

FOURTEENTH DIVISION

[CA-G.R. CV NO. 73328, September 20, 2006]

ALEX J. CRUZ, OCTAVIA MASICLAT CO, JESUSA BELEN CRUZ CAYABYAB, AND ANTONIO P. CRUZ, HEREIN REPRESENTED BY ONE OF HIS HEIRS, IRENEO C. CRUZ, APPLICANTS- APPELLEES, VS. MARIA CRUZ VDA. DE NAEG, ELOISA Y. CRUZ-JOCSON, ILUMINADA C. GURION-LAZATIN, DEOGRACIAS Y. CRUZ, NESTOR D. CRUZ, AND THE REPUBLIC OF THE PHILIPPINES THROUGH THE OFFICE OF THE SOLICITOR GENERAL, OPPOSITORS- APPELLANTS.

D E C I S I O N

VIDAL, M.D., J.:

Before Us is an *Appeal*¹ filed by Oppositors- Appellants MARIA CRUZ VDA. DE NAEG, ELOISA Y. CRUZ-JOCSON, ILUMINADA C. GURION-LAZATIN, DEOGRACIAS Y. CRUZ and NESTOR D. CRUZ (hereinafter Appellants) and the Republic of the Philippines, through the Office of the Solicitor General (OSG), assailing the Decision² dated 12 September 2001 of the Regional Trial Court, Third Judicial Region, Branch 57, Angeles City in L.R.C. No. A-6 entitled *IN THE MATTER OF THE APPLICATION FOR REGISTRATION OF LAND TITLE, ALEXANDER J. CRUZ, OCTAVIA MASICLAT CO, JESUSA BELEN CRUZ CAYABYAB, and ANTONIO P. CRUZ, herein represented by one of his heirs, IRENEO C. CRUZ for Application for Registration of Land Title*. The *fallo* of the Decision reads:

WHEREFORE, in view of the foregoing, judgment is hereby rendered in favor of the applicants, declaring them to be the owners in fee simple of Lot No. 290 by operation of law.

The Land Registration Authority is hereby ordered to register and confirm title of Lot No. 290, Cad. 94 of the cadastral survey of Angeles, situated in the Barrio of Sto. Rosario, Angeles, Pampanga, now Angeles City, in the name of applicants Alexander J. Cruz, Octavia Masiclat Co, Jesusa Belen Cruz Cayabyab, and Antonio P. Cruz, represented by Ireneo C. Cruz, after compliance/submission of required documents and payment of the required fees thereon.

Let copies of this Decision be furnished the Land Registration Authority, Diliman, Quezon City, CENRO, Region III, Angeles City, Office of the Solicitor General, Makati City, Bureau of Lands, Paredes Street, Binondo, Manila, Bureau of Printing or National Printing Office, Edsa, Quezon City, Land Management Bureau, Angeles City, [a]nd Manila Office, the applicants, oppositors and their counsel for their information and guidance.

THE FACTS

In their Application for Registration of Land Title⁴, Applicants- Appellees ALEXANDER J. CRUZ, OCTAVIA MASICLAT CO, JESUSA BELEN CRUZ CAYABYAB and ANTONIO P. CRUZ, the latter being represented by one of his heirs IRENEO C. CRUZ (hereinafter Appellees) asserted their ownership in fee simple and/or by operation of law over Lot 290, Cad. 94, Angeles Cadastre, located in Barangay Sto. Rosario, Angeles City, Pampanga, alleging that they have been in continuous, open, notorious and adverse possession of the said land for more than thirty (30) years.

On 2 August 1999, after having found that the application was sufficient in form and substance, the court *a quo* issued an Order⁵ setting the case for initial hearing and ordering that notices be prepared in the Official Gazette and in a newspaper of general circulation pursuant to the Property Registration Decree or PD 1529.

On 27 August 1999, the Republic of the Philippines, through the Director of Lands as represented by the Office of the Solicitor General, filed an Opposition⁶ to the aforesaid application based on the following grounds: (a) neither the Appellees nor their predecessors-in-interest have been in open, continuous, exclusive and notorious possession and occupation of the subject land since 12 June 1945 or prior thereto; (b) the muniments of title attached to the application did not constitute competent and sufficient evidence of a bona-fide acquisition of the land applied for; (c) the claim of ownership in fee simple on the basis of Spanish title or grant could no longer be availed of by the Appellees who failed to file an appropriate application for registration within the period of six (6) months from 16 February 1976 as required by Presidential Decree No. 892; and (d) the land applied for is a portion of the public domain belonging to the Republic of the Philippines and is not subject to private appropriation.

On 6 December 1999, the Appellants likewise filed an Opposition⁷ to the application disputing Appellees' claim of ownership over the land in question, raising the concept of co-ownership among them. Appellants explained that FELIXBERTO DAVID CRUZ (FELIXBERTO for brevity), the father of both the Appellant MARIA CRUZ vda. de NAEG and Appellee JESUS BELEN CRUZ-CAYABYAB, was one of the previous owners of the subject land. On the other hand, Appellees ELOISA Y. CRUZ-JOCSON, ILUMINADA CRUZ GURION-LAZATIN, NESTOR CRUZ, Jr., and DEOGRACIAS CRUZ are grandchildren of FELIXBERTO.

A Motion to Dismiss⁸ the abovementioned application was subsequently filed by the Appellants on the ground of *res judicata*, i.e., Lot 290 had already been adjudicated to the following persons through a cadastral proceedings: EUGENIO de la CRUZ; MARCELA, ANUNCIACION, ANACLETA, JUAN and PAULINA MANARANG; SIMONA, ELEUTERIA, MARIA, JOSE, ARSENIO, ROMANA and FELIX de la CRUZ; FELICIDAD and MARIANO de la CRUZ; JULITA, FRANCISCA and FLORENTINO GALANG; CESARIO and MACARIO PANGILINAN; and SIMON, TRANQUILINA, BUENAVETURA and HILARIO de la CRUZ. Appellants attached thereto the Decision⁹ dated 11 December 1917 of the Court of First Instance of Pampanga under Cadastral Case No. 1 of Angeles docketed as G.L.R.O.R. No. 124.

On 8 June 2000, the court *a quo* denied the aforementioned Motion to Dismiss.

Thereafter, trial ensued. The parties presented their respective testimonial and documentary pieces of evidence.

On 12 September 2001, the court *a quo* rendered the challenged Decision granting the Appellees' application for registration of title.

Hence, the instant appeal.

THE ISSUES

The Office of the Solicitor General (OSG) interposed the sole assignment of error, to wit:

THE TRIAL COURT ERRED IN FINDING THAT APPELLEES WERE ABLE TO ESTABLISH THEIR CLAIM OF CONTINUOUS POSSESSION REQUIRED UNDER P.D. 1529.¹⁰

On their part, Appellants raise the following issues to be resolved by this Court:

- 1. Whether or not the present Application for Registration of Land Title is sufficient in form and substance and supported by evidence[;]**
- 2. Whether or not the applicants/Appellees, in filing the present application, are barred by the Decision, dated December 11, 1917, rendered by the then Court of First Instance of Pampanga, in Cadastral Case No. 1, Angeles Cadastre, G.L.R.O. Record No. 124[;]**
- 3. Whether or not said Decision, dated December 11, 1917, has become and final and executory[;]**
- 4. Whether or not the oppositors/appellants have [the] right and interest over Lot No. 290[.]¹¹**

OUR RULING

We shall first discuss the merits of the issue, *supra*, interposed by the OSG, viz: Whether or not the Appellees able to prove that the land sought to be registered is alienable public land as required by PD 1529.¹²

We rule in the negative.

Section 14 of Presidential Decree (PD) No. 1529 mandates:

SECTION 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,**