

## SPECIAL SECOND DIVISION

[ G.R. No. 193305, January 27, 2021 ]

**REPUBLIC OF THE PHILIPPINES, PETITIONER, VS. BANAL NA  
PAG-AARAL, PHIL., INC., RESPONDENT.**

### DECISION

**PERLAS-BERNABE, J.:**

Before the Court is a petition for review on *certiorari*<sup>[1]</sup> assailing the Amended Decision<sup>[2]</sup> dated January 8, 2010 and the Resolution<sup>[3]</sup> dated August 3, 2010 of the Court of Appeals (CA) in CA-G.R. CV No. 82888, which: (a) reversed and set aside its earlier Decision<sup>[4]</sup> dated July 6, 2009, dismissing Land Registration (LRC) Case No. TG-898 without prejudice; and (b) affirmed the Decision<sup>[5]</sup> dated April 1, 2003 of the Regional Trial Court of Tagaytay City, Branch 18 (RTC), approving respondent Banal na Pag-aaral, Phil., Inc.'s (respondent) application for registration.

#### The Facts

Respondent filed an Amended Application for Registration<sup>[6]</sup> of Lot Nos. 2304 and 2312, Cad. 482-D Amadeo Cadastre (consolidated as Lot No. 9404<sup>[7]</sup>) with an area of 57,989 square meters (sq. m.) situated in Barangay Dagatan, Amadeo, Cavite (subject lot) with the RTC, docketed as LRC Case No. TG-898. Respondent claimed ownership and actual possession of the subject lot on the ground of its continuous, exclusive and notorious possession and occupation in the concept of an owner long before World War II, reckoned from the possession of its predecessors-in-interest, the Heirs of Hermogenes Bayot<sup>[8]</sup> (vendors), who executed an Extrajudicial Partition of Estate with Deed of Absolute Sale<sup>[9]</sup> dated September 4, 1997 (document of sale) conveying the same in its favor.

To prove its claim that the subject lot formed part of the alienable and disposable land of the public domain, respondent presented: (a) a Certification<sup>[10]</sup> dated May 22, 2002 issued by the Department of Environment and Natural Resources (DENR) – Community Environment and Natural Resources Office of Trece Martires City (CENRO) stating that the subject lot is not covered by any public land application; and (b) a copy of the approved Consolidated Plan Ccn-04-000320-D<sup>[11]</sup> in the names of the vendors bearing the notation that the survey over the subject lot was done "inside alienable and disposable area per [Project] No. 5, [Land Classification] Map No. 3013, x x x."<sup>[12]</sup>

On the other hand, to support its claim of possession in the concept of an owner prior to June 12, 1945, it presented documentary and testimonial evidence that: (a) the subject lot was previously owned by Hermogenes Bayot (Hermogenes);<sup>[13]</sup> (b)

no other person had laid any claim of ownership on the subject lot;<sup>[14]</sup> (c) Hermogenes had been in possession of the subject lot since the early 1940s until his death;<sup>[15]</sup> (d) Hermogenes held tax declarations in his name; (e) upon Hermogenes' death, was succeeded by his children,<sup>[16]</sup> herein vendors, who sold the subject lot to respondent;<sup>[17]</sup> and (f) respondent is in possession of the subject lot<sup>[18]</sup> which is now covered by TD No. 97 13023.<sup>[19]</sup>

### **The RTC Ruling**

In a Decision<sup>[20]</sup> dated April 1, 2003, the RTC approved respondent's application for registration of the subject lot, finding that respondent had: (a) sufficiently established it and its predecessors-in-interest's open, continuous, exclusive and notorious possession and occupation of the subject lot under a *bona fide* claim of acquisition of ownership since prior to June 12, 1945; and (b) presented convincing evidence that the subject lot is no longer part of the public domain and may now be appropriated for private ownership.<sup>[21]</sup>

Dissatisfied, petitioner appealed<sup>[22]</sup> to the CA.

### **The CA Proceedings**

In a Decision<sup>[23]</sup> dated July 6, 2009, the CA reversed and set aside the RTC ruling and dismissed LRC Case No. TG-898 without prejudice for failure of respondent to establish that the subject lot is alienable and disposable.<sup>[24]</sup>

Respondent filed a motion for reconsideration<sup>[25]</sup> attaching therewith the following: (a) a CENRO Certification<sup>[26]</sup> dated December 9, 2008 stating that the land subject of respondent's application for registration "was verified to fall within the Alienable or Disposable Land established under Project No. 5 per Land Classification Map No. 3013 [LC-3013] as approved and certified as such on March 15, 1982 under [Bureau of Forest Development (BFD) Administrative Order] FAO No. 4-1656;"<sup>[27]</sup> and (b) a certified true copy of FAO No. 4-1656<sup>[28]</sup> issued by the then Minister of Natural Resources Teodoro Q. Peña, declaring as alienable or disposable certain portions of the public domain situated, among others, in the Municipality of Trece Martires under LC Project No. 5 which is "designated and described as alienable and disposable in the [BFD] Map LC-3013."<sup>[29]</sup>

