

SECOND DIVISION

[G.R. NO. 169397, March 13, 2007]

REPUBLIC OF THE PHILIPPINES, PETITIONER, VS. RESTITUTO SARMIENTO, REPRESENTED BY HIS ATTORNEY-IN-FACT, MAGDALENO SARMIENTO, RESPONDENT.

DECISION

CARPIO MORALES, J.:

Restituto Sarmiento (respondent) through his brother-attorney-in-fact Magdaleno Sarmiento (Magdaleno) filed on November 29, 2000 with the Metropolitan Trial Court (MeTC) of Taguig, Metro Manila an application for registration^[1] of a parcel of land, delineated as Lot 535-D under Approved Survey Plan Swo-13-000465 with a total land area of 2,664 square meters and located at Barangay Wawa, Taguig, Metro Manila (the lot).

Respondent claimed to have acquired the lot through donation under a *Kasulatan ng Pagkakaloob*^[2] dated July 16, 1988 executed by his father, Placido Sarmiento (Placido), which lot formed part of Lot 535 that was allegedly inherited by Placido from Florentina Sarmiento (Florentina).

Respondent further claimed that he and his predecessors-in-interest have been in open, continuous, uninterrupted, adverse, and public possession of the lot in the concept of an owner for more than 30 years.^[3]

Together with his application for registration, respondent submitted the following documents:

1. Blueprint copy of the Conversion and Subdivision Plan Swo-13-000465 of Lot 535 as surveyed for Magdaleno Sarmiento, et al;^[4]
2. Photocopy of Geodetic Engineer's Certificate;^[5]
3. Technical Description of Lot 535-D;^[6]
4. Owner's Copy of Tax Declaration No. EL-009-01681 in the name of Restituto A. Sarmiento;^[7]
5. Photocopy of the *Kasulatan ng Pagkakaloob* dated July 16, 1988;^[8] and
6. Special Power of Attorney executed by Restituto Sarmiento appointing Magdaleno Sarmiento as his attorney-in-fact.^[9]

On January 17, 2001, the Solicitor General, through the Prosecutor of Taguig who was deputized to assist in the case, filed, as counsel for the Republic of the Philippines (petitioner), an Opposition^[10] to respondent's application for registration. Contending that (1) neither the applicant nor his predecessors-in-interest were in open, continuous, exclusive and notorious possession and occupation of the lot since June 12, 1945 or prior thereto, as required under Section 48(b) of Commonwealth Act No. 141 (The Public Land Act), as amended by Presidential Decree (P.D) No. 1073;^[11] (2) respondent's muniments of title and/or tax declarations and tax payment receipts do not appear to be genuine and do not anyway constitute competent and sufficient evidence of his bona fide acquisition of the lot in the concept of an owner since June 12, 1945 or prior thereto; (3) the claim of ownership in fee simple on the basis of a Spanish title or grant can no longer be availed of by respondent as he failed to file an appropriate application for registration within six months from February 16, 1976, as required under P.D. No. 892;^[12] and (4) the lot is part of the public domain belonging to the Republic of the Philippines, hence, not subject to private appropriation.

At the initial hearing of the application on April 4, 2001, respondent offered and marked in evidence documents proving compliance with jurisdictional requirements, following which the MeTC issued an order of general default against the whole world, except against the government.^[13]

After the conclusion of the testimonies of respondent's brother-attorney-in-fact Magdaleno^[14] and adjoining lot owner Rodolfo Sta. Ana,^[15] the Department of Environment and Natural Resources (DENR), through the Assistant Regional Director for Legal Services and Public Affairs, filed its Report^[16] dated April 16, 2001 reiterating respondent's claims as set forth in his application for registration.

The Land Registration Authority, through the Director of the Department of Registration, also filed a report with the MeTC with the information that it was not in a position to verify whether the lot was already covered by a land patent or a previously approved isolated survey.^[17]

Respondent's formal offer of evidence^[18] did not merit comment/opposition from petitioner which in fact waived the presentation of evidence for the government.^[19]

By Decision^[20] of May 27, 2002, the MeTC granted respondent's application for registration. Thus it disposed:

WHEREFORE, premises considered and finding the allegations in the application to have been sufficiently established by the applicant's evidence, this Court hereby confirms the title of applicant Restituto Sarmiento, Filipino citizen, of legal age, married to Betty Sarmiento and a resident of No. 11, Guerrero Street, Wawa, Taguig, Metro Manila over the subject parcel of agricultural land known as Lot 535-D, MCadm-590-D, Taguig Cadastral Mapping under Conversion and Subdivision Plan Sw-13-000465 situated at Barangay Wawa, Municipality of Taguig, Metro Manila, consisting of Two Thousand Six Hundred Sixty Four (2,664) square meters and hereby order the registration thereof in his name.

After the finality of this Decision and upon payment of the corresponding taxes due on the said lot, let an order for the issuance of decree of registration be issued.

