

SPECIAL EN BANC

[G.R. No. 218345, December 07, 2016]

**REPUBLIC OF THE PHILIPPINES, PETITIONER, V. THE ESTATE OF
VIRGINIA SANTOS, REPRESENTED BY PACIFICO SANTOS,
RESPONDENT.**

DECISION

MENDOZA, J.:

This is a Petition for Review on *Certiorari* seeking to reverse and set aside the May 22, 2015 Decision^[1] of the Court of Appeals (CA) in CA-G.R. CV No. 100999, which affirmed the April 5, 2013 Amended Order^[2] of the Metropolitan Trial Court, Branch 74, Taguig City (MeTC) in LRC Case No. 326, a land registration case under Section 14 of Presidential Decree (P.D.) No. 1529.

The Antecedents

On October 9, 2006, the Application for Land Registration^[3] of a parcel of land identified as Lot No. 10839-C (*subject land*) located at P. Burgos St., Sta. Ana, Taguig City, with an area of 3,942 square meters and an assessed value of P82,400.00, was filed by respondent Estate of Virginia Santos (*respondent estate*), through its administrator, Pacifico Santos (*Pacifico*). The subject land was a subdivision of Lot No. 10839 described under survey Plan Csd-00-000352 (Subdivision Plan of Lot No. 10839, MCadm 590-D, Taguig Cadastral Mapping).

Together with its application for registration, respondent estate submitted the following documents: (1) Letters of Administration^[4] showing that Pacifico was appointed as the administrator of the estate of Virginia Santos (*Virginia*); (2) Oath of Office of Pacifico;^[5] (3) Subdivision Plan^[6] of Lot No. 10839, MCadm 590-D, Taguig Cadastral Mapping (Csd-00-000352) with the annotation that the survey was inside L.C. Map No. 2623 Proj. No. 27-B classified as alienable/disposable by the Bureau of Forest Development on January 03, 1968; (4) Technical Description of Lot No. 10839-C, Csd-00-000352;^[7] (5) Certification in Lieu of Surveyor's/Geodetic Engineer's Certificate^[8] issued by the Land Survey Records Section, Department of Environment and Natural Resources (*DENR*), National Capital Region; (6) Tax Declaration (*T.D.*) No. FL-013-01057;^[9] and (7) Extrajudicial Settlement of Estate by Sole Heir of the Late Alejandro Santos,^[10] dated March 27, 1975.

Respondent estate alleged that the late Virginia was the only child and heir of Alejandro Santos (*Alejandro*), who was the owner of the subject land during his lifetime. It further asserted that on March 27, 1975, or after Alejandro's death, Virginia executed an Extrajudicial Settlement of Estate by Sole Heir of the Late Alejandro Santos (*Extrajudicial Settlement*) and appropriated the subject land for herself. Respondent estate further alleged that Virginia, by her and through her predecessor-in-interest, had been in open, continuous, exclusive, and adverse

possession of the property in the concept of owner for more than thirty (30) years.
[11]

On October 9, 2006, the MeTC issued a notice of hearing setting the case for initial hearing on February 7, 2007.[12]

On April 30, 2007, petitioner Republic of the Philippines (*Republic*), through the Office of the Solicitor General (*OSG*), filed its Opposition^[13] to the Application, raising the following grounds: that neither the applicant nor the predecessors-in-interest of Virginia had been in open, continuous, exclusive, and notorious possession and occupation of the subject land for a period of not less than thirty (30) years; that the tax declarations and/or tax payment receipts attached to the application did not constitute competent and sufficient evidence of a *bona fide* acquisition of the land applied for; that the claim of ownership in fee simple on the basis of a Spanish title or grant could no longer be availed of by the applicant; and that the subject land was a portion of the public domain belonging to the Republic and not subject to private appropriation.

On July 12, 2007, the Land Registration Authority (*LRA*) submitted its Report^[14] stating that the subject property, as plotted, did not appear to overlap with any previously plotted decreed properties and that it was not in a position to verify whether or not the aforesaid land was already covered by a land patent and previously approved isolated surveys.

Thereafter, trial ensued.

