

SECOND DIVISION

[G.R. No. 217336, October 17, 2018]

**REPUBLIC OF THE PHILIPPINES, PETITIONER, VS. SPS.
ILDEFONSO ALEJANDRE AND ZENAIDA FERRER ALEJANDRE,
RESPONDENTS.**

DECISION

CAGUIOA, J:

Before the Court is a petition for review on *certiorari*^[1] (Petition) under Rule 45 of the Rules of Court (Rules) assailing the Decision^[2] dated February 27, 2015 (Decision) of the Court of Appeals^[3] (CA) in CA-G.R. CV No. 101259, which sustained the Amended Decision^[4] dated June 12, 2008 of the Regional Trial Court of Bangued, Abra, Branch 2 (RTC) in LRC Case No. N-20, which granted the respondents' application for registration of Lot 6487, Cad. 536, Ap-CAR-000007, with an area of 256 square meters located at Barrio Poblacion, Municipality of Bangued, Province of Abra.

The Facts

The CA Decision narrates the antecedents as follows:

On July 18, 1991, Spouses Alejandro (applicants-spouses, for brevity) filed an application for the registration of Lot No. 6487 under P.D. No. 1529, described in plan Ap-CAR-000007, Cad-536, with an area of 256 square meters. They alleged that they are the owners of the subject property by virtue of a deed of sale or conveyance; that the subject property was sold to them by its former owner Angustia Lizardo Taleon by way of a Deed of Absolute Sale executed on June 20, 1990; that the said land is presently occupied by the applicants-spouses.

On September 16, 1991, the Office of the Solicitor General, as counsel for the Republic, entered its appearance.

On November 12, 1991, the Land Registration Authority (LRA, for brevity) submitted a Report noting that there were discrepancies in the plan submitted by the applicant spouses, which discrepancies were referred to the Lands Management Sector for verification and correction.

On January 30, 1992, the trial court issued an order of general default and allowed the applicants-spouses to present their evidence.

On July 20, 1992, the trial court granted the applicant spouses' motion to submit original tracing cloth plan and technical description for purposes of facilitating the approval of the re-surveyed plans as well as the

submission of the new plan for the scrutiny and approval of the LRA.

On August 10, 1992, the applicants-spouses filed their Formal Offer of Evidence. On April 26, 1993, they submitted the corrected advance plan and technical description to the trial court.

On August 20, 1993, the LRA submitted its Supplementary Report stating that the "polygon does not close" even after the corrections effected on the bearings and distances of the technical description were made. Hence, the LRA requested for reverification and correction.

In an Order dated December 10, 1997, the trial court deemed the case submitted for decision.

Subsequently, or on April 15, 1998, the LRA submitted its Final Report stating that it applied the corrected technical description of the subject lot and no more discrepancy exists, however, the area was increased by six (6) meters. As such, on August 24, 1998, the trial court ordered the submission of publication of the amended or new technical description. On May 6, 2000, the trial court issued another Notice setting the case for Initial Hearing on July 25, 2000.

On June 1, 2000, the Republic filed its *Opposition* to the application based on the following grounds: (1) that neither the applicants nor their predecessors-in-interest have been in open, continuous, exclusive and notorious possession and occupation of the land in question since June 12, 1945 or earlier as required by Section 48 (b) of Commonwealth Act No. 141 (CA 141), x x x as amended by Presidential Decree No. 1073 (PD 1073); (2) that applicants failed to adduce any muniment of title and/or the tax declarations with the petition to evidence *bona fide* acquisition of the land applied for or of its open, continuous, exclusive and notorious possession and occupation thereof in the concept of an owner since 12 June 1945 or earlier; that the tax declaration adverted to in the petition does not appear to be genuine and the tax declaration indicates pretended possession of applicants to be of recent vintage[;] and (3) that the subject property applied for is a portion of the public domain belonging to the Republic of the Philippines which is not subject to private appropriation.

After trial, the trial court rendered its *Decision* dated March 31, 2006 granting the application for registration of title, the dispositive portion of which reads:

"WHEREFORE, premises considered, the Court finds the application to be well-taken and the same is hereby granted.

Let a copy of this decision be furnished the Land Registration Authority, Office of the Solicitor General and Bureau of Lands.

SO ORDERED."

On June 12, 2008, the trial court issued the Amended Decision which increased the area subject for land registration to two hundred sixty-two square meters (262 sqm) from two hundred fifty-six square meters (256 sqm) from the original decision.

Disagreeing with the trial court's grant of the application for land registration, the Republic interposed [an] appeal [to the CA].^[5]

Ruling of the CA

The CA in its Decision^[6] dated February 27, 2015 denied the appeal of the Republic. The dispositive portion thereof states:

WHEREFORE, premises considered, the present appeal is **DENIED**. Accordingly, the Amended Decision of the Regional Trial Court of Bangued, Abra, Branch 2, is **SUSTAINED**.