Petitioner left the admissibility of the aforesaid documents to the discretion of the CA.<sup>[30]</sup>

In an Amended Decision<sup>[31]</sup> dated January 8, 2010, the CA vacated its previous ruling and affirmed the RTC Decision approving respondent's application for registration. It found respondent's submission of the CENRO Certification and FAO 4-1656 as sufficient to establish the true nature or character of the subject lot, holding that the said documents enjoy the presumption of regularity in the absence of contradictory evidence.<sup>[32]</sup>

Petitioner moved for reconsideration,<sup>[33]</sup> contending that even with the admission of the said documents, respondent failed to establish its registrable title to the subject lot, there being no substantive evidence that respondent and its predecessors-in-interest have been in possession of the subject lot since June 12, 1945 or earlier, considering that the earliest tax declarations only date back to 1948.<sup>[34]</sup>

In a Resolution<sup>[35]</sup> dated August 3, 2010, the CA denied petitioner's motion; hence, the instant petition.

In a Resolution<sup>[36]</sup> dated February 5, 2018, the Court remanded the case to the CA for further proceedings for the purpose of determining the authenticity and due execution of the CENRO Certification, and to submit its resolution to the Court.<sup>[37]</sup> In, compliance with the said Resolution, the CA submitted a Report and Recommendation<sup>[38]</sup> dated June 25, 2019, finding the CENRO Certification to be authentic and duly issued, and recommending that the same be considered accordingly.<sup>[39]</sup>

### **The Issues Before the Court**

The core issues for the Court's resolution are whether or not respondent has: (a) possessed the subject lot for the length of time required by law; and (b) proven a registrable title thereto.<sup>[40]</sup>

### **The Court's Ruling**

The petition is meritorious.

Section 14 (1)<sup>[41]</sup> of Presidential Decree No. (PD) 1529,<sup>[42]</sup> otherwise known as the "Property Registration Decree," has three requisites for registration of title, *viz.*: (a) that the property in question is alienable and disposable land of the public domain; (b) that the applicants by themselves or through their predecessors-in-interest have been in open, continuous, exclusive and notorious possession and occupation; and (c) that such possession is under a *bona fide* claim of ownership since June 12, 1945 or earlier.<sup>[43]</sup>

A similar right is granted under Section 48 (b)<sup>[44]</sup> of Commonwealth Act No. (CA) 141,<sup>[45]</sup> as amended by PD 1073,<sup>[46]</sup> otherwise known as "The Public Land Act." There are no material differences between Section 14 (1) of PD 1529 and Section 48 (b) of CA 141, as amended. Section 14 (1) of PD 1529 operationalizes the registration of such lands of the public domain.<sup>[47]</sup>

A judicious review of the records shows that respondent has adequately met the requirements under Section 14 (1) of PD 1529 for the registration of the subject lot in its name.

**1. Respondent has sufficiently established that the subject lot is alienable and disposable.**

Verily, the applicant has the burden of overcoming the presumption that the State owns the land applied for, and proving that the land has already been classified as alienable and disposable as of the time of the filing of the application.<sup>[48]</sup> In *Republic v. T.A.N. Properties, Inc. (T.A.N.)*,<sup>[49]</sup> which is the prevailing jurisprudence, the Court held that in order to prove that the land subject of the application for registration is alienable, an application for original registration must be accompanied by two (2) documents, *i.e.*, (1) a copy of the original classification approved by the DENR Secretary and certified as a true copy by the legal custodian of the DENR's official records; and (2) a certificate of land classification status, *i.e.*, the land subject of the application for registration falls within the approved area per verification through survey, from the CENRO or the Provincial Environment and Natural Resources Office of the DENR based on the land classification approved by the DENR Secretary.<sup>[50]</sup>

Here, respondent presented: (a) the CENRO Certification<sup>[51]</sup> stating that the subject lot containing an area of 57,989 sq. m. was "verified to fall within the Alienable or Disposable Land established under Project No. 5 per Land Classification Map No. 3013 (LC-3013) as approved and certified as such on March 15, 1982 under FAO No. 4-1656;"<sup>[52]</sup> and (b) a certified copy of FAO No. 4-1656<sup>[53]</sup> of the then Minister of Natural Resources Teodoro Q. Peña, declaring as alienable and disposable/certain portions of the public domain situated in the Municipality of Trece Martires under LC Project No. 5 which is "designated and described as alienable and disposable in the [BFD] Map LC-3013."<sup>[54]</sup>

