Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

REPUBLIC OF THE PHILIPPINES, Petitioner,	**G.R. No. 199310**
	Present:
- versus -	SERENO, *C.J.*, *Chairperson*, LEONARDO-DE CASTRO, BERSAMIN, VILLARAMA, JR., and REYES, *JJ.*
REMMAN ENTERPRISES, INC., represented by RONNIE P. INOCENCIO, Respondent.	Promulgated: FEB 19 2014

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DECISION

REYES, *J.*:

Before this Court is a petition for review on *certiorari*[1] under Rule 45 of the Rules of Court seeking to annul and set aside the Decision[2] dated November 10, 2011 of the Court of Appeals (CA) in CA-G.R. CV No. 90503. The CA affirmed the Decision[3] dated May 16, 2007 of the Regional Trial Court (RTC) of Pasig City, Branch 69, in Land Registration Case No. N-11465.

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1 *Rollo*, pp. 7-30.

2 Penned by Associate Justice Agnes Reyes-Carpio, with Associate Justices Fernanda Lampas Peralta and Normandie B. Pizarro, concurring; id. at 33-50.

3 Issued by Judge Lorifel Lacap Pahimna; id. at 64-75.

The Facts

On December 3, 2001, Remman Enterprises, Inc. (respondent), filed an application[4] with the RTC for judicial confirmation of title over two parcels of land situated in *Barangay* Napindan, Taguig, Metro Manila, identified as Lot Nos. 3068 and 3077, Mcadm-590-D, Taguig Cadastre, with an area of 29,945 square meters and 20,357 sq m, respectively.

On December 13, 2001, the RTC issued the Order[5] finding the respondent's application for registration sufficient in form and substance and setting it for initial hearing on February 21, 2002. The scheduled initial hearing was later reset to May 30, 2002.[6] The Notice of Initial Hearing was published in the Official Gazette, April 1, 2002 issue, Volume 98, No. 13, pages 1631-1633[7] and in the March 21, 2002 issue of *People's Balita*,[8] a newspaper of general circulation in the Philippines. The Notice of Initial Hearing was likewise posted in a conspicuous place on Lot Nos. 3068 and 3077, as well as in a conspicuous place on the bulletin board of the City hall of Taguig, Metro Manila.[9]

On May 30, 2002, when the RTC called the case for initial hearing, only the Laguna Lake Development Authority (LLDA) appeared as oppositor. Hence, the RTC issued an order of general default except LLDA, which was given 15 days to submit its comment/opposition to the respondent's application for registration.[10]

On June 4, 2002, the LLDA filed its Opposition[11] to the respondent's application for registration, asserting that Lot Nos. 3068 and 3077 are not part of the alienable and disposable lands of the public domain. On the other hand, the Republic of the Philippines (petitioner), on July 16, 2002, likewise filed its Opposition,[12] alleging that the respondent failed to prove that it and its predecessors-in-interest have been in open, continuous, exclusive, and notorious possession of the subject parcels of land since June 12, 1945 or earlier.

Trial on the merits of the respondent's application ensued thereafter.

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4 Id. at 51-55.
5 Records, p. 15.
6 Id. at 19.
7 Id. at 111-112.
8 Id. at 118.
9 Id. at 36.
10 Id. at 50-51.
11 Id. at 126-130.
12 Id. at 135-137.

The respondent presented four witnesses: Teresita Villaroya, the respondent's corporate secretary; Ronnie Inocencio, an employee of the respondent and the one authorized by it to file the application for registration with the RTC; Cenon Cerquena (Cerquena), the caretaker of the subject properties since 1957; and Engineer Mariano Flotildes (Engr. Flotildes), a geodetic engineer hired by the respondent to conduct a topographic survey of the subject properties.

For its part, the LLDA presented the testimonies of Engineers Ramon Magalonga (Engr. Magalonga) and Christopher A. Pedrezuela (Engr. Pedrezuela), who are both geodetic engineers employed by the LLDA.

Essentially, the testimonies of the respondent's witnesses showed that the respondent and its predecessors-in-interest have been in open, continuous, exclusive, and notorious possession of the said parcels of land long before June 12, 1945. The respondent purchased Lot Nos. 3068 and 3077 from Conrado Salvador (Salvador) and Bella Mijares (Mijares), respectively, in 1989. The subject properties were originally owned and possessed by Veronica Jaime (Jaime), who cultivated and planted different kinds of crops in the said lots, through her caretaker and hired farmers, since 1943. Sometime in 1975, Jaime sold the said parcels of land to Salvador and Mijares, who continued to cultivate the lots until the same were purchased by the respondent in 1989.

The respondent likewise alleged that the subject properties are within the alienable and disposable lands of the public domain, as evidenced by the certifications issued by the Department of Environment and Natural Resources (DENR).

In support of its application, the respondent, *inter alia*, presented the following documents: (1) Deed of Absolute Sale dated August 28, 1989 executed by Salvador and Mijares in favor of the respondent;[13] (2) survey plans of the subject properties;[14] (3) technical descriptions of the subject properties;[15] (4) Geodetic Engineer's Certificate;[16] (5) tax declarations of Lot Nos. 3068 and 3077 for 2002;[17] and (6) certifications dated December 17, 2002, issued by Corazon D. Calamno (Calamno), Senior Forest Management Specialist of the DENR, attesting that Lot Nos. 3068 and 3077 form part of the alienable and disposable lands of the public domain.[18]

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13 Id. at 277-280.
14 Id. at 281-282.
15 Id. at 283-284.
16 Id. at 285-286.
17 Id. at 287-288.
18 Id. at 291A-292.

On the other hand, the LLDA alleged that the respondent's application for registration should be denied since the subject parcels of land are not part of the alienable and disposable lands of the public domain; it pointed out that pursuant to Section 41(11) of Republic Act No. 4850[19] (R.A. No. 4850), lands, surrounding the Laguna de Bay, located at and below the reglementary elevation of 12.50 meters are public lands which form part of the bed of the said lake. Engr. Magalonga, testifying for the oppositor LLDA, claimed that, upon preliminary evaluation of the subject properties, based on the topographic map of Taguig, which was prepared using an aerial survey conducted by the then Department of National Defense-Bureau of Coast in April 1966, he found out that the elevations of Lot Nos. 3068 and 3077 are below 12.50 m. That upon actual area verification of the subject properties on September 25, 2002, Engr. Magalonga confirmed that the elevations of the subject properties range from 11.33 m to 11.77 m.

On rebuttal, the respondent presented Engr. Flotildes, who claimed that, based on the actual topographic survey of the subject properties he conducted upon the request of the respondent, the elevations of the subject properties, contrary to LLDA's claim, are above 12.50 m. Particularly, Engr. Flotildes claimed that Lot No. 3068 has an elevation ranging from 12.60 m to 15 m while the elevation of Lot No. 3077 ranges from 12.60 m to 14.80 m.

The RTC Ruling

On May 16, 2007, the RTC rendered a Decision,[20] which granted the respondent's application for registration of title to the subject properties, *viz*:

> **WHEREFORE**, premises considered, judgment is rendered confirming the title of the applicant Remman Enterprises Incorporated over a parcels of land [sic] consisting of 29,945 square meters (Lot 3068) and 20,357 (Lot 3077) both situated in Brgy. Napindan, Taguig, Taguig, Metro Manila more particularly described in the Technical Descriptions Ap-04-003103 and Swo-00-001769 respectively and ordering their registration under the Property Registration Decree in the name of Remman Enterprises Incorporated.
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> SO ORDERED.[21]

The RTC found that the respondent was able to prove that the subject properties form part of the alienable and disposable lands of the public domain. The RTC opined that the elevations of the subject properties are

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19 AN ACT CREATING THE LAGUNA LAKE DEVELOPMENT AUTHORITY, PRESCRIBING ITS POWERS, FUNCTIONS AND DUTIES, PROVIDING FUNDS THEREFOR, AND FOR OTHER PURPOSES.

