

SPECIAL SIXTEENTH DIVISION

[CA-G.R. CV No. 99277, March 06, 2015]

IN THE MATTER OF APPLICATION FOR ORIGINAL REGISTRATION OF LAND TITLE,

**LOCAL GOVERNMENT UNIT OF TAGUDIN, ILOCOS SUR, HERETO
REPRESENTED BY HON. ROQUE S. VERZOSA, JR., MUNICIPAL
MAYOR, PETITIONER-APPELLEE, VS. REPUBLIC OF THE
PHILIPPINES, OPPOSITOR-APPELLANT.**

D E C I S I O N

BRUSELAS, JR. J.:

This is an appeal from the *Decision*^[1] that granted the application for original registration of title filed by herein appellee, Local Government Unit of Tagudin, Ilocos Sur.

The dispositive portion of the assailed decision reads:

"WHEREFORE, considering the foregoing facts and evidences presented showing that the land is not a part of the inalienable public land and being a private land previously owned by the DECS and considering the reports of the Administrator of the Land Registration Authority (LRA), the Director of Lands and the petitioner, having established the fact of exclusive ownership of the land subject of this petition, this Court finds that the applicant has sufficient title for the registration of Cadastral Lot No. 19077, Cad 885, Tagudin Cadastre, hence this petition is hereby GRANTED. Ownership of the land, together with the improvements thereon subject of this petition is hereby decreed in favor of petitioner-applicant. The confirmation and registration of title to and in the name of the petitioner-applicant is hereby ordered upon the finality of this Decision.

The Register of Deeds of Ilocos Sur is hereby directed to issue a Certificate of Title over the above-described parcel of land in the name of petitioner Local Government Unit, Municipality of Tagudin, Ilocos Sur.

SO ORDERED."^[2]

Subject of the controversy is Cadastral Lot No. 19077 Cad 885 (Lot No. 19077), Tagudin Cadastre with an area of Nine Thousand Eight Hundred Twenty (9,820) square meters, more or less, located at Del Pilar, Tagudin, Ilocos Sur and covered by Tax Declaration No. 33-0002-00754^[3] issued in the name of the appellee. Lot No. 19077 is a consolidation of Lot No. 17994, with an area of 8,649 square meters, more or less, and Lot No. 17995, with an area of 1,171 square meters, more or less.

On 25 September 2009, the appellee filed with the Regional Trial Court (RTC) of Tagudin, Ilocos Sur an application⁴ for original registration of title over Lot No. 19077. The application alleged that Lot No. 17995 was owned by the appellee while Lot No. 1799^[4] was acquired by the appellee from the then Department of Education (DepEd), now Department of Education Culture and Sports (DECS), by virtue of a Deed of Exchange of Real Property^[5] executed on 13 February 2006.

The appellee presented its Municipal Mayor Roque S. Verzosa, Jr. to support its application. Mayor Verzosa testified that the property subject of the application is owned by the appellee and it is an alienable or disposable public land. He mentioned that the application was filed because the appellee needed a certificate of title for the approval of its loan with the Land Bank of the Philippines.

To comply with the jurisdictional requirements, the appellee submitted, *inter alia*, the following documents: (1) Notice of Hearing,^[6] Certificates of Posting^[7] and Certificates of Publication;^[8] (2) Technical Description;^[9] (3) Verified Investigation and Verification;^[10] and (4) Consolidation-Subdivision Plan^[11] which contained a certification^[12] that partly reads as follows:

“THIS IS TO CERTIFY that the parcel of land identified as lot 2, CCS- 01-003583 identical to lot 19077m CAD 885, Tagudin Cadastre located at Barangay del Pilar, Tagudin, Ilocos Sur claimed and surveyed for the Municipality of Tagudin, Ilocos Sur as shown in the approved plan appearing at the back hereof prepared by duly licensed Geodetic Engineer Francisco Q. Licudine was found within Alienable or Disposable land per L.C. Map No. 3132, Project No. 32, Tagudin, Ilocos Sur certified as such on March 29, 1983.”^[13]

The appellee also submitted tax declarations^[14] and the Deed of Exchange of Property^[15] to support the application.

No opposition was filed on the part of the Republic of the Philippines, herein appellant.

On 21 September 2011, the RTC granted the appellee's application. Based on the evidence presented by the appellee, the RTC was convinced that the appellee and its predecessor-in-interest had been in open, continuous, adverse, public, and peaceful possession of the land it sought to register which was not part of the inalienable public land.

The appellant, through the Office of the Solicitor General, appealed the decision of the RTC. On the other hand, the period to file an appellee's brief lapsed but no such pleading had been filed. Thus, the appeal was submitted for decision sans the appellee's brief.

In its appeal, the appellant contends that the appellee failed to conclusively prove a registrable title over Lot No. 19077 because it failed to adduce sufficient evidence to prove that Lot No. 19077 had already been classified as part of the alienable and disposable land of the public domain, which evidence was underscored in **Republic**

v. T.A.N. Properties, Inc.^[16] It argues that the certification at the back of the Consolidation-Subdivision Plan is not sufficient to controvert the presumption that the property is inalienable considering that said subdivision plan was never offered to prove the classification of Lot No. 19077 and that the CENR Officer, Benjamin S. Abucay, who approved said certification, was not presented in court to testify on its contents. Furthermore, the appellant maintains that there is no proof that the appellee had satisfied the required occupation and possession under a *bona fide* claim of ownership since June 12, 1945 or earlier. It avers that the personal knowledge of Mayor Verzosa about the DECS' open, continuous, adverse, public, and peaceful possession of the subject land in the concept of owner does not suffice because it can hardly constitute as "well-nigh incontrovertible" and "conclusive" evidence required in land registration.

We find merit in the instant appeal.

Commonwealth Act (C.A.) No. 141, otherwise known as the "Public Land Act" governs the classification and disposition of lands of the public domain. Section 11 thereof provides that one of the modes of disposing public lands that are suitable for agricultural purposes is by "confirmation of imperfect or incomplete titles." Section 48 thereof enumerates those who are considered to have acquired an imperfect or incomplete title over public lands and, therefore entitled to confirmation and registration under the Land Registration Act.

Presidential Decree (P.D.) No. 1529, also known as the "Property Registration Decree," which was approved on 11 June 1978, is a codification of all the laws relative to the registration of property. In relation to C.A. No. 141, Section 14 of P.D. No. 1529 specifies those who are qualified to register their incomplete title over an alienable and disposable public land under the Torrens System, to wit:

"Section. 14. Who may apply. - The following persons may file in the proper Court of First Instance (now Regional Trial Court) 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.**" (emphasis ours)

2. Those who have acquired ownership of private lands by prescription under the provision 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 by law."

Section 14(1) covers "alienable and disposable lands" while Section 14(2) covers "private property."^[17] Thus, for one's possession and occupation of an alienable and disposable public land to give rise to an imperfect title, the same should have

commenced on 12 June 1945 or earlier. This duration of possession and occupation is similar to Section 48 (b)^[18] of C.A. No. 141, as amended by Presidential Decree (P.D.) No. 1073 on 25 January 1977. On the other hand, for one to claim that his possession and occupation of private property has ripened to imperfect title, the same should have been for the prescriptive period provided under the Civil Code.

We must note that the application below did not specify the particular provision of law under which the appellee anchored its application for registration of title. The appellee's application could unlikely be based on Section 14(1) because it did not claim to have possessed, by itself or its predecessor-in-interest, the subject land since 12 June 1945 or earlier. Even if we are to assume that the appellee's application is founded on Section 14(1) because of the allegation that it had been in possession of the subject land since time immemorial, still the RTC erred in granting the application.

Under Section 14(1) of P.D. No. 1529, applicants for registration of title must sufficiently establish: *first*, that the subject land forms part of the disposable and alienable lands of the public domain; *second*, that the applicant and his predecessors-in-interest have been in open, continuous, exclusive, and notorious possession and occupation of the same; and *third*, that it is under a bona fide claim of ownership since June 12, 1945, or earlier.^[19] In this case, these requirements were not satisfied.

For one, there is no competent evidence that Lot No. 19077 is an alienable and disposable land of the public domain. While in the dispositive portion of the assailed decision the RTC concluded that the subject land was not part of the inalienable public land, it, however, failed to discuss the basis of such ruling. The RTC simply mentioned that the appellee had identified the land it sought to register and that the appellee had offered the technical description of the subject land (Exhibit Exhibit "J") as well as the blue print copy of the Consolidation-Subdivision Plan (Exhibit "I") with the following certification (Exhibit "I-1") approved by CENR Officer Benjamin S. Abucay:

"THIS IS TO CERTIFY that the parcel of land identified as lot 2, CCS-01-003583 identical to lot 19077, CAD 885 Tagudin Cadastre located at Barangay del Pilar, Tagudin, Ilocos Sur claimed and surveyed for the Municipality of Tagudin, Ilocos Sur as shown in the approved plan appearing at the back hereof prepared by licensed Geodetic Engineer Francisco Q. Licudine was found within Alienable or Disposable land per L.C. Map No. 3132, Project No. 32, Tagudin, Ilocos Sur certified as subh on March 29, 1983."

Said exhibits, however, are not sufficient.

First, these documents were not formally offered to prove that Lot No. 19077 forms part of the alienable and disposable lands of the public domain. They were only offered and admitted to prove compliance with the jurisdictional requirements.^[20]

Second, the veracity of the facts stated in Exhibit "I-1" was not confirmed because the CENRO officer was not presented in court. Worst, Mayor Verzosa, the sole witness of the appellee, did not even identify said certification during trial.