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THIRD DIVISION

[G.R. No. 185603, February 10, 2016]

REPUBLIC OF THE PHILIPPINES, PETITIONER, VS. LOCAL SUPERIOR OF THE INSTITUTE OF THE SISTERS OF THE SACRED HEART OF JESUS OF RAGUSA, 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 filed by the Republic of the Philippines (petitioner) seeking the reversal of the Decision[2] dated December 4, 2008 of the Court of Appeals (CA) in CA-G.R. CV No. 90179, which affirmed the Decision[3] dated March 9, 2007 of the 2nd Municipal Circuit Trial Court of Silang-Amadeo, Silang, Cavite in LRC No. 2006-324.

Facts

The undisputed facts as recounted by the CA, are as follows:

> The applicant is a religious institution created and organized under Philippine law. The complaint alleges that the applicant acquired the subject property by way of purchase, as evidenced by a Deed of Sale on September 19, 2005, and has since been in applicant's continuous, uninterrupted, open and public possession in the concept of an owner from the said date. Prior to such purchase, applicant's predecessors-in-interest have been in the same kind of possession over the subject parcel of land as early as 1940, or for more than fifty years. It was further alleged in the complaint that this subject parcel of land is not occupied by any other individual or entity. Furthermore, as required by the Rules, the names and full addresses of the adjoining lot owners were also alleged in the complaint.
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> The jurisdictional requirements having [been] complied with, the trial court set the application for registration for hearing.
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> In the proceedings below, [the petitioner], through the Office of the Solicitor General, interposed its Opposition to the application, citing the following grounds:
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> First, neither the applicant nor its predecessors-in-interest have been in open, continuous, exclusive and notorious possession of the parcel of land in question for a period of not less than thirty years.
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> Secondly, the tax declarations and tax payments offered by applicants in

evidence do not serve as muniments of title over the subject property, especially since they appear to be of recent vintage.

Thirdly, [t]he claim of ownership in fee simple on the basis of a Spanish title or grant can no longer be availed of by the applicant who has failed to file an appropriate application for registration within a period of six months from February 16,1976 as required by P.D. No. 892.

Lastly, the parcel of land applied for is a portion of the public domain belonging to the [petitioner], and thus, not subject to appropriation.

After the proceedings have been conducted, the trial court rendered a judgment granting the Application for Registration. The pertinent portions of the assailed Decision state:

> After shifting [sic] through the documentary evidence adduced by the applicant, there is no doubt that the latter's predecessor[s] -in-interest, Andres Velando, and Juana Velando, had been exercising absolute ownership and possession over the subject property since 1948 up to 2005 or for a period of fifty[-]seven (57) years or from time immemorial. This Court takes judicial notice that the existing tax declarations that are intact in the Municipal Assessor's Office of Silang started only in 1948.
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> It appears that as early as in 1948, Andres Velando had been issued with Tax Declaration No. 2078 (Exh. "K"). Thereafter, he continuously paid the realty taxes thereon under Tax Declaration No. 1434 for taxable years of 1961 up to 1962. In total, he took actual and continuous possession therein for a period of fourteen (14) years. After his death, his daughter, Juana Velando stepped into his shoes by causing the transfer of the realty assessment in her name under Tax Declaration No. 10550 (Exh. "M") in 1963 and continuously up to 2005, to wit: 8398, 6323, 5457, 5901, 3958, 97-09632, 18 026 00190, 18 026 01005, and 18 026 01006 (Exs. "N", "O", "P", "Q", "R", ["S"], "T", "U", and "V")[.]
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> Upon collating the respective possessions of applicant's pre[d]ecessors-in-interest, Andres Velando and Juana Velando, the length of time could be reckoned to the extent of fifty[-]six (56) years, which shall be tacked with the actual, public and open possession by herein applicant of one (1) year wherein the latter also continuously declared it for taxation purposes under Tax Declaration No. 18 026 01015 (Exh. "W["]). As a consequence thereof, their consolidated possession and ownership would total to fifty[-]seven (57) years.[4] (Citation omitted)