20 *Rollo*, pp. 64-75.

21 Id. at 74-75.

very much higher than the reglementary elevation of 12.50 m and, thus, not part of the bed of Laguna Lake. The RTC pointed out that LLDA's claim that the elevation of the subject properties is below 12.50 m is hearsay since the same was merely based on the topographic map that was prepared using an aerial survey on March 2, 1966; that nobody was presented to prove that an aerial survey was indeed conducted on March 2, 1966 for purposes of gathering data for the preparation of the topographic map.

Further, the RTC posited that the elevation of a parcel of land does not always remain the same; that the elevations of the subject properties may have already changed since 1966 when the supposed aerial survey, from which the topographic map used by LLDA was based, was conducted. The RTC likewise faulted the method used by Engr. Magalonga in measuring the elevations of the subject properties, pointing out that:

> Further, in finding that the elevation of the subject lots are below 12.5 meters, oppositor's witness merely compared their elevation to the elevation of the particular portion of the lake dike which he used as his [benchmark] or reference point in determining the elevation of the subject lots. Also, the elevation of the said portion of the lake dike that was then under the construction by FF Cruz was allegedly 12.79 meters and after finding that the elevation of the subject lots are lower than the said [benchmark] or reference point, said witness suddenly jumped to a conclusion that the elevation was below 12.5 meters. x x x.
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> Moreover, the finding of LLDA's witness was based on hearsay as said witness admitted that it was DPWH or the FF Cruz who determined the elevation of the portion of the lake dike which he used as the [benchmark] or reference point in determining the elevation of the subject lots and that he has no personal knowledge as to how the DPWH and FF Cruz determined the elevation of the said [benchmark] or reference point and he only learn[ed] that its elevation is 12.79 meters from the information he got from FF Cruz.[22]

Even supposing that the elevations of the subject properties are indeed below 12.50 m, the RTC opined that the same could not be considered part of the bed of Laguna Lake. The RTC held that, under Section 41(11) of R.A. No. 4850, Laguna Lake extends only to those areas that can be covered by the lake water when it is at the average annual maximum lake level of 12.50 m. Hence, the RTC averred, only those parcels of land that are adjacent to and near the shoreline of Laguna Lake form part of its bed and not those that are already far from it, which could not be reached by the lake water. The RTC pointed out that the subject properties are more than a kilometer away from the shoreline of Laguna Lake; that they are dry and waterless even when the waters of Laguna Lake is at its maximum level. The RTC likewise found that the respondent was able to prove that it and its

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22 Id. at 71-72.

predecessors-in-interest have been in open, continuous, exclusive, and notorious possession of the subject properties as early as 1943.

The petitioner appealed the RTC Decision dated May 16, 2007 to the CA.

The CA Ruling

On November 10, 2011, the CA, by way of the assailed Decision,[23] affirmed the RTC Decision dated May 16, 2007. The CA found that the respondent was able to establish that the subject properties are part of the alienable and disposable lands of the public domain; that the same are not part of the bed of Laguna Lake, as claimed by the petitioner. Thus:

> The evidence submitted by the appellee is sufficient to warrant registration of the subject lands in its name. Appellee's witness Engr. Mariano Flotildes, who conducted an actual area verification of the subject lots, ably proved that the elevation of the lowest portion of Lot No. 3068 is 12.6 meters and the elevation of its highest portion is 15 meters. As to the other lot, it was found [out] that the elevation of the lowest portion of Lot No. 3077 is also 12.6 meters and the elevation of its highest portion is 15 meters. Said elevations are higher than the reglementary elevation of 12.5 meters as provided for under paragraph 11, Section 41 of R.A. No. 4850, as amended.
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> In opposing the instant application for registration, appellant relies merely on the Topographic Map dated March 2, 1966, prepared by Commodore Pathfinder, which allegedly shows that the subject parcels of land are so situated in the submerge[d] [lake water] of Laguna Lake. The said data was gathered through aerial photography over the area of Taguig conducted on March 2, 1966. However, nobody testified on the due execution and authenticity of the said document. As regards the testimony of the witness for LLDA, Engr. Ramon Magalonga, that the subject parcels of land are below the 12.5 meter elevation, the same can be considered inaccurate aside from being hearsay considering his admission that his findings were based merely on the evaluation conducted by DPWH and FF Cruz. x x x.[24] (Citations omitted)

