

## FIRST DIVISION

[ G.R. No. 154953, June 26, 2008 ]

REPUBLIC OF THE PHILIPPINES PETITIONER, V.S. T.A.N.  
PROPERTIES, INC., RESPONDENT.

### D E C I S I O N

**CARPIO, J.:**

#### The Case

Before the Court is a petition for review<sup>[1]</sup> assailing the 21 August 2002 Decision<sup>[2]</sup> of the Court of Appeals in CA-G.R. CV No. 66658. The Court of Appeals affirmed *in toto* the 16 December 1999 Decision<sup>[3]</sup> of the Regional Trial Court of Tanauan, Batangas, Branch 6 (trial court) in Land Registration Case No. T-635.

#### The Antecedent Facts

This case originated from an Application for Original Registration of Title filed by T.A.N. Properties, Inc. covering Lot 10705-B of the subdivision plan Csd-04-019741 which is a portion of the consolidated Lot 10705, Cad-424, Sto. Tomas Cadastre. The land, with an area of 564,007 square meters, or 56.4007 hectares, is located at San Bartolome, Sto. Tomas, Batangas.

On 31 August 1999, the trial court set the case for initial hearing at 9:30 a.m. on 11 November 1999. The Notice of Initial Hearing was published in the Official Gazette, 20 September 1999 issue, Volume 95, No. 38, pages 6793 to 6794,<sup>[4]</sup> and in the 18 October 1999 issue of People's Journal Taliba,<sup>[5]</sup> a newspaper of general circulation in the Philippines. The Notice of Initial Hearing was also posted in a conspicuous place on the bulletin board of the Municipal Building of Sto. Tomas, Batangas, as well as in a conspicuous place on the land.<sup>[6]</sup> All adjoining owners and all government agencies and offices concerned were notified of the initial hearing.<sup>[7]</sup>

On 11 November 1999, when the trial court called the case for initial hearing, there was no oppositor other than the Opposition dated 7 October 1999 of the Republic of the Philippines represented by the Director of Lands (petitioner). On 15 November 1999, the trial court issued an Order<sup>[8]</sup> of General Default against the whole world except as against petitioner.

During the hearing on 19 November 1999, Ceferino Carandang (Carandang) appeared as oppositor. The trial court gave Carandang until 29 November 1999 within which to file his written opposition."<sup>[9]</sup> Carandang failed to file his written opposition and to appear in the succeeding hearings. In an Order<sup>[10]</sup> dated 13 December 1999, the trial court reinstated the Order of General Default.

During the hearings conducted on 13 and 14 December 1999, respondent presented three witnesses: Anthony Dimayuga Torres (Torres), respondent's Operations Manager and its authorized representative in the case; Primitivo Evangelista (Evangelista), a 72-year old resident of San Bartolome, Sto. Tomas, Batangas since birth; and Regalado Marquez, Records Officer II of the Land Registration Authority (LRA), Quezon City.

The testimonies of respondent's witnesses showed that Prospero Dimayuga (Kabesang Puroy) had peaceful, adverse, open, and continuous possession of the land in the concept of an owner since 1942. Upon his death, Kabesang Puroy was succeeded by his son Antonio Dimayuga (Antonio). On 27 September 1960, Antonio executed a Deed of Donation covering the land in favor of one of his children, Fortunato Dimayuga (Fortunato). Later, however, Antonio gave Fortunato another piece of land. Hence, on 26 April 1961, Antonio executed a Partial Revocation of Donation, and the land was adjudicated to one of Antonio's children, Prospero Dimayuga (Porting).<sup>[11]</sup> On 8 August 1997, Porting sold the land to respondent.

### **The Ruling of the Trial Court**

In its 16 December 1999 Decision, the trial court adjudicated the land in favor of respondent.

