



**Republic of the Philippines
Supreme Court
Manila**

FIRST DIVISION

REPUBLIC OF THE PHILIPPINES,
Petitioner,

G.R. No. 220868

Present:

- versus -

PERLAS-BERNABE,* *J.*,
CAGUIOA, *Acting Chairperson*,
REYES, J. JR.,
LAZARO-JAVIER, *and*
LOPEZ, *JJ.*

**SPOUSES REYNALDO DELA
CRUZ and LORETTO U. DELA
CRUZ,**
Respondents.

Promulgated:

JUN 15 2020

x-----x

RESOLUTION

REYES, J. JR., *J.*:

In this Petition for Review on *Certiorari*,¹ the Republic of the Philippines (petitioner), through the Office of the Solicitor General (OSG) assails the Decision² dated September 24, 2014 and the Resolution³ dated October 5, 2015 of the Court of Appeals (CA) in CA-GR. CV No. 96427, which affirmed the ruling of the Municipal Trial Court of Los Baños, Laguna (MTC).

* Additional member in lieu of Chief Justice Diosdado M. Peralta per Raffle dated March 2, 2020.

¹ *Rollo*, pp. 26-43.

² Penned by Associate Justice Francisco P. Acosta, with Associate Justices Fernanda Lampas Peralta and Edwin D. Sorongon, concurring; *id.* at 11-18.

³ *Id.* at 19-21.

T

The Relevant Antecedents

The case stemmed from a petition for application for land registration covering Lot 7001, Cad. 450 (subject land) with an area of 404 square meters filed by the spouses Reynaldo and Loretto dela Cruz (respondents). In said petition, they claimed that the subject land formed part of the alienable and disposable land of public domain and that they have been in an open, public, notorious and continuous possession thereof for more than 34 years.⁴

To reinforce their claim, respondents presented the following witnesses:

Reynaldo dela Cruz (Reynaldo) narrated that they bought the subject land from Flordeliza Delos Reyes (Delos Reyes) through a Deed of Absolute Sale in 1981 and that tax declarations were issued, the earliest of which was in 1969 as regards the subject land. After the sale, they began occupying the same and started planting trees; and since then, they have been in possession of the same for more than 34 years.⁵

Delos Reyes corroborated the testimony of Reynaldo as to the sale of the subject land. She testified that she was in occupation of the subject land since the 1960s after she inherited the same from her parents.⁶

Rosenda Visperas, Alexandrina Arguellas, and Salvacion Torrit testified that they knew respondents as buyers of the subject land.⁷

Rodolfo Gonzales, Special Investigator of the Department of Environment and Natural Resources (DENR) Community Environment and Natural Resources Office (CENRO) of Los Baños, Laguna, maintained that the subject land is alienable and disposable portion of the Municipality and can be disposed of.⁸

Petitioner, on the other hand, did not present any evidence to rebut the evidence presented by respondents.⁹

In a Decision¹⁰ dated August 12, 2010, the MTC declared the subject land to be alienable and disposable land in view of the compliance of

⁴ Id. at 11-12.

⁵ Id. at 68.

⁶ Id.

⁷ Id. at 68-69.

⁸ Id. at 69.

⁹ Id.

¹⁰ Penned by Judge Francisco V.L. Collado, Jr.; id. at 66-70.

t

respondents with the requirements under Section 14(1) of Presidential Decree (P.D.) No. 1529 such as the testimony of the Special Investigator, CENRO Report, and their possession of the subject land in an open, continuous, exclusive, and notorious manner in the concept of an owner prior to June 12, 1945. The *fallo* thereof reads:

WHEREFORE, in view of the foregoing, the Court hereby CONFIRMS and ORDERS the registration of title over the subject parcel of land in favor of the applicants.

After this decision shall have been become final and [executory], let the corresponding Decree over Lot [7001,] Cad 450, Los [Baños] Cadastre Ap-04-006799 be issued in the names of Spouses Reynaldo Dela Cruz and Loretto U. Dela Cruz, both of legal age, Filipinos, residing at Valley Drive, Marymount Village, Brgy. Anos, Los [Baños], Laguna subject to the payment of proper fees.

Let copies of this Decision be furnished the following concerned offices: the Office of the Solicitor General (OSG), 134 Amorsolo St. Legaspi Village, Makati City; the Land Registration Authority (LRA), East Avenue, Quezon City; the Lands Management Bureau (LMB), Binondo, Manila; the Community Environment and Natural Resources Office (CENRO), Los [Baños], Laguna; the Regional Executive Director, DENR Region IV, 1515 Roxas Blvd., Ermita, Manila; the Register of Deeds, Calamba City; the applicants; and the adjoining owners.

SO ORDERED.¹¹

Petitioner filed a Motion for Reconsideration,¹² which was denied for lack of merit in an Order¹³ dated January 5, 2011.