The CA likewise pointed out that the respondent was able to present certifications issued by the DENR, attesting that the subject properties form part of the alienable and disposable lands of the public domain, which was not disputed by the petitioner. The CA further ruled that the respondent was able to prove, through the testimonies of its witnesses, that it and its predecessors-in-interest have been in open, continuous, exclusive, and notorious possession of the subject properties prior to June 12, 1945.

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23 Id. at 33-50.

24 Id. at 41-42.

Hence, the instant petition.

The Issue

The sole issue to be resolved by the Court is whether the CA erred in affirming the RTC Decision dated May 16, 2007, which granted the application for registration filed by the respondent.

The Court's Ruling

The petition is meritorious.

The petitioner maintains that the lower courts erred in granting the respondent's application for registration since the subject properties do not form part of the alienable and disposable lands of the public domain. The petitioner insists that the elevations of the subject properties are below the reglementary level of 12.50 m and, pursuant to Section 41(11) of R.A. No. 4850, are considered part of the bed of Laguna Lake.

That the elevations of the subject properties are above the reglementary level of 12.50 m is a finding of fact by the lower courts, which this Court, generally may not disregard. It is a long-standing policy of this Court that the findings of facts of the RTC which were adopted and affirmed by the CA are generally deemed conclusive and binding. This Court is not a trier of facts and will not disturb the factual findings of the lower courts unless there are substantial reasons for doing so.[25]

That the subject properties are not part of the bed of Laguna Lake, however, does not necessarily mean that they already form part of the alienable and disposable lands of the public domain. It is still incumbent upon the respondent to prove, with well-nigh incontrovertible evidence, that the subject properties are indeed part of the alienable and disposable lands of the public domain. While deference is due to the lower courts' finding that the elevations of the subject properties are above the reglementary level of 12.50 m and, hence, no longer part of the bed of Laguna Lake pursuant to Section 41(11) of R.A. No. 4850, the Court nevertheless finds that the respondent failed to substantiate its entitlement to registration of title to the subject properties.

"Under the Regalian Doctrine, which is embodied in our Constitution, all lands of the public domain belong to the State, which is the source of any asserted right to any ownership of land. All lands not appearing to be clearly

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[25] *Padilla v. Velasco*, G.R. No. 169956, January 19, 2009, 576 SCRA 219, 227.

within private ownership are presumed to belong to the State. Accordingly, public lands not shown to have been reclassified or released as alienable agricultural land, or alienated to a private person by the State, remain part of the inalienable public domain. The burden of proof in overcoming the presumption of State ownership of the lands of the public domain is on the person applying for registration, who must prove that the land subject of the application is alienable or disposable. To overcome this presumption, incontrovertible evidence must be presented to establish that the land subject of the application is alienable or disposable."[26]

The respondent filed its application for registration of title to the subject properties under Section 14(1) of Presidential Decree (P.D.) No. 1529[27], which provides that:

> 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:
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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.
>
> x x x x

Section 14(1) of P.D. No. 1529 refers to the judicial confirmation of imperfect or incomplete titles to public land acquired under Section 48(b) of Commonwealth Act (C.A.) No. 141, or the Public Land Act, as amended by P.D. No. 1073.[28] Under Section 14(1) of P.D. No. 1529, applicants for registration of title must sufficiently establish: *first*, that the subject land forms part of the disposable and alienable lands of the public domain; *second*, that the applicant and his predecessors-in-interest have been in open, continuous, exclusive, and notorious possession and occupation of the same;

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[26] *Republic v. Medida*, G.R. No. 195097, August 13, 2012, 678 SCRA 317, 325-326, citing *Republic v. Dela Paz*, G.R. No. 171631, November 15, 2010, 634 SCRA 610, 621-622.

[27] The Property Registration Decree.

[28] Sec. 48(b) of the Public Land Act, as amended by P.D. No. 1073, provides that:

Sec. 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:

x x x x

(b) 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 acquisition or ownership, since June 12, 1945, or earlier, 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.

and *third*, that it is under a *bona fide* claim of ownership since June 12, 1945, or earlier.[29]

The first requirement was not satisfied in this case. To prove that the subject property forms part of the alienable and disposable lands of the public domain, the respondent presented two certifications[30] issued by Calamno, attesting that Lot Nos. 3068 and 3077 form part of the alienable and disposable lands of the public domain "under Project No. 27-B of Taguig, Metro Manila as per LC Map 2623, approved on January 3, 1968."

However, the said certifications presented by the respondent are insufficient to prove that the subject properties are alienable and disposable. In *Republic of the Philippines v. T.A.N. Properties, Inc.*,[31] the Court clarified that, in addition to the certification issued by the proper government agency that a parcel of land is alienable and disposable, applicants for land registration must prove that the DENR Secretary had approved the land classification and released the land of public domain as alienable and disposable. They must present a copy of the original classification approved by the DENR Secretary and certified as true copy by the legal custodian of the records. Thus:

> Further, 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.[32] (Emphasis ours)

In *Republic v. Roche*,[33] the Court deemed it appropriate to reiterate the ruling in *T.A.N. Properties*, *viz*:

> Respecting the third requirement, the applicant bears the burden of proving the status of the land. In this connection, the Court has held that he **must present a certificate of land classification status issued by the Community Environment and Natural Resources Office (CENRO) or the Provincial Environment and Natural Resources Office (PENRO)**

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29 *See Republic v. Rizalvo, Jr.*, G.R. No. 172011, March 7, 2011, 644 SCRA 516, 523.
30 Records, pp. 291A-292.
31 578 Phil. 441 (2008).
32 Id. at 452-453.
33 G.R. No. 175846, July 6, 2010, 624 SCRA 116.

> **of the DENR. He must also prove that the DENR Secretary had approved the land classification and released the land as alienable and disposable, and that it is within the approved area per verification through survey by the CENRO or PENRO. Further, the applicant must present a copy of the original classification approved by the DENR Secretary and certified as true copy by the legal custodian of the official records.** These facts must be established by the applicant to prove that the land is alienable and disposable.
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> Here, Roche did not present evidence that the land she applied for has been classified as alienable or disposable land of the public domain. She submitted only the survey map and technical description of the land which bears no information regarding the land's classification. She did not bother to establish the status of the land by any certification from the appropriate government agency. Thus, it cannot be said that she complied with all requisites for registration of title under Section 14(1) of P.D. 1529.[34] (Citations omitted and emphasis ours)

The DENR certifications that were presented by the respondent in support of its application for registration are thus not sufficient to prove that the subject properties are indeed classified by the DENR Secretary as alienable and disposable. It is still imperative for the respondent to present a copy of the original classification approved by the DENR Secretary, which must be certified by the legal custodian thereof as a true copy. Accordingly, the lower courts erred in granting the application for registration in spite of the failure of the respondent to prove by well-nigh incontrovertible evidence that the subject properties are alienable and disposable.

Nevertheless, the respondent claims that the Court's ruling in *T.A.N. Properties*, which was promulgated on June 26, 2008, must be applied prospectively, asserting that decisions of this Court form part of the law of the land and, pursuant to Article 4 of the Civil Code, laws shall have no retroactive effect. The respondent points out that its application for registration of title to the subject properties was filed and was granted by the RTC prior to the Court's promulgation of its ruling in *T.A.N. Properties*. Accordingly, that it failed to present a copy of the original classification covering the subject properties approved by the DENR Secretary and certified by the legal custodian thereof as a true copy, the respondent claims, would not warrant the denial of its application for registration.