The trial court ruled that a juridical person or a corporation could apply for registration of land provided such entity and its predecessors-in-interest have possessed the land for 30 years or more. The trial court ruled that the facts showed that respondent's predecessors-in-interest possessed the land in the concept of an owner prior to 12 June 1945, which possession converted the land to private property.

The dispositive portion of the trial court's Decision reads:

WHEREFORE, and upon previous confirmation of the Order of General Default, the Court hereby adjudicates and decrees Lot 10705-B, identical to Lot 13637, Cad-424, Sto. Tomas Cadastre, on plan Csd-04-019741, situated in Barangay of San Bartolome, Municipality of Sto. Tomas, Province of Batangas, with an area of 564,007 square meters, in favor of and in the name of T.A.N. Properties, Inc., a domestic corporation duly organized and existing under Philippine laws with principal office at 19<sup>th</sup> Floor, PDCP Bank Building, 8737 Paseo de Roxas, Makati City.

Once this Decision shall have become final, let the corresponding decree of registration be issued.

SO ORDERED.<sup>[12]</sup>

Petitioner appealed from the trial court's Decision. Petitioner alleged that the trial court erred in granting the application for registration absent clear evidence that the applicant and its predecessors-in-interest have complied with the period of possession and occupation as required by law. Petitioner alleged that the testimonies of Evangelista and Torres are general in nature. Considering the area involved, petitioner argued that additional witnesses should have been presented to

corroborate Evangelista's testimony.

### **The Ruling of the Court of Appeals**

In its 21 August 2002 Decision, the Court of Appeals affirmed *in toto* the trial court's Decision.

The Court of Appeals ruled that Evangelista's knowledge of the possession and occupation of the land stemmed not only from the fact that he worked there for three years but also because he and Kabesang Puroy were practically neighbors. On Evangelista's failure to mention the name of his uncle who continuously worked on the land, the Court of Appeals ruled that Evangelista should not be faulted as he was not asked to name his uncle when he testified. The Court of Appeals also ruled that at the outset, Evangelista disclaimed knowledge of Fortunato's relation to Kabesang Puroy, but this did not affect Evangelista's statement that Fortunato took over the possession and cultivation of the land after Kabesang Puroy's death. The Court of Appeals further ruled that the events regarding the acquisition and disposition of the land became public knowledge because San Bartolome was a small community. On the matter of additional witnesses, the Court of Appeals ruled that petitioner failed to cite any law requiring the corroboration of the sole witness' testimony.

The Court of Appeals further ruled that Torres was a competent witness since he was only testifying on the fact that he had caused the filing of the application for registration and that respondent acquired the land from Porting.

Petitioner comes to this Court assailing the Court of Appeals' Decision. Petitioner raises the following grounds in its Memorandum:

The Court of Appeals erred on a question of law in allowing the grant of title to applicant corporation despite the following:

1. Absence of showing that it or its predecessors-in-interest had open, continuous, exclusive, and notorious possession and occupation in the concept of an owner since 12 June 1945 or earlier; and
2. Disqualification of applicant corporation to acquire the subject tract of land.<sup>[13]</sup>

### **The Issues**

The issues may be summarized as follows:

1. Whether the land is alienable and disposable;
2. Whether respondent or its predecessors-in-interest had open, continuous, exclusive, and notorious possession and occupation of the land in the concept of an owner since June 1945 or earlier; and
3. Whether respondent is qualified to apply for registration of the land under the Public Land Act.

### **The Ruling of this Court**

The petition has merit.

***Respondent Failed to Prove  
that the Land is Alienable and Disposable***

Petitioner argues that anyone who applies for registration has the burden of overcoming the presumption that the land forms part of the public domain. Petitioner insists that respondent failed to prove that the land is no longer part of the public domain.

