

## SECOND DIVISION

[ G.R. NO. 157683, February 11, 2005 ]

**REPUBLIC OF THE PHILIPPINES, PETITIONER, VS. SPS.  
NAPOLEON & EMILIA HUBILLA, RESPONDENTS.**

### DECISION

**PUNO, J.:**

Before us is a Petition for *Certiorari* under Rule 45 of the Rules of Court to review the decision of the Court of Appeals in CA-G.R. CV No. 67929 dated March 21, 2003.

The facts are as follows.

On March 5, 1999, respondents filed an application for registration of title for Lot No. 6218-B in Subdivision Plan Csd-04-004665-D situated in Alaminos, Laguna (the Property).<sup>[1]</sup> Respondents alleged that they have been in open, continuous, public, peaceful and notorious possession and occupation of the Property, by themselves and their predecessors-in-interest, prior to June 12, 1945. Among others, the respondents presented the following documents to support their application: 1) a blue print copy of the subdivision plan<sup>[2]</sup> Csd-04-004665-D approved by the Director of Lands through Assistant Regional Director Ernesto Viquiera; 2) a technical description<sup>[3]</sup> approved by the Land Management Bureau of the Department of Environment and Natural Resources (DENR); 3) a certification from the DENR Community Environment and Natural Resources Office (CENRO) which states that the Property is entirely within the alienable and disposable zone as of December 31, 1925 and has not been previously titled;<sup>[4]</sup> 4) a report of the Land Management Bureau stating that the Property is not covered by any previous land registration case;<sup>[5]</sup> and 5) tax declarations dating from 1999 back to 1945 in the names of Mateo Abrigo and Rodrigo Abrigo after the former's death.<sup>[6]</sup>

The trial court rendered its decision on May 8, 2000, approving the respondents' application for registration.<sup>[7]</sup> On May 30, 2000, the petitioner appealed the trial court's decision to the Court of Appeals.<sup>[8]</sup> The petitioner, through the Solicitor General, argued that the trial court erred when it granted the application despite the failure of respondents to submit the original tracing cloth plan and prove that they complied with the period of possession and occupation required by law.<sup>[9]</sup>

The Court of Appeals promulgated its decision on March 21, 2003, dismissing the petitioner's appeal. The appellate court deemed the submission of the blueprint of the subdivision plan as sufficient to support respondents' claim of ownership as it contained material data such as the technical description and location of the Property.<sup>[10]</sup> Moreover, the appellate court observed that the blueprint of the subdivision plan was identical to the original tracing cloth plan which respondents

submitted to them on June 19, 2001.<sup>[11]</sup> As to the petitioner's contention that respondents failed to prove possession of the land as required by law, the appellate court ruled that they were bound by the findings of the trial court.<sup>[12]</sup> The appellate court also noted that the land in question was declared for taxation purposes by respondents and their predecessors-in-interest as early as 1945.<sup>[13]</sup> Hence, the present petition for *certiorari* under Rule 45 of the Rules of Court.

The petitioner argues that the Court of Appeals erred when it deemed the submission of a blueprint copy of the survey plan as sufficient compliance with the requirements under the Property Registration Decree.<sup>[14]</sup> In this regard, petitioner avers that submission in evidence of the original tracing cloth plan, duly approved by the Bureau of Lands, is a mandatory requirement in cases of application for original registration of land. Since respondents failed to offer the original tracing cloth plan or the *diaz* polyester film duly approved and certified by the Bureau of Lands, petitioner concludes that respondents failed to comply with a jurisdictional requirement and the trial court's decision is null and void. The petitioner also maintains that even if the blueprint was sufficient to confer jurisdiction on the trial court, the respondents failed to prove that the property was alienable and disposable land.

We rule in favor of the respondents.

While the petitioner correctly asserts that the submission in evidence of the original tracing cloth plan, duly approved by the Bureau of Lands, is a mandatory requirement, this Court has recognized instances of substantial compliance with this rule. In previous cases, this Court ruled that blueprint copies of the original tracing cloth plan from the Bureau of Lands and other evidence could also provide sufficient identification to identify a piece of land for registration purposes.<sup>[15]</sup> The Court concluded that the subject property was sufficiently identified by: 1) the blueprint copy of the plan and technical description which were both approved by the Land Management Services of the DENR; and 2) the report of the Land Management Sector stating that the subject property is not a portion of, nor identical to any previously approved isolated survey. The applicants in that case also submitted a certified true copy of the original tracing cloth plan to the Court of Appeals as well as a certification from the Land Registration Authority attesting that the original plan in *diaz* polyester film was on file.

Similarly, the respondents in this case offered as evidence before the trial court: 1) a blueprint copy of the subdivision plan<sup>[16]</sup> approved by the Director of Lands; 2) a technical description<sup>[17]</sup> approved by the Land Management Bureau of the DENR; 3) a certification from the DENR CENRO which states that the Property has not been forfeited for non-payment of real estate taxes, is entirely within the alienable and disposable zone as of December 31, 1925, has not been previously titled and is not covered by any previous public land application;<sup>[18]</sup> and 4) a report of the Land Management Bureau stating that the Property is not recorded in their lot and plan index cards as being subject of a previous public land application.<sup>[19]</sup> The respondents also filed a motion to admit original tracing cloth plan with the Court of Appeals during the pendency of the appeal and attached thereto the original plan.<sup>[20]</sup> We likewise note that the original tracing cloth plan submitted to the Court of Appeals is the same as the blueprint subdivision plan offered as evidence before the