The trial court approved the application for registration of the Local Superior of the

Institute of the Sisters of the Sacred Heart of Jesus of Ragusa's (respondent) title.[5] The petitioner appealed the trial court's decision to the CA, pointing out that the certification issued by the Department of Environment and Natural Resources (DENR) Forest Management Services clearly shows that the subject lot was declared alienable and disposable only on March 15, 1982. Thus, considering that the present application for registration was filed less than 30 years later, or on March 2, 2006, the confirmation of title in the name of the respondent was erroneous because the 30-year period of possession should be reckoned only from the time that the lot applied for was declared alienable.[6]

On December 4, 2008, the CA affirmed the trial court's decision.[7] The CA hinged its judgment on the respondent's and its predecessors-in-interest's period of possession which dated back to 1943, as testified to by one of the previous possessors, Romulo Gonzales (Gonzales), thus:

> It has been established that the period of possession of the applicant and its predecessors-in-interest commenced as far back as 1943. This is clear from the testimony of [Gonzales], one of the previous o[wn]ers of the subject property, who testified that he first came to know of the said property when he was 10 years old in 1943 and even then, he already knew that his grandfather Andres Velando was the owner of the same, judging from the fact that the latter had introduced improvements thereon. The said testimony coming from a witness whose credibility was never disputed is enough to establish possession in the concept of an owner, x x x - - -
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> x x x x
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> In the case before Us, the witness was already ten years old when he first came to know of his grandfather's ownership of the property. Surely, at that age, he was already capable of perceiving such matter. Moreover, there is reason to believe that such p[exception was strengthened and confirmed by his subsequent observations on the said property over time. Given this, We do not find difficulty in giving credence to his testimony.[8] (Citation omitted)

The CA also made reference to *Republic of the Philippines v. Bibonia*[9] and *Republic of the Philippines v. Court of Appeals (Naguit case)*,[10] stating that "[t]he fact that the state has already classified such land as alienable only goes to show that it no longer intends to keep it as its own. What matters, therefore, is that when the time the application was made, the said land was already declared alienable. A contrary ruling would only negate the classification of such land as alienable, because following oppositor-applicant's reasoning, registration of such lands would still not be possible even if the state has already relinquished its claim over the same."[11]

Issue

Unsatisfied, the petitioner filed the present petition raising the lone issue:

THE [CA] SERIOUSLY ERRED ON A QUESTION OF LAW IN RULING THAT THE APPLICANT'S PERIOD OF POSSESSION IS SUFFICIENT TO WARRANT REGISTRATION OF TITLE IN RESPONDENT'S NAME.[12]

Ruling of the Court

Open and continuous possession in the concept of an owner on or before June 12, 1945

The petitioner's contention was that the CA "considered respondent's possession over the subject tract of land sufficient to grant the confirmation of title in his name —even as such possession was obtained before the declaration that the same is alienable and disposable land of the public domain. In so doing, the [CA] ignored the well-settled principle of law that it is only from the date of declaration of such land as alienable that the period for counting the statutory requirement of possession will start."[13]

A perusal of the respondent's Application for Registration[14] revealed that the application is based on Section 14(1) of Presidential Decree (P.D.) No. 1529, otherwise known as the Property Registration Decree, and not prescription as what the petitioner implied:

> 4. Applicant acquired the subject parcel of land by way of purchase on September 19, 2005 and have since there [sic] up to the present, been in continuous, uninterrupted, open, public and in the concept of an owner possession [sic] thereof. On the other hand, its predecessors-in-interest have been in the same kind of possession over this parcel of land since 1940 up to the present[.][15]

Section 14 of P.D. No. 1529 states the following:

> 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:
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> > **(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.**
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> > (2) Those who have acquired ownership of private lands by prescription under the provision of existing laws.
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> > (3) Those who have acquired ownership of private lands or abandoned river beds by right of accession or accretion under