While the MTC ruling was based on the application of Section 14(1) of P.D. No. 1529, petitioner took a different stance on its appeal. The petitioner argued that respondents' application falls under Section 14(2) of P.D. No. 1529. As such, an express government manifestation that the subject land is already patrimonial or no longer retained for public use, public service, or the development of national wealth is necessary for the prescriptive period for acquisition begin to run.¹⁴

However, respondents filed a Motion to Withdraw Case,¹⁵ averring that they opted to withdraw their application for registration for land titling considering that they have already incurred legal expenses and the long and

¹¹ Id. at 70.

¹² Id. at 71-81.

¹³ Id. at 82-83.

¹⁴ Id. at 13.

¹⁵ Id. at 84-85.

K

tedious legal process which they have to go through only to obtain a title for a small area of land.

Nevertheless, in a Decision¹⁶ dated September 24, 2014, the CA denied the appeal and affirmed *in toto* the ruling of the MTC. The CA maintained that respondents were able to establish that the subject land formed part of the disposable and alienable lands of the public domain; and that they and their predecessors-in-interest have been in open, continuous, exclusive, and notorious possession of the same under a *bona fide* claim of ownership since June 12, 1945 or earlier under Section 14(1) of P.D. No. 1529. Thus:

WHEREFORE, in view of the foregoing, the instant Appeal is DENIED. The assailed Decision of the Municipal Trial Court (MTC), Fourth Judicial Region, Los Baños, Laguna dated 12 August 2010, in LRC Case No. 08-2003 is hereby AFFIRMED *in toto*.

SO ORDERED.¹⁷

Petitioner filed this instant petition, alleging that the application for land registration filed by respondents falls under Section 14(2) of the same law in view of their averment as regards their possession of the subject land since 1969 evidenced by a tax declaration, and not since June 12, 1945 or earlier as required by Section 14(1) of P.D. No. 1529.

The Issue

Whether or not the registration of the subject land is proper.

The Court's Ruling

Application for registration of both public and private lands is governed by P.D. No. 1529, to wit:

SEC. 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, 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.

¹⁶ Supra note 2.

¹⁷ Id. at 18.

Y

(2) Those who have acquired ownership of private lands by prescription under the provision of existing laws.

In sum, Section 14(1) of P.D. No. 1529 is based on possession and occupation of the alienable and disposable land of public domain since June 12, 1945 or earlier without regard to whether the land was susceptible to private ownership at that time;¹⁸ on the other hand, Section 14(2) of P.D. No. 1529 is registration of a patrimonial property of the public domain acquired through prescription.¹⁹

To be precise, Section 14(1) of P.D. No. 1529 requires the concurrence of the following: (1) the land or property forms part of the alienable and disposable lands of the public domain; (2) the applicant and his predecessors-in-interest have been in open, continuous, exclusive, and notorious possession and occupation of the same; and (3) it is under a *bona fide* claim of ownership since June 12, 1945, or earlier.²⁰

Meanwhile, under Section 14(2) of P.D. No. 1529, the following must be established:

a) the land is an alienable and disposable, and patrimonial property of the public domain; (b) the applicant and its predecessors-in-interest have been in possession of the land for at least 10 years, in good faith and with just title, or for at least 30 years, regardless of good faith or just title; and (c) the land had already been converted to or declared as patrimonial property of the State at the beginning of the said 10- year or 30-year period of possession.²¹

In both instances, the nature of the land being alienable and disposable land of public domain must be established. This is so because the Regalian Doctrine presumes that all lands which do not clearly appear to be within private ownership belongs to the State.²²

To prove the classification of a land as alienable and disposable, a positive act of the Executive Department classifying the lands as such is necessary. For this purpose, the applicant may submit: (1) Certification from the CENRO or Provincial Environment and Natural Resources Office (PENRO); and (2) Certification from the DENR Secretary certified as a true copy by the legal custodian of the official records.²³

¹⁸ *Espiritu, Jr. v. Republic*, 811, Phil. 506, 518 (2017).

¹⁹ *See Republic v. Zurbaran Realty and Development Corporation*, 730 Phil. 263, 275 (2014).

²⁰ *Dumo v. Republic*, G.R. No. 218269, June 6, 2018, 865 SCRA 119, 147.

²¹ *Espiritu, Jr. v. Republic*, supra, at 523.

²² *Dumo v. Republic*, supra, at .

²³ *See Republic v. Naguit*, 489 Phil. 405, 415 (2005).

Y

An examination of the records reveal that the evidence offered by the respondents to show the disposability and alienability of the subject land comprises of: (1) testimony of the Special Investigator of the CENRO who testified that the subject land is indeed alienable and disposable; (2) CENRO Report dated December 31, 1925; (3) Survey Plan of the subject land; and (4) Technical Description of the subject land.

However, such pieces of evidence are not sufficient to uphold the registration of title of the subject land in their names. As discussed, it is necessary and mandatory for them to submit a Certification from the DENR Secretary, manifesting his approval for the release of the subject land as alienable and disposable. Thus, respondents failed to discharge the burden of proof.