SO ORDERED.^[21]

In granting respondent's application, the MeTC found that respondent and his predecessors-in-interest have been in possession of the lot in the concept of an owner for more than 30 years, *viz*:

The subject lot was a portion of the parcel of land previously declared for taxation purposes in the name of its original owner Florentina Sarmiento under Tax Declaration (T.D.) No. 4995 (Exhibit "N"). Upon the death of Florentina Sarmiento, a portion of said land was inherited by Placido Sarmiento, the father of the herein applicant Restituto Sarmiento, while the other portion went to Placido's [s]ister Teodora Sarmiento. On July 16, 1988, Placido Sarmiento transferred the portion of the parcel of land inherited by him from Florentina Sarmiento to his children, namely: herein applicant Restituto Sarmiento, Magdaleno Sarmiento and Conigunda Sarmiento by virtue of a deed denominated as "Kasulatan ng Pagkakaloob" (Exhibits "O" and "O-5"). (TSN, June 16, 2001).

On April 24 and June 25, 1998, Magdaleno Sarmiento, among others, caused the survey of the entire area of the parcel of land x x x According to the said plan, the said survey is inside alienable and disposable area, Project No. 27-B, L.C. Map No. 2623, certified on January 3, 1968 by the Bureau of Forestry (Exhibit "K-2", *supra*).

The said property was being planted to rice, watermelons, and other vegetables by Florentina Sarmiento and her successors-in-interest themselves and by their hired helpers for about fifty years (50) years already. It is not tenanted and there are no other persons having a claim over the said property since the Japanese occupation. The said parcel of land is about two (2) kilometers away from the Laguna Lake but it gets flooded for about two (2) months during the rainy season and sometimes up to three (3) months if the town proper (poblacion) of Taguig is itself underwater. (TSN, June 6, 2001). x x x

Applicant Restituto Sarmiento and his predecessors-in-interest had been in possession of the subject parcel of land continuously, uninterruptedly, openly, publicly, adversely and in the concept of owners for more than thirty (30) years now. x x x^[22]

Petitioner appealed to the Court of Appeals, faulting the MeTC for granting the application despite respondent's failure to comply with the mandatory requirement of submitting the original tracing cloth plan in evidence.^[23] Petitioner advanced that according to the survey of the Laguna Lake Development Authority (LLDA), the lot is located below the reglementary lake elevation of 12.50 meters, hence, a part of the Laguna Lake bed which is incapable of private appropriation.^[24]

By Decision^[25] of May 20, 2005, the appellate court held that as the lot was sufficiently identified by the blue print copy of the plan and the technical description,

the presentation of the original tracing cloth ceased to become indispensable for the grant of the application.^[26]

The appellate court further held that petitioner's claim that the lot forms part of the Laguna Lake bed cannot be raised for the first time on appeal, and even assuming that it was properly raised, the purported ground survey of the LLDA had no probative value since it was not a certified original copy.^[27]

The appellate court thus affirmed the decision of the MeTC. Petitioner's motion for reconsideration having been denied by Resolution^[28] of August 19, 2005, petitioner now comes before this Court on a petition for review on certiorari.

It is well settled that no public land can be acquired by private persons without any grant, express or implied, from the government, and it is indispensable that the person claiming title to public land should show that his title was acquired from the State or any other mode of acquisition recognized by law.^[29]

While respondent did not state in his application the statutory basis of his application, it can reasonably be inferred that he seeks the judicial confirmation or legalization of his imperfect or incomplete title over the lot^[30] which he claims to be a riceland.

Judicial confirmation of imperfect title is, under the Public Land Act, one of the means by which public agricultural lands may be disposed.^[31]

Section 48(b) of the Public Land Act, as amended by P.D. 1073,^[32] provides:

Section 48. The following-described citizens of the Philippines, occupying lands of the public domain or claiming to own any such lands or an interest therein, but whose titles have not been perfected or completed, may apply to the Court of First Instance of the province where the land is located for confirmation of their claims and the issuance of a certificate of title thereafter, under the Land Registration Act, to wit:

x x x x

(b) Those who by themselves or through their predecessors-in-interest have been in open, continuous, exclusive, and notorious possession and occupation of agricultural lands of the public domain, under a bona fide claim of acquisition of ownership, since June 12, 1945, or earlier, immediately preceding the filing of the applications for confirmation of title, except when prevented by war or force majeure. These shall be conclusively presumed to have performed all the conditions essential to a Government grant and shall be entitled to a certificate of title under the provisions of this chapter.

Under the above-quoted provision, an applicant for confirmation of imperfect title must prove that (a) the land forms part of the disposable and alienable agricultural lands of the public domain; and (b) he has been in open, continuous, exclusive, and notorious possession and occupation of the land under a bona fide claim of ownership either since time immemorial or since June 12, 1945.^[33]