

SECOND DIVISION

[G.R. No. 210341, July 01, 2015]

REPUBLIC OF THE PHILIPPINES, PETITIONER, VS. JOSEFINO O. ALORA AND OSCAR O. ALORA, RESPONDENTS.

D E C I S I O N

CARPIO, J.:

The Case

Before this Court is a petition for review under Rule 45 of the Rules of Court assailing the 5 December 2013 Decision^[1] of the Court of Appeals (CA) in CA-G.R. CV No. 99280, which denied the appeal of the Republic of the Philippines (petitioner) and affirmed the 3 July 2012 Resolution of the Regional Trial Court, Branch 31 of San Pedro, Laguna (RTC) in LRC Case No. SPL-0697-10.

The Facts

On 6 May 1969, spouses Pedro and Rafaela Alora sold a parcel of land with an area of 12,710 square meters, located in Barangay San Vicente, San Pedro, Laguna to their sons Josefmo O. Alora and Oscar O. Alora (respondents) for P5,000.00.^[2] This parcel of land is more particularly described under Plan Psu-119876, and covered by Tax Declaration No. 24-0017-00507.^[3] The parties to the sale executed a Deed of Conveyance dated 8 May 1969.

On 6 June 2010, respondents filed a verified application for registration of title before the RTC, which was docketed as LRC Case No. SPL-0697-10. Oscar, who was in the United States, authorized his brother Josefino to represent him in the proceedings, under a Special Power of Attorney dated 26 November 2010.

In the application, respondents claimed that they purchased the parcel of land, and that they had no knowledge of any mortgage or encumbrance or any person having any interest over the same property.^[4] They further claimed that they had been planting crops on the parcel of land from 1969 to 2010. The approved plan showed six lots which respondents intended to develop as a commercial property.^[5]

The respondents further claimed that they paid all taxes on the property and registered the Deed of Conveyance with the Registry of Deeds and Assessor's Office, and had traced back the tax declarations of their predecessors-in-interest from 1935. The parcel of land originally belonged to Colegio de San Jose, Inc., and was transferred to Pedro Salandanan. Subsequently, Salandanan conveyed the property to Pedro Alora, respondents' father.

In order to prove that the parcel of land was disposable and alienable, respondents submitted the following as evidence:

1. Certification dated 17 May 2010 issued by Jovito Oandasan, Chief of Forest Management Service of the Community Environment and Natural Resources Office (CENRO) of the Department of Environment and Natural Resources (DENR) which stated that the parcel of land is part of "Alienable and Disposable (A & D) land under Project No. 10-A, per BFD Land Classification Map No. 3004 certified and declared as such on September 28, 1981.";^[6]
2. Land certification mark 304 consisting of sheets 1 and 2 from the National Mapping Resource Information Authority (NAMRIA) which bears a certification that the areas set aside are alienable and disposable for cropland and fishpond development under Forestry Administrative Order No. 4-1627 dated 28 September 1981;^[7]
3. Certified copy of the polyester film copy (SEPIA) of approved Plan Psu-119876 dated 20 April 1949;^[8]
4. Certified technical description of Plan Psu-119876;^[9] and
5. Certification in lieu of Geodetic Engineer's Certificate for Registration Purposes.^[10]

Respondents were also able to present the following documents:

1. Certified photocopies of Tax Declaration Nos. 1794, 2206 (dated 28 December 1950), 2352 (dated 22 January 1952) and 2381 (dated 28 January 1952) issued to Colegio de San Jose, Inc.;
2. Affidavit of Transfer of Real Property executed by Colegio de San Jose, Inc. in favor of Pedro Salandanan and N.V. Sinclair;
3. Certified photocopy of Tax Declaration No. 2466 issued to Pedro Salandanan on 17 December 1952;
4. Certified copy of the Deed of Absolute Sale executed by Pedro Salandanan in favor of Pedro Alora dated 22 September 1953;
5. Certified photocopy of Tax Declaration No. 2946 issued to Pedro Alora on 21 December 1964;
6. Official Receipt No. 3820443 dated 18 March 2010;
7. Copy of the Deed of Conveyance dated 8 May 1969 executed by Pedro Alora in favor of respondents;
8. Certified photocopy of Tax Declaration No. 8707 issued to respondents in 1985;
9. Official Receipt No. 8594515 dated 14 September 2010;

10. Duplicate original copy of Tax Declaration No. 017-0592 issued to respondents in 2000;

11. Certified photocopy of Tax Declaration No. 0017-000507 issued to respondents in 2006; and

12. Official Receipt No. 9454614 dated 9 February 2010.^[11]

The following persons also testified to support respondents' claim:

1. Jovito Oandasan, Chief of Forest Management Service of CENRO;
2. Rodolfo Gonzales, Special Investigator I of the DENR, Provincial Environment and Natural Resources Office (PENRO), Los Banos, Laguna;
3. Engineer Marlon Climaco, a licensed Geodetic Engineer;
4. Rolando Rosal, one of respondents' helpers; and
5. Respondent Josefino Alora.^[12]

Oandasan testified that as chief of CENRO, his professional duties included issuing certifications as to the status of lands. He also claimed that the subject parcel of land is alienable and disposable under BFD Land Classification No. P004 released on 28 September 1981, and that he was able to secure a land certification mark 304 from the NAMRIA which bears a certification stating that the areas set aside are alienable and disposable for cropland and fishpond development under Forestry Administrative Order No. 4-1627 also dated 28 September 1981.^[13]

Gonzales testified that he was tasked with investigating public land applications. He conducted an ocular inspection of the property as well as examined documentary evidence relating to respondents' application. Gonzales' report stated that the property is "not within a previously patented title or any public land application or administrative title."^[14]

Petitioner, through Assistant Provincial Prosecutor Jose De Leon, Jr., did not present any evidence to oppose the application.^[15]

The Ruling of the RTC

The RTC ruled in favor of the respondents. The dispositive portion of the Resolution dated 3 July 2012 reads:

WHEREFORE, and upon previous confirmation of the Order of General Default, the Court hereby adjudicates and decrees a parcel of land (subdivided into Lots 1 to 6), as shown on Plan Psu-119876 situated in Barangay San Vicente. San Pedro, Laguna containing an area of 12,710 square meters in favor of and in the names of Josefino O. Alora and Oscar O. Alora.

SO ORDERED.^[16]

The RTC stated that under the Regalian Doctrine, all lands of the public domain belong to the State. Thus, the applicant bears the burden of proving "through incontrovertible evidence that the land sought to be registered is alienable and disposable based on a positive act of the government."^[17] The RTC also cited Sections 14 and 48 of Presidential Decree (P.D.) No. 1529 which provide that an application for land registration must fulfill three requisites: (1) the land is alienable public land; (2) the applicant has been in open, continuous, exclusive, and notorious possession and occupation of the land since 12 June 1945 or earlier; and (3) the applicant's possession must be under a bona fide claim of ownership.^[18]

The RTC held that while *Republic v. T.A.N. Properties, Inc.*^[19] clearly stated that "the applicant for land registration must present a copy of the original classification approved by the DENR Secretary and certified as true copy by the legal custodian of the official records," the applicable doctrine is that in *Republic v. Serrano*:^[20]

xxx However, in the case of *Republic v. Serrano*, which is [on] all fours with this case, the Court held that a DENR Regional Technical Director's certification, which is annotated on the subdivision plan submitted in evidence, constitutes substantial compliance with the legal requirements. Applying the said precedent, this Court finds that a DENR Regional Technical Director's Certification annotated on the subdivision plan and attested to by the CENRO and DENR official representatives declaring under oath that the property subject of this application is within the areas set aside as alienable and disposable for cropland and fishpond development under Forestry Administrative Order No. 4-1627 dated 28 September 1981 constitutes sufficient compliance with the above-stated requirements.^[21]

The RTC also held that the applicants had satisfactorily shown that they and their predecessors-in-interest had been in open, continuous, exclusive, adverse, and notorious possession of the property under a bona fide claim of ownership for the period required by the Property Registration Decree.^[22]

Thus, petitioner, represented by the Office of the Solicitor General, filed an appeal before the CA.

The Ruling of the CA

Petitioner argued that the RTC erred in applying the doctrine in *Republic v. Serrano*,^[23] which was decided on 24 February 2010, and the applicable doctrine is *Republic v. T.A.N. Properties, Inc.* which was decided on 26 June 2008 and has been reiterated in subsequent cases.

The CA, however, denied the appeal. The court *a quo* cited the case of *Republic v. Vega*,^[24] which harmonized the conflicting rulings in *Republic v. Serrano* and *Republic v. T.A.N. Properties, Inc.* In *Republic v. Vega*, this Court ruled that the doctrine enunciated under *Republic v. Serrano* applies *pro hac vice* and "it does not in any way detract from our rulings in *Republic v. T.A.N. Properties, Inc.*, and similar cases which impose a strict requirement to prove that public land is alienable x x x."^[25] The CA based its ruling on the express declaration in *Republic v. Vega*, to wit: