

## SECOND DIVISION

[ G.R. No. 248306, June 28, 2021 ]

**REPUBLIC OF THE PHILIPPINES, PETITIONER, VS. SCIENCE PARK OF THE PHILIPPINES, INC., REP. BY ITS EXECUTIVE VICE-PRESIDENT AND GEN. MANAGER, MR. RICHARD ALBERT I. OSMOND, RESPONDENTS.**

### DECISION

**LAZARO-JAVIER, J.:**

#### The Case

This petition<sup>[1]</sup> seeks to reverse the following dispositions of the Court of Appeals in CA-G.R. CV No. 109103, entitled *In Re: Application for Registration of Original Title; Science Park of the Philippines, Inc., herein represented by its Executive Vice President and General Manager, Mr. Richard Albert I. Osmond v. Republic of the Philippines*:

1. **Decision**<sup>[2]</sup> dated March 28, 2019 affirming the Decision dated April 12, 2017 of the Municipal Circuit Trial Court (MCTC) of Malvar-Balete, Batangas in Land Registration Case No. N-138 which granted respondent's application for original registration of title; and
2. **Resolution**<sup>[3]</sup> dated July 9, 2019, denying petitioner's motion for reconsideration.

#### Antecedents

On September 3, 2015, respondent Science Park of the Philippines, Inc. filed an application for original registration of title with the Regional Trial Court (RTC) of Tanauan City, Batangas under Section 14(1) of Presidential Decree No. 1529 (PD 1529).<sup>[4]</sup> In its Order dated September 10, 2015, the RTC delegated the hearing and disposition of the application to the MCTC, Malvar-Balete.<sup>[5]</sup>

Respondent essentially alleged that it is the owner in fee simple of a 5,255-square meter parcel of land designated as Lot No. 3394, Psc-47, Malvar Cadastre,<sup>[6]</sup> situated in Brgy. Luta Sur, Malvar, Batangas.<sup>[7]</sup> It acquired the property from one Antonio Aranda through a Deed of Absolute Sale dated January 6, 2014. It has been, by itself or through its predecessors-in-interest, in open, continuous, exclusive, and notorious possession of the property since June 12, 1945 or earlier. Finally, the property is within the alienable and disposable portion of the public domain.

On the other hand, petitioner Republic of the Philippines entered its appearance

through the Office of the Solicitor General (OSG). The MCTC, however, issued an Order of general default dated April 26, 2016 as no oppositor allegedly objected to respondent's application.<sup>[8]</sup>

During the trial, respondent sought to establish the history of the ownership of the land, viz:

January 29, 1944: Segunda Kalaw sold the land to her sister Micaela Kalaw

November 5, 1953: After Micaela passed, her heirs sold the land to Crisanto Laydia and his wife Agrifina Arcillas through a *Kasulatan ng Bilihang Patuluyan ng Lupa*

June 26, 1996: Antonio A. Aranda bought the land from Crisanto through a deed of absolute sale.

January 6, 2014: Respondent bought the land from Antonio A. Aranda<sup>[9]</sup>

A **representative of the Office of Municipal Assessor** of Malvar confirmed this sequence based on the tax declarations issued in relation to the property. The oldest tax declaration on file was dated 1955 in the name of Segunda Kalaw.

Meanwhile, witnesses from the **Department of Environment and Natural Resources (DENR), DENR-City Environment and Natural Resources (DENR-CENRO), Batangas City and the National Mapping and Resource Information Authority (NAMRIA)** all testified that the property was within the alienable and disposable portion of the public domain based on Land Classification Map No. 3601

and DENR Administrative Order No. 97-37 issued by then Secretary Victor O. Ramos on December 22, 1997.<sup>[10]</sup>

Finally, respondent's immediate predecessor-in-interest **Antonio Aranda** and one **Eliseo Garcia** (born on June 4, 1933), both residents of Malvar, Batangas, gave their personal accounts relating to the property.<sup>[11]</sup>

