

FIRST DIVISION

[G.R. No. 115747, November 20, 2000]

**REPUBLIC OF THE PHILIPPINES, REPRESENTED BY THE
DIRECTOR OF LANDS AND BUREAU OF FOREST DEVELOPMENT,
PETITIONER, VS. THE HON. COURT OF APPEALS, MARIA
NATIVIDAD ALIÑO, SUBSTITUTED BY NIEVES, ELISA,
BIENVENIDO, ANTONIO, RENATO, AND LEONARDO, ALL
SURNAMED ALIÑO-BUHAY, RESPONDENTS.**

[G.R. No. 116658]

**BENIGNO G. OLLERES AND HEIRS OF ESTANISLAO TEMENIA,
PETITIONERS, VS. COURT OF APPEALS AND HEIRS OF
NATIVIDAD ALIÑO, SUBSTITUTED BY NIEVES, ELISA,
BIENVENIDO, ANTONIO, RENATO AND LEONARDO, ALL
SURNAMED ALIÑO-BUHAY, RESPONDENTS.**

D E C I S I O N

PARDO, J.:

These are separate appeals of the parties *via* certiorari seeking to reverse the decision of the Court of Appeals granting the application for confirmation and registration of title of Natividad Aliño, substituted by her heirs, to five (5) parcels of land, with an area of 377,216 square meters, situated at Mamburao, Occidental Mindoro.^[1]

We state the facts, taken from the findings of the Court of Appeals, as follows:

"On December 16, 1976, Maria Natividad Aliño filed L. R. C. No. N-72 seeking the registration of five parcels of land containing an aggregate area of 37,7216 hectares under the Land Registration Act and/or Section 48(b), Chapter VIII of Act 141 as amended in lieu of a previous application docketed as L.R.C. Case No. N-67 which was ordered amended by the Court.

"In her application Maria Natividad Aliño claims that she is the owner in fee simple of the parcels of land situated at Sitio Tagun, Barrio of Taguan, Municipality of Mamburao, Province of Occidental Mindoro, more particularly described as follows:

"a. Lot 1 (Psu-04-005173) with an area of 39,570 square meters, bounded as follows:

South West - by the property of Emerenciana S. Lumanlan (Psu-140310,

Lot 1 (Portion); 759 Instruccion, Samp., Mla.

North - by Creek and by Lot 2

South East - by the property of Emerenciana S. Lumanlan (Lot 619, Pls-21)

South - by the property of Emerenciana S. Lumanlan (Lot 617, Pls-21) both of Mamburao Public Land Subdivision (Port, Lot 1, Psu-140310)

"b. Lot 2 (Psu-04-005173) with an area of 150,212 square meters, bounded as follows:

North West - by portion of Lot 2, Psu-140310 Maria Natividad Alino

North East - by the property of Maria Natividad Alino

South East - by property of Emerenciana S. Lumanlan, Lot 619, Pls-21 of 759 Instruccion, Mla.

South - by Creek and on the other side by Lot 1

"c. Psu-4A-000233, with an area of 54.521 square meters bounded as follows:

South - by Lot 619, Pls-21, property of Emerenciana S. Lumanlan (Psu-140310) 759 Instruccion, Mla.

West - by Lot 2, Psu-04-005173, property of Maria Natividad Alino

North - by Psu-4A-000331, property of Maria Natividad Alino

East - by Taguan Creek

"d. Psu-4A-000232, with an area of 61,669 square meters bounded as follows:

West - by the property of Maria Natividad Alino

North and East - by Taguan Creek

South - by the property of Maria Natividad Alino (Psu-4A-000231)

"e. Psu-4A-000231, with an area of 71,244 square meters bounded as follows:

West - by Lot 2, Psu-04-005153 property of Maria Natividad Alino

North - by Psu-4A-000232 by property of Maria Natividad Alino

East - by Taguan Creek

South

- by Psu-4A-000233 property of Maria Natividad.

"Applicant Maria Natividad Aliño further asserts that the aforesaid parcels of land are covered by Tax Declaration No. 262; that, applicant being the only surviving daughter of Patricio Aliño obtained her title over the said parcels of land by way of inheritance from her father; that, applicant has exclusive possession of said parcels of land and, together with her predecessor-in-interest, her possession is peaceful, continuous, public and adverse to the whole world and in the concept of an owner since time immemorial, i.e. even prior to 1890; that they have used the said parcels of land for residential and agricultural purposes up to the present time.)p. 3 Records)

"Maria Natividad Aliño's application was opposed by Attorney Amando Y. Azul, Honofre Cobarrubias, Estanislao Temenia, Benigno Olleres, the Bureau of Forest Development and the Republic of the Philippines.

"Oppositor Amando Y. Azul, a resident of Mamburao, Occidental Mindoro claims that he is the actual occupant of a parcel of land containing an area of eight (8) hectares more or less which is included in the application for title under LRC No. N-72; that, he acquired the said parcel of land from a certain Estanislao Temenia, who was the previous occupant for more than thirty (30) years; that, he has caused the survey of the land which was recorded as Psu-230336, which is pending approval before the Bureau of Lands; that, he has commenced occupying the said land since 1963, continuously up to the present without having been molested, disturbed or questioned by anyone, including registration applicant; and, that applicant Maria Natividad Aliño has never set foot in the area covered by his opposition nor introduced a single improvement therein. Attorney Amando Y. Azul, therefore, prays that the application for registration be denied so far as it includes the eight (8) hectares he has actually occupied and improved. (pp. 49-50, Records)

"Oppositor Honofre Cobarrubias, for his part avers that the application for registration includes a parcel of land with an area of six (6) hectares more or less situated at sitio Ligang, barrio of San Luis, Mamburao, Occidental Mindoro, which parcel of land he has actually occupied and improved without having been molested, disturbed or questioned by anyone, including the registration applicant, since 1958 when he purchased said land from Mr. Estanislao Temenia; that, at the time of the sale in his favor the said land has been fully cultivated to upland riceland by the vendor whose occupation has been open, peaceful, adverse and in the concept of an owner since the last thirty years; and, that applicant Maria Natividad Aliño has never set foot in the area covered by his opposition nor introduced a single improvement therein. Honofre Cobarrubias, therefore, prays that the registration application be dismissed in so far as it affects the area of six (6) hectares which he owns. (pp. 51-52, Records)

"Oppositor Benigno Olleres contends that he is a resident of Mamburao, Occidental Mindoro and that he is the actual physical possessor of a

parcel of agricultural land situated in Sitio Taguan, Barrio San Luis, Mamburao, Occidental Mindoro embraced under the plans submitted by the applicant, with an area of more or less 17,7759 hectares declared for taxation purposes under Tax Declaration No. 1547 in his name; that, he has possessed the said property openly, publicly, continuously and adversely against the whole world and under a bona fide claim of acquisition of ownership by himself and his predecessor-in-interest for more than thirty (30) years immediately preceding the filing of the instant application without having been disturbed by anybody much less the applicant, except only sometime June of 1977 when a certain Conrado Alvarez, alleged caretaker of the applicant tried to gain a foothold on his property, resulting in his filing of a Forcible Entry case against said Conrado Alvarez, which case is still pending trial in the lower court of Mamburao, Occidental Mindoro; that, when he first entered the land it was forested and cogonal and thereafter, he has uprooted the trees thereon, planted fruit trees and has converted a portion of the same to an irrigated field; that, he has been religiously paying the taxes due the government for the land subject of his opposition. Benigno Olleres, thus, prays that the application be dismissed and the land subject of his opposition be decreed in his favor. (pp. 83-84, Records)

"Oppositor Estanislao Temenia, a resident of Baranggay 7, Mamburao, Occidental Mindoro alleges that he is the actual and physical possessor of a parcel of agricultural land situated at Sitio Taguan, Barrio San Luis, Mamburao, Occidental Mindoro, with an area of 154,460 square meter; that, he inherited the said parcel of land from his parents and that he and his predecessors-in-interest have been in open, continuous, exclusive and notorious possession and occupation thereof since the time immemorial under a bonafide claim of acquisition of ownership without being disturbed by anybody; that, he has declared the said parcel of land for taxation purposes under Tax Declaration No. 2411; that, the said land was still a primeval virgin land when he and his predecessors-in-interest first set foot on it, which thereafter they converted into a rich agricultural land; that, the aforesaid parcel of land is included in the land sought to be registered by herein applicant under plans Psu-04-005173, Psu-4A-000231, Psu-4A-000232, Psu-04-000233; that, Maria Natividad Aliño has never taken possession of the land which are objects of her application whether actual or constructive and therefore, not entitled to a registerable right over the same. Estanislao Temenia therefore prays that the application for registration with regard to the parcels of land subject of his opposition be denied and that he be declared the lawful possessor thereof. (pp. 116-117, Records)

"As for the Bureau of Forestry, its Opposition is hinged on the following:

"2. That neither the applicant nor her predecessors-in-interest possess sufficient title to acquire ownership in fee simple of the land or lots applied for, the same not having been acquired by any of the various types of title issued by the Spanish Government, such as (1) 'titulo real', or royal grant, (2) the 'concession especial' or special grant, (3) that 'compcession con el estado titulo' or adjustment title, (4) the 'titulo de

compra', or title by purchase, and (5) the 'information posesoria' or possessory information under Royal Decree of February 13, 1984, or any other recognized mode of acquisition of titles over property.

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"4. That, consequently, the applicant may not avail of the provisions of Section 48 of the Public Land Act, as amended, for failure to fulfill the requisites prescribed therein;

"5. That, the aforementioned properties are a portion of the public domain belonging to the Republic of the Philippines, not subject to private appropriation.

"They therefore pray that the application for registration with regard to the lands subject of their opposition be denied and that the same be declared part of the public domain belonging to the Republic of the Philippines. (pp. 112-113, Records)

"Finally, for its part the Republic of the Philippines, opposes Maria Natividad Aliños application on the following grounds:

"1. That neither the applicant/s nor his/her/their predecessors-in-interest have been in open, continuous, exclusive and notorious possession and occupation of the land in question since June 12, 1945 or prior thereto (Sec. 48 (b), C.A. 141, as amended by P. D. 1073);

"2. That the muniment/s of title and/or the tax declaration/s and tax payment/s receipt/s of applicant/s if any, attached to or alleged in the application, do/es not constitute competent and sufficient evidence of a bona fide acquisition of the lands applied for, or of his/her/their open, continuous, exclusive and notorious possession and occupation thereof, in the concept of owner, since June 12, 1945, or prior thereto. Said muniment/s of title do/es not appear to be genuine and the tax declaration/s and/or tax payment receipts indicate the pretended possession of applicant/s to be of recent vintage;

"3. That the claim of ownership in fee simple on the basis of Spanish Title or grant can no longer be availed of by the applicant/s who have failed to file an appropriate application for registration within the period of six (6) months from February 16, 1976 as required by Presidential Decree No. 892. From the records, it appears that the instant application was filed on December 16, 1976.

"5. That the parcel/s applied for is/are portions of the public