

SECOND DIVISION

[G.R. No. 180453, September 25, 2009]

REPUBLIC OF THE PHILIPPINES, PETITIONER, VS. DANTE C. ABRIL, REPRESENTED BY HIS ATTORNEY-IN-FACT, MANUEL C. BLANCO, JR. RESPONDENT.

DECISION

CARPIO MORALES, J.:

Dante C. Abril, (respondent) represented by his attorney-in-fact, Manuel C. Blanco, Jr. (Blanco), filed on December 16, 1997 before the Municipal Circuit Trial Court (MCTC) of Ibayay-Nabas, Aklan an Application dated November 18, 1997 for registration of title over a 25,969 square meter parcel of land situated in Barangay Rizal, Nabas, Aklan, identified as Lot No. 9310, Cad. 578-D, Nabas Cadastre (the lot), which he claimed to have acquired by Deed of Sale from the "anterior owners" and which lot he claimed to be "presently in [his] possession . . . through his adjoining owners]" whom he named as

N.: Lot 9316 - Esperanza Manlabao - - - - - Rizal, Nabas, Aklan
Lot 9317 - Jovita Colindon - - - - - Rizal, Nabas, Aklan
Molada River
E.: Lot 9308 - Ursula Janoya - - - - - Rizal, Nabas, Aklan
Lot 9309 - Gaudioso Baliguat - - - - - Rizal, Nabas, Aklan
S.: - - - - - Molada River
W.: Lot 9315 - Rosario Manlabao - - - - - Rizal, Nabas, Aklan.^[1]

The Application was docketed as LRC Case No. 053 (LRA Record No. 69113).

To the Application respondent attached as Annex "A" the Special Power of Attorney he executed in favor of his attorney-in-fact Blanco, notarized on March 27, 1995.

In support of his Application, respondent presented through his attorney-in-fact Blanco, among other documents, a carbon copy of a mimeographed form of a Deed of Sale^[2] dated September 21, 1994, with typewritten entries thereon, bearing the signatures of the widow and children of Aurelio Manlabao (Manlabao), alleged possessor of the land; Declaration of Real Property (effective 1999) in petitioner's name;^[3] Certified Machine Copy of Tax Receipt dated March 16, 1999 in petitioner's name;^[4] and the technical description and survey plan of the lot.

Respondent also presented at the witness stand Blanco, Manlabao's daughter Amalia Tapleras, and Sanrita Francisco who claimed to be an adjacent lot owner.

Blanco testified that petitioner is a resident of San Pedro, Laguna; and that

respondent acquired the lot from Manlabao by Deed of Sale dated September 21, 1994 which deed he identified and was marked Exhibits "R" to "R-2" inclusive. He identified too some of the documents in support of petitioner's Application.

Amalia Tapleras, a mat weaver who was 40 years old at the time she took the witness stand on November 5, 1999, stated that she came to know of the lot when she was seven years old, when it was in the "possession" of her father Manlabao.

Sanrita Francisco, a housekeeper, said to be 62 years old at the time she took the witness stand on February 18, 2000, claimed to be the owner of an adjacent lot ("beneath" respondent's lot), declared that she was five years old when Manlabao began to possess the lot "before 1945" or during World War II; and that when Manlabao died (she could not remember when), his wife continued the possession of the lot.

The Republic of the Philippines (petitioner), represented by the Office of the Solicitor General, opposed the Application, claiming that the requirements of Section 14 (1) of Presidential Decree No. 1529 or the *Property Registration Decree* were not complied with.

By Order of May 31, 2000, the MCTC granted respondent's Application in light of its finding that the requirements of Section 14 of P.D. No. 1529, specifically paragraphs 1, 2 and 4 which read:

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.

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

x x x x

(4) Those who have acquired ownership of land in any other manner provided for by law.

x x x x

have been satisfactorily met.