To support its allegation of possession and occupation, respondent estate presented Romualdo B. Flores (*Romualdo*) who testified that Virginia owned the subject land; that he had been tilling the land since 1970; that his father, Sixto Cuevas Flores (*Sixto*), tilled the land for Alejandro even before the Japanese occupation in 1941; and that he knew this for a fact as he was already nine (9) years old and attained the age of reason at that time. Respondent estate also offered in evidence several tax declarations covering Lot No. 10839, the earliest of which was T.D. No. 6532 issued on August 19, 1949.[15]

The MeTC Ruling

In its August 31, 2011 Decision^[16] the MeTC denied respondent estate's application for registration of the subject land. It opined that respondent estate failed to present sufficient evidence to establish its claim of possession and ownership over the subject land. The MeTC reasoned that mere casual cultivation of portions of the subject land did not constitute sufficient basis for a claim of ownership. It did not give much weight either to the tax declarations offered in evidence as it stated that these documents were mere indication of claim of ownership and not ownership itself. [17]

The MeTC added that respondent estate failed to prove the alienable and disposable character of the subject land. It opined that the certification at the dorsal portion of the survey plan was not the kind of evidence contemplated in an application for original registration of title to land. The decretal portion of the decision, thus, reads:

WHEREFORE, all premises considered, the instant application for registration of land filed by the Estate of Virginia Santos represented by

Pacifico S. Santos, is hereby denied.

SO ORDERED.^[18]

On September 16, 2011, respondent estate filed its Motion for Reconsideration (With Alternative Motion for New Trial).^[19] On February 24, 2012, the MeTC granted the motion and allowed respondent estate to present further evidence in support of its application. In granting the motion, the MeTC explained that respondent committed mistake or excusable negligence which ordinary prudence could not have guarded against xxx."^[20]

Respondent estate presented, among others, Felino Flores (*Felino*), who, through his judicial affidavit,^[21] testified that he had been tilling the subject land for Virginia and her estate since 1979; that before him, his father, Romualdo, tilled the land from 1969 until he took over in 1979; that before his father, his grandfather, Sixto, tilled the land even before the Second World War; and that such claim was an accepted fact in their family history.

On April 5, 2013, the MeTC issued the Order^[22] granting the subject application. In completely reversing itself, the trial court stated that the tax declarations submitted by respondent estate and the certification appearing at the dorsal portion of the survey plan of Lot No. 10839, showing that the land was disposable and alienable, were already sufficient to establish respondent estate's claim over the property as well as the alienable and disposable character of the subject land.

On the same day, the MeTC issued the Amended Order^[23] correcting the dispositive portion of the earlier order where the area of the subject property was omitted:

WHEREFORE, all premises considered, this Court hereby confirms the title of applicant ESTATE OF VIRGINIA M. SANTOS, represented herein by the duly appointed administrator, PACIFICO M. SANTOS, Filipino, of legal age, married to Priscilla Santos and a resident of No. 93 P. Mariano Street, Ususan, Taguig City over the subject parcel of land designated as Lot 10839-C, as shown on subdivision plan Csd-00-000352, being a portion of Lot 10839, MCadm-590-D, Taguig Cadastral Mapping, situated at Barangay Sta. Ana, Taguig City, Metro Manila consisting of **Three Thousand Nine Hundred Forty Two (3,942) Square Meters, more or less and hereby order the registration thereof in its name.**

After finality of this Decision and upon payment of the corresponding taxes due on the said lot, let an Order for the issuance of decree of registration be issued.

SO ORDERED.^[24] [Emphasis and underscoring in the original]

Aggrieved, the Republic, through the OSG, elevated an appeal to the CA.^[25]

The CA Ruling

In its assailed Decision, dated May 22, 2015, the CA dismissed the Republic's appeal and affirmed the Amended Order, dated August 5, 2013 of the MeTC. The appellate court noted that the cadastral survey in this case was the same cadastral survey in the case of *Natividad Sta. Ana Victoria vs. Republic*^[26] (*Sta. Ana Victoria*), wherein

the Court granted the application for registration of property. The CA concluded that it could not take a view contrary to the ruling in the aforesaid case. It also concurred with the trial court that the DENR certification at the dorsal portion of the subdivision plan of Lot No. 10839 was sufficient evidence to prove the character of Lot No. 10839-C as alienable and disposable.

The appellate court further ratiocinated that the alleged discrepancies in the area of the property applied for could be explained by the fact that the subject land was a subdivision of Lot No. 10839. It also found that respondent estate was able to prove its open, continuous, exclusive, and notorious possession in the concept of owner. Relying again on *Sta. Ana Victoria*, the CA held that a tax declaration issued in 1949 could be accepted as proof of open, continuous, exclusive, and notorious possession and occupation in the concept of an owner. The dispositive portion of the said decision states:

WHEREFORE, the appeal is DISMISSED. The Amended Order dated April 5, 2013 of the Regional Trial Court (sic), Branch 74, Taguig City in LRC Case No. 326, is AFFIRMED.

