criminal cases). The party, whether plaintiff or defendants, who asserts the affirmative of the issue has the burden of presenting at the trial such amount of evidence required by law to obtain a favorable judgment." (Tai Tong Chuache and Co. v. Insurance Commission, G.R. No. 55397, February 29, 1988).

The herein petitioner relies much on the report and testimony of Forest Warden Pedro Barreras to prove that some portions of the parcel sought to be registered in LRC No. 125 are within the Northern Ilocos Norte Forest Reserve. However, on the same basis, the trial court held and we agree on the failure of petitioner to substantiate its allegation. The trial court summarized the additional evidence presented by oppositor Bureau of Forestry as follows:

"The oppositor Bureau of Forestry claims that certain areas were reserved for forestry purposes known as the Northern Ilocos Norte Forest Reserve indicated in a map thereof, Exh. 6, with the municipal boundaries shown therein, Burgos, Pasuquin, Bangui and Vintar as Exhs. 6-A to 6-A-3, and the lots comprehended within the Northern Ilocos Norte Forest Reserve are lots 1, 5, 6, 8 & 10; that the technical descriptions of the said forest reserve is Exh. 7; that the reservation was in accordance with Presidential Proclamation No. 338 dated October 24, 1938, Exh. 8; that sometime on August 2-7, 1971, an investigation and inspection of the lots applied for was conducted by Forest Warden Pedro Barreras and in his Report dated September 29, 1971, he said:

'1. That in Lot 1, on its northern portion, 28.0 hectares more or less, enclosed in blue-pencil is within the Alienable and Disposable, Block-XV; project No. 7, Bangui. On its southern portion, 8.8786 hectares more or less, enclosed in red pencil is within Lot 1 of the Northern Ilocos Norte Forest Reserve.

'2. In Lot 2, the whole area falls within Lot 1 of the Northern Ilocos Norte Forest Reserve.

'3. In Lot 3, the whole area also falls within Lot 1 of the Northern Ilocos Norte Forest Reserve.

'4. In Lot 4, the whole area also falls inside Lot 1 of the Northern Ilocos Norte Forest Reserve.'

(Exhs. 9 and 9-A)

"In spite of this report, however, the witness testified that he knew only Lot 1.

'COURT:

q.

But he (Roman Manayan) was not actually in possession of the properties which you have delineated as

disposable and alienable?

a.

Only Lot 1, your Honor.

q.

How about Lot 2?

a.

I do not know the others, your Honor.

q.

You know lot 1 only?

a.

Yes, your Honor.'

(p. 393, t.s.n., July 30, 1973)

"This same witness moreover admitted his incompetency in relating the lots applied for registration as within the Presidential Proclamation:

‘ATTY. ROMERO:

q.

You mean to say this portion you have just pointed before this Court labelled in Exh. 6 ‘portion applied for within the forest reserve’ is not covered by the technical descriptions in this presidential proclamation marked Exh. 8?

a.

It was not . . .

q.

It is a part?

a.

It is a part but maybe . . .

COURT:

You speak in Ilocano if you cannot express yourself in English.

a.

It is not included here, sir.

(Witness indicating Exh. 8 . . . pointing to the technical descriptions in Exh. 8)

'ATTY. ROMERO:

q.

So you mean to say that the technical descriptions in Exh. 8 is not complete insofar as Exh. 6 is concerned?

a.

Yes, sir.

q.

Why do you say that? What makes you say that the technical descriptions in Exh. 8 is not complete?

a.

Because I do not know if these technical descriptions belong to lot 1, lot 2, or lot 3 or lot 4.

(Witness referring to the technical descriptions in Exh. 8)

q.

So you are not now sure whether or not this portion which you have just pinpointed before the Court which is labelled as 'portion applied for by the petitioners as within the forest reserve' is within these technical descriptions Exh. 9? You are not sure?

a.

No, sir.

q.

As a matter of fact, after examining these technical descriptions embodied in the presidential proclamation, as you stated you do not know whether the portion you have just pointed out in Exh. 6 and which is labelled as the portion within the forest reserve is covered by the presidential proclamation as you have already stated?

a.

No, sir.

COURT:

q.

What do you mean by no? You mean you do not know whether the portion you have delineated and labelled 'portion applied for by the petitioners as within the forest reserve' is covered by the technical descriptions in the presidential proclamation Exh. 8?

a.

Yes, your Honor.'

(pp. 405-407, t.s.n., July 30, 1973)

(pp. 65-69, Record on Appeal)

On the other hand, there is sufficient evidence on record which shows that the parcel of land applied for is alienable and disposable and has been in the possession of the applicants and their predecessors-in-interest since time immemorial.

"If in this instance, we give judicial sanction to a private claim, let it be noted that the Government, in the long run of cases, has its remedy. Forest reserves of public land can be established as provided by law. When the claim of the citizen and the claim of the Government as to a particular piece of property collide, if the Government desires to demonstrate that the land is in reality a forest, the Director of Forestry should submit to the court convincing proof that the land is not more valuable for agricultural than for forest purposes. 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. But a mere formal opposition on the part of the Attorney-General for the Director of Forestry, unsupported by satisfactory evidence, will not stop the courts from giving title to the claimant (*Ramos v. Director of Lands*, 39 Phil. 175, 186-187 (1918); *Republic, et al. v. Hon. CA, et al.*, G.R. L-46048, November 29, 1988; italics supplied).

Finally, it was established during the trial and affirmed by respondent appellate court that the possession of the subject properties by the applicants and their predecessors-in-interest has commenced since time immemorial while the alleged Presidential Proclamation No. 338 was issued only on October 24, 1938. Granting in gratia argumenti that the land sought to be registered in fact lies within the Northern Ilocos Norte Forest Reserve, private respondents' rights cannot be prejudiced. "x x x. While the Government has the right to classify portions of public land, the primary right of a private individual who possessed and cultivated the land in good faith much prior to such classification must be recognized and should not be prejudiced by after-events which could not have been anticipated. Thus, we have held that the Government, in the first instance may, by reservation, decide for itself what portions of public land shall be considered forestry land, unless private interests have intervened before such reservation is made (*Ankron v. Government of the Philippine Islands*, 40 Phil. 10, 16 (1919); cited in *Republic, et al. v. Hon. CA, et al.*, G.R. L46048, November 29, 1988).

ACCORDINGLY, this petition is DENIED. The decision of respondent Court of Appeals is AFFIRMED.

SO ORDERED.

Narvasa, (Chairman), Cruz, Gancayco, and Griño-Aquino, JJ., concur.

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