

FIRST DIVISION

[G.R. NO. 146527, January 31, 2005]

REPUBLIC OF THE PHILIPPINES, PETITIONER, VS. MANNA PROPERTIES, INC., REPRESENTED BY ITS PRESIDENT, JOSE TANYAO, RESPONDENT.

DECISION

CARPIO, J.:

The Case

This is a petition for review^[1] seeking to set aside the Court of Appeals' Decision^[2] dated 20 December 2000. The Court of Appeals affirmed the Decision of the Regional Trial Court, Branch 26, San Fernando, La Union ("trial court") dated 21 February 1996 in Land Registration Case No. N-2352 ("LRC No. N-2352") approving the application of respondent Manna Properties, Inc. ("Manna Properties") for the registration in its name of a parcel of land located in Barangay Pagdaraoan, San Fernando, La Union.

Antecedent Facts

As culled by the Court of Appeals from the evidence, the facts of the case are as follows:

On September 29, 1994, applicant-appellee filed an Application for the registration of title of two (2) parcels of land, specifically:

- a) Lot No. 9515, Cad. 539-D of As-013314-001434; and
- b) Lot No. 1006, Cad. 539-D of As-013314-001434, located in Barangay Pagdaraoan, San Fernando, La Union measuring around 1,480 square meters.

Initial hearing was set on February 16, 1995 by the court *a quo*.

Copies of the application, postal money orders for publication purposes and record were forwarded to the Land Registration Authority by the Court *a quo* on October 7, 1994.

However, per Report dated November 21, 1994 of the Land Registration Authority, the full names and complete postal addresses of all adjoining lot owners were not stated for notification purposes. As a result thereto, per Order dated December 5, 1994, the applicant was directed to submit the names and complete postal addresses of the adjoining owners of Lots 9514 and 9516. On December 14, 1994, the applicant filed its

compliance, which was forwarded to the Land Registration Authority on December 22, 1994 together with the notice of the Initial Hearing, which was reset to April 13, 1995.

On January 31, 1995, the Land Registration Authority requested for the resetting of the initial hearing since April 13, 1995 fell on Holy Thursday, a non-working day to a date consistent with LRC Circular No. 353 or ninety (90) days from date of the Order to allow reasonable time for possible mail delays and to enable them to cause the timely publication of the notice in the Official Gazette.

The initial hearing was, accordingly, reset to April 20, 1995 by the court *a quo*.

On March 14, 1995, the court *a quo* received a letter dated March 6, 1995 from the LRA with the information that the notice can no longer be published in the Official Gazette for lack of material time since the National Printing Office required submission of the printing materials 75 days before the date of the hearing. It was again requested that the initial hearing be moved to a date consistent with LRC Circular No. 353.

Per Order dated March 15, 1995, the initial hearing was reset to July 18, 1995.

The Opposition to the application stated, among others, that the applicant is a private corporation disqualified under the new Philippine Constitution to hold alienable lands of public domain.

Per Certificate of Publication issued by the LRA and the National Printing Office, the Notice of Initial Hearing was published in the June 12, 1995 issue of the Official Gazette officially released on June 19, 1995. The same notice was published in the July 12, 1995 issue of the *The Ilocos Herald*.

Applicant-appellee presented its president Jose [Tanyao], who testified on the acquisition of the subject property as well as Manuel Sobrepeña, co-owner of the subject property, who testified on the possession of the applicant-appellee's predecessors-in-interest.

The [documentary] evidence presented were:

1. Plan AS-013314-001434 of Lots No. 9515 and 1006;
2. Technical Description of Lot No. 9515;
3. Technical Description of Lot No. 1006;
4. Certificate in lieu of Lost Surveyor's Certificate;
5. Certificate of Latest Assessment;
6. Notice of Initial Hearing;
7. Certificate of Publication of the Notice of Initial Hearing by the LRA;
8. Certificate of Publication of the Notice of Initial Hearing by the National Printing Office;
9. Certificate of Publication of the Notice of Initial Hearing by the Circulation Manager of the Ilocos Herald;

10. Clipping of the Notice of Initial Hearing;
11. Whole Issue of the Ilocos Herald dated July 12, 1995;
12. Page 3 of Ilocos Herald dated January 12, 1995;
13. Sheriff's Return of Posting;
14. Certificate of Notification of all adjoining owners of the Notice of Initial Hearing on July 18, 1995.

Thereafter, the court *a quo* rendered a Decision dated February 21, 1996 granting the application. (*sic*)^[3]

The Office of the Solicitor General, appearing on behalf of petitioner Republic of the Philippines ("petitioner"), promptly appealed the trial court's decision to the Court of Appeals. On 20 December 2000, the Court of Appeals dismissed petitioner's appeal.

Hence, this petition.

