

## FIRST DIVISION

[ G.R. No. 200772, February 17, 2021 ]

**REPUBLIC OF THE PHILIPPINES, PETITIONER, VS. RAMON G. ASUNCION, PEDRO G. ASUNCION, CANDIDA ASUNCION SANTOS, LEONORA ASUNCION HENSON, ARISTON G. ASUNCION, AND ANNABELLE ASUNCION-PERLAS, RESPONDENTS.**

### DECISION

**GAERLAN, J.:**

This is a petition for review on *certiorari* under Rule 45 of the Revised Rules of Court against the November 11, 2011 Decision<sup>[1]</sup> and the February 23, 2012 Resolution<sup>[2]</sup> of the Court of Appeals (CA) in CA-G.R. CV No. 89386, which affirmed the July 10, 2001 Decision<sup>[3]</sup> of Branch 21 of the Regional Trial Court of Malolos, Bulacan, in LRC (Land Registration Case) No. 3681-M.

The spouses Felipe and Paciencia Gonzales Asuncion (the spouses Asuncion) were the registered owners of a parcel of land in Bambang, Bulacan,<sup>[4]</sup> Bulacan. The parcel, which is located on the banks of the Wawang Dapdap River, has an area of 273,819 square meters and was covered by Original Certificate of Title (OCT) No. 0-423 (later Transfer Certificate of Title [TCT] No. RT-30648).

On December 29, 1976, Paciencia Gonzales Asuncion (Paciencia) and her children<sup>[5]</sup> filed an application for original registration of title over nine parcels of land located in Bambang, Bulacan, Bulacan and denominated as follows: Psu-133934, Psu-138316, Psu-115369 (Lots 1 & 2), Psu-115615 (Lots 1 & 2), Psu-118984 (Lots 1 & 2), and Psu-115616 (Lot 2), with the Court of First Instance of Bulacan. They claimed fee simple ownership of the aforementioned lands by inheritance, accretion, and open, continuous, exclusive, and notorious possession under color of title for at least 30 years.<sup>[6]</sup> The application was docketed as Land Registration Case No. 3681-M.

The application was opposed by petitioner Republic of the Philippines, represented by the Solicitor General, on the ground that the lands covered by the application were unclassified forest lands within the public domain;<sup>[7]</sup> and by Juanita M. Enriquez, Antonio M. Enriquez, Vicente M. Enriquez, Ignacio M. Enriquez, Juan M. Enriquez, Asuncion M. Enriquez, Jacinto C. Molina II, Juan C. Molina, Jr., and Josefina C. Molina (collectively referred to as the Molina- Enriquez group), on the ground that certain parts of the lands covered by the application belong to them and their predecessors-in-interest.<sup>[8]</sup>

Due to several postponements and repeated motions to reset filed by the parties' counsels, the case did not progress until April 29, 1986, when Paciencia and her children moved to amend their application to include another lot denominated as

Psu-121255.<sup>[9]</sup> Their motion was granted in an Order dated February 22, 1988.<sup>[10]</sup> The notice of initial hearing was issued on October 5, 1988<sup>[11]</sup> and published in the Official Gazette on November 14, 1988.<sup>[12]</sup> Paciencia and her children, through counsel, then established the jurisdictional requirements before the trial court.<sup>[13]</sup> Pre-trial was suspended in view of a compromise agreement.<sup>[14]</sup> On May 19, 1989, Paciencia died<sup>[15]</sup> and was substituted by her children (hereinafter referred to as the Asuncions).<sup>[16]</sup>

