

SECOND DIVISION

[G.R. No. 158630, September 04, 2009]

**JOYCE Y. LIM, REPRESENTED BY HER ATTORNEY-IN-FACT
BERNARDO M. NICOLAS, PETITIONER, VS. REPUBLIC OF THE
PHILIPPINES, RESPONDENT.**

[G.R. NO. 162047]

**JOYCE Y. LIM, REPRESENTED BY HER ATTORNEY-IN-FACT
BERNARDO M. NICOLAS, PETITIONER, VS. REPUBLIC OF THE
PHILIPPINES, RESPONDENT.**

D E C I S I O N

CARPIO MORALES, J.:

Joyce Lim (petitioner) filed on September 7, 1998 before the Regional Trial Court (RTC) of Tagaytay City an Application for Registration of Title (LRC Case No. TG-857) over Lot 13687, a 9,638-square-meter parcel of land located in Adlas, Silang, Cavite.^[1]

Petitioner also filed on September 7, 1998 another application for registration of title (LRC Case No. TG-858) before the same RTC, this time over adjacent Lot 13686 containing 18,997-square-meters.^[2]

Petitioner, declaring that she purchased both lots on April 30, 1997 from Spouses Edgardo and Jorgina Pagkalinawan (Spouses Pagkalinawan) as evidenced by a "*Kasulatan ng Bilihang Lubusan ng Lupa*,"^[3] sought the application of Presidential Decree No. 1529 or the Property Registration Decree for both applications, claiming that she and her predecessors-in-interest Trinidad Mercado, Fernanda Belardo, Victoria Abueg and the Spouses Pagkalinawan have been in open, continuous, exclusive and notorious possession and occupancy of the lots under a *bona fide* claim of ownership for more than thirty (30) years. Petitioner alternatively invoked the provisions of Commonwealth Act No. 141, as amended, or the *Public Land Act* as basis of her applications.

In LRC Case No. TG-857, petitioner presented the following documentary evidence to support her claim of ownership over Lot 13687: original tracing cloth,^[4] technical description of the lot,^[5] tax declarations,^[6] official receipts showing real estate tax payments^[7] and a March 13, 1997 Certification from the Community Environment and Natural Resources Office (CENRO) that no other application/patent has been filed on the lot and that there is no adverse claimant thereto.^[8]

She likewise appended a February 3, 1999 CENRO Certification reading

This is to certify that the parcel of land designated as Lot 13687, Cad-452-D, Silang Cadastre as surveyed for Ms. Victoria Abueg situated at Brgy. Adlas, Silang, Cavite containing an area of 9,638 sq. meters more or less as shown and described on the plan on the other side hereof is verified to be **within the Alienable or Disposable Land** per Land Classification Map No. 3013 **established under Project No. 20-A** FAO 4-1656 **on March 15, 1982**.^[9] (Emphasis and underscoring supplied)

In LRC Case No. TG-858 involving Lot 13686, petitioner offered the same documentary evidence presented in the other case except the original tracing cloth and technical description of the lot, and another dated February 3, 1999 CENRO Certification reading

This is to certify that the parcel of land designated as **Lot 13686**, Cad-452-D, Silang Cadastre as surveyed for Ms. Victoria Abueg situated at Brgy. Adlas, Silang, Cavite containing an area of 18,997 sq. meters more or less as shown and described on the plan on the other side hereof is verified to be **within the Alienable or Disposable Land** per Land Classification Map No. 3013 established under Project No. 20-A under FAO 4-1656 **on March 15, 1982**.^[10] (Emphasis and underscoring supplied)

To prove that she and her predecessors-in-interest had been in continuous and uninterrupted possession of the lots as required under the law, petitioner offered the testimony of Domingo Destura (Destura) as a common witness for both applications.
^[11]

Destura, who was 71 years old at the time he took the witness stand on March 17, 1999, testified that he was 13 years old when he became a helper at his father's farm which adjoins the subject lots; that he is familiar with Trinidad Mercado, the then owner of the lots as far back as the year 1941; that Trinidad Mercado's daughter, Fernanda Belardo, inherited them; and the latter's daughter, Victoria Abueg, in turn inherited it from them; and that the lots were eventually sold to Edgardo Pagkalinawan sometime in the 1990s.^[12]

