

SECOND DIVISION

[G. R. No. 158449, October 22, 2004]

**LUNINGNING P. DEL ROSARIO-IGTIBEN, JOSE REYES IGTIBEN,
JOSE DEL ROSARIO IGTIBEN, JR. AND THERESA TOPACIO
MEDINA, PETITIONERS, VS. REPUBLIC OF THE PHILIPPINES
AND THE COURT OF APPEALS, RESPONDENTS.**

DECISION

CHICO-NAZARIO, J.:

This petition for review on *certiorari* under Rule 45 of the Rules of Court assails the decision of the Court of Appeals in CA-G.R. CV No. 68546,^[1] which set aside the decision of the Municipal Circuit Trial Court of Silang-Amadeo, Cavite in LRC Case No. 98-133 (LRA Record No. N-69787)^[2] and dismissed petitioners' application for registration of a parcel of land.

On 08 January 1998, petitioners filed with the trial court an application for registration of land under Presidential Decree (PD) No. 1529, otherwise known as the Property Registration Decree. The application covered a parcel of land with an area of 2,988 square meters, situated in Barangay Malabag, Silang, Cavite, and more particularly described as Lot 5442, Cad 452-D, Silang Cadastre, Ap-04-007007 (hereinafter referred to as the Subject Property). Petitioners alleged that they acquired the Subject Property by purchase, and that they, by themselves and through their predecessors-in-interest, had been in actual, continuous, uninterrupted, open, public, and adverse possession of the Subject Property in the concept of owner for more that 30 years.^[3]

No opposition was filed against the application and so petitioners proceeded with the presentation of their evidence. The State was represented in the proceedings by Assistant Provincial Prosecutor Jose M. Velasco, Jr.^[4]

Based on the testimonial and documentary evidence presented, the trial court traced the history of possession of the Subject Property back to 1958, when the Subject Property was first declared for tax purposes by Justina Hintog.^[5]

Teodoro Calanog came into possession of the Subject Property in 1968. In the same year, the Subject Property was transferred to spouses Alfredo Tonido and Agatona Calanog. Agatona Calanog allegedly inherited the Subject Property from Teodoro Calanog, her father; on the other hand, Alfredo Tonido supposedly purchased the same property also from Teodoro Calanog, his father-in-law. Alfredo Tonido planted the Subject Property with palay, sayote, coffee, guyabano and other fruit bearing trees. After the demise of Agatona Calanog, the rest of the Tonido family, consisting of Alfredo and his children, Samuel, Elizabeth, Benjamin, Imelda and Esther, shared possession of the Subject Property.^[6]

On 21 November 1995, the Tonido family sold the Subject Property to petitioners, as evidenced by a Deed of Absolute Sale.^[7]

The history of possession of the Subject Property, as related above, was supported by tax declarations in the name of petitioners and their predecessors-in-interest from 1958 to 1998.^[8]

On 15 August 2000, the trial court rendered a decision approving petitioners' application for registration of the Subject Property. The Republic of the Philippines, represented by the Office of the Solicitor General, appealed the decision of the trial court to the Court of Appeals.

In its appeal, the Republic alleged that the trial court erred in approving the application for registration despite petitioners' failure to prove open, continuous, exclusive and notorious possession and occupation of the Subject Property since 12 June 1945, or earlier, as required by Section 48(b) of Commonwealth Act No. 141, otherwise known as the Public Land Act, as amended by PD No. 1073. Moreover, petitioners also failed to produce muniments of title to tack their possession to those of their predecessors-in-interest in compliance with the prescriptive period required by law.^[9]

On 20 December 2002, the Court of Appeals rendered a decision finding the appeal meritorious, setting aside the decision of the trial court, and dismissing the application for registration of petitioners.^[10] The Court of Appeals denied petitioners' Motion for Reconsideration in its resolution dated 22 May 2003.^[11]

Petitioners filed this petition for review on *certiorari* under Rule 45 of the Rules of Court praying that the decision of the Court of Appeals be set aside and that the decision of the trial court, approving petitioners' application for registration of the Subject Property, be reinstated.^[12]

In the original application filed by petitioners before the trial court, they claim that they are entitled to confirmation and registration of their title to the Subject Property in accordance with Section 14 of the Property Registration Decree, although they had not identified under which specific paragraph of the said Section.^[13]

Section 14 of the Property Registration Decree reads –

SEC. 14. *Who may apply.* – The following persons may file in the proper Court of First Instance an application for registration of title to land, whether personally or through their duly authorized representatives:

(1) Those who by themselves or through their predecessors-in-interest have been in open, continuous, exclusive and notorious possession and occupation of alienable and disposable lands of the public domain under a bona fide claim of ownership since June 12, 1945, or earlier.

(2) Those who have acquired ownership of private lands by prescription under the provisions of existing laws.

(3) Those who have acquired ownership of private lands or abandoned river beds by right of accession or accretion under the existing laws.

(4) Those who have acquired ownership of land in any other manner provided for by law.

By the allegation of petitioners in their application of actual, continuous, uninterrupted, open, public, and adverse possession of the Subject Property in the concept of owner, by themselves and through their predecessors-in-interest, for a given period of time, it can be logically presumed that their claim to the right to register the Subject Property was based on Section 14, paragraph (1) of the Property Registration Decree.

However, subsequent pleadings filed by both petitioners and respondent Republic before the Court of Appeals and this Court, discuss mainly the Public Land Act, thus, establishing that the application for registration filed by petitioners before the trial court is essentially an application for judicial confirmation of their imperfect or incomplete title over the Subject Property, governed by Sections 47 to 57 of the Public Land Act.

Proceedings under the Property Registration Decree and the Public Land Act are the same in that both are against the whole world, both take the nature of judicial proceedings, and the decree of registration issued for both is conclusive and final. They differ mainly in that under the Property Registration Decree, there already exists a title which the court only needs to confirm. On the other hand, under the Public Land Act, there exists a presumption that the land applied for still pertains to the State, and that the occupants and possessors can only claim an interest in the land by virtue of their imperfect title or continuous, open, and notorious possession thereof. Nonetheless, in the end, the two laws arrive at the same goal, namely, a Torrens title, which aims at complete extinguishment, once and for all, of rights adverse to the record title.^[14]

In general, an applicant for judicial confirmation of an imperfect or incomplete title under the Public Land Act must be able to prove that: (1) the land is alienable public land; and (2) his open, continuous, exclusive and notorious possession and occupation of the same must either be since time immemorial or for the period prescribed in the Public Land Act.^[15]

The finding of fact of the trial court that the Subject Property is alienable public land is undisputed. What is to be determined herein is whether petitioners have complied with the period of possession and occupation required by the Public Land Act.

The provision of the Public Land Act that is particularly relevant to petitioners' application is Section 48(b). Through the years, Section 48(b) of the Public Land Act has been amended several times. The case of *Republic v. Doldo*^[16] provides a summary of these amendments, as follows–

x x x. The original Section 48(b) of C.A. No. 141 provided for possession and occupation of lands of the public domain since July 26, 1894. This was superseded by R.A. No. 1942, which provided for a simple thirty-year prescriptive period of occupation by an applicant for judicial

confirmation of imperfect title. The same, however, has already been amended by Presidential Decree No. 1073, approved on January 25, 1977. As amended, Section 48(b) now reads:

(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 or ownership, since June 12, 1945, or earlier, immediately preceding the filing of the application for confirmation of title, except when prevented by wars or *force majeure*. Those 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.

Section 48(b) of the Public Land Act, as amended by PD No. 1073, presently requires, for judicial confirmation of an imperfect or incomplete title, the possession and occupation of the piece of land by the applicants, by themselves or through their predecessors-in-interest, since 12 June 1945 or earlier. This provision is in total conformity with Section 14(1) of the Property Registration Decree heretofore cited.

In the case at bar, the Court of Appeals correctly ruled that petitioners have failed to comply with the period of possession and occupation of the Subject Property, as required by both the Property Registration Decree and the Public Land Act. In its decision, the Court of Appeals held that –

Indeed, the earliest period that the applicants could claim ownership over the property is in 1958, which is the earliest date Justina Hintog, the previous owner/occupant, declared the property for taxation purposes. This is far later than June 12, 1945, the date prescribed by law that the applicants' possession under claim of ownership should have begun at the latest.^[17]

Petitioners maintain, however, that RA No. 6940, enacted on 28 March 1990, has repealed by implication Section 48(b) of the Public Land Act, as amended by PD No. 1073, and has effectively reduced the required period of possession and occupation of the land to thirty years prior to the filing of the application for confirmation of an imperfect or incomplete title.

Petitioners' arguments are without merit. This Court has already laid down the standard for repeals by implication, as follows –

It has been the constant holding of this Court that repeals by implication are not favored and will not be so declared unless it be manifest that the legislature so intended. Such a doctrine goes as far back as *United States v. Reyes*, a 1908 decision. It is necessary then before such a repeal is deemed to exist, that it be shown that the statutes or statutory provisions deal with the same subject matter and that the latter be inconsistent with the former. There must be a showing of repugnancy clear and convincing in character. The language used in the latter statute must be such as to render it irreconcilable with what had been formerly enacted. An inconsistency that falls short of that standard does not