While belatedly submitted only when respondent moved for reconsideration<sup>[55]</sup> of the CA's earlier July 6, 2009 Decision,<sup>[56]</sup> the Court notes that petitioner did not contest the admissibility of the said documents, leaving their admissibility to the discretion of the CA.<sup>[57]</sup> Neither did the Land Registration Authority nor the DENR oppose respondent's application on the ground that the subject lot is inalienable. Hence, since no substantive rights stand to be prejudiced, the benefit of the aforesaid documents, which the CA found to be authentic and duly issued, should therefore be equitably extended in favor of respondent.<sup>[58]</sup> Clearly, the subject lot is an alienable and disposable land of the public domain. The foregoing documents sufficiently show that the government executed a positive act of declaration that the subject lot is alienable and disposable land of the public domain as of March 15, 1982, which enjoy the presumption of regularity in the absence of contradictory evidence.<sup>[59]</sup> Besides, respondent filed its application in 1999, and the RTC decided the case in 2003, way before the rule on strict compliance was laid down in *T.A.N.*; hence, substantial compliance may be permitted here.

**a. *The subject lot need not be alienable and disposable since June 12, 1945 or earlier.***

Contrary to petitioner's postulations,<sup>[60]</sup> the land sought to be registered need not have been declared alienable and disposable since June 12, 1945 or earlier in order for the applicant for registration to secure the judicial confirmation of its title. Such contention had already been declared as absurd and unreasonable in *Republic v. Naguit*.<sup>[61]</sup> Registration under Section 14 (1) of PD 1529 is based on possession and

occupation of the alienable and disposable land of the public domain since June 12, 1945 or earlier, without regard as to whether the land was susceptible to private ownership at that time. The applicant needs only to show that the land had already been declared alienable and disposable at any time prior to the filing of the application for registration,<sup>[62]</sup> which respondent was able to do.

## **2. Respondent has established possession and occupation of the subject lot of the nature and duration required by law.**

For purposes of land registration under Section 14 (1) of PD 1529, proof of specific acts of ownership must be presented to substantiate the claim of open, continuous, exclusive and notorious possession and occupation of the land subject of the application. Actual possession consists in the manifestation of acts of dominion over it of such a nature as a party would actually exercise over his own property. Possession is: (a) **open** when it is patent, visible, apparent, notorious, and not clandestine; (b) **continuous** when uninterrupted, unbroken, and not intermittent or occasional; (c) **exclusive** when the adverse possessor can show exclusive dominion over the land and an appropriation of it to his own use and benefit; and (d) **notorious** when it is so conspicuous that it is generally known and talked of by the public or the people in the neighborhood.<sup>[63]</sup>

To prove that it and its predecessors-in-interest have been in possession and occupation in the concept of owner of the subject lot since June 12, 1945 or earlier, respondent presented, among others, the testimony of Melanio Ambat (Melanio). Melanio, who was born in 1927,<sup>[64]</sup> categorically claimed: (a) to have known of Hermogenes' ownership of the subject lot when he was about 15 years old, or around 1941 before the Japanese-American war broke out, since they are barrio mates, their house being merely 15 meters away from each other;<sup>[65]</sup> (b) that the subject lot used to be an agricultural land,<sup>[66]</sup> as he in fact used to till and farm a portion thereof;<sup>[67]</sup> and (c) that no other person had laid any claim of ownership on the subject lot.<sup>[68]</sup> At 15 years of age, Melanio is undoubtedly capable and competent to perceive Hermogenes' possession of the subject lot in the concept of an owner,<sup>[69]</sup> which knowledge was reinforced through the years – with the continued possession of Hermogenes' heirs, herein vendors, who tended to the subject lot prior to the sale to respondent – up until he testified in court<sup>[70]</sup> in 2002 when he was 74 years of age.<sup>[71]</sup> Considering further that the judge below is in a better position to pass judgment on the matter of credibility of the witnesses and their testimony, having personally heard the witnesses testify and observed their deportment and manner of testifying, his finding that such testimony was worthy of belief and credence deserve the highest respect.

The fact that the earliest tax declaration on record is 1948 does not necessarily show that Hermogenes was not in possession of the subject lot since June 12, 1945 or earlier. As long as the testimony supporting possession for the required period is credible, as in this case, the court will grant the petition for registration.<sup>[72]</sup> Indeed, the Court, in a long line of cases, has stated that tax declarations or tax receipts are good indicia of possession in the concept of owner. It does not follow that the belated declaration of the same for tax purposes negates the fact of possession, especially in the instant case where there are no other persons claiming any interest