Herein respondent Republic of the Philippines (the Republic or respondent), represented by an assistant provincial prosecutor, did not present evidence to oppose the applications.^[13]

By Decision of October 21, 1999, Branch 18 of the RTC granted petitioner's application in LRC No. TG-857, disposing as follows:

WHEREFORE, this Court hereby approves this application for registration and thus places under the operation of Act 141, Act 496 *and/or* P.D. 1529, otherwise known as Property Registration Law, **the land described in Plan Ap-04-012230 and containing an area of Nine Thousand Six Hundred Thirty Eight (9,638) Square Meters**, as supported by its technical description now forming part of the record of

this case, in addition to other proofs adduced in the name of JOYCE Y. LIM who is of legal age, single and with postal address at 333 Juan Luna Street, Binondo, Manila.

Once this Decision becomes final and executory, the corresponding decree of registration shall forthwith issue.

SO ORDERED. (Emphasis, italics and underscoring supplied)

By a separate Decision of October 21, 1999, the same court also granted petitioner's application in LRC TG-858, disposing as follows:

WHEREFORE, this Court hereby approves this application for registration and thus places under the operation of Act 141, Act 496 and/or P.D. 1529, otherwise known as Property Registration Law, **the land described in Plan Ap-04-012229 and containing an area of Eighteen Thousand Nine Hundred Ninety Seven (18,997) Square Meters**, as supported by its technical description now forming part of the record of this case, in addition to other proofs adduced in the name of JOYCE Y. LIM who is of legal age, single and with postal address at 333 Juan Luna Street, Binondo, Manila.

Once this Decision becomes final and executory, the corresponding decree of registration shall forthwith issue.

SO ORDERED. (Emphasis and underscoring supplied)

The Solicitor General, on behalf of the Republic, appealed the decisions to the Court of Appeals on the ground that petitioner failed to comply with the provisions of the *Property Registration Decree* and Article 1137 of the Civil Code both laws of which require at least 30 years of adverse possession.^[14]

By Decisions of November 20, 2002^[15] and April 28, 2003^[16] in CA-G.R. CV No. 67231 and CA-G.R. CV No. 67232, respectively, the appellate court **reversed and set aside** the decisions of the RTC and dismissed petitioner's applications.

In finding for the Republic in CA-G.R. CV No. 67231, the appellate court noted that petitioner's possession was short of the 30-year period of possession.

[I]n the case at bench, it is beyond dispute that [petitioner] acquired the subject land through purchased [sic] from Spouses Edgardo and Jorgina Pagkalinawan on April 30, 1997. In addition, **[petitioner's] predecessors-in-interests have been in possession of the subject land only as early as 1967 as evidenced by the Tax Declaration No. 1980 (Record, p. 92, Exhibit "R-8-B"); Tax Declaration No. 1981 (Record, p.80, Exhibit "R-5-C") and Tax Declaration No. 1982 (Record, p.84, Exhibit "R-7") issued in their names.** However, said possession of [petitioner's] predecessors-in-interest in 1967 **could not be used as the basis for the reckoning of the thirty (30) years period**

[sic] in view of the *Certification* dated February 3, 1999 (Record, p. 101) issued by the CENR Office declaring that subject land is "***within the Alienable or Disposable Land Per Land Classification Map. No. 3013 established under Project No. 20-A under FAO 4-1656 on March 15, 1982***", hence, the reckoning period should be March 15, 1982 and not 1967.

Applying March 15, 1982 as the date when the subject land was classified as alienable, it can be concluded that since [petitioner] filed this *Application* on September 7, 1998 (Record pp. 1-5) and her predecessors-in-interest have been **in possession of the subject land for only sixteen (16) years**, short of the thirty (30) years possession as required by P.D. [No.] 1529, the application for registration of title should have been denied by the court a quo. Moreover, **the number of years from 1967 to 1982 or fifteen (15) years to be exact cannot be credited or included in the computation of the thirty (30)[-]year period since during that time (1967-1982) the subject land was still inalienable and belongs [sic] to [the] public domain.** x x x.

x x x x^[17] (Italics in the original; emphasis and underscoring supplied)

Whereas, in CA-G.R. CV No. 67232, the appellate court also noted that petitioner's possession was short of the 30-year period of possession.

