

SECOND DIVISION

[G. R. No. 162322, March 14, 2012]

REPUBLIC OF THE PHILIPPINES, PETITIONER, VS. BANTIGUE POINT DEVELOPMENT CORPORATION, RESPONDENT.

D E C I S I O N

SERENO, J.:

This Rule 45 Petition requires this Court to address the issue of the proper scope of the delegated jurisdiction of municipal trial courts in land registration cases. Petitioner Republic of the Philippines (Republic) assails the Decision of the Court of Appeals (CA)^[1] in CA-G.R. CV No. 70349, which affirmed the Decision of the Municipal Trial Court (MTC) of San Juan, Batangas^[2] in LRC Case No. N-98-20, LRA Record No. 68329, granting respondent Bantigue Point Development Corporation's (Corporation) application for original registration of a parcel of land. Since only questions of law have been raised, petitioner need not have filed a Motion for Reconsideration of the assailed CA Decision before filing this Petition for Review.

The Facts

On 17 July 1997, respondent Bantigue Point Development Corporation filed with the Regional Trial Court (RTC) of Rosario, Batangas an application for original registration of title over a parcel of land with an assessed value of P4,330, P1,920 and P8,670, or a total assessed value of P14,920 for the entire property, more particularly described as Lot 8060 of Cad 453-D, San Juan Cadastre, with an area of more or less 10,732 square meters, located at Barangay Barualte, San Juan, Batangas. ^[3]

On 18 July 1997, the RTC issued an Order setting the case for initial hearing on 22 October 1997.^[4] On 7 August 1997, it issued a second Order setting the initial hearing on 4 November 1997.^[5]

Petitioner Republic filed its Opposition to the application for registration on 8 January 1998 while the records were still with the RTC.^[6]

On 31 March 1998, the RTC Clerk of Court transmitted *motu proprio* the records of the case to the MTC of San Juan, because the assessed value of the property was allegedly less than P100,000.^[7]

Thereafter, the MTC entered an Order of General Default^[8] and commenced with the reception of evidence.^[9] Among the documents presented by respondent in support of its application are Tax Declarations,^[10] a Deed of Absolute Sale in its favor,^[11] and a Certification from the Department of Environment and Natural Resources

(DENR) Community Environment and Natural Resources Office (CENRO) of Batangas City that the lot in question is within the alienable and disposable zone.^[12] Thereafter, it awarded the land to respondent Corporation.^[13]

Acting on an appeal filed by the Republic,^[14] the CA ruled that since the former had actively participated in the proceedings before the lower court, but failed to raise the jurisdictional challenge therein, petitioner is thereby estopped from questioning the jurisdiction of the lower court on appeal.^[15] The CA further found that respondent Corporation had sufficiently established the latter's registrable title over the subject property after having proven open, continuous, exclusive and notorious possession and occupation of the subject land by itself and its predecessors-in-interest even before the outbreak of World War II.^[16]

Dissatisfied with the CA's ruling, petitioner Republic filed this instant Rule 45 Petition and raised the following arguments in support of its appeal:

I.

THE REPUBLIC CANNOT BE ESTOPPED FROM QUESTIONING THE JURISDICTION OF THE MUNICIPAL TRIAL COURT OVER THE APPLICATION FOR ORIGINAL REGISTRATION OF LAND TITLE EVEN FOR THE FIRST TIME ON APPEAL

II.

THE MUNICIPAL TRIAL COURT FAILED TO ACQUIRE JURISDICTION OVER THE APPLICATION FOR ORIGINAL REGISTRATION OF LAND TITLE.^[17]

The Court's Ruling

We uphold the jurisdiction of the MTC, but remand the case to the court a quo for further proceedings in order to determine if the property in question forms part of the alienable and disposable land of the public domain.

I

The Republic is not estopped from raising the issue of jurisdiction in this case.

At the outset, we rule that petitioner Republic is not estopped from questioning the jurisdiction of the lower court, even if the former raised the jurisdictional question only on appeal. The rule is settled that lack of jurisdiction over the subject matter may be raised at any stage of the proceedings.^[18] Jurisdiction over the subject matter is conferred only by the Constitution or the law.^[19] It cannot be acquired through a waiver or enlarged by the omission of the parties or conferred by the acquiescence of the court.^[20] Consequently, questions of jurisdiction may be cognizable even if raised for the first time on appeal.^[21]

The ruling of the Court of Appeals that "a party may be estopped from raising such

[jurisdictional] question if he has actively taken part in the very proceeding which he questions, belatedly objecting to the court's jurisdiction in the event that the judgment or order subsequently rendered is adverse to him"^[22] is based on the doctrine of estoppel by laches. We are aware of that doctrine first enunciated by this Court in *Tijam v. Sibonghanoy*.^[23] In *Tijam*, the party-litigant actively participated in the proceedings before the lower court and filed pleadings therein. Only 15 years thereafter, and after receiving an adverse Decision on the merits from the appellate court, did the party-litigant question the lower court's jurisdiction. Considering the unique facts in that case, we held that estoppel by laches had already precluded the party-litigant from raising the question of lack of jurisdiction on appeal. In *Figueroa v. People*,^[24] we cautioned that *Tijam* must be construed as an exception to the general rule and applied only in the most exceptional cases whose factual milieu is similar to that in the latter case.