The well-entrenched rule is that all lands not appearing to be clearly of private dominion presumably belong to the State.<sup>[14]</sup> The *onus* to overturn, by incontrovertible evidence, the presumption that the land subject of an application for registration is alienable and disposable rests with the applicant.<sup>[15]</sup>

In this case, respondent submitted two certifications issued by the Department of Environment and Natural Resources (DENR). The 3 June 1997 Certification by the Community Environment and Natural Resources Offices (CENRO), Batangas City,<sup>[16]</sup> certified that "lot 10705, Cad-424, Sto. Tomas Cadastre situated at Barangay San Bartolome, Sto. Tomas, Batangas with an area of 596,116 square meters falls within the ALIENABLE AND DISPOSABLE ZONE under Project No. 30, Land Classification Map No. 582 certified [on] 31 December 1925." The second certification <sup>[17]</sup> in the form of a memorandum to the trial court, which was issued by the Regional Technical Director, Forest Management Services of the DENR (FMS-DENR), stated "that the subject area falls within an alienable and disposable land, Project No. 30 of Sto. Tomas, Batangas certified on Dec. 31, 1925 per LC No. 582."

The certifications are not sufficient. DENR Administrative Order (DAO) No. 20,<sup>[18]</sup> dated 30 May 1988, delineated the functions and authorities of the offices within the DENR. Under DAO No. 20, series of 1988, the CENRO issues certificates of land classification status for areas below 50 hectares. The Provincial Environment and Natural Resources Offices (PENRO) issues certificate of land classification status for lands covering over 50 hectares. DAO No. 38,<sup>[19]</sup> dated 19 April 1990, amended DAO No. 20, series of 1988. DAO No. 38, series of 1990 retained the authority of the CENRO to issue certificates of land classification status for areas below 50 hectares, as well as the authority of the PENRO to issue certificates of land classification status for lands covering over 50 hectares.<sup>[20]</sup> In this case, respondent applied for registration of Lot 10705-B. The area covered by Lot 10705-B is over 50 hectares (564,007 square meters). The CENRO certificate covered the entire Lot 10705 with an area of 596,116 square meters which, as per DAO No. 38, series of 1990, is beyond the authority of the CENRO to certify as alienable and disposable.

The Regional Technical Director, FMS-DENR, has no authority under DAO Nos. 20 and 38 to issue certificates of land classification. Under DAO No. 20, the Regional Technical Director, FMS-DENR:

1. Issues original and renewal of ordinary minor products (OM) permits except rattan;

2. Approves renewal of resaw/mini-sawmill permits;
3. Approves renewal of special use permits covering over five hectares for public infrastructure projects; and
4. Issues renewal of certificates of registration for logs, poles, piles, and lumber dealers.

Under DAO No. 38, the Regional Technical Director, FMS-DENR:

1. Issues original and renewal of ordinary minor [products] (OM) permits except rattan;
2. Issues renewal of certificate of registration for logs, poles, and piles and lumber dealers;
3. Approves renewal of resaw/mini-sawmill permits;
4. Issues public gratuitous permits for 20 to 50 cubic meters within calamity declared areas for public infrastructure projects; and
5. Approves original and renewal of special use permits covering over five hectares for public infrastructure projects.

Hence, the certification issued by the Regional Technical Director, FMS-DENR, in the form of a memorandum to the trial court, has no probative value.

Further, it is not enough for the PENRO or CENRO to certify that a land is alienable and disposable. The applicant for land registration must prove 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 falls within the approved area per verification through survey by the PENRO or CENRO. In addition, the applicant for land registration must present 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. These facts must be established to prove that the land is alienable and disposable. Respondent failed to do so because the certifications presented by respondent do not, by themselves, prove that the land is alienable and disposable.

Only Torres, respondent's Operations Manager, identified the certifications submitted by respondent. The government officials who issued the certifications were not presented before the trial court to testify on their contents. 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.

Public documents are defined under Section 19, Rule 132 of the Revised Rules on Evidence as follows:

- (a) The written official acts, or records of the official acts of the sovereign authority, official bodies and tribunals, and public officers, whether of the Philippines, or of a foreign country;