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THIRD DIVISION

[G.R. No. 168288, January 25, 2017]

REPUBLIC OF THE PHILIPPINES, PETITIONER, VS. HAROLD TIO GO, RESPONDENT.

D E C I S I O N

REYES, J.:

This is a petition for review on *certiorari*[1] under Rule 45 of the Rules of Court contesting the Decision[2] dated May 23, 2005 of the Court of Appeals (CA) in CA-G.R. CV No. 76801, which denied the appeal of the Republic of the Philippines (Republic) and affirmed *in toto* the Decision[3] dated February 4, 2002 of the Regional Trial Court (RTC) of Mandaue City, Branch 55, in LRC Case No. N-588, an application for original registration of title.

Antecedent Facts

Respondent Harold Tio Go (Go) filed an application for original registration of title in 1999.[4] His application covered two (2) parcels of land located in Liloan, Cebu, identified as Lot No. 9196, Pls-823 (identical to Lot No. 281-A) with an area of 404 square meters and Lot No. 9197 (identical to Lot No. 281-B) with an area of 2,061 sq m.

The Republic filed an opposition[5] to the application on the grounds that: (1) Go or his predecessors-in-interest have not been in open, continuous, exclusive and notorious possession of the property since June 12, 1945 or prior thereto; (2) Go failed to adduce evidence showing *bona fide* acquisition of the land applied for; (3) the claim of ownership can no longer be availed of by Go since he failed to file an application within six months from February 16, 1976 as required by Presidential Decree No. 892; and (4) the parcels of land applied for belong to a portion of the public domain.[6] Despite its written opposition, the Republic failed to appear during the initial hearing of the case.[7] After reception of Go's evidence, the RTC granted his application in its Decision[8] dated February 4, 2002, the dispositive portion of which provides:

> WHEREFORE, foregoing premises considered, an order is hereby issued, to wit:
>
> 1. Admitting Exhibits "A up to Y" and all its submarkings formally offered by applicants [sic] as part of the testimonies of the [applicant's] witnesses and for the purpose/s for which they were being offered;

2. Ordering the issuance of title to the land, **Lot No. 281-A with an area of 404 [sq m], more or less; and Lot No. 281-B, consisting a total area of 2,06.1 [sq m], more or less**, situated at Barrio Tayud, Municipality of Liloan, Province of Cebu, Philippines, covered by approved Subdivision Plan, Csd-07-003219, and approved Technical Descriptions, for and in the name of [GO], Filipino citizen, legal age, married to Mich Y. Go, with residence and postal address at 14 Lakandula St., Cebu City, Philippines.

Upon finality of this decision, let a corresponding decree of registration be issued in favor of applicant, [Go] in accordance with Sec. 39 of PD 1529.

Notify parties accordingly.

SO ORDERED.[9]

The Republic appealed the RTC decision on the ground that the trial court erred in granting Go's application in the absence of proof that the land applied for is within alienable and disposable land of the public domain.[10]

In the assailed decision, the CA denied the Republic's appeal and affirmed the RTC decision, taking into account the Community Environment and Natural Resources Office (CENRO) Certification dated September 15, 2003 issued by CENR Officer Elpidio R. Palaca (Palaca), which was attached to Go's appellee's brief. The certification stated, in part:

> This is to certify that per projection conducted by Forester Anastacio C. Cabalejo, a tract of land, Lot No. 281, PLS 823, containing an area of TWO THOUSAND FOUR HUNDRED SIXTY[-]FIVE (2,465) [sq m], more or less situated at Tayud, Liloan, Cebu as shown and described in the plan at the back hereof, x x x was found to be **within the Alienable and Disposable Land, Land Classification Project 29 Per map 1391 of Liloan, Cebu FAO 4-537 dated July 31, 1940**.[11] (Emphasis ours)

The CA concluded that Go's submission of the certificate "settles the issue on whether or not the subject lots in this case are alienable and disposable in the affirmative."[12]

Now before the Court, the Republic objects to the admission of the CENRO Certification by the CA, arguing that:

> THE [CA] ERRED X X X WHEN IT AFFIRMED THE TRIAL COURT'S GRANT OF THE APPLICATION FOR ORIGINAL REGISTRATION DESPITE THE ABSENCE OF EVIDENCE THAT [GO] HAD COMPLIED WITH THE PERIOD OF POSSESSION AND OCCUPATION REQUIRED BY LAW.[13]

The main contention of the Republic is that the CENRO Certification should not have been admitted by the CA as it was not adduced and marked as evidence during the trial, and consequently not formally offered and admitted by the trial court, in violation of Rule 132, Section 34 of the Rules of Court.[14]

Ruling of the Court

The issue in this petition is whether the CA committed a reversible error in admitting the CENRO Certification. A corollary issue is whether Go sufficiently established the alienability and disposability of the subject properties.

Indeed, the rule is that the court shall consider no evidence which has not been formally offered.[15] The Court, however, in the interest of justice, allowed in certain cases the belated submission on appeal of a Department of Environment and Natural Resources (DENR) or CENRO Ce11ification as proof that a land is already alienable and disposable land of the public domain. Thus, in *Victoria v. Republic of the Philippines*,[16] the Court admitted the DENR Certification, which was submitted by therein petitioner only on appeal to the CA. The Court reversed the CA decision and reinstated the judgment of the Metropolitan Trial Court of Taguig, which granted therein petitioner's application for registration of title to a 1,729-sq-m lot in Bambang, Taguig City. The Court stated:

> The rules of procedure being mere tools designed to facilitate the attainment of justice, the Court is empowered to suspend their application to a particular case when its rigid application tends to frustrate rather than promote the ends of justice. **Denying the application for registration now on the ground of failure to present proof of the status of the land before the trial court and allowing Victoria to re-file her application would merely unnecessarily duplicate the entire process, cause additional expense and add to the number of cases that courts must resolve.** It would be more prudent to recognize the DENR Certification and resolve the matter now.[17] (Citation omitted and emphasis ours)

Meanwhile, in *Spouses Llanes v. Republic of the Philippines*,[18] the Court accepted the corrected CENRO Certification even though it was submitted by the Spouses Llanes only during the appeal in the CA. The Court ruled:

> If the Court strictly applies the aforequoted provision of law [Section 34, Rule 132 of the Rules of Court on Offer of Evidence], it would simply pronounce that the [CA] could not have admitted the corrected CENRO Certification because it was not formally offered as evidence before the MCTC during the trial stage. **Nevertheless, since the determination of the true date when the subject property became alienable and disposable is m 1terial to the resolution of this case, it behooves this Court, in the interest of substantial justice, fairness, and equity, to consider·the corrected CENRO Certification even though it was only presented during the appeal to the [CA]. Since rules of procedure arc mere tools designed to facilitate the attainment of justice, it is well recognized that the Court is empowered to suspend its rules or to exempt a particular case from the application of a general rule, when the rigid application thereof tends to frustrate rather than promote the ends of justice.**[19] (Citation omitted and emphasis ours)

Clearly, therefore, the CA took the prudent action in admitting the CENRO Certification, albeit belatedly submitted, as it would be more in keeping with the