763 PHIL. 452

SECOND DIVISION

[G.R. No. 200773, July 08, 2015]

REPUBLIC OF THE PHILIPPINES, PETITIONER, VS. ANGELINE L. DAYAOEN, AGUST1NA TAUEL,**** AND LAWANA T. BATCAGAN, RESPONDENTS.

D E C I S I O N

DEL CASTILLO, J.:

This Petition for Review on *Certiorari*[1] seeks to set aside the February 23, 2012 Decision[2] of the Court of Appeals (CA) in CA-G.R. CV No. 92584 affirming the September 11, 2008 Amended Decision[3] of the Regional Trial Court (RTC) of La Trinidad, Benguet, Branch 63 in LRC Case No. 03-LRC-0024.

Factual Antecedents

As (determined by the appellate court, the facts are as follows:

> Appellees Angeline Dayaoen (Angeline), Agustina Taule (Agustina) and Lawana Batcagan[4] (Lawana) filed an *Application for Registration*[5] of three parcels of land located in Barangay Tabangaoen, La Trinidad, Benguet, described as Lots 1, 6 and 7, each with an area of 994 square meters, 390 sq. m., and 250 sq. m. respectively, or, a total of 1,634 sq. m. under Survey Plan Psu-1-002413.[6]
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> The subject parcels of land were originally owned and possessed since pre-war time by Antonio Pablo (Antonio), the grandfather of Dado Pablo (Dado), husband of appellee Angeline. In 1963, Antonio gave the parcels of land in question to appellee Angeline and Dado as a wedding gift. From that time on, they continuously occupied and possessed the properties. In 1976 and 1977, appellee Angeline sold Lots 6 and 7 to co-appellees Agustina and Lawana, pursuant to an *Affidavit of Quitclaim and a Deed of Absolute Sale of a Portion of Unregistered Land*, respectively. Since 12 June 1945, appellees and their predecessor-in-interest have been in public, open, exclusive, uninterrupted and continuous possession thereof in the concept of an owner. Appellees declared the questioned properties for taxation purposes. There was no mortgage or encumbrance of any kind whatsoever affecting the said parcels of land. Neither did any other person have an interest therein, legal or equitable, or was in possession thereof.
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> On the scheduled initial hearing, appellees adduced pieces of documentary evidence to comply with the jurisdictional requirements of notices, posting and publication. Appellee Angeline testified on the

continuous, open, public and exclusive possession of the lands in dispute.

Trial on the merits ensued. In a *Decision*[7] dated 6 November 2007, the court *a quo* granted appellees' application for registration. Unflinching, the Office of the Solicitor General (OSG) moved for reconsideration but failed to attain favorable relief as its *Motion* was denied by the court *a quo* in its *Order* dated 11 September 2008. On even date, the court *a quo* rendered the assailed *Amended Decision* finding appellees to have the registrable title over the subject properties.[8]

LRC Case No. N-453

Previously, or in 1979, herein respondents Angeline, Agustina and Lawana filed a similar application for registration of the herein subject property which was docketed as LRC Case No. N-453 before the RTC La Trinidad, Branch 8. The Republic opposed the application. After trial on the merits, a Decision[9] dated December 26, 1994 was rendered dismissing the application on the ground that respondents failed to prove that they or their predecessors-in-interest have been in open, continuous, exclusive and notorious possession of the subject property under a *bona fide* claim of ownership since June 12, 1945 or earlier. Respondents did not appeal the said Decision; thus, it became final and executory.

Ruling of the Regional Trial Court in LRC Case No. 03-LRC-0024

The September 11, 2008 Amended Decision in LRC Case No. 03-LRC-0024 held as follows:

Well settled is the rule that the burden of proof in land registration cases is incumbent on the applicant who must show that he is the real and absolute owner in fee simple of the land being applied for. x x x The applicant must present specific acts of ownership to substantiate the claim and cannot just offer general statements which are more conclusion of law than factual evidence of possession. Simply put, facts constituting possession must be duly established by competent evidence, x x x

However, given the foregoing facts, as borne out by competent, reliable, concrete, and undisputed evidence, the Court cannot conceive of any better proof of applicants' adverse, continuous, open, public, peaceful, uninterrupted and exclusive possession and occupation in concept of owners. The Court finds and concludes that the applicants have abundantly shown the specific acts that would show such nature of their possession. In view of the totality of facts obtaining in evidence on record, the applicants had ably complied with the burden of proof required of them by law. The Court holds that the established facts are sufficient proof to overcome the presumption that the lots sought to be registered form part of the; public domain. Hence, they have fully discharged to the satisfaction of the Court their burden in this proceeding.

Moreover, the Court is mindful of what the Supreme Court said in *Director of Lands v. Funtillar* x x x that "*The attempts of humble people*

to have disposable lands they have been tilling for generations titled in their names should not only be viewed with an understanding attitude but should, as a matter of policy, be encouraged." For this reason, the Supreme Court limited the strict application of the rule stated in *Heirs ofAmunategui v. Director of Forestry*, x x x, that "*In confirmation of imperfect title cases, the applicant shoulders the burden of proving that he meets the requirements of Section 48, Commonwealth Act No. 141, as amended by Republic Act 1942. He must overcome the presumption that the land he is applying for is part of the public domain but that he has an interest therein sufficient to warrant registration in his name because of an imperfect title such as those derived from old Spanish grants or that he has had continuous, open and notorious possession and occupation of agricultural lands of the public domain under a bonafide claim of acquisition of ownership for at least thirty (30) years preceding the filing of his application*." Thus, in *Director of Lands v. Funtillar*, the Supreme Court liberalized the aforecited rule and stated:

> The Regalian doctrine which forms the basis of our land laws and, in fact all laws governing natural resources is a revered and long standing principle. It must, however, be applied together with the constitutional provisions on social justice and land reform and must be interpreted in a way as to avoid manifest unfairness and injustice.
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> Every application for a concession of public land has to be viewed in the light of its peculiar circumstances. A strict application of the *Heirs of Amunategui vs. Director of Forestry* (126 SCRA 69) ruling is warranted whenever a portion of the public domain is in danger of ruthless exploitation, fraudulent titling, or other questionable practices. But when an application appears to enhance the very reasons behind the enactment of Act 496, as amended, or the Land Registration Act, and Commonwealth Act No. 141, as amended, or the Public Land Act, then their provisions should not be made to stand in the way of their own implementation.

In the present case, there is no showing that any "*portion of the public domain is in danger of ruthless exploitation, fraudulent titling, or other questionable practices*." Instead, it is very evident from applicants' mass of undisputed evidence that the present application will enhance social justice considerations behind the Public Land Law and the Land Registration Act, in the light of the incontrovertible fact that applicant Angeline Dayaoen and her three (3) children have long established their residential houses on the land subject of the application, which is "*the policy of the State to encourage and promote the distribution of alienable public lands as a spur to economic growth and in line with the social justice ideal enshrined in the Constitution*" (*Republic vs. Court of Appeals*, G.R. No. L-62680, November 9, 1988).

In the case at bar, the tracing cloth (Diazo Polyester film) of the approved survey plan of the land embracing the lots subject of the application was adduced in evidence as Exhibit "H" for the applicants. At its lower left

hand corner is a certification. It states in part: "*x x x*. *This Survey is inside the alienable and disposable areas per Proc. No. 209, Lot-A. The land herein described is outside any military or civil reservations. x x x*" Aside from this certification, it is further certified by Geronimo B. Fernandez, in his capacity as Supervising Geodetic Engineer I, "*that this survey is outside the Mountain State Agricultural College and it is within the Proclamation No. 209, Lot-A*." Further scrutiny of the tracing cloth plan also reveals that the survey plan was approved by Regional Director Sulpicio A. Taeza "*For the Director of Lands*."

