

## FIRST DIVISION

[ G.R. No. 163767, March 10, 2014 ]

**REPUBLIC OF THE PHILIPPINES, REPRESENTED BY THE  
DIRECTOR OF LANDS, PETITIONER, VS. ROSARIO DE GUZMAN  
VDA. DE JOSON, RESPONDENT.**

### D E C I S I O N

**BERSAMIN, J.:**

This case concerns the discharge of the burden of proof by the applicant in proceedings for the registration of land under Section 14 (1) and (2) of Presidential Decree No. 1529 (*Property Registration Decree*).

The Republic appeals the adverse decision promulgated on January 30, 2004,<sup>[1]</sup> whereby the Court of Appeals (CA) affirmed the judgment rendered on August 10, 1981 by the erstwhile Court of First Instance (CFI) of Bulacan (now the Regional Trial Court) in Registration Case No. 3446-M granting the application of the respondent for the registration of her title covering a parcel of land situated in San Isidro, Paombong, Bulacan.<sup>[2]</sup>

The respondent filed her application for land registration in the CFI in Bulacan.<sup>[3]</sup> The jurisdictional requirements were met when the notice of initial hearing was published in the Official Gazette for two successive weeks,<sup>[4]</sup> as evidenced by a certification of publication.<sup>[5]</sup> The notice of initial hearing was also posted by the Provincial Sheriff of Bulacan in a conspicuous place in the municipal building of Paombong, Bulacan as well as on the property itself.<sup>[6]</sup> On June 2, 1977, at the initial hearing of the application, Fiscal Liberato L. Reyes interposed an opposition in behalf of the Director of Lands and the Bureau of Public Works. Upon motion by the respondent and without objection from Fiscal Reyes, the CFI commissioned the Acting Deputy Clerk of Court to receive evidence in the presence of Fiscal Reyes.<sup>[7]</sup>

The records show that the land subject of the application was a riceland with an area of 12,342 square meters known as Lot 2633, Cad-297, Paombong, Bulacan, and covered by plan Ap-03-001603;<sup>[8]</sup> that the riceland had been originally owned and possessed by one Mamerto Dionisio since 1907;<sup>[9]</sup> that on May 13, 1926, Dionisio, by way of a deed of sale,<sup>[10]</sup> had sold the land to Romualda Jacinto; that upon the death of Romualda Jacinto, her sister Maria Jacinto (mother of the respondent) had inherited the land; that upon the death of Maria Jacinto in 1963, the respondent had herself inherited the land, owning and possessing it openly, publicly, uninterruptedly, adversely against the whole world, and in the concept of owner since then; that the land had been declared in her name for taxation purposes; and that the taxes due thereon had been paid, as shown in Official Receipt No. H-7100234.<sup>[11]</sup>

In their opposition filed by Fiscal Reyes,<sup>[12]</sup> the Director of Lands and the Director of Forest Development averred that whatever legal and possessory rights the respondent had acquired by reason of any Spanish government grants had been lost, abandoned or forfeited for failure to occupy and possess the land for at least 30 years immediately preceding the filing of the application;<sup>[13]</sup> and that the land applied for, being actually a portion of the Labangan Channel operated by the Pampanga River Control System, could not be subject of appropriation or land registration.<sup>[14]</sup>

The Office of the Solicitor General (OSG) also filed in behalf of the Government an opposition to the application,<sup>[15]</sup> insisting that the land was within the unclassified region of Paombong, Bulacan, as indicated in BF Map LC No. 637 dated March 1, 1927; that areas within the unclassified region were denominated as forest lands and thus fell under the exclusive jurisdiction, control and authority of the Bureau of Forest Development (BFD);<sup>[16]</sup> and that the CFI did not acquire jurisdiction over the application considering that: (1) the land was beyond the commerce of man; (2) the payment of taxes vested no title or ownership in the declarant or taxpayer.<sup>[17]</sup>

### **Ruling of the CFI**

On August 10, 1981, the CFI rendered its decision,<sup>[18]</sup> ordering the registration of the land in favor of the respondent on the ground that she had sufficiently established her open, public, continuous, and adverse possession in the concept of an owner for more than 30 years, to wit:

Since it has been established that the applicants and her predecessors-in-interest have been in the open, public, continuous, and adverse possession of the said parcel of land in the concept of an owner for more than thirty (30) years, that it, since 1926 up to the present time, applicant therefore is entitled to the registration thereof under the provisions of Act No. 496, in relation to Commonwealth Act No. 141 as amended by Republic Act No. 6236 and other existing laws.

WHEREFORE, confirming the order of general default issued in this case, the Court hereby orders the registration of this parcel of land Lot 2633, Cad 297. Case 5, Paombong Cadastre[]) described in plan Ap-03-001603 (Exhibit D, page 7 of records) and in the technical description (Exhibit F, page 5 of records) in favor of Rosario de Guzman Vda de Joson, of legal age, Filipino, widow and resident of Malolos, Bulacan.

After the decision shall have become final, let the corresponding decree be issued,

SO ORDERED<sup>[19]</sup>.

The Republic, through the OSG, appealed to the CA, contending that the trial court had erred in granting the application for registration despite the land not being the subject of land registration due to its being part of the unclassified region

denominated as forest land of Paombong, Bulacan.<sup>[20]</sup>

### **Judgment of the CA**

On January 30, 2004, the CA promulgated its assailed judgment,<sup>[21]</sup> affirming the decision of the trial court upon the following ratiocination:

The foregoing documentary and testimonial evidence stood un rebutted and uncontroverted by the oppositor-appellant and they should serve as proof of the paucity of the claim of the applicant-appellee over the subject property.

Upon the other hand, oppositor-appellant, in a lackluster fashion, advanced *pro forma* theories and arguments in its Opposition which naturally failed to merit any consideration from the court *a quo* and also from this Court. The indorsement from the Bureau of Forest Development, San Fernando, Pampanga to the effect that the subject area is within the unclassified region of Paombong, Bulacan does not warrant any evidentiary weight since the same had never been formally offered as evidence by the oppositor-appellant. All the other allegations in the Opposition field (sic) by the oppositor-appellant failed to persuade this Court as to the veracity thereof considering that no evidence was ever presented to prove the said allegations.

Such being the case, this Court is not inclined to have the positive proofs of her registrable rights over the subject property adduced by the applicant-appellee be defeated by the bare and unsubstantiated allegations of the oppositor-appellant.

WHEREFORE, PREMISES CONSIDERED, the assailed Decision is hereby AFFIRMED IN TOTO.

SO ORDERED.<sup>[22]</sup>

Hence, the Republic appeals by petition for review on *certiorari*.

### **Issue**

(1) WHETHER OR NOT THE LAND SUBJECT OF THE APPLICATION FOR REGISTRATION IS SUSCEPTIBLE OF PRIVATE ACQUISITION; and

(2) WHETHER OR NOT THE TRIAL COURT, AS WELL AS THE COURT OF APPEALS, ERRED IN GRANTING THE APPLICATION FOR REGISTRATION.

<sup>[23]</sup>

### **Ruling**

The appeal is impressed with merit.

Section 14 (1) and (2) of the *Property Registration Decree* state:

Section 14. Who may apply. — The following persons may file in the proper [Regional Trial Court] an application for registration of title to land, whether personally or through their duly authorized representatives:

(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.

(2) Those who have acquired ownership of private lands by prescription under the provision of existing laws.

x x x x

Section 14(1) deals with possession and occupation in the concept of an owner while Section 14(2) involves prescription as a mode of acquiring ownership. In *Heirs of Mario Malabanan v. Republic*,<sup>[24]</sup> the Court set the guidelines concerning land registration proceedings brought under these provisions of the *Property Registration Decree* in order provide clarity to the application and scope of said provisions.

The respondent sought to have the land registered in her name by alleging that she and her predecessors-in-interest had been in open, peaceful, continuous, uninterrupted and adverse possession of the land in the concept of owner since time immemorial. However, the Republic counters that the land was public land; and that it could not be acquired by prescription. The determination of the issue hinges on whether or not the land was public; if so, whether the respondent satisfactorily proved that the land had already been declared as alienable and disposable land of the public domain; and that she and her predecessors-in-interest had been in open, peaceful, continuous, uninterrupted and adverse possession of the land in the concept of owner since June 12, 1945, or earlier.

In *Republic vs. Tsai*,<sup>[25]</sup> the Court summarizes the amendments that have shaped the current phraseology of Section 14(1), to wit:

Through the years, Section 48(b) of the CA 141 has been amended several times. The Court of Appeals failed to consider the amendment introduced by PD 1073. In *Republic v. Doldol*, the Court provided a summary of these amendments:

The original Section 48(b) of C.A. No.141 provided for possession and occupation of lands of the public domain **since July 26, 1894**. This was superseded by R.A. No. 1942, which provided for a **simple thirty-year prescriptive period** of occupation by an applicant for judicial confirmation of imperfect title. The same, however, has already been amended by Presidential Decree No. 1073, approved on January 25,

1977. As amended, Section 48(b) now reads:

(b) Those who by themselves or through their predecessors in interest have been in open, continuous, exclusive, and notorious possession and occupation of agricultural lands of the public domain, under a bona fide claim of acquisition of ownership, **since June 12, 1945**, or earlier, immediately preceding the filing of the application for confirmation of title, except when prevented by war or *force majeure*. These shall be conclusively presumed to have performed all the conditions essential to a Government grant and shall be entitled to a certificate of title under the provisions of this chapter. (Emphasis supplied)

As the law now stands, a mere showing of possession and occupation for 30 years or more is not sufficient. Therefore, since the effectivity of PD 1073 on 25 January 1977, it must now be shown that possession and occupation of the piece of land by the applicant, by himself or through his predecessors-in-interest, started on **12 June 1945 or earlier**. This provision is in total conformity with Section 14(1) of PD 1529.<sup>[26]</sup>

Under Section 14(1), therefore, the respondent had to prove that: (1) the land formed part of the alienable and disposable land of the public domain; and (2) she, by herself or through her predecessors-in-interest, had been in open, continuous, exclusive, and notorious possession and occupation of the subject land under a *bona fide* claim of ownership from June 12, 1945, or earlier.<sup>[27]</sup> It is the applicant who carries the burden of proving that the two requisites have been met. Failure to do so warrants the dismissal of the application.

The respondent unquestionably complied with the second requisite by virtue of her having been in open, continuous, exclusive and notorious possession and occupation of the land since June 12, 1945, or earlier. She testified on how the land had been passed on to her from her predecessors-in-interest; and tendered documentary evidence like: (1) the Deed of Sale evidencing the transfer of the property from Mamerto Dionisio to Romualda Jacinto in 1926,<sup>[28]</sup> (2) Tax Declaration No. 4547 showing that she had declared the property for taxation purposes in 1976;<sup>[29]</sup> and (3) Official Receipt No. H-7100234 indicating that she had been paying taxes on the land since 1977.<sup>[30]</sup> The CFI found her possession of the land and that of her predecessors-in-interest to have been open, public, continuous, and adverse in the concept of an owner since 1926 until the present time, or for more than 30 years, entitling her to the registration under the provisions of Act No. 496, in relation to Commonwealth Act No. 141, as amended by Republic Act No. 6236 and other existing laws.<sup>[31]</sup> On its part, the CA ruled that the documentary and testimonial evidence stood un rebutted and uncontroverted by the Republic.<sup>[32]</sup>

Nonetheless, what is left wanting is the fact that the respondent did not discharge her burden to prove the classification of the land as demanded by the first requisite. She did not present evidence of the land, albeit public, having been declared