

THIRTEENTH DIVISION

[CA-G.R. CV NO. 99085, May 29, 2014]

**THEA C. MANGABAT, REPRESENTED BY ERLINDA M. CRUZ,
APPLICANT-APPELLEE, VS. REPUBLIC OF THE PHILIPPINES,
OPPOSITOR-APPELLANT.**

DECISION

DIMAAMPAO, J.:

To serve the ends of social justice, which is the heart of the 1987 Constitution, the State promotes an equitable distribution of alienable agricultural lands of the public domain to deserving citizens, especially the underprivileged.^[1] To this end, it is the policy of the State to encourage and promote the distribution of alienable public lands to spur economic growth and remain true to the ideals of social justice. Thence, strict application of the law would indeed stifle and repress the State's policy.^[2]

This doctrinal *principium* finds application in the case at bench.

At the vortex of this *Appeal* is the *Order*^[3] dated 28 December 2010 of the Regional Trial Court (RTC) of Pasig City, Branch 266, in LRC No. 11585-TG re: *Application for Registration of Original Title*. The court *a quo* disposed, as follows:

"WHEREFORE, the application of Thea C. Mangabat (represented by Erlinda Cruz), Filipino, of legal age, and residing at 602 Rebecca Avenue SE Auburn, MA 98092, United States, over the Lot in question containing an area of One Thousand Seventy Six Square Meters (1,076 sq.m.) as shown by plan Csd-00-001607... and its corresponding Technical Descriptions, situated in Barangay Wawa, City of Taguig, Metro Manila, Island of Luzon, is hereby GRANTED.

Upon the finality of the judgment, let the proper Decree of Registration and Certificate of Title be issued to the applicant pursuant to Section 39 of P.D. 1529

Let two (2) copies of this Order be furnished the Land Registration Authority Administrator Eulalio C. Diaz III, thru the Chief of the Docket Division of said Office, East Avenue, Quezon City.

SO ORDERED."^[4]

The factual milieu material to the disposition of the controversy unfurl as follows:

Applicant-appellee Thea Mangabat^[5] (appellee), represented by Erlinda Cruz, lodged an application for original registration of title over a parcel of land described as Lot 575-C with an area of 1,076 square meters located in *Brgy. Wawa, Taguig*

City, and covered by Tax Declaration No. FL 009-01639.^[6] The realty in dispute is a portion of the land originally owned by Rufino Mamonong (Rufino) who had four children, namely: Leodivina, Florencio, Tomas and Pascual, all surnamed Mamonong.^[7] After the death of Rufino, his heirs subdivided his property and accordingly Lot 575-C was adjudicated to Leodivina who had two children, herein appellee and Sulficio Concepcion (Sulficio). Thereafter, the heirs of Sulficio waived their rights and interests over Lot 575-C in favor of appellee.^[8] Ensuingly, appellee adjudicated to herself the whole Lot 575-C pursuant to an *Affidavit of Self-Adjudication of the Estate of the Late Leodivina Mamonong*.^[9] In her application, appellee averred, inter alia, that she and her predecessors-in-interest had declared the subject lot for taxation purposes. They have been in open, continuous, exclusive and notorious possession and occupation thereof in the concept of an owner since 12 July 1945. There was neither a mortgage nor encumbrance of any kind whatsoever affecting the said parcel of land nor did any other person have an interest therein, legal or equitable, or was in possession thereof. The subject land is alienable and disposable land.^[10]

On the scheduled initial hearing, appellee adduced pieces of documentary evidence apropos the jurisdictional requirements of notices, posting and publication.^[11] In the same vein, appellee offered in evidence tax declarations, the technical description, affidavits of self-adjudication and waiver of hereditary rights, and certifications from the Department of Environment and Natural Resources (DENR) and the Laguna Lake Development Authority. Witness Erlinda Cruz (Cruz) attested to these documentary evidence and testified on appellee's alleged continuous, open, and exclusive possession of the factious property.

In due course, the court *a quo* rendered the impugned Decision finding appellee to have the registrable title over the subject property.

Oppositor-appellant, the Republic of the Philippines, through the Office of the Solicitor General (appellant), moved for reconsideration thereof, but the court *a quo* paid no heed to its *Motion* in the Order dated 21 September 2011.^[12]

Unflustered, appellant interposed the present *Appeal* postulating—

I

THE TRIAL COURT ERRED IN GRANTING THE APPLICATION FOR REGISTRATION OF TITLE OF THE SUBJECT LOT DESPITE THE FAILURE OF APPLICANT-APPELLEE TO PROVE SPECIFIC FACTS SHOWING THE NATURE AND DURATION OF HER POSSESSION AND THAT OF HER PREDECESSORS-IN-INTEREST.

II

THE REQUIREMENTS FOR ORIGINAL REGISTRATION OF TITLE UNDER THE PROPERTY REGISTRATION DECREE, IN RELATION TO THE PUBLIC LAND ACT, WERE NOT COMPLIED WITH.

The Appeal lacks merit.

Appellant asseverates that appellee failed to comply with the requirements set forth by law.

Appellant's asseveration does not hold sway.

Section 14(1) of P.D. No. 1529^[13] ordains:

"Sec. 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 supplied)

Corollarily, Section 48(b) of Commonwealth Act (C.A.) No. 141,^[14] amended by Section 4 of P.D. No. 1073,^[15] reads:

"Section 4. The provisions of Section 48(b) and Section 48(c), Chapter VIII of the Public Land Act are hereby amended in the sense that these provisions shall apply only to alienable and disposable lands of the public domain which have been in open, continuous, exclusive and notorious possession and occupation by the applicant himself or thru his predecessors-in-interest, under a *bona fide* claim of acquisition of ownership, **since June 12, 1945**. (Emphasis supplied)

As plain as a pikestaff, the aforesaid laws both require that the continuous, open, exclusive and notorious possession and occupation of a parcel of land by the applicants, by themselves or through their predecessors-in-interest, must commence on **12 June 1945 or earlier**.

An applicant in a land registration case cannot just harp on mere conclusions of law to embellish the application but must impress thereto the facts and circumstances evidencing the alleged ownership and possession of the land.^[16] Along this grain, it is settled that a person who seeks confirmation of imperfect or incomplete title to a piece of land on the basis of possession by himself and his predecessors-in-interest shoulders the burden of proving by clear and convincing evidence compliance with the requirements of Section 48(b) of CA No. 141, as amended.^[17]

Case law teaches us that the determination of whether claimants were in open, continuous, exclusive and notorious possession under a *bona fide* claim of ownership since 1945 as required by law, is a question of fact.^[18] Here, We find no cogent reason to deviate from the conclusion of the court *a quo* that appellee has the registrable right owing to her and her predecessors-in-interest's continuous possession of the subject parcel of land. The foundation of such conclusion is primarily factual. Findings of fact of the trial court are conclusive when supported by substantial evidence on record.^[19]

Contrary to appellant's thesis, appellee was able to prove by convincing evidence the required number of years of continuous, open, exclusive and notorious possession over the realty. Appellee's predecessor-in-interest, Rufino Mamonong, occupied and cultivated the subject land as early as 1916. Subsequently, he