

## **SIXTEENTH DIVISION**

**[ CA-G.R. CV NO. 77073, August 18, 2006 ]**

**ROBERTO Y. PONCIANO, FORMERLY TERESITA GAMBOA-ESTACIO, REPRESENTED BY AMBROCIO G. YULO, APPLICANT-APPELLEE, VS. REPUBLIC OF THE PHILIPPINES, OPPOSITOR-APPELLANT.**

### **D E C I S I O N**

**LAMPAS PERALTA, J.:**

Assailed in this appeal is the Amended Decision dated June 18, 2002<sup>[1]</sup> of Branch 74, Metropolitan Trial Court, Taguig, Metro Manila in LRC Case No. 192 granting the application for land registration filed by applicant-appellee Roberto Y. Ponciano involving a parcel of land situated at Brgy. Napindan, Taguig, Metro Manila.

### **THE ANTECEDENTS**

On February 28, 1999, Teresita Gamboa-Estacio, the original applicant-appellee, filed with the Metropolitan Trial Court, Taguig an application for registration of title over the subject land. Pertinent allegations of the application read:

1. That applicant Teresita Gamboa-Estacio is of legal age, Filipino, widow, with residence and postal address at Freedom Boulevard, Silay City, represented herein by Mr. Ambrosio G. Yulo, x x x;
2. That applicant is the owner in fee simple of a parcel of land situated at Barangay Napindan, Taguig, Metro Manila, covered by Tax Declaration No. D-017-02026 issued by the Municipal Assessor of Taguig, Metro Manila, a copy of which is hereto attached as Annex "B";
3. That value of said parcel of land at the last assessment for taxation purposes was P23,910.00 and the corresponding realty tax for 1999 has been paid as evidenced by a certificate of non-delinquency issued by the Municipal Treasurer of Taguig, Metro Manila. A copy of the said certification is hereto attached as Annex "C";
4. That applicant acquired by inheritance the said parcel of land from her deceased husband Benjamin Estacio as evidenced by an "Affidavit of Self-Adjudication of the Estate of the Deceased Benjamin Estacio" and a Decision dated April 20, 1978 attached hereto as Annexes "D" and "D-1",

respectively;

x x x    x x x    x x x

5. That by way of tacking of possession, herein applicant and her predecessors-in-interest have been in open, actual, public, adverse, continuous and uninterrupted possession in the concept of owners of the subject parcel of land even before the war broke out in 1941 or more than fifty-seven (57) years to-date;

x x x    x x x    x x x

13. That the following documents are attached hereto and made as integral parts of this application:

Annex "A" - Special Power of Attorney  
Annex "B" - Tax Declaration No. D-017-02026  
Annex "C" - Certificate of non-delinquency  
Annex "D" - Affidavit of Self-Adjudication of Teresita Gamboa-Estacio  
Annex "D-1" - Decision dated April 20, 1978  
Annex "E" - Approved plan Csd-007607-000224-D  
Annex "F" - Approved technical descriptions  
Annex "G" - Geodetic Engineer's Certificate<sup>[2]</sup>

The Office of the Solicitor General (OSG) filed its notice of appearance on behalf of the Republic of the Philippines, as well as the deputation of the Provincial Prosecutor of Taguig, Metro Manila who was authorized to assist the OSG in the case.<sup>[3]</sup> Neither the OSG nor any private party filed an opposition to the application.

In the initial hearing on August 5, 1999, jurisdictional requirements as to publication, posting and sending of notices were presented.<sup>[4]</sup> Thereafter, applicant-appellee presented her witnesses and documentary evidence which included tax declarations, tax clearance, technical description and deed of sale, among others.<sup>[5]</sup>

In a Decision dated September 7, 2001,<sup>[6]</sup> the trial court granted the application as follows:

**WHEREFORE,** finding the allegations in the application to have been sufficiently established by the applicant's evidence, this Court hereby confirms the title of applicant Teresita Gamboa-Estacio, of legal age, Filipino, widow, with residence at Freedom Boulevard, Silay City, Negros Occidental over the subject parcel of agricultural land designated as Lot 3132-B, Mcadm-590-D, Taguig Cadastral Mapping under Conversion-Subdivision Plan Csd-007607-000224-D, situated at Barangay Napindan, Taguig, Metro Manila consisting of Two Thousand Three Hundred Ninety One (2,391) square meters and hereby order the registration thereof in her name.

After the finality of this Decision and upon payment of the corresponding taxes due on the said lot, let an order for the issuance of decree of registration be issued.

SO ORDERED.<sup>[7]</sup>

On September 27, 2001, original applicant-appellee Teresita Gamboa-Estacio filed a motion for leave of court to re-open proceedings and to substitute Roberto Ponciano for Teresita Gamboa-Estacio as applicant,<sup>[8]</sup> which the trial court granted in an Order dated October 17, 2001.<sup>[9]</sup> Applicant-appellee Roberto Ponciano thus presented additional evidence and filed his formal offer of evidence.

On June 18, 2002, the trial court rendered an Amended Decision, granting the application in favor of applicant-appellee Roberto Ponciano as follows:

**WHEREFORE**, finding the allegations in the application to have been sufficiently established by the applicant's evidence, this Court hereby confirms the title of applicant ROBERTO Y. PONCIANO, of legal age, Filipino, single, with residence at Chateau Verde, Valle Verde 1, E. Rodriguez Ave., Pasig City, Metro Manila over the subject parcel of agricultural land designated as Lot 3132-B, Mcadm-590-D, Taguig Cadastral Mapping under Conversion-Subdivision Plan Csd-007607-000224-D, situated at Barangay Napindan, Taguig, Metro Manila consisting of Two Thousand Three Hundred Ninety One (2,391) square meters and hereby order the registration thereof in her (sic) name.

After the finality of this Decision and upon payment of the corresponding taxes due on the said lot, let an order for the issuance of decree of registration be issued.

SO ORDERED.<sup>[10]</sup>

Hence, appellant Republic of the Philippines filed this appeal which is premised on the lone assignment of error that:

THE METROPOLITAN TRIAL COURT OF TAGUIG, METRO MANILA ERRED IN TAKING COGNIZANCE OF APPELLEE'S APPLICATION FOR REGISTRATION OF TITLE OVER THE SUBJECT PARCEL OF LAND DESPITE THE FACT THAT IT HAS NO JURISDICTION OVER SAID APPLICATION.<sup>[11]</sup>

### **THE ISSUE**

Whether the Metropolitan Trial Court has jurisdiction over the application for original registration of title filed by applicant-appellee.

### **THE COURT'S RULING**

At the outset, there is no denying that the jurisdictional requirements of publication, posting and sending of notices were complied with. Appellant, however, faults the Metropolitan Trial Court in assuming jurisdiction over the application and argues that