SO ORDERED.^[7]

The CA justified that based on the allegations of the applicants spouses Ildefonso Alejandro and Zenaida Ferrer Alejandro (respondents) in their application for land registration and subsequent pleadings, they come under paragraph 4 of Section 14, Presidential Decree No. (PD) 1529^[8] - those who have acquired ownership of lands in any manner provided for by law - because they acquired the land in question by virtue of a Deed of Absolute Sale executed on June 20, 1990^[9] from Angustia Alejandro Taleon who acquired the land from her mother by inheritance.^[10]

The Republic filed the instant Petition without filing a motion for reconsideration with the CA on the ground that the CA decided the Republic's appeal in gross disregard of the law and in a manner not in accordance with the applicable decisions of the Court.^[11]

Respondents filed their "Comment and Compliance"^[12] dated July 18, 2016. The Republic filed a Reply^[13] dated March 3, 2017.

The Issue

The Petition raises this sole issue: whether the CA seriously misappreciated the facts as well as made findings which are inconsistent with, or not supported by, the evidence on record; and gravely misapplied the applicable laws and jurisprudence.^[14]

The Court's Ruling

The Petition is impressed with merit.

The RTC Amended Decision justified the granting of the application for land registration under the Property Registration Decree (PD 1529) on these factual findings:

It appears from the evidence presented that the applicants acquired the property sought to be registered by means of a Deed of Absolute Sale [dated June 20, 1990 (Exh. "K" to "K5")] executed by Angustia Alejandre Taleon as vendor in favor of the petitioners spouses Ildefonso Alejandre and Zenaida F. Alejandre as vendees. Said property was previously inherited by the vendor from her late mother Angustia Alejandre who inherited the same property from Don Santiago Alejandre, the grandfather of the applicant Dr. Ildefonso Alejandre.^[15]

The CA sustained the RTC Amended Decision in this wise:

Under Section 14 of PD No. 1529, there are four (4) types of applicants who may apply for registration of title to land[,] viz[.]:

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:

(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.*

(2) Those who have acquired ownership of private lands by prescription under the provision of existing laws.

(3) Those who have acquired ownership of private lands or abandoned river beds by right of accession or accretion under the existing laws.

(4) ***Those who have acquired ownership of land in any other manner provided for by law.*** (Italics and Emphasis Ours)

In the case at bar, basing from the allegations of the applicants spouses in their application for land registration and subsequent pleadings, clearly, they come under Paragraph 4 of the quoted section and not under Paragraph 1 of the same section. It is undisputed that they acquired the land in question by virtue of a Deed of Absolute Sale executed on June 20, 1990 from Angustia Alejandre Taleon who acquired the land from her mother by inheritance. In other words, the applicant spouses acquired ownership over Lot 6487 through a contract of sale, which is well within the purview of Paragraph 4 of Section 14 of P.D. No. 1529.

As a consequence, the requirement of open, continuous, exclusive and notorious possession and/or occupation in the concept of an owner has no application in the case at bar. Not even the requirement that the land applied for should have been declared disposable and alienable applies considering that this is just one of the requisites to be proven when

applicants for land registration fall under Paragraph 1 of Section 14 of P.D. No. 1529, which is not the case at bar.^[16]

The Republic argues that under the law, citing Section 24 of PD 1529 and Section 48(b) of Commonwealth Act No. 141,^[17] as amended by Section 4 of PD 1073,^[18] before an applicant can register his title over a particular parcel of land, he must show that: (a) he, by himself or through his predecessors-in-interest, has been in open, continuous, exclusive and notorious possession and occupation of the subject land under a *bona fide* claim of ownership since June 12, 1945, or earlier; and (b) the subject land falls within the alienable and disposable portion of the public domain.^[19]

The Republic also argues, citing *Republic v. Sayo*,^[20] *Director of Lands v. IAC*^[21] and *Director of Lands v. Aquino*,^[22] that in land registration proceedings, the applicant has the burden of overcoming the presumption that the land sought to be registered belongs to the public domain or the presumption of State ownership of the lands of the public domain.^[23]

Citing *Bracewell v. Court of Appeals*,^[24] the Republic further posits that to prove that the subject land is alienable, the applicant must establish the existence of a positive act of the government, such as a presidential proclamation or an executive order, an administrative action, investigation reports of Bureau of Land investigators, and a legislative act or a statute, declaring the land as already alienable and disposable.^[25]

Pursuant to Article 419 of the Civil Code, property, in relation to the person to whom it belongs, is either of public dominion or of private ownership. As such, properties are owned either in a public capacity (*dominio publico*) or in a private capacity (*propiedad privado*).^[26]

There are three kinds of property of public dominion: (1) those intended for public use; (2) those intended for some public service; and (3) those intended for the development of national wealth. This is provided in Article 420 of the Civil Code, to wit:

ART. 420. The following things are property of public dominion:

(1) Those intended for public use, such as roads, canals, rivers, torrents, ports and bridges constructed by the State, banks, shores, roadsteads, and others of similar character;

(2) Those which belong to the State, without being for public use, and are intended for some public service or for the development of the national wealth.

With respect to provinces, cities and municipalities or local government units (LGUs), property for public use "consist of the provincial roads, city streets, municipal streets, the squares, fountains, public waters, promenades, and public works for public service paid for by said provinces, cities, or municipalities."^[27]

In turn, the Civil Code classifies property of private ownership into three categories: