

THIRD DIVISION

[G.R. No. 185092, June 04, 2014]

REPUBLIC OF THE PHILIPPINES, PETITIONER, VS. CORAZON C. SESE AND FE C. SESE, RESPONDENTS.

DECISION

MENDOZA, J.:

This is a petition for review on *certiorari* under Rule 45 of the Rules of Court filed by petitioner Republic of the Philippines, represented by the Office of the Solicitor General (OSG), assailing the November 21, 2007 Decision^[1] of the Court of Appeals (CA) in CA-G.R. CV No. 81439, which dismissed its appeal and affirmed the October 3, 2003 Decision^[2] of the Municipal Trial Court of Pulilan, Bulacan (MTC), in LRC Case No. 026.

Factual and Procedural Antecedents:

Records show that on September 17, 2002, Corazon C. Sese and Fe C. Sese (*respondents*) filed with the MTC an application for original registration of land over a parcel of land with an area of 10,792 square meters, situated in Barangay Sto. Cristo, Municipality of Pulilan, Province of Bulacan, and more particularly described as Lot 11247, Cad. 345, Pulilan Cadastre, under Plan No. AP-03-004226.

Respondents alleged that on July 22, 1972, they acquired, through a donation *inter vivos* from their mother, Resurreccion L. Castro (*Resurreccion*), the subject agricultural land; that they, through their predecessors-in-interest, had been in possession of the subject property; and that the property was not within a reservation.

In support of their application, respondents submitted the following documents, namely: (1) Tax Declaration No. 99-19015-01557 "in the name of Corazon Sese and Fe Sese, minor, representing their mother Resurreccion Castro, as her Natural Guardian"; (2) Certificate of Technical Description which was approved on December 10, 1998 by the Land Management Service, Region III, of the Department of Environment and Natural Resources (DENR); (3) Certification in lieu of lost Surveyor's Certificate issued by the same authority; (4) Official Receipt of payment of real property tax over the subject property; (5) Certification from the Office of the Municipal Treasurer of Pulilan, stating that the registered owners of a property under Tax Declaration No. 99-19-015-01557 were Corazon Sese and others; and (6) Survey plan of Lot 11247, CAD 345, Pulilan Cadastre, approved by the Regional Technical Director of the Land Management Service, Region III, of the DENR, stating that the land subject of the survey was alienable and disposable land, and as certified to by the Bureau of Forestry on March 1, 1927, was outside of any civil or military reservation. On the lower portion of the plan, there was a note stating that a deed of absolute sale over the subject property was executed by a certain Luis

Santos and Fermina Santos (*the Santoses*) in favor of Resurreccion on October 4, 1950.

On the lower portion of the survey plan, a note stated, among others, that: "This survey is inside the alienable and disposable area as per Project No. 20 LC Map No. 637 certified by the Bureau of Forestry on March 1, 1927. It is outside any civil or military reservation." The said plan was approved by the DENR, Land Management Services, Regional Office III, San Fernando, Pampanga, on December 3, 1998.

Finding the application sufficient in form and substance, the MTC issued the Order, dated October 10, 2002, setting the case for hearing with the corresponding publication. After compliance with all the requirements of the law regarding publication, mailing and posting, hearing on the merits of the application followed.

During the trial on June 4, 2003, respondent Corazon C. Sese (*Corazon*) testified on their claim over the subject lot. Thereafter, respondents submitted their formal offer of evidence, after which the evidence offered were admitted by the MTC in the Order, dated July 10, 2003, without objection from the public prosecutor.

The OSG did not present any evidence to oppose the application.

On October 3, 2003, the MTC rendered its Decision,^[3] ordering the registration of the subject property in the name of respondents. The dispositive portion of the decision reads:

WHEREFORE, finding the instant application to be sufficient in form and substance and the applicants having established their right of ownership over the subject parcel of land and are therefore entitled to registration thereof, the Court thereby grants the petition.

Accordingly, the Court hereby orders the registration of the parcel of land subject matter of this petition which is more particularly described in Plan Ap-03-004226 Pulilan Cadastre and in their corresponding technical descriptions in the name of Resurreccion Castro.

Upon this decision becoming final, let an Order for the decree be issued.

SO ORDERED.

The MTC reasoned out that there was evidence to show that the subject lots had been in open, continuous, adverse, and public possession, either by the applicants themselves or their predecessor-in-interest. Such possession since time immemorial conferred an effective title on the applicants, whereby the land ceased to be public and became private property. It had been the accepted norm that open, adverse and continuous possession for at least 30 years was sufficient. The MTC noted that evidence showed that the parcel of land involved was not covered by land patent or a public land application as certified to by the Community Environment and Natural Resources of Tabang, Guiguinto, Bulacan. Moreover, it added that the technical descriptions of Lot 11247 were prepared and secured from the Land Management Sector, DENR, Region III, San Fernando, Pampanga, and were verified and found to

be correct by Eriberto Almazan, In-Charge of the Regional Survey Division.

On December 19, 2003, the OSG interposed an appeal with the CA, docketed as CA-GR. CV No. 81439. In its brief,^[4] the OSG presented the following assignment of errors: a) only alienable lands of the public domain occupied and possessed in concept of owner for a period of at least thirty (30) years is entitled to confirmation of title; and b) respondents failed to prove specific acts of possession.

The OSG argued that there was no proof that the subject property was already segregated from inalienable lands of the public domain. Verily, it was only from the date of declaration of such lands as alienable and disposable that the period for counting the statutory requirement of possession would start.

Also, there was absolutely no proof of respondents' supposed possession of the subject property. Save for the testimony of Corazon that "at present, the worker of (her) mother is occupying the subject property," there was no evidence that respondents were actually occupying the subject tract of land or that they had introduced improvement thereon.

On November 21, 2007, the CA rendered a Decision^[5] affirming the judgment of the MTC ordering the registration of the subject property in the name of respondents. The decretal portion of which reads:

WHEREFORE, the appeal is **DISMISSED**. The assailed decision dated October 3, 2003 of the MTC of Pulilan, Bulacan, in LRC Case No. 026 is **AFFIRMED**.

SO ORDERED.

The CA reasoned out, among others, that the approved survey plan of the subject property with an annotation, stating that the subject property was alienable and disposable land, was a public document, having been issued by the DENR, a competent authority. Its contents were prima facie evidence of the facts stated therein. Thus, the evidence was sufficient to establish that the subject property was indeed alienable and disposable.

With respect to the second issue, the CA was of the view that the doctrine of constructive possession was applicable. Respondents acquired the subject property through a donation *inter vivos* executed on July 22, 1972 from their mother. The latter acquired the said property from the Santoses on October 4, 1950 by virtue of a deed of absolute sale. Further, respondent Corazon testified that a small hut was built on the said land, which was occupied by the worker of her mother. Moreover, neither the public prosecutor nor any private individual appeared to oppose the application for registration of the subject property.

The CA also stated that respondents' claim of possession over the subject property was buttressed by the Tax Declaration No. 99-19015-01557 "in the name of Corazon Sese and Fe Sese, minor, representing their mother Resurreccion Castro, as her Natural Guardian"; the official receipt of payment of real property tax over the subject property; and the certificate from the Office of the Municipal Treasurer of

Pulilan, stating that the registered owner of a property under Tax Declaration No. 99-19015-01557 were respondents.

The CA added that although tax declaration or realty tax payments of property were not conclusive evidence of ownership, nevertheless, they were good *indicia* of possession in the concept of owner.

Hence, the OSG filed this petition.

ISSUES

I

THE COURT OF APPEALS ERRED ON A QUESTION OF LAW IN RULING THAT THE APPROVED SURVEY PLAN IDENTIFIED BY ONE OF THE RESPONDENTS IS PROOF THAT THE SUBJECT LAND IS ALIENABLE AND DISPOSABLE.

II

THE COURT OF APPEALS ERRED ON A QUESTION OF LAW IN GRANTING THE APPLICATION FOR REGISTRATION.

The OSG argues that unless a piece of land is shown to have been classified as alienable and disposable, it remains part of the inalienable land of the public domain. In the present case, the CA relied on the approved survey indicating that the survey was inside alienable and disposable land. It is well-settled, however, that such notation does not suffice to prove that the land sought to be registered is alienable and disposable. What respondents should have done was to show that the DENR Secretary had approved the land classification and released the land of the public domain as alienable and disposable, and that the land subject of the application for registration fell within the approved area per verification through survey by the PENRO or CENRO. In addition, they should have adduced a copy of the original classification approved by the DENR Secretary and certified as a true copy by the legal custodian of the official records.

To bolster its argument, the OSG cites the case of *Republic of the Philippine v. T.A.N. Properties, Inc.*,^[6] where the Court stated that the trial court should not have accepted the contents of the certifications as proof of the facts stated therein. Even if the certifications are presumed duly issued and admissible in evidence, they have no probative value in establishing that the land is alienable and disposable. Such government certifications do not, by their mere issuance, prove the facts stated therein. As such, the certifications are *prima facie* evidence of their due execution and date of issuance but they do not constitute *prima facie* evidence of the facts stated therein.

With respect to the second assignment of error, the OSG argues that respondents failed to present specific acts of ownership to prove open, continuous, exclusive, notorious, and adverse possession in the concept of an owner. Facts constituting possession must be duly established by competent evidence. As to the tax

declaration adduced by respondents, it cannot be said that it clearly manifested their adverse claim on the property. If respondents genuinely and consistently believed their claim of ownership, they should have regularly complied with their real estate obligations from the start of their supposed occupation.

Position of Respondents

On the other hand, respondents assert that the CA correctly found that the subject land was alienable and disposable. The approved survey plan of the subject property with an annotation, stating that the subject property is alienable and disposable land, is a public document, having been issued by the DENR, a competent authority. Its contents are prima facie evidence of the facts stated therein and are sufficient to establish that the subject property is indeed alienable and disposable.

Respondents cite the case of *Republic v. Serrano*,^[7] where the Court stated that a DENR Regional Technical Director's certification, which was annotated on the subdivision plan submitted in evidence, constituted substantial compliance with the legal requirement. The DENR certification enjoyed the presumption of regularity absent any evidence to the contrary.

Anent the second assignment of error, respondents contend that the CA correctly applied the doctrine of constructive possession because they acquired the subject land from their mother, Resurreccion, through a donation inter vivos, dated July 22, 1972. Their mother, in turn, acquired the subject land from the Santos on October 4, 1950 by virtue of an absolute sale. They claim that a small hut was built in the said land and was occupied by a worker of her mother. They countered that although tax declarations or realty tax payment of property are not conclusive evidence of ownership, nevertheless, they are good indicia of possession in the concept of owner, for no one in his right mind would be paying taxes for a property which is not in his actual or constructive custody.

The Court's Ruling

The petition is meritorious.

The vital issue to be resolved by the Court is whether respondents are entitled to the registration of land title under Section 14(1) of Presidential Decree (P.D.) No. 1529, or pursuant to Section 14(2) of the same statute.

Section 14(1) of P.D. No. 1529 in relation to Section 48(b) of Commonwealth Act No. 141,^[8] as amended by Section 4 of P.D. No. 1073,^[9] provides:

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:

(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.