[I]n the case at bench, it is beyond dispute that [petitioner] acquired the subject land through purchased [sic] from Spouses Edgardo and Jorgina Pagkalinawan on April 30, 1997. In addition, **[petitioner's] predecessors-in-interest have been in possession of the subject land[s] only in 1994 as shown in the Tax Declaration No. 18582 (Record p.10, Annex "A") issued in their name (Spouses Pagkalinawan). No other evidence was adduced by [petitioner] that her predecessors[-]in[-]interest have been in possession of the subject land earlier than 1994.** As such, the possession of [petitioner] and her predecessors[-]in[-]interest was only for a period of 3 years (from 1994-1997). This falls short of the required 30 years period [sic] of possession in order to have the land registered and titled.

Assuming arguendo that [petitioner's] predecessors-in[-]interest have been in possession of the land for a period of 30 years, the application of said period is misplaced because per *Certification* dated February 3, 1999 (Record, p. 101) issued by the CENR Office, **the subject land was declared as "within the Alienable or Disposable Land Per Land Classification Map. No. 3013 established under Project No. 20-A under FAO 4-1656 on March 15, 1982"**, hence, the reckoning period should be March 15, 1982. Deducting the year 1997 (date of purchase) from 1982 (the year the land was classified an [sic] alienable and disposable), [petitioner] have [sic] been **in possession of the subject land only for a period of 15 years**, x x x.

x x x x^[18] (Italics in the original; emphasis and underscoring supplied)

Her motions for reconsideration having been denied,^[19] petitioner lodged the present petitions for review. By Resolution^[20] of September 6, 2006, the Court consolidated both petitions which fault the appellate court as follow:

I. . . . IN FINDING THAT PETITIONER HAS NOT PERFORMED ALL THE CONDITIONS ESSENTIAL TO A GOVERNMENT GRANT AS SET FORTH IN SECTION 48 (B) OF COMMONWEALTH ACT NO. 141, AS AMENDED, OTHERWISE KNOWN AS THE PUBLIC LAND ACT, THAT IS, THE OPEN, CONTINUOUS, EXCLUSIVE AND NOTORIOUS POSSESSION AND OCCUPATION OF PUBLIC AGRICULTURAL LAND FOR AT LEAST THIRTY (30) YEARS IMMEDIATELY PRECEDING THE FILING OF HER APPLICATION FOR REGISTRATION OF TITLE, THUS, PETITIONER IS NOT ENTITLED TO A CONFIRMATION OF HER INCOMPLETE AND IMPERFECT TITLE OVER [THE] SUBJECT PROPERTY.

II. . . . IN FINDING THAT THE PROVISIONS OF PRESIDENTIAL DECREE NO. 1529, OTHERWISE KNOWN AS THE PROPERTY REGISTRATION ACT, REQUIRING OPEN, CONTINUOUS, EXCLUSIVE, AND NOTORIOUS POSSESSION OF ALIENABLE AND DISPOSABLE LANDS OF [THE] PUBLIC DOMAIN, UNDER A BONAFIDE CLAIM OF OWNERSHIP, PRIOR TO 12 JUNE 1945, MAY DEFEAT PETITIONER'S RIGHT THAT HAS ALREADY BEEN VESTED PRIOR TO PROMULGATION THEREOF.^[21]

Petitioner maintains in her Memorandum^[22] that she and her predecessors-in-interest have been in possession of the properties since 1941. She draws attention to the testimony of Destura as well as the documentary evidence pointing to the payment of real property taxes as far back as 1967 in the name of Trinidad Mercado.^[23]

Respondent, on the other hand, posits that petitioner herself submitted evidence that proves fatal to her applications, citing the CENRO February 3, 1999 Certifications which reflect the failure to satisfy the requirements of the law regarding classification of the lots as alienable and disposable land since June 12, 1945 or earlier, or for 30 years or more at the time of the filing of the applications in 1998.

Respondent emphasizes that the lots were classified to be alienable and disposable only on March 15, 1982, hence, petitioner's possession or occupancy of the lots could only be reckoned from said date onwards.^[24]

Respondent further posits that, in any event, petitioner failed to prove that possession was continuous from 1941 up to the filing of the applications in 1998 as no factual evidence thereof was proffered, the testimony of Destura having only established the transfers of ownership over the lots.^[25]

The petitions fail.

The twin applications for registration were decided by the trial court on the basis of