On August 30, 1996, the Asuncions entered into a compromise agreement with the Molina-Enriquez group whereby the former withdrew certain parcels of land from their application in exchange for the withdrawal of the latter's opposition thereto.<sup>[17]</sup> Accordingly, the Asuncions withdrew Lots 5478-A, 5477-B, 5472 (which were all portions of Psu-121255), and Lot 5471 (a portion of Psu-101023 and Lot 1 of Psu-11561) from their application.<sup>[18]</sup> The compromise agreement was submitted to the trial court on November 5, 1996, copy furnished the Republic.<sup>[19]</sup> Thereafter, the Solicitor General manifested that the compromise agreement did not bind the Republic.<sup>[20]</sup> On March 22, 1999, the trial court approved the compromise agreement;<sup>[21]</sup> hence, the Molina-Enriquez group's opposition was ordered withdrawn.<sup>[22]</sup>

In view of the amendment to the application, another notice of initial hearing was published in the Official Gazette and posted in accordance with the rules on applications for original certificates of title<sup>[23]</sup> Thereafter, presentation of evidence ensued. The Asuncions called three witnesses: Pedro G. Asuncion (Pedro), who testified on the possession of lands by their predecessors-in-interest and on the allegation of accretion;<sup>[24]</sup> Roberto M. Valdez (Roberto), an employee of the Land Registration Authority (LRA), who brought and presented the tracing cloth plan of the claimed parcels and testified that the original plans submitted for the Asuncions' application were true and faithful reproductions thereof;<sup>[25]</sup> and Carlos G. Martinez (Carlos), who testified that, as overseer of the Asuncions' fishponds since 1944, he was able to witness how the claimed parcels were formed through accretion.<sup>[26]</sup>

On November 8, 2000, the Asuncions manifested that the settlement of Paciencia's estate had been finalized; and pursuant to such settlement, her interest in the parcels covered by the application were transferred to her children and grandchildren.<sup>[27]</sup> Consequently, the Asuncions prayed that they, along with their children, be substituted as applicants in lieu of Paciencia <sup>[28]</sup> The trial court granted the motion.<sup>[29]</sup>

On June 27, 2001, the trial court admitted the Asuncions' formal offer of evidence.<sup>[30]</sup> On the date of the Republic's presentation of evidence on June 29, 2001, its sole witness from the Regional Office III of the Department of Environment and Natural Resources failed to appear despite the issuance of a subpoena.<sup>[31]</sup> The trial prosecutor, on the Republic's behalf, manifested that with the absence of the witness, it had no choice but to close its presentation of evidence and submit the case for decision, to which the trial court obliged.<sup>[32]</sup>

As earlier stated, the trial court rendered its Decision on July 10, 2001, in favor of the Asuncions. The dispositive portion of the Decision reads:

WHEREFORE, conforming the Order of General Default entered on December 16, 1988, the Court hereby orders the registration of the following parcels of land, all of which are located in Banio Bambang, Municipality of Bulacan, Province of Bulacan, together with their corresponding Technical Descriptions and all improvements existing thereon in this wise, to wit:

1) Psu-115369 - to Martina C. Asuncion, Filipino, single of Merville Park Subd., Paranaque City; Juan Andres A. Henson, filipino, single, of New Manila, Quezon City; Jose Jorge A. Henson, filipino, single, of New Manila, Quezon City; Rosanna Leonora A. Henson, filipino, single, of New Manila, Quezon City; Felipe Paulo H. Asuncion, filipino, single, of 608 Gen. Malvar St., Malate, Manila; Bettina Leticia H. Asuncion, filipino, single, of 608 Gen. Malvar St., Malate, Manila; Ramon Asuncion, Jr. filipino, single, of 608 Gen. Malvar St., Malate, Manila in equal shares.

2) Psu-115615 - to Gerardo Pio Moises H. Asuncion; filipino, single, of 608 Gen. Malvar St., Malate, Manila; Johanna Melissa A. Perlas, filipino, single, of Zobel Roxas, Makati City and Bernardino Felipe A. Perlas, filipino, single, of Zobel Roxas, Makati City in equal shares.

