

THIRD DIVISION

[G.R. No. 175746, March 12, 2008]

**CHARLES L. ONG, Petitioner, vs. REPUBLIC OF THE PHILIPPINES,
Respondent.**

DECISION

YNARES-SATIAGO, J.:

This petition for review on *certiorari* assails the April 25, 2006 Decision^[1] of the Court of Appeals in CA-G.R. CV No. 76085, which reversed and set aside the January 16, 2002 Decision^[2] of the Municipal Trial Court of Mangaldan, Pangasinan in Land Registration Case No. 99-023, and the November 20, 2006 Resolution^[3] which denied petitioner's motion for reconsideration.

The antecedent facts are as follows.

On July 1, 1999, petitioner Charles L. Ong (petitioner) in his behalf and as duly authorized representative of his brothers, namely, Roberto, Alberto and Cesar, filed an Application for Registration of Title^[4] over Lot 15911 (subject lot) situated in Barangay Anolid, Mangaldan, Pangasinan with an area of five hundred seventy four (574) square meters, more or less. They alleged that they are the co-owners of the subject lot; that the subject lot is their exclusive property having acquired the same by purchase from spouses Tony Bautista and Alicia Villamil on August 24, 1998; that the subject lot is presently unoccupied; and that they and their predecessors-in-interest have been in open, continuous and peaceful possession of the subject lot in the concept of owners for more than thirty (30) years.

After due notice and publication, only respondent Republic of the Philippines (respondent), represented by the Office of the Solicitor General, opposed the application for registration of title. Respondent asserted that neither applicants nor their predecessors-in-interest have been in open, continuous, exclusive and notorious possession and occupation of the subject lot since June 12, 1945 or earlier as required by Section 48(b) of Commonwealth Act No. 141, as amended by Presidential Decree (P.D.) No. 1073; that applicants failed to adduce any muniment of title to prove their claims; that the tax declaration appended to the application does not appear genuine and merely shows pretended possession of recent vintage; that the application was filed beyond the period allowed under P.D. No. 892; and that the subject lot is part of the public domain which cannot be the subject of private appropriation.

On January 16, 2002, the trial court rendered a Decision in favor of petitioner and his brothers, *viz*:

The foregoing evidences presented by the applicant indubitably established sufficient basis to grant the applicant (sic) for registration.

Originally, the whole parcel of land was owned by spouses Teofilo Abellara and Abella Charmine who acquired the same by virtue of a Deed of Sale from Cynthia Cacho, Agustin Cacho, Jr., Jasmin Cacho, Jover Cacho and Lauro Cacho. Later, they sold the same parcel of land to spouses Tony C. Villamil and Alicia Bautista, who in turn sold the same land to herein applicants.

The same parcel of land has been declared in the name of the applicant and her predecessors-in-interest and its taxes has (sic) been religiously paid.

The said circumstances further show that the possession and ownership of the applicant and her (sic) predecessors-in-interest over the same parcel of land has (sic) been continuous and peaceful under *bona fide* claim of ownership before the filing of the instant application for registration on [July 1, 1999].

WHEREFORE, after confirming the Order of General Default, the Court hereby orders and decrees the registration of a parcel of land as shown on plan ap-01-004897 approved by the Bureau of Land(s) situated in Barangay Anolid, Mangaldan, Pangasinan, containing an area of Five Hundred Seventy Four (574) square meters, subject of the application for registration of title, in accordance with Presidential Decree No. 1529, in favor of CHARLIE L. ONG in his behalf and as representative of his brothers namely, ROBERTO L. ONG, ALBERTO L. ONG and CESAR L. ONG.

Furnish copies of this Decision to the Office of the Solicitor General, Makati City, Metro Manila, the Office of the Provincial Prosecutor, Dagupan City, Atty. Celestino Domingo Jr., the Office of the Land Registration Authority, Quezon City, as well as the applicant.

SO ORDERED.^[5]

Aggrieved, respondent appealed to the Court of Appeals which rendered the assailed Decision, the dispositive portion of which reads:

WHEREFORE, the instant appeal is GRANTED. Accordingly, the decision of the court a quo granting the application for registration of title of applicants-appellees is REVERSED and SET ASIDE. No pronouncement as to costs.

SO ORDERED.^[6]

In reversing the decision of the trial court, the Court of Appeals found that the subject lot is part of the alienable and disposable lands of the public domain. Thus, it was incumbent upon petitioner to prove that they possessed the subject lot in the nature and for the duration required by law. However, petitioner failed to prove that he or his predecessors-in-interest have been in adverse possession of the subject lot in the concept of owner since June 12, 1945 or earlier as mandated by Section 14(1) of P.D. 1529. It noted that the earliest tax declaration which petitioner presented is dated 1971. Consequently, petitioner could not fairly claim possession of the land prior to 1971. Neither was petitioner able to prove that he or his

predecessors-in-interest actually occupied the subject lot prior to the filing of the application. Thus, the trial court erred in granting the application for registration of title over the subject lot.

Hence, this petition raising the following issues:

1. WHETHER OR NOT PETITIONER, TOGETHER WITH HIS BROTHERS, NAMELY, ROBERTO L. ONG, ALBERTO L. ONG AND CEZAR L. ONG, HAVE REGISTRABLE OWNERSHIP OVER THE REAL PROPERTY SUBJECT MATTER OF LAND REGISTRATION CASE NO. 99-023, AND
2. WHETHER OR NOT THE FINDINGS AND CONCLUSION OF THE FORMER SPECIAL FOURTH DIVISION OF THE COURT OF APPEALS THAT THE SUBJECT REAL PROPERTY IS A PUBLIC LAND IS CORRECT.^[7]

The petition lacks merit.

Section 14(1) of P.D. 1529 ("Property Registration Decree"), as amended, provides

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SEC. 14. Who may apply. —The following persons may file in the proper Court of First Instance an application for registration of title to land, whether personally or through their duly authorized representatives:

(1) Those who by themselves or through their predecessors-in-interest have been in open, continuous, exclusive and notorious possession and occupation of alienable and disposable lands of the public domain under a bona fide claim of ownership since June 12, 1945, or earlier.

Thus, pursuant to the aforementioned provision of law, applicants for registration of title must prove: (1) that the subject land forms part of the disposable and alienable lands of the public domain, and (2) that they have been in open, continuous, exclusive and notorious possession and occupation of the same under a *bona fide* claim of ownership since June 12, 1945, or earlier.^[8] These requisites involve questions of fact which are not proper in a petition for review on *certiorari*. Factual findings of the court *a quo* are generally binding on this Court except for certain recognized exceptions, as is the case here, where the trial court and the Court of Appeals arrived at conflicting findings.^[9] After a careful review of the records, we sustain the findings and conclusions of the Court of Appeals.

There is no dispute that the subject lot is classified as alienable and disposable land of the public domain. The Report^[10] dated January 17, 2000 of the Bureau of Lands stated that the subject lot is "within the alienable and disposable zone as classified under Project 50 L.C. Map No. 698 and released and classified as such on November 21, 1927."^[11] This finding is, likewise, embodied in the Report^[12] dated January 7, 1999 of the Department of Environment and Natural Resources Community Environment and Natural Resources Office (DENR-CENRO) and the blue print Copy^[13] of the plan covering the subject lot. However, petitioner failed to prove that he or his predecessors-in-interest have been in open, continuous, exclusive and notorious possession and occupation of the subject lot since June 12, 1945 or earlier.