In *Republic v. T.A.N Properties, Inc.*,²⁴ the Court was categorical in requiring the applicants to completely submit the requirements for land registration, viz.:

It is not enough for the PENRO or CENRO to certify that a land is alienable and disposable. The applicant for land registration must prove that the DENR Secretary had approved the land classification and released the land of the public domain as alienable and disposable, and that the land subject of the application for registration falls within the approved area per verification through survey by the PENRO or CENRO. In addition, the applicant for land registration must present a copy of the original classification approved by the DENR Secretary and certified as a true copy by the legal custodian of the official records. These facts must be established to prove that the land is alienable and disposable. Respondent failed to do so because the certifications presented by respondent do not, by themselves, prove that the land is alienable and disposable.²⁵

In the succeeding cases of *Espiritu, Jr. v. Republic*²⁶ and *Republic v. Bautista*,²⁷ this Court strictly applied the ruling in *T.A.N. Properties* when it held that a CENRO Certification is insufficient to overcome the presumption of State ownership. This Court further required a DENR Certification stating that the subject land was verified to be within the alienable and disposable part of public domain is indispensable.

Moreover, the burden of proof is not shifted by the mere fact that petitioner did not present countervailing evidence. The rule is explicit in that the applicant bears the burden of proving that the land is alienable and disposable.

²⁴ 578 Phil. 441 (2008).

²⁵ Id. at 452-453.

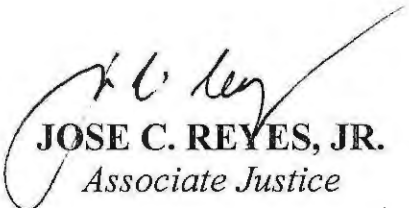
²⁶ Supra note 18.

²⁷ G.R. No. 211664, November 12, 2018.

Failure of the respondents to establish the first element for land registration warrants the denial of the petition.

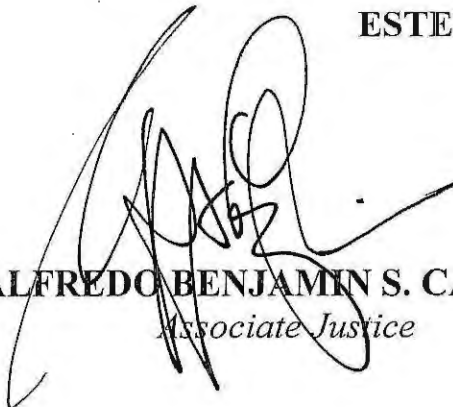
WHEREFORE, premises considered, the petition is hereby **GRANTED**. Accordingly, the Decision dated September 24, 2014 and the Resolution dated October 5, 2015 of the Court of Appeals in CA-G.R. CV No. 96427 are **REVERSED and SET ASIDE**. The application for registration of land filed by the spouses Reynaldo and Loretto dela Cruz is **DENIED**.

SO ORDERED.

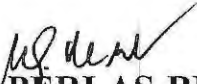


JOSE C. REYES, JR.
Associate Justice

WE CONCUR:



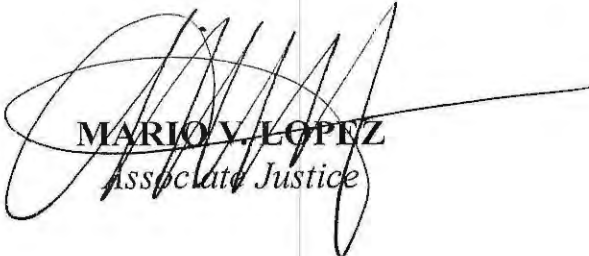
ALFREDO BENJAMIN S. CAGUIOA
Associate Justice



ESTELA M. PERLAS-BERNABE
Associate Justice



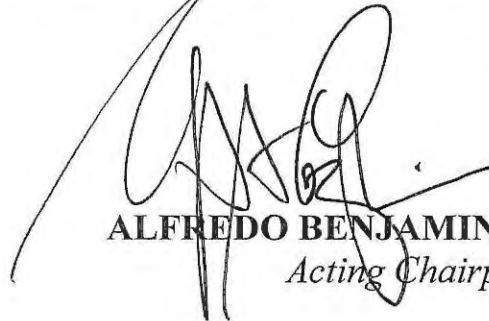
AMY C. LAZARO-JAVIER
Associate Justice



MARIO V. LOPEZ
Associate Justice

ATTESTATION

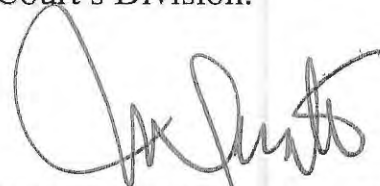
I attest that the conclusions in the above Resolution had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



ALFREDO BENJAMIN S. CAGUIOA
Acting Chairperson

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution and the Division Acting Chairperson's Attestation, I certify that the conclusions in the above Resolution had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



DIOSDADO M. PERALTA
Chief Justice