**Eliseo Garcia** testified that as a resident of Brgy. Luta Sur since birth, he had sufficient knowledge of the property.<sup>[12]</sup> In fact, he lived just one (1) kilometer away from Lot No. 3394 and three (3) houses from the house of Segunda's sister Micaela.<sup>[13]</sup> When he was about seven (7) years old, he and his friends used to play and gather fruits from the property and its surroundings as children of his age casually did at that time. It was of public knowledge that the Kalaws owned several parcels of land adjoining each other, including Lot No. 3394. Segunda, in particular, was the owner of Lot No. 3394 until she sold it to her sister Micaela before the Second World War erupted.<sup>[14]</sup> Not long after, Micaela sold the subject property in favor of Agrifina Arcillas and Crisanto Laydia who occupied and exercised all acts of possession and ownership thereon. Subsequently, the property got sold to Antonio Aranda who also cultivated the same. No one made an adverse claim of ownership over the property.<sup>[15]</sup>

**Antonio Aranda** admitted that he bought Lot No. 3394 from Crisanto Laydia and later sold it to respondent via Deed of Absolute Sale,<sup>[16]</sup> dated January 6, 2014. While he was still owner of the property, he cultivated it with agricultural plants, harvested its fruits, and also paid realty taxes thereon.

Respondent offered the following documentary evidence: Technical Description for Lot 3394;<sup>[17]</sup> Sepia copy of Plan, Lot No. 3394, Psc-47, Malvar Cadastre;<sup>[18]</sup> Land Classification Map No. 3601,<sup>[19]</sup> and tax declarations, among others. The Sepia copy of Plan of Lot No. 3394<sup>[20]</sup> bears the technical description and sketch of the boundaries of Lot No. 3394 and an annotation indicating, thus:

x x x x

Lot 3394, Psc-47, Malvar Cadastre **is inside alienable and disposable zone** as per Project No. 39, L.C. Map No. 3601 certified on December 22, 1007 as per CERTIFICATION approved by Laudemir S. Salac, OIC, CENR Officer of Batangas City on Jul 21, 2014.

x x x x

### **The Ruling of the Municipal Circuit Trial Court**

By Decision<sup>[21]</sup> dated April 12, 2017, the MCTC granted respondent's application, viz.:<sup>[22]</sup>

WHEREFORE, the foregoing discussion considered, upon confirmation of the Order of General Default, this Court resolves to adjudicate and decree Lot No. 3394, Psc-47, Malvar Cadastre, Ap-04-016437 with an area of FIVE THOUSAND TWO HUNDRED FIFTY FIVE (5,255) SQUARE

METERS in favor of and in the name of SCIENCE PARK OF THE PHILIPPINES, INC, with office address at 17th Floor, Robinsons Summit Center, 6783 Ayala Avenue, Makati, Metro Manila, in accordance with Presidential Decree No. 1529 otherwise known as the Property Registration Decree.

SO ORDERED.

It found respondent's evidence to have sufficiently proved that it has been in open, continuous, exclusive and notorious possession and occupation of a parcel of land classified to be within the alienable and disposable zone of the public domain since June 12, 1945 or earlier.<sup>[23]</sup>

### **Proceedings before the Court of Appeals**

On appeal<sup>[24]</sup> the OSG faulted the MCTC for granting the application despite respondent's alleged failure to prove a registrable title under Section 14, PD 1529.<sup>[25]</sup>

**For one**, respondent did not adduce evidence that it has been in open, continuous, exclusive, and notorious possession of the property since June 12, 1945 or earlier.<sup>[26]</sup> Although respondent 's claim of ownership dates back to the 1940s, the earliest tax declaration presented was dated 1955.<sup>[27]</sup>