3) Psu-115616 - to Felipe Paulo H. Asuncion, filipino, single, of 608 Gen. Malvar St., Malate, Manila; Bettina Leticia H. Asuncion, filipino, single, of 608 Gen. Malvar St., Malate, Manila; Ramon Asuncion, Jr. filipino, single, of 608 Gen. Malvar St., Malate, Manila; Juan Andres A. Henson, filipino, single, of New Manila, Quezon City; Jose Jorge A. Henson, filipino, single, of New Manila, Quezon City and Rosanna Leonora A. Henson, filipino, single, of New Manila, Quezon City in equal shares.

4) Psu-118984 - to Ramon G. Asuncion, married to Eva Henson of 608 Gen. Malvar St., Malate, Manila, Pedro G. Asuncion, married to Elizabeth Guasch of 606 Gen. Malvar St., Malate, Manila; Candida Asuncion-Santos, married to Arcadio Santos, Jr. of 1860 Sagu St, Dasmarinas Village, Makati City; Leonora Asuncion-Henson, married to Celestino Henson, Jr. of 22 Wood St., Capitol Golf Hills, Diliman, Quezon City; Aristo G. Asuncion, married to Teresita Campos of 15 Rome St., Merville Park Subd., Paranaque City; Annabelle Asuncion-Perlas, [married] to Ramos Perlas of 17 Teofilo Sison St., BF Homes, Paranaque City 1/4 share each; and to Maria Socorro Perpetua H. Asuncion, filipino, single of 608 Gen. Malvar St., Malate, Manila; Marco Philippe Martin G. Asuncion, filipino, single of 606 Gen. Malvar St., Malate, Manila; Arcadio Juan A. Santos III, filipino, single of Dasmarinas Village, Makati City; Celestino Luis Gregorio A. Henson, filipino, single, of New Manila, Quezon City; Francis Felipe Jesus Mark G. Asuncion, filipino, single, of Merville Park Subd., Paranaque City, and Patricia Anne Perlas, filipino, single, of Zobel Roxas, Makati City 1/6 of 8/14 share each.

5) Psu-121255, Amended - to Ramon G. Asuncion, married to Eva Henson of 608 Gen. Malvar St., Malate, Manila, Pedro G. Asuncion,

married to Elizabeth [Guasch] of 606 Gen. Malvar St., Malate, Manila; Candida Asuncion-Santos, married to Arcadio Santos, Jr. of 1860 Sagu St., Dasmarinas Village, Makati City; Leonora Asuncion-Henson, married to Celestino Henson, Jr. of 22 Wood St, Capitol Golf Hills, Diliman, Quezon City; Ariston G. Asuncion, married to Teresita Campos of 15 Tome [*sic*] St., Merville Park Subd., Paranaque City; Annabelle Asuncion-Perlas, married [*sic*] to Ramos Perlas of 17 Teofilo Sison St., BF Homes, Paranaque City, with an area of 20,509 square meters, in equal shares.

After this decision has become final, let the corresponding decree be issued accordingly.

SO ORDERED.<sup>[33]</sup>

The Republic filed a motion for reconsideration on August 2, 2001,<sup>[34]</sup> which was denied in an order dated February 26, 2002.<sup>[35]</sup> The subsequent events are recounted in a September 15, 2006 Decision of this Court:

The trial court ruled that the Solicitor General was in effect seeking a new trial and that the motion for reconsideration was pro forma since it lacked an affidavit of merit required by the second paragraph of Section 2, Rule 37 of the Rules of Court.

The Solicitor General received the Order of denial on March 13, 2002, and filed a notice of appeal on March 20, 2002. On April 26, 2002, the trial court dismissed the notice of appeal for being filed out of time.

The Solicitor General filed a petition for certiorari with the CA seeking the annulment of the Orders dated February 26, 2002 and April 26, 2002. The appellate court dismissed the petition for lack of merit.

