

## **THIRD DIVISION**

**[ G.R. No. 198277, February 08, 2021 ]**

**REPUBLIC OF THE PHILIPPINES, PETITIONER, VS. PHILIPPINE  
NATIONAL POLICE, REPRESENTED BY ITS PROVINCIAL  
DIRECTOR, JAIME CALUNGSOD, JR., RESPONDENT.**

### **DECISION**

**HERNANDO, J.:**

Challenged in this appeal is the August 16, 2011 Decision<sup>[1]</sup> of the Court of Appeals (CA) in CA-GR CV No. 86848 which granted respondent Philippine National Police's (PNP's) application for land registration.

#### **The Antecedents:**

On May 6, 2003, the PNP filed an application for land title registration of Lot Nos. 713-A to 713-F (subject lots)<sup>[2]</sup> of the Iba Cadastre before the Regional Trial Court (RTC) of Iba, Zambales. In support of its application, it submitted the tracing cloth plan of Lot No. 713, Cad 191, Iba Cadastre as subdivided, technical descriptions of the subject lots, the approved sketch plan and the respective tax declarations of said lots.<sup>[3]</sup>

The RTC set the case for initial hearing on September 25, 2003 and directed that the general public, through the Land Registration Authority (LRA), be notified of said initial hearing by publication, mailing and posting so that those who have interest in the subject lots will be able to appear and to submit evidence in support of their claims.<sup>[4]</sup>

In its January 23, 2004 Order, the RTC required the PNP to comply with the requirements for its application for land registration as per the LRA's recommendation. The initial hearing was then set on February 11, 2005.<sup>[5]</sup>

In support of its application for land registration, the PNP presented the following witnesses, namely:

(i) P/Supt. Romeo P. De Castro, who testified that as PNP's Deputy Provincial Director for Operation, he has custody of the documents in relation to the subject lots. He stated that the PNP has been in possession of the said lots for more than 30 years. The subject lots were formerly used as a military reservation of the then Philippine Constabulary and was transferred to the PNP in 1991 when the former office was dissolved. He identified the tax declarations corresponding to the subject lots, as well as the approved subdivision plan of Lot 713, Cad 191, Iba Cadastre;<sup>[6]</sup>

(ii) Santiago Paragas (Paragas), who testified that when he was transferred to the

Philippine Constabulary, he was stationed in Camp Conrado D. Yap, Iba, Zambales in the year 1965, wherein he built a house in front of the camp. As per his knowledge, the camp belongs to the then Philippine Constabulary and was transferred to the PNP when the former was disbanded.<sup>[7]</sup>; and

(iii) Rodemio Salazar, who testified that as a retired member of the PNP, he resided inside Camp Conrado D. Yap from 1984 to the present. He stated that despite being a longtime resident of the camp, he does not intend to file an opposition to the PNP's application for title because he knows that the PNP owns the camp.<sup>[8]</sup>

### **Ruling of the Regional Trial Court (RTC):**

The RTC granted the PNP's application for land registration. It found that the PNP was able to prove that it possessed all the qualifications and none of the disqualification to have the subject lots registered in its name.<sup>[9]</sup> Thus, the dispositive portion of the RTC's January 20, 2006 Decision<sup>[10]</sup> reads:

WHEREFORE, pursuant to the provisions of Section 29 of Presidential Decree No. 1529 in relation to Republic Act No. 496, as amended, judgment is hereby rendered ordering the Land Registration Authority, Diliman, Quezon City, upon payment of the corresponding legal fees, to register Lot No. 713-A, 713-B, 713-C, 713-D, 713-E, and 713-F of Iba Cadastre in the name of applicant, Philippine National Police (PNP), subject to all legal easements and reservations provided for under existing laws.

SO ORDERED.<sup>[11]</sup>

### **Ruling of the Court of Appeals:**

Petitioner Republic of the Philippines, through the Office of the Solicitor General (OSG), appealed arguing that the PNP failed to prove that the subject lots are alienable and disposable lands of the public domain since as per the December 19, 2002 Report<sup>[12]</sup> issued by the Community Environment and Natural Resources Office (CENRO) of the Department of Environment and Natural Resources (DENR) (CENRO Report), the subject lots had been reserved for constabulary (military) purposes per Executive Order No. 87, dated November 6, 1915.

Thus, the OSG pointed out that the subject lots are unregistrable in the absence of a positive act from the government withdrawing the land from being reserved for military purposes.<sup>[13]</sup>

In its August 16, 2011 Decision, the appellate court dismissed the OSG's appeal. It found that the OSG erred in relying on the CENRO Report which was not even presented during the trial and was introduced only for the first time on appeal.<sup>[14]</sup> It held that the CENRO Report cannot be considered as a piece of evidence as its introduction would violate the right to due process of PNP which had no opportunity to examine it.<sup>[15]</sup>

The appellate court noted that the subdivision plan of the subject lots bore the annotation "[t]his survey falls within alienable and disposable land [xxx]" which served as substantial compliance with the requirement to prove the lots' classification as alienable and disposable.<sup>[16]</sup> Thus, the dispositive portion of the appellate court's Decision reads:

**WHEREFORE**, premises considered, the assailed Decision dated January 20, 2006 of the Regional Trial Court (RTC), Branch 70, Iba, Zambales, is hereby **AFFIRMED**.