Thus the trial court disposed:

WHEREFORE, premises considered, judgment is hereby rendered GRANTING the application for registration of the parcel land designated

in the approved Survey Plan (Exhibit "C") known as Lot No. 9310, Cad. 758-D, Nabas Cadastre and described in the Technical Description (Exhibit "D") with an area of TWENTY FIVE THOUSAND NINE HUNDRED SIXTY NINE (25,969) SQUARE METERS, more or less, situated at Barangay Rizal, Municipality of Nabas, Province of Aklan, Island of Panay, Philippines, under the Property Registration Decree (PD 1529), and title thereto registered and confirmed in the name of DANTE ABRIL, Filipino citizen, married to Helen Castillo, with postal address at 133 Magsaysay Cataquez Village, Landayan, San Pedro, Laguna, Philippines.

After this decision shall have become final and executory, an order for the issuance of the Decree of Registration of Title shall issue in favor of the applicant.

SO ORDERED. [5]

Petitioner appealed to the Court of Appeals, faulting the MCTC for granting respondent's Application despite his failure

I

. . . to submit the original tracing cloth plan.

II

. . . to prove that the land is alienable and disposable land of the public domain.

III

. . . to prove that he and his predecessors-in-interest had been in open, continuous and adverse possession of the land in the concept of owners for more than thirty (30) years in accordance with Section 44, Commonwealth Act No. 141 as amended. [6] (Underscoring supplied)

Brushing aside the first assigned error, the appellate court, held:

As long as the identity of the location of the lot can be established by other competent evidence like a duly approved blueprint copy of the plan of Lot 9310, Cad - 758-D, Nabas Cadastre and technical description of the said lot, containing and identifying the boundaries, actual area and location of the lot, the presentation of the original tracing cloth plan may be excused. In the case at bench, these competent evidence are obtaining. [7] (Underscoring supplied)

Respecting petitioner's second and third assigned errors, the appellate court brushed them aside too, holding that respondent was able to prove by preponderant evidence the alienable character of the lot and his entitlement to and ownership

thereof. It quoted with approval the following portions of the MCTC decision crediting respondent's documentary and testimonial evidence:

Applicant Dante Abril has the property subject of this application declared in his name for taxation purposes, Exhibit "S", and paid taxes thereof from September 21, 1994 up to the present, it has never been disturbed of its possession at anytime by anybody, (tsn. p. 7, 6/18/99, Manuel C. Blanco, Jr.). That the property is planted to coconuts and mango trees which are "from 50 to 60 years old", (tsn. p. 7, 6/18/99, Manuel C. Blanco, Jr.). That it "was verified by this office to be within Project No. 12, alienable and disposable per LC Map No. 2922 certified as such on October 15, 1980.

While it is true that by themselves tax receipts and declarations of ownership for taxation purposes are not incontrovertible evidence of ownership they become strong evidence of ownership acquired by prescription by proof of actual possession of the property (Republic vs. Court of Appeals, 131 SCRA 532)". Nobody ever disturbed the application in its possession up to the present. The land was never mortgaged nor encumbered. That the land subject of this application is "not needed by the government", Exhibit "T".

Having been in open, exclusive and undisputed possession for more than 30 years of alienable and disposable public land, applicant's possession has attained the character and duration equivalent to an express grant from the government. They shall be conclusively presumed to have performed all the conditions essential to a government grant and shall be entitled to a certificate of title (Republic vs. De Porkan, 151 SCRA 88). Alienable public land held by a possessor personally or thru his predecessor-in-interest, openly, continuously, for 30 years as prescribed by law, becomes private property (Director of Lands vs. Bengson, 151 SCRA 369). Moreover, where a parcel of land, registration to which is applied for has been possessed and cultivated by an applicant and his predecessors-in-interest for a considerable number of years without the government taking any action to dislodge the occupants from their holdings and where the lands has passed from one hand to another by inheritance or by purchase, the burden is upon the government to prove that land is a public domain (Raymundo vs. Diaz, et al., 28 O.G. 37, September 10, 1962).^[8] (Citation omitted)

The Court of Appeals thus affirmed the MCTC decision by Decision of October 8, 2007.^[9]

Hence, the present petition for review on certiorari which echoes the second and third errors petitioner attributed to the MCTC before the appellate court.

The pertinent provision of Section 14 of the *Property Registration Decree* sets forth the requirements for registration of title, viz: