Republic of the Philippines
# Supreme Court
Manila

**SECOND DIVISION**

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| **REPUBLIC OF THE PHILIPPINES,** Petitioner, | **G.R. No. 180027** |
| | Present: |
| *-versus-* | CARPIO, *Chairperson*, BRION, PEREZ, SERENO, and REYES, *JJ.* |
| **MICHAEL C. SANTOS, VANNESSA C. SANTOS, MICHELLE C. SANTOS and DELFIN SANTOS, all represented by DELFIN C. SANTOS, Attorney-in-Fact,** Respondents. | Promulgated: JUL 18 2012 |

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## DECISION

**PEREZ, *J.*:**

For review[1] is the Decision[2] dated 9 October 2007 of the Court of Appeals in CA-G.R. CV No. 86300. In the said decision, the Court of Appeals affirmed *in toto* the 14 February 2005 ruling[3] of the Regional Trial Court (RTC), Branch 15, of Naic, Cavite in LRC Case No. NC-2002-1292. The dispositive portion of the Court of Appeals' decision accordingly reads:

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1 *Via* a Petition for Review on *Certiorari* under Rule 45 of the Rules of Court.

2 Penned by Associate Justice Jose L. Sabio, Jr. with Associate Justices Noel G. Tijam and Myrna Dimaranan Vidal, concurring. *Rollo*, pp. 21-35.

3 Penned by Judge Lerio C. Castigador. Id. at 123-129.

> **WHEREFORE**, the instant appeal is hereby **DENIED**. The assailed decision dated February 14, 2005 of the Regional Trial Court (Branch 15) in Naic, Cavite, in LRC Case No. NC-2002-1292 is **AFFIRMED *in toto***. No costs.[4]

The aforementioned ruling of the RTC granted the respondents' Application for Original Registration of a parcel of land under Presidential Decree No. 1529.

The antecedents are as follows:

*Prelude*

In October 1997, the respondents purchased three (3) parcels of unregistered land situated in *Barangay* Carasuchi, Indang, Cavite.[5] The 3 parcels of land were previously owned by one *Generosa Asuncion* (Generosa), one *Teresita Sernal* (Teresita) and by the *spouses Jimmy and Imelda Antona*, respectively.[6]

Sometime after the said purchase, the respondents caused the survey and consolidation of the parcels of land. Hence, *per* the consolidation/subdivision plan *Ccs-04-003949-D*, the 3 parcels were consolidated into a *single* lot—"**Lot 3"**—with a determined total area of nine thousand five hundred seventy-seven (9,577) square meters.[7]

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4 Id. at 34.
5 *See* Deeds of Absolute Sale. Records, pp. 181-183.
6 Id.
7 Id. at 9.

*The Application for Land Registration*

On 12 March 2002, the respondents filed with the RTC an Application[8] for Original Registration of **Lot 3**. Their application was docketed as LRC Case No. NC-2002-1292.

On the same day, the RTC issued an *Order*[9] setting the application for initial hearing and directing the satisfaction of jurisdictional requirements pursuant to Section 23 of Presidential Decree No. 1529. The same *Order*, however, also required the Department of Environment and Natural Resources (DENR) to submit a *report* on the status of **Lot 3**.[10]

On 13 March 2002, the DENR Calabarzon Office submitted its *Report*[11] to the RTC. The *Report* relates that the area covered by **Lot 3** "*falls within the Alienable and Disposable Land, Project No. 13 of Indang, Cavite per LC*[12] *3013 certified on March 15, 1982*." Later, the respondents submitted a *Certification*[13] from the DENR-Community Environment and Natural Resources Office (CENRO) attesting that, indeed, **Lot 3** was classified as an "*Alienable or Disposable Land*" as of 15 March 1982.

After fulfillment of the jurisdictional requirements, the government, through the Office of the Solicitor General, filed the *lone* opposition[14] to the respondents' application on 13 May 2003.

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8 Id. at 1-5.
9 Id. at 21.
10 Id.
11 Id. at 59.
12 Stands for "Land Classification Map."
13 Dated 30 January 2002. *Rollo*, p. 48.
14 Records, pp. 66-68.

*The Claim, Evidence and Opposition*

The respondents allege that their predecessors-in-interest *i.e.*, the previous owners of the parcels of land making up **Lot 3**, have been in "*continuous, uninterrupted, open, public [and] adverse*" possession of the said parcels "*since time immemorial.*"[15] It is by virtue of such lengthy possession, tacked with their own, that respondents now hinge their claim of title over **Lot 3**.

During trial on the merits, the respondents presented, among others, the testimonies of Generosa[16] and the representatives of their two (2) other predecessors-in-interest.[17] The said witnesses testified that they have been in possession of their respective parcels of land for over thirty (30) years *prior* to the purchase thereof by the respondents in 1997.[18] The witnesses also confirmed that neither they nor the interest they represent, have any objection to the registration of **Lot 3** in favor of the respondents.[19]

In addition, Generosa affirmed in open court a *Joint Affidavit*[20] she executed with Teresita.[21] In it, Generosa revealed that the portions of **Lot 3** previously pertaining to her and Teresita were once owned by her father, Mr. Valentin Sernal (Valentin) and that the latter had "*continuously, openly and peacefully occupied and tilled as*

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15 Id. at 3.
16 TSN, 10 February 2004, pp. 12-14-A.
17 Teresita Sernal was represented by her son, Charlie Sernal. TSN, 10 February 2004, pp.14-A-16; The Spouses Jimmy and Imelda Antona were represented by Gregorio Sernal. TSN, 10 February 2004, pp. 17-20
18 Id. at 13, 15 and 18.
19 Id. at 13-14-A, 14-B and 19.
20 Records, pp. 130-131.
21 Testimony of Generosa. TSN, 10 February 2004, p. 13.

*absolute owner*" such lands even "*before the outbreak of World War 2.*"[22]

To substantiate the above testimonies, the respondents also presented various *Tax Declarations*[23] covering certain areas of **Lot 3**—the earliest of which dates back to 1948 and covers the portions of the subject lot previously belonging to Generosa and Teresita.[24]

On the other hand, the government insists that **Lot 3** still forms part of the public domain and, hence, not subject to private acquisition and registration. The government, however, presented no further evidence to controvert the claim of the respondents.[25]

*The Decision of the RTC and the Court of Appeals*

On 14 February 2005, the RTC rendered a ruling granting the respondents' Application for Original Registration of **Lot 3**. The RTC thus decreed:

> **WHEREFORE**, in view of the foregoing, this Court confirming its previous Order of general default, decrees and adjudges Lot 3 (Lot 1755) Ccs-04-003949-D of Indang, Cadastre, with a total area of **NINE THOUSAND FIVE HUNDRED FIFTY SEVEN** (9,577) square meters and its technical description as above-described and situated in Brgy. [Carasuchi], Indang, Cavite, pursuant to the provisions of Act 496 as amended by P.D. No. 1529, it is hereby decreed and adjudged to be confirmed and registered in the name of herein applicants **MICHAEL C. SANTOS, VANESSA C. SANTOS, MICHELLE C. SANTOS**, and **DELFIN C. SANTOS**, all residing at No. 60 Rockville Subdivision, Novaliches, Quezon City.

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22 Records, p, 130.
23 Id. at 107-128.
24 Id. at 107.
25 *See* Manifestation and Comment. Id. at 191.

> Once this decision has become final, let the corresponding decree of registration be issued by the Administrator, Land Registration Authority.[26]

The government promptly appealed the ruling of the RTC to the Court of Appeals.[27] As already mentioned earlier, the Court of Appeals affirmed the RTC's decision on appeal.

Hence, this petition.[28]

The sole issue in this appeal is whether the Court of Appeals erred in affirming the RTC ruling granting original registration of **Lot 3** in favor of the respondents.