The appellate court considered the Solicitor General's motion for reconsideration as a motion for new trial and held that the case cannot be reopened because the motion was filed after judgment. The appellate court also held that the motion for reconsideration was fatally defective without an affidavit of merit. Further, the motion was pro forma since it merely reiterated the Solicitor General's previous arguments. Thus, the motion for reconsideration did not toll the reglementary period to appeal. The appellate court concluded that the trial court did not abuse its discretion in rejecting the Solicitor General's prayer to present evidence and to file an appeal.<sup>[36]</sup>

After the CA denied its motion for reconsideration, the Republic sought recourse with this Court and prayed that the February 26, 2002 and April 26, 2002 orders of the trial court be set aside or that its appeal be given due course. As earlier stated, this Court in its Decision dated September 15, 2006,<sup>[37]</sup> ordered the trial court to give due course to the Republic's appeal. On November 9, 2006, the trial court gave due course to the Republic's appeal.<sup>[38]</sup>

After the submission of the required briefs, the CA rendered the assailed decision affirming the trial court's ruling. In granting the Asuncions' application, both courts a

quo gave credence to the photographic evidence and the testimonies of Pedro and Carlos which tend to prove that the parcels sought to be registered were in the open, public, and continuous possession of the Asuncion family; and that said parcels were accretions upon the western portion of the land covered by OCT No. 0-243/TCT No. RT-30648, a parcel of land which is undisputedly owned by the spouses Asuncion.<sup>[39]</sup> Furthermore, the Asuncions were able to prove that the lands were alienable and disposable at the time of the filing of their application, based on the following pieces of evidence: Indorsement from the Bureau of Forest Development and the Bureau of Customs to the effect that the subject lots were no longer needed for public use and would not obstruct navigation, hence alienable and disposable; <sup>[40]</sup> the survey plans for the claimed parcels, which were duly approved by the Director of Lands; <sup>[41]</sup> and a decision of the Court of First Instance of Bulacan dated June 23, 1956, which awarded the lots covered by Psu-115369 (Lot Nos. 1 & 2), Psu-115615, Psu-115616, and Psu-118984 (Lot Nos. 1 & 2), and Psu-121255-Amd (Lot Nos. 2 & 3) to the spouses Asuncion on the ground of accretion and open and continuous possession since 1933.<sup>[42]</sup>

The Republic's motion for reconsideration<sup>[43]</sup> was denied in the assailed resolution; <sup>[44]</sup> hence, this petition, which raises the following errors:

[I.] THE TRIAL COURT AND THE [CA] GRAVELY ERRED IN  
GRANTING [THE ASUNCIONS'] APPLICATION FOR ORIGINAL  
REGISTRATION OF TITLE DESPITE GOVERNMENT FINDINGS

THAT THE SUBJECT PARCELS OF LAND ARE INALIENABLE FOREST LAND  
OF THE PUBLIC DOMAIN SINCE 1927.

PL] THE TRIAL COURT GRAVELY ERRED IN GRANTING RESPONDENTS'  
APPLICATION FOR ORIGINAL REGISTRATION OVER THE SUBJECT  
PARCELS OF LAND ON THE GROUND OF ACCRETION.

[HI.] [THE REPUBLIC] WAS DENIED DUE PROCESS WHEN THE TRIAL  
COURT HASTILY ISSUED ITS ORDERS AND DECISION IN FAVOR OF [THE  
ASUNCIONS].<sup>[45]</sup>

These errors boil down to a single issue: can the parcels of land in question be registered in favor of the Asuncions?

## I.

Before delving into the substantive merits of the case, this Court deems it proper to consider the due process issue raised by petitioner. The Republic argues that it was denied due process when: 1) despite its timely motion for extension of time to file its comment on the Asuncions' formal offer of evidence, the trial court issued its June 27, 2001 order admitting the Asuncions' evidence, on the ground that the Republic (through the trial prosecutor) did not interpose any objection thereto; 2) the same June 27, 2001 order set the date for the presentation of the Republic's evidence on June 29, 2001, or a mere two (2) days after the issuance of the order; 3) when the Republic's witness failed to appear during the June 29, 2001 hearing,