**SO ORDERED.**<sup>[17]</sup>

Aggrieved, the OSG filed the instant Petition for Review on *Certiorari* under Rule 45 of the Rules of Court which raises the following lone assignment of error:

### **Issue**

The [CA] erred in affirming the [RTC's] Decision despite the unregistrable character of the subject lots being reserved for military purposes by virtue of Executive Order No. 87 dated November 6, 1915 since no evidence of a positive act from the government withdrawing the land from military purposes was ever presented.<sup>[18]</sup>

Thus, the primary issue is whether or not the PNP has proven that the subject lots are alienable and disposable lands of the public domain.

### **Our Ruling**

The petition is impressed with merit.

**An applicant for land registration must prove that the land is an alienable and disposable land of the public domain.**

Presidential Decree No. 1529 (PD 1529), otherwise known as the Property Registration Decree, provides for the instances when a person may file for an application for registration of title over a parcel of land:

Section 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:

(I) 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.

(2) Those who have acquired ownership of private lands by prescription under the provision of existing laws.<sup>[19]</sup>

In *Republic v. Bautista*,<sup>[20]</sup> We explained the requisites as follows:

For registration under Section 14(1) to prosper, the applicant for original registration of title to land must establish the following:

(1) **that the subject land forms part of the disposable and alienable lands of the public domain;** (2) that the applicants by themselves and their predecessors-in-interest have been in open, continuous, exclusive, and notorious possession and occupation thereof; and (3) that the possession is under a *bona fide* claim of ownership since June 12, 1945, or earlier.

On the other hand, registration under Section 14(2) requires the applicant to establish the following requisites: **(a) the land is an alienable and disposable, and patrimonial property of the public domain;** (b) the applicant and its predecessors-in-interest have been in possession of the land for at least 10 years, in good faith and with just title, or for at least 30 years, regardless of good faith or just title; and (c) the land had already been converted to or declared as patrimonial property of the State at the beginning of the said 10-year or 30-year period of possession.

From their respective requisites, it is clear that the bases for registration under these two provisions of law differ from one another. Registration under Section 14(1) is based on possession; whereas registration under Section 14(2) is based on prescription. Thus, under Section 14(1), it is not necessary for the land applied for to be alienable and disposable at the beginning of the possession on or before June 12, 1945 - Section 14(1) only requires that the property sought to be registered is alienable and disposable at the time of the filing of the application for registration. However, in Section 14(2), the alienable and disposable character of the land, as well as its declaration as patrimonial property of the State, must exist at the beginning of the relevant period of possession.<sup>[21]</sup> (*Emphasis supplied*)

Article XII, Section 2 of the 1987 Constitution provides that all lands of the public domain belong to the State. Thus, the State is presumed to own all lands except those clearly proven as privately owned. To overcome this presumption, the applicant must show that the land subject of registration has been declassified and now belongs to the alienable and disposable portion of the public domain.<sup>[22]</sup>

Thus, in *Republic v. Ching*,<sup>[23]</sup> We emphasized that "before an applicant can adduce evidence of open, continuous, exclusive and notorious possession and occupation of the property in question, he must first prove that the land belongs to the alienable and disposable lands of the public domain." Whether an applicant is seeking

registration under either Section 14(1) or 14(2) of P.D. No. 1529, it must satisfy the courts that the land applied for is alienable and disposable.<sup>[24]</sup>

**The prevailing rule during the pendency of the PNP's application for registration of land title in the RTC was that a DENR certification stating that the land subject for registration is entirely within the alienable and disposable zone constitutes as substantial compliance, which the PNP failed to comply with.**

The OSG argues that the subject lots are incapable of registration pursuant to the CENRO Report.<sup>[25]</sup> It asserts that the PNP's possession of the subject lots for more than 30 years is irrelevant because said lots are inalienable having been reserved for military purposes. Moreover, the PNP presented no evidence that the same had been released from their classification as a military reservation.<sup>[26]</sup> The OSG further contends that the annotation on the subdivision plan is insufficient to prove that they are alienable and disposable lands of the public domain.<sup>[27]</sup>

We agree.

This Court notes the following relevant dates: (i) the PNP's May 6, 2003 application for land title registration<sup>[28]</sup>; (ii) the RTC's January 20, 2006 Decision; and (iii) the appellate court's August 16, 2011 Decision.

When the PNP filed its application for land title registration on May 6, 2003 and during the promulgation of the RTC Decision on January 20, 2006, the prevailing doctrine then was that a DENR certification that a land subject for registration is entirely within the alienable and disposable zone suffices to establish the nature of the property as alienable and disposable land of the public domain;<sup>[29]</sup> the said