The Court takes judicial notice of Proclamation No. 209[10] Issued by then President Ramon Magsaysay on October 20, 1955. It provides:

> "Upon recommendation of the Secretary of Agriculture and Natural Resources and pursuant to the provisions of Sections 83 and 89 of Commonwealth Act No. 141, as amended, I, RAMON MAGSAYSAY, President of the Philippines do hereby exclude from the operation of Proclamation Nos. 99, 64, 39, 102 and 698, series of 1914, 1919, 1920, 1927 and 193[4], respectively, and declare the parcel or parcels of land embraced therein or portions thereof situated in the Municipality of La Trinidad, Sub-province of Benguet, Mountain Province, open to disposition under the provisions of the Public Land Act, to wit: x x x"

Lot A, mentioned in the aforestated certifications in the tracing cloth of the approved survey plan (Exh. "H"), is one of the three (3) lots described in the aforecited Presidential Proclamation No. 209 opened to "*disposition under the provisions of the Public Land Act*."

The categorical statement of facts in the tracing cloth of the approved survey plan (Exh. "H"), in conjunction with the aforecited Proclamation No. 209, support the certification that the land subject of the survey is alienable and disposable. The certifications therein attesting that the land, which embraced Lots 1, 6 and 7 subject of the present application, is outside the Mountain State Agricultural College reservation, that it is within the Proclamation No. 209, Lot-A; that the land is alienable and disposable - pursuant to the Proclamation No. 209, Lot-A, and that it is outside any military or civil reservations. [This] statement of facts in the certifications in the tracing cloth of the approved survey plan sufficiently contain all the essential factual and legal bases for any certification that may be issued by the Department of Environment and Natural Resources that the lots subject of the present application are indeed alienable and disposable. More importantly, the tracing cloth of the approved survey plan was approved by Regional Director Sulpicio A. Taeza "*For the Director of Lands*." As such, the aforecited certifications in the tracing cloth of the approved survey plan carry not only his imprimatur but also that of the Director of Lands for whom he was acting. Thus, the approval of the survey plan was in effect the act of the Director of Lands. Necessarily, the certifications in the approved survey plan were [those] of the Director of Lands, not only of the Supervising Geodetic Engineer I and Regional Director Sulpicio A. Taeza. Under Commonwealth Act No.

141, the Director of Lands is empowered to issue the approved survey plan and to certify that the land subject thereof is alienable and disposable (Exh. "H") xxx. The law states the powers of the Director of Lands, as follows:

> Sec. 3. The Secretary of Agriculture and Commerce shall be the executive officer charged with carrying out the provisions of this Act through the Director of Lands, who shall act under his immediate control.
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> Sec. 4. Subject to said control, the Director of Lands shall have direct executive control of the survey, classifications, lease, sale or any other form of concession or disposition and management of the lands of the public domain, and his decisions as to questions of fact shall be conclusive when approved by the Secretary of Agriculture and Commerce.
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> Sec. 5. The Director of Lands, with the approval of the Secretary of Agriculture and Commerce shall prepare and issue such forms, instructions, rules, and regulations consistent with this Act, as may be necessary and proper to carry into effect the provisions thereof and for the conduct of proceedings arising under such provisions.

Therefore, to require another certification to be issued by the Director of Lands attesting to same facts already certified in the tracing cloth of the approved survey plan that the lots subject of the present application for registration of titles are alienable and disposable is a needless ceremony, a pure act of supererogation.

It is clear, therefore, that the applicants have satisfactorily complied with their burden of proving "*that the land subject of an application for registration is alienable*" considering that they have established "*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 Lands investigators, and a legislative act or statute*." The certifications categorically cited Proclamation No. 209, Lot-A, as the basis in attesting that the land, which is the subject of the survey and present application, is alienable and disposable because it is inside Lot A opened by the presidential proclamation "*to disposition under the provisions of the Public Land Act*."

The Court finds it significant that the State has not adduced any evidence, in spite of the fact that it has all the records, resources, and power in its command, to show that the lots subject of the present application are not alienable and disposable part of the public domain. Having failed to refute the evidence on the very face of the tracing cloth of the approved survey plan (Exh. "H"), which is a public document and part of a public record, the presumption that the certifications therein contained, attesting that the lots subject of the present application for registration are alienable and disposable, are true and correct have attained the status of concrete facts.