The facts are starkly different in this case, making the exceptional rule in *Tijam* inapplicable. Here, petitioner Republic filed its Opposition to the application for registration when the records were still with the RTC.^[25] At that point, petitioner could not have questioned the delegated jurisdiction of the MTC, simply because the case was not yet with that court. When the records were transferred to the MTC, petitioner neither filed pleadings nor requested affirmative relief from that court. On appeal, petitioner immediately raised the jurisdictional question in its Brief.^[26] Clearly, the exceptional doctrine of estoppel by laches is inapplicable to the instant appeal.

Laches has been defined as the "failure or neglect, for an unreasonable and unexplained length of time, to do that which, by exercising due diligence, could or should have been done earlier; it is negligence or omission to assert a right within a reasonable time, warranting the presumption that the party entitled to assert it either has abandoned or declined to assert it."^[27] In this case, petitioner Republic has not displayed such unreasonable failure or neglect that would lead us to conclude that it has abandoned or declined to assert its right to question the lower court's jurisdiction.

II

The Municipal Trial Court properly acquired jurisdiction over the case.

In assailing the jurisdiction of the lower courts, petitioner Republic raised two points of contention: (a) the period for setting the date and hour of the initial hearing; and (b) the value of the land to be registered.

First, petitioner argued that the lower court failed to acquire jurisdiction over the application, because the RTC set the date and hour of the initial hearing beyond the 90-day period provided under the Property Registration Decree.^[28]

We disagree.

The Property Registration Decree provides:

Sec. 23. Notice of initial hearing, publication, etc. - The court shall, within five days from filing of the application, issue an order setting the date

and hour of the initial hearing which shall not be earlier than forty-five days nor later than ninety days from the date of the order. x x x.

In this case, the application for original registration was filed on 17 July 1997.^[29] On 18 July 1997, or a day after the filing of the application, the RTC immediately issued an Order setting the case for initial hearing on 22 October 1997, which was 96 days from the Order.^[30] While the date set by the RTC was beyond the 90-day period provided for in Section 23, this fact did not affect the jurisdiction of the trial court. In *Republic v. Manna Properties, Inc.*,^[31] petitioner Republic therein contended that there was failure to comply with the jurisdictional requirements for original registration, because there were 125 days between the Order setting the date of the initial hearing and the initial hearing itself. We ruled that the lapse of time between the issuance of the Order setting the date of initial hearing and the date of the initial hearing itself was not fatal to the application. Thus, we held:

x x x [A] party to an action has no control over the Administrator or the Clerk of Court acting as a land court; he has no right to meddle unduly with the business of such official in the performance of his duties. A party cannot intervene in matters within the exclusive power of the trial court. No fault is attributable to such party if the trial court errs on matters within its sole power. It is unfair to punish an applicant for an act or omission over which the applicant has neither responsibility nor control, especially if the applicant has complied with all the requirements of the law.^[32]

Indeed, it would be the height of injustice to penalize respondent Corporation by dismissing its application for registration on account of events beyond its control.

Moreover, since the RTC issued a second Order on 7 August 1997 setting the initial hearing on 4 November 1997,^[33] within the 90-day period provided by law, petitioner Republic argued that the jurisdictional defect was still not cured, as the second Order was issued more than five days from the filing of the application, again contrary to the prescribed period under the Property Registration Decree.^[34]

Petitioner is incorrect.

The RTC's failure to issue the Order setting the date and hour of the initial hearing within five days from the filing of the application for registration, as provided in the Property Registration Decree, did not affect the court's its jurisdiction. Observance of the five-day period was merely directory, and failure to issue the Order within that period did not deprive the RTC of its jurisdiction over the case. To rule that compliance with the five-day period is mandatory would make jurisdiction over the subject matter dependent upon the trial court. Jurisdiction over the subject matter is conferred only by the Constitution or the law.^[35] It cannot be contingent upon the action or inaction of the court.

This does not mean that courts may disregard the statutory periods with impunity. We cannot assume that the law deliberately meant the provision "to become