The government would have Us answer in the affirmative. It argues that the respondents have failed to offer evidence sufficient to establish its title over **Lot 3** and, therefore, were unable to rebut the *Regalian* presumption in favor of the State.[29]

The government urges this Court to consider the DENR Calabarzon Office *Report* as well as the DENR-CENRO *Certification*, both of which clearly state that **Lot 3** only became "*Alienable or Disposable Land*" on 15 March 1982.[30] The government posits that since **Lot 3** was only classified as alienable and disposable on 15 March 1982, the period of prescription against the State should also commence to run only from such date.[31] Thus, the respondents' 12 March 2002 application—filed nearly twenty (20) years after the said

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26 *Rollo*, pp. 128-129.
27 *Via* Notice of Appeal. Records, pp. 205-206.
28 *Rollo*, pp. 1-19.
29 Id. at 14.
30 Id. at 14-16.
31 Id.

classification—is still premature, as it does not meet the statutory period required in order for extraordinary prescription to set in.[32]

## OUR RULING

**We grant the petition.**

*Jura Regalia and the Property Registration Decree*

We start our analysis by applying the principle of *Jura Regalia* or the *Regalian* Doctrine.[33] *Jura Regalia* simply means that the State is the original proprietor of all lands and, as such, is the general source of all private titles.[34] Thus, pursuant to this principle, all claims of private title to land, *save those acquired from native title*,[35] must be traced from some grant, whether express or implied, from the State.[36] Absent a clear showing that land had been let into private ownership through the State's *imprimatur*, such land is presumed to belong to the State.[37]

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32 Id.

33 The principle is presently enshrined in Section 2, Article XII of the Constitution, thus:

> **Section 2. All lands of the public domain, waters, minerals, coal, petroleum, and other mineral oils, all forces of potential energy, fisheries, forests or timber, wildlife, flora and fauna, and other natural resources are owned by the State**. With the exception of agricultural lands, all other natural resources shall not be alienated. The exploration, development, and utilization of natural resources shall be under the full control and supervision of the State. The State may directly undertake such activities, or it may enter into co-production, joint venture, or production-sharing agreements with Filipino citizens, or corporations or associations at least sixty *per centum* of whose capital is owned by such citizens. Such agreements may be for a period not exceeding twenty-five years, renewable for not more than twenty-five years, and under such terms and conditions as may be provided by law. In cases of water rights for irrigation, water supply fisheries, or industrial uses other than the development of water power, beneficial use may be the measure and limit of the grant. (Emphasis supplied)

34 *Seville v. National Development Company*, 403 Phil. 843, 854-855 (2001).

35 Separate Opinion of then Associate Justice Reynato S. Puno in *Cruz v. Secretary of Environment and Natural Resources*, 400 Phil. 904, 960 (2000).

36 Agcaoili, *Property Registration Decree and Related Laws* (Land Titles and Deeds), 2006, p. 2.

37 *Republic v. Register of Deeds of Quezon*, G.R. No. 73974, 31 May 1995, 244 SCRA 537, 546; *Aranda v. Republic*, G.R. No. 172331, 24 August 2011, 656 SCRA 140, 146-147.

Being an unregistered land, **Lot 3** is therefore presumed as land belonging to the State. It is basic that those who seek the entry of such land into the Torrens system of registration must first establish that it has acquired valid title thereto as against the State, in accordance with law.

In this connection, original registration of title to land is allowed by Section 14 of Presidential Decree No. 1529, or otherwise known as the *Property Registration Decree*. The said section provides:

> **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:
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> (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**.
>
> (2) **Those who have acquired ownership of private lands by prescription under the provisions 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.
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> (4) Those who have acquired ownership of land in any other manner provided for by law. (Emphasis supplied)

Basing from the allegations of the respondents in their application for land registration and subsequent pleadings, it appears that they seek the registration of **Lot 3** under either the **first** or the **second** paragraph of the quoted section.

However, after perusing the records of this case, as well as the laws and jurisprudence relevant thereto, We find that *neither* justifies registration in favor of the respondents.

*Section 14(1) of Presidential Decree No. 1529*

Section 14(1) of Presidential Decree No. 1529 refers to the original registration of "*imperfect*" titles to public land acquired under Section 11(4) in relation to Section 48(b) of Commonwealth Act No. 141, or the *Public Land Act*, as amended.[38] Section 14(1) of Presidential Decree No. 1529 and Section 48(b) of Commonwealth Act No. 141 specify identical requirements for the judicial confirmation of "*imperfect*" titles, to wit:[39]

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[38] Section 11(4) of Commonwealth Act No. 141 authorizes the disposition of public agricultural lands via "confirmation of imperfect or incomplete titles." Section 48(b) of the same law, on the other hand, lays out the requisites for the judicial confirmation of imperfect titles, to wit:

> *Section 48.* The following described citizens of the Philippines, occupying lands of the public domain or claiming to own any such lands or an interest therein, but whose titles have not been perfected or completed, may apply to the Court of First Instance of the province where the land is located for confirmation of their claims and the issuance of a certificate of title therefor, under the Land Registration Act , to wit:
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> x x x x.
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> (b) **Those who by themselves or through their predecessors in interest have been in open, continuous, exclusive, and notorious possession and occupation of agricultural lands of the public domain, under a bona fide claim of acquisition or ownership, for at least thirty years immediately preceding the filing of the application for confirmation of title except when prevented by war or force majeure. These shall be conclusively presumed to have performed all the conditions essential to a Government grant and shall be entitled to a certificate of title under the provisions of this chapter**.
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> x x x x.
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> Presidential Decree No. 1073 further amended Section 48(b) of Commonwealth Act No. 141, by fixing the date of possession and occupation required under the latter to "**June 12, 1945 or earlier**." (Emphasis supplied)

[39] *Republic v. East Silverlane Realty Development Corporation*, G.R. No. 186961, 20 February 2012.

1. That the subject land forms part of the alienable and disposable lands of the public domain;.

2. That the applicants, by themselves or through their predecessors-in-interest, have been in open, continuous, exclusive and notorious possession and occupation of the subject land under a *bona fide* claim of ownership, and;

3. That such possession and occupation must be **since June 12, 1945** or **earlier**.

In this case, the respondents were not able to satisfy the **third** requisite, *i.e.*, that the respondents failed to establish that they or their predecessors-in-interest, have been in possession and occupation of **Lot 3** "*since June 12, 1945 or earlier*." An examination of the evidence on record reveals so:

*First*. The testimonies of respondents' predecessors-in-interest and/or their representatives were patently deficient on this point. None of them testified about possession and occupation of the subject parcels of land dating back to 12 June 1945 or earlier. Rather, the said witnesses merely related that they have been in possession of their lands "*for over thirty years*" prior to the purchase thereof by respondents in 1997.[40]

Neither can the affirmation of Generosa of the *Joint Affidavit* be considered as sufficient to prove compliance with the third requisite. The said *Joint Affidavit* merely contains a **general** claim that Valentin had "*continuously, openly and peacefully occupied and tilled as*

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[40] TSN, 10 February 2004, pp. 13, 15 and 18.

*absolute owner*" the parcels of Generosa and Teresita even "*before the outbreak of World War 2*" — which lacks specificity and is unsupported by any other evidence. In ***Republic v. East Silverlane Realty Development Corporation,***[41] this Court dismissed a similar unsubstantiated claim of possession as a "*mere conclusion of law*" that is "*unavailing and cannot suffice:*"

> Moreover, Vicente Oco did not testify as to what specific acts of dominion or ownership were performed by the respondent's predecessors-in-interest and if indeed they did. He merely made a **general claim** that they came into possession before World War II, which is a **mere conclusion of law and not factual proof of possession, and therefore unavailing and cannot suffice**.[42] **Evidence of this nature should have been received with suspicion, if not dismissed as tenuous and unreliable**.

*Second*. The supporting tax declarations presented by the respondents also fall short of proving possession since 12 June 1945 or earlier. The earliest declaration submitted by the respondents *i.e.*, **Tax Declaration No. 9412,**[43] was issued only in **1948** and merely covers the portion of **Lot 3** previously pertaining to Generosa and Teresita. Much worse, **Tax Declaration No. 9412** shows no declared improvements on such portion of **Lot 3** as of 1948—posing an apparent contradiction to the claims of Generosa and Teresita in their *Joint Affidavit*.

Indeed, the evidence presented by the respondents does not qualify as the "*well-nigh incontrovertible*" kind that is required to prove title thru possession and occupation of public land since 12 June

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41 Supra note 39.
42 *The Director, Lands Mgt. Bureau v. Court of Appeals*, 381 Phil. 761, 772 (2000).
43 Records, p. 107

1945 or earlier.[44] Clearly, respondents are not entitled to registration under Section 14(1) of Presidential Decree No. 1529.

*Section 14(2) of Presidential Decree No. 1529*

The respondents, however, make an alternative plea for registration, this time, under Section 14(2) of Presidential Decree No. 1529. Notwithstanding their inability to comply with Section 14(1) of Presidential Decree No. 1529, the respondents claim that they were at least able to establish possession and occupation of **Lot 3** for a sufficient number of years so as to acquire title over the same *via* prescription.[45]

As earlier intimated, the government counters the respondents' alternative plea by arguing that the statutory period required in order for extraordinary prescription to set in was not met in this case.[46] The government cites the DENR Calabarzon Office *Report* as well as the DENR-CENRO *Certification*, both of which state that **Lot 3** only became "*Alienable or Disposable Land*" on 15 March 1982.[47] It posits that the period of prescription against the State should also commence to run only from such date.[48] Hence, the government concludes, the respondents' 12 March 2002 application is still premature.[49]

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44 *Santiago v. De los Santos*, G.R. No. L-20241, 22 November 1974, 61 SCRA 146, 152; *Director of Lands v. Buyco*, G.R. No. 91189, 27 November 1992, 216 SCRA 78, 94; *The Director, Lands Mgt. Bureau v. Court of Appeals*, supra note 42 at 772.

45 Comment. *Rollo* pp. 174-187.

46 Id. at 14-16.

47 Id.

48 Id.

49 Id.

We find the contention of the government inaccurate but nevertheless deny registration of **Lot 3** under Section 14(2) of Presidential Decree No. 1529.

Section 14(2) of Presidential Decree No. 1529 sanctions the original registration of lands acquired by prescription "*under the provisions of existing law*." In the seminal case of ***Heirs of Mario Malabanan v. Republic***,[50] this Court clarified that the "*existing law*" mentioned in the subject provision refers to no other than Republic Act No. 386, or the *Civil Code of the Philippines*.

***Malabanan*** acknowledged that only lands of the public domain that are "*patrimonial in character*" are "*susceptible to acquisitive presecription*" and, hence, eligible for registration under Section 14(2) of Presidential Decree No. 1529.[51] Applying the pertinent provisions of the Civil Code,[52] ***Malabanan*** further elucidated that in order for public land to be considered as patrimonial "*there must be an express declaration by the State that the public dominion property is no longer intended for public service or the development of the national wealth or that the property has been converted into patrimonial*."[53] Until then, the period of acquisitive prescription against the State will not commence to run.[54]

The requirement of an "*express declaration*" contemplated by ***Malabanan*** is **separate and distinct** from the mere classification of

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50 G.R. No. 179987, 29 April 2009, 587 SCRA 172.
51 Id. at 198.
52 Article 422 in relation to Article 420(2) and Article 421 of the Civil Code.
53 Supra note 50 at 203.
54 Id.

public land as alienable and disposable.[55] On this point, ***Malabanan*** was reiterated by the recent case of ***Republic v. Rizalvo, Jr***.[56]

In this case, the respondents were not able to present any "*express declaration*" from the State, attesting to the patrimonial character of **Lot 3**. To put it bluntly, the respondents were not able to prove that acquisitive prescription has begun to run against the State, much less that they have acquired title to **Lot 3** by virtue thereof. As jurisprudence tells us, a mere certification or report classifying the subject land as alienable and disposable is not sufficient.[57] We are, therefore, left with the unfortunate but necessary verdict that the

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[55] The discussion of ***Malabanan*** on this point is instructive:

> Let us now explore the effects under the Civil Code of a declaration by the President or any duly authorized government officer of alienability and disposability of lands of the public domain. **Would such lands so declared alienable and disposable be converted, under the Civil Code, from property of the public dominion into patrimonial property**? After all, by connotative definition, alienable and disposable lands may be the object of the commerce of man; Article 1113 provides that all things within the commerce of man are susceptible to prescription; and the same provision further provides that patrimonial property of the State may be acquired by prescription.
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> **Nonetheless, Article 422 of the Civil Code states that "[p]roperty of public dominion, when no longer intended for public use or for public service, shall form part of the patrimonial property of the State." It is this provision that controls how public dominion property may be converted into patrimonial property susceptible to acquisition by prescription**. After all, Article 420 (2) makes clear that those property "which belong to the State, without being for public use, and are intended for some public service or for the development of the national wealth" are public dominion property. **For as long as the property belongs to the State, although already classified as alienable or disposable, it remains property of the public dominion if when it is "intended for some public service or for the development of the national wealth."** Id. at 202-203. (Emphasis supplied)

***Malabanan*** then laid out the rule:

> **Accordingly, there must be an express declaration by the State that the public dominion property is no longer intended for public service or the development of the national wealth or that the property has been converted into patrimonial. Without such express declaration, the property, <u>even if classified as alienable or disposable</u>, remains property of the public dominion, pursuant to Article 420(2), and thus incapable of acquisition by prescription. It is only when such alienable and disposable lands are expressly declared by the State to be no longer intended for public service or for the development of the national wealth that the period of acquisitive prescription can begin to run. Such declaration shall be in the form of a law duly enacted by Congress or a Presidential Proclamation in cases where the President is duly authorized by law.** Id. at 203. (Underscoring supplied)

[56] G.R. No. 172011, 7 March 2011, 644 SCRA 516.

[57] Id. at 526. *Heirs of Mario Malabanan v. Republic*, supra note 50 at 203.

respondents are not entitled to the registration under Section 14(2) of Presidential Decree No. 1529.

**There being no compliance with either the first or second paragraph of Section 14 of Presidential Decree No. 1529, the *Regalian* presumption stands and must be enforced in this case.** We accordingly overturn the decisions of the RTC and the Court of Appeals for not being supported by the evidence at hand.

**WHEREFORE,** the instant petition is **GRANTED**. The 9 October 2007 Decision of the Court of Appeals in CA-G.R. CV No. 86300 affirming the 14 February 2005 Decision of the Regional Trial Court, Branch 15, of Naic, Cavite in LRC Case No. NC-2002-1292 is hereby **REVERSED** and **SET ASIDE**. The respondents' application for registration is, accordingly, **DENIED**.

Costs against respondents.

**SO ORDERED.**

**JOSE PORTUGAL PEREZ**
Associate Justice

WE CONCUR:

**ANTONIO T. CARPIO**
Senior Associate Justice
Chairperson

**ARTURO D. BRION**
Associate Justice

**MARIA LOURDES P. A. SERENO**
Associate Justice

**BIENVENIDO L. REYES**
Associate Justice

## CERTIFICATION

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

**ANTONIO T. CARPIO**
Senior Associate Justice
(Per Section 12, R.A. 296,
The Judiciary Act of 1948, as amended)