The Regional Trial Court's Ruling

The trial court found that Manna Properties has substantiated by clear and competent evidence all its allegations in the application for original land registration. The Land Registration Authority ("LRA") did not present any evidence in opposition to the application. The trial court ruled in this wise:

WHEREFORE, premises considered, the Court hereby approves the application, and orders that the parcels of land identified as Lots 9515 and 1006 of Cad. 5^[3]9-D San Fernando Cadastre with a total area of One Thousand Four Hundred Eighty (1,480) square meters, situated in Barangay Pagdaraoan, San Fernando, La Union and embraced in Plan AS-1331434 (Exh. "A" and the technical description described in Exhibit "B" and "B-1") shall be registered in accordance with Presidential Decree No. 1529, otherwise known as the Property Registration Decree in the name of the applicant Manna Properties, Inc., represented by its President Jose [Tanyao], Filipino citizen, of legal age, married to Marry [Tanyao] with residence and postal address at Jackivi Enterprises, Pagdaraoan, San Fernando, La Union, pursuant to the provisions of Presidential Decree No. 1529.^[4]

The Court of Appeals' Ruling

The Court of Appeals upheld the trial court's ruling and dismissed petitioner's argument that the applicant failed to comply with the jurisdictional requirements of Presidential Decree No. 1529^[5] ("PD 1529"). The Court of Appeals pointed out that the 90-day period for setting the initial hearing under Section 23 of PD 1529 is merely directory and that it is the publication of the notice of hearing itself that confers jurisdiction. The Court of Appeals stated that the records of the case reveal that the testimony of Manuel Sobrepeña was not the sole basis for the trial court's finding that Manna Properties's predecessors-in-interest had been in possession of the land in question as early as 1953. The Court of Appeals added that while tax declarations are not conclusive proof of ownership, they are "the best indicia" of possession.

The Issues

Petitioner raises the following issues for resolution:

1. WHETHER MANNA PROPERTIES FAILED TO COMPLY WITH THE JURISDICTIONAL REQUIREMENTS FOR ORIGINAL REGISTRATION;
and
2. WHETHER MANNA PROPERTIES HAS SUFFICIENTLY PROVEN POSSESSION OF THE PROPERTY FOR THE REQUISITE PERIOD.

The Ruling of the Court

On Whether Manna Properties Failed to Comply with the Jurisdictional Requirements for Original Registration

Petitioner contends that PD 1529 sets a 90-day maximum period between the court order setting the initial hearing date and the hearing itself. Petitioner points out that in this case, the trial court issued the order setting the date of the initial hearing on 15 March 1995, but the trial court set the hearing date itself on 18 July 1995. Considering that there are 125 days in between the two dates, petitioner argues that the trial court exceeded the 90-day period set by PD 1529. Thus, petitioner concludes "the applicant [Manna Properties] failed to comply with the jurisdictional requirements for original registration."

The petitioner is mistaken.

The pertinent portion of Section 23 of PD 1529 reads:

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

xxx

The duty and the power to set the hearing date lies with the land registration court. After an applicant has filed his application, the law requires the issuance of a court order setting the initial hearing date. The notice of initial hearing is a court document. The notice of initial hearing is signed by the judge and copy of the notice is mailed by the clerk of court to the LRA. This involves a process to which the party applicant absolutely has no participation.

Petitioner is correct that in land registration cases, the applicant must strictly comply with the jurisdictional requirements. In this case, the applicant complied with the jurisdictional requirements.

The facts reveal that Manna Properties was not at fault why the hearing date was set beyond the 90-day maximum period. The records show that the Docket Division of the LRA repeatedly requested the trial court to reset the initial hearing date because of printing problems with the National Printing Office, which could affect the timely publication of the notice of hearing in the Official Gazette. Indeed, nothing in the records indicates that Manna Properties failed to perform the acts required of it

by law.

We have held that “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.”^[6] 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.

Petitioner limited itself to assailing the lapse of time between the issuance of the order setting the date of initial hearing and the date of the initial hearing itself. Petitioner does not raise any other issue with respect to the sufficiency of the application. Petitioner does not also question the sufficiency of the publication of the required notice of hearing. Consequently, petitioner does not dispute the real jurisdictional issue involved in land registration cases — compliance with the publication requirement under PD 1529. As the records show, the notice of hearing was published both in the Official Gazette and a newspaper of general circulation well ahead of the date of hearing. This complies with the legal requirement of serving the entire world with sufficient notice of the registration proceedings.

***On Whether Manna Properties Sufficiently
Established Possession of the Land
For the Period Required by Law***

Petitioner asserts that Manna Properties has failed to prove its possession of the land for the period of time required by law. Petitioner alleges that the trial court and the Court of Appeals based their findings solely on their evaluation of the tax declarations presented by Manna Properties.

The jurisdiction of this Court under Rule 45 of the 1997 Rules of Civil Procedure is limited to the review and revision of errors of law.^[7] This Court is not bound to analyze and weigh evidence already considered in prior proceedings. Absent any of the established grounds for exception, this Court is bound by the findings of fact of the trial and appellate courts.

The issue of whether Manna Properties has presented sufficient proof of the required possession, under a bona fide claim of ownership, raises a question of fact.^[8] It invites an evaluation of the evidentiary record. Petitioner invites us to re-evaluate the evidence and substitute our judgment for that of the trial and appellate courts. Generally, Rule 45 does not allow this. Matters of proof and evidence are beyond the power of this Court to review under a Rule 45 petition, except in the presence of some meritorious circumstances.^[9] We find one such circumstance in this case. The evidence on record does not support the conclusions of both the trial court and the Court of Appeals.

Petitioner claimed in its opposition to the application of Manna Properties that, as a private corporation, Manna Properties is disqualified from holding alienable lands of the public domain, except by lease. Petitioner cites the constitutional prohibition in Section 3 of Article XII in the 1987 Constitution. Petitioner also claims that the land