**For another**, respondent could not have acquired the property through prescription.<sup>[28]</sup> For there had been no manifestation from the government that the property was already declared patrimonial or no longer retained for public service or for the development of national wealth pursuant to Article 422 of the New Civil Code.<sup>[29]</sup>

Respondent riposted<sup>[30]</sup> that it had successfully proven its registrable title over the property. Curiously, the OSG anchored its opposition on its purported failure to comply with Section 14(2), PD 1529. As it was, however, its application was based on Section 14(1), PD 1529. The two provisions have two different sets of requirements.<sup>[31]</sup>

At any rate, it complied with Section 14(1), thus: **first**, Land Classification Map No. 3601 and DENR Administrative Order No. 97-37 proved the alienable and disposable character of Lot No. 3394; **second**, Eliseo Garcia, an octogenarian resident of Malvar, Batangas, testified on how respondent's predecessors-in-interest enjoyed open, exclusive, adverse, continuous and notorious possession of the property; **finally**, the transfer of ownership of the property from Segunda Kalaw in 1944 to the present was traced through documents kept intact at the Assessor's Office of Malvar, Batangas.<sup>[32]</sup>

### **The Ruling of the Court of Appeals**

By Decision<sup>[33]</sup> dated March 28, 2019, the Court of Appeals affirmed. It noted that contrary to the submission of the OSG, the requirements under Article 422 of the New Civil Code<sup>[34]</sup> are inapplicable here. For the provision comes into play only

when the applicant invokes Section 14(2) of PD 1529<sup>[35]</sup> to support its application for registration of title.<sup>[36]</sup>

As for respondent's compliance with the requirements of Section 14(1) of PD 1529, the Court of Appeals held that the totality of respondent's evidence sufficiently established its continuous, exclusive, and notorious possession and occupation of the property since June 12, 1945 or earlier.<sup>[37]</sup>

The Court of Appeals denied reconsideration on July 9, 2019.

### **The Present Petition**

The Republic, through the OSG now asks the Court to exercise its discretionary appellate jurisdiction to review and reverse the assailed issuances of the Court of Appeals.<sup>[38]</sup>

It brings to fore the two (2) ways by which to acquire and register property under PD 1529, viz.: through (1) 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 under Section 14(1) of PD 1529; and, (2) acquisition of private lands by prescription under Section 14(2) of the same law. Regardless of the ground invoked, however, respondent failed to comply with the requirements of law for registration of property.

Respondent failed to establish that it has been, by itself or through its predecessors-in-interest, in open, continuous, exclusive, and notorious possession of the property since June 12, 1945 or earlier. Based on its own declarations, respondent and its predecessors-in-interest could only trace its ownership of Lot No. 3394 beginning 1940s - a timeframe too ambiguous to even deserve any credibility.<sup>[39]</sup>

Further, under the second mode, it is not sufficient for respondent to offer various certifications from appropriate government agencies describing the property as alienable and disposable. Before lands in the public domain are converted to patrimonial property, there must also be an express government manifestation that the property is no longer retained for public service or the development of national wealth under Article 422 of the New Civil Code. It is only upon such declaration that a property has become patrimonial can the prescriptive period for the acquisition of such property of the public dominion begin to run.<sup>[40]</sup> Here, respondent offered no proof of such government declaration.

In its *Comment*,<sup>[41]</sup> respondent counters that the OSG has merely reiterated its arguments in its petition which the Court of Appeals had already passed upon in full. In any event, it anchors its application for original registration of title on Section 14(1), PD 1529. Thus, it is only required to prove that: (1) the land forms part of the disposable and alienable lands of the public domain; (2) the applicant by itself and its predecessors-in-interest have been in open, continuous, exclusive, and notorious possession and occupation thereof; and (3) it has been in possession of the property under a bona fide claim of ownership since June 12, 1945 or earlier.<sup>[42]</sup> Notably, it was able to duly establish these requirements through competent evidence, among them the Land Classification Map No. 3601 issued by the NAMRIA;