SO ORDERED.^[27]

Hence, this petition, anchored on the following

GROUND

I

THE COURT OF APPEALS GRAVELY ERRED IN TAKING "JUDICIAL NOTICE" OF A "CADASTRAL SURVEY" SUBMITTED IN A DIFFERENT CASE ENTITLED "STA. ANA VICTORIA VS. REPUBLIC" TO PROVE, DURING THE APPEAL PROCEEDINGS, THE DATE WHEN THE SUBJECT LAND WAS FIRST DECLARED ALIENABLE AND DISPOSABLE.

II

THE COURT OF APPEALS GRAVELY ERRED IN GRANTING THE SUBJECT APPLICATION FOR LAND REGISTRATION DESPITE THE EXISTENCE OF DOUBT IN THE TOTAL AREA OF THE PARCEL OF LAND BEING APPLIED FOR REGISTRATION.

III

THE COURT OF APPEALS GRAVELY ERRED IN RELYING ON THE *STA. ANA VICTORIA* CASE AND IN UTTERLY DISREGARDING THAT THERE IS ABSENCE OF EVIDENCE TO PROVE POSSESSION AND OCCUPATION BY RESPONDENT OR ITS PREDECESSORS-IN-INTEREST SINCE JUNE 12, 1945, OR EARLIER.^[28]

The Republic argues, first, that the CA gravely erred in its over-reliance on *Sta. Ana Victoria*. It posits that although the CA could take judicial notice of *Sta. Ana Victoria*, it could not hastily rule that the subject land was also alienable and disposable based merely on the allegation that the subject property and the property registered in the said case belonged to the same cadastral survey. *Second*, the Republic asserts that respondent estate failed to establish its open, exclusive, continuous and

notorious possession and occupation under a *bona fide* claim of ownership over the subject land since June 12, 1945, or earlier. It contends that the tax declarations submitted by respondent estate were considered not proofs of ownership. Moreover, the earliest tax declaration submitted by respondent estate was for the year 1949, short of the required possession under the law. *Lastly*, the Republic insists that respondent estate's witnesses merely gave shady statements on the supposed ownership of Virginia and Alejandro, without showing any manifestation of acts of dominion over the property.

In its Comment,^[29] respondent estate countered that judicial decisions of this Court, including the findings of facts which were integral parts thereof, formed part of the legal system which all other courts were bound to follow and be familiar with. It asserted that since the subject land emanated from the same cadastral survey declared as alienable and disposable in *Sta. Ana Victoria*, the subject property must likewise be declared as alienable and disposable. It further advanced that the contents of the certification at the dorsal portion of the survey plan and the technical description of the property enjoyed the presumption of their accuracy.

With regard to possession and occupation, respondent estate averred that its witnesses testified on the identity of the property, the crops planted thereon, and the three generations of tenancy agreement involving the subject land. It claimed that these testimonies were further supplemented by the tax declarations it presented, which showed that Virginia and her predecessor-in-interest were in possession of the subject land for more than fifty (50) years.

In its Reply,^[30] the Republic reiterated its position that respondent estate failed to adduce sufficient evidence of possession and occupation on or before June 12, 1945; and that the appellate court erred in concluding that the subject land was declared alienable and disposable based merely on the facts sustained in *Sta. Ana Victoria*.

The Court's Ruling

Essentially, the Court is asked to resolve the issue of whether the CA erred in granting respondent estate's application for registration despite its failure to comply with the requirements for original registration of title to/and under Section 14 of P.D. No. 1529.

The petition is meritorious.

At the onset, the Court notes that there was some confusion as to what law on which the application for registration of the subject land was based. As per examination of respondent estate's application, it would seem that the basis for their application was Section 14(2) of P.D. No. 1529 considering its allegation of possession and occupation in the concept of owner for more than thirty (30) years. The MeTC, and later the appellate court, however, granted the application under Section 14(1) of the same law making reference to June 12, 1945, or prior thereto, as the earliest date of possession and occupation. Thus, the Court deems it proper to discuss respondent estate's application for registration of title to the subject property vis-a-vis the provisions of Section 14(1) and (2) of P.D. No. 1529.

*Respondent Estate Failed to Comply with the Requirements under **Section 14(1)** of P.D. No. 1529*