The Court does not agree.

Notwithstanding that the respondent's application for registration was filed and granted by RTC prior to the Court's ruling in *T.A.N. Properties*, the pronouncements in that case may be applied to the present case; it is not antithetical to the rule of non-retroactivity of laws pursuant to Article 4 of

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[34] Id. at 121-122.

the Civil Code. It is elementary that the interpretation of a law by this Court constitutes part of that law from the date it was originally passed, since this Court's construction merely establishes the contemporaneous legislative intent that the interpreted law carried into effect.[35] "Such judicial doctrine does not amount to the passage of a new law, but consists merely of a construction or interpretation of a pre-existing one."[36]

Verily, the ruling in *T.A.N. Properties* was applied by the Court in subsequent cases notwithstanding that the applications for registration were filed and granted by the lower courts prior to the promulgation of *T.A.N. Properties*.

In *Republic v. Medida*,[37] the application for registration of the subject properties therein was filed on October 22, 2004 and was granted by the trial court on June 21, 2006. Similarly, in *Republic v. Jaralve*,[38] the application for registration of the subject property therein was filed on October 22, 1996 and was granted by the trial court on November 15, 2002. In the foregoing cases, notwithstanding that the applications for registration were filed and granted by the trial courts prior to the promulgation of *T.A.N. Properties*, this Court applied the pronouncements in *T.A.N. Properties* and denied the applications for registration on the ground, *inter alia*, that the applicants therein failed to present a copy of the original classification approved by the DENR Secretary and certified by the legal custodian thereof as a true copy.

Anent the second and third requirements, the Court finds that the respondent failed to present sufficient evidence to prove that it and its predecessors-in-interest have been in open, continuous, exclusive, and notorious possession and occupation of the subject properties since June 12, 1945, or earlier.

To prove that it and its predecessors-in-interest have been in possession and occupation of the subject properties since 1943, the respondent presented the testimony of Cerquena. Cerquena testified that the subject properties were originally owned by Jaime who supposedly possessed and cultivated the same since 1943; that sometime in 1975, Jaime sold the subject properties to Salvador and Mijares who, in turn, sold the same to the respondent in 1989.

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35 *Accenture, Inc. v. Commissioner of Internal Revenue*, G.R. No. 190102, July 11, 2012, 676 SCRA 325, 339; *Senarillos v. Hermosisima*, 100 Phil. 501, 504 (1956).

36 *Eagle Realty Corporation v. Republic*, G.R. No. 151424, July 31, 2009, 594 SCRA 555, 558, citing *Senarillos v. Hermosisima*, id.

37 G.R. No. 195097, August 13, 2012, 678 SCRA 317.

38 G.R. No. 175177, October 24, 2012, 684 SCRA 495.

The foregoing are but unsubstantiated and self-serving assertions of the possession and occupation of the subject properties by the respondent and its predecessors-in-interest; they do not constitute the well-nigh incontrovertible evidence of possession and occupation of the subject properties required by Section 14(1) of P.D. No. 1529. Indeed, other than the testimony of Cerquena, the respondent failed to present any other evidence to prove the character of the possession and occupation by it and its predecessors-in-interest of the subject properties.

For purposes of land registration under Section 14(1) of P.D. No. 1529, proof of specific acts of ownership must be presented to substantiate the claim of open, continuous, exclusive, and notorious possession and occupation of the land subject of the application. Applicants for land registration cannot just offer general statements which are mere conclusions of law rather than factual evidence of possession. Actual possession consists in the manifestation of acts of dominion over it of such a nature as a party would actually exercise over his own property.[39]

Although Cerquena testified that the respondent and its predecessors-in-interest cultivated the subject properties, by planting different crops thereon, his testimony is bereft of any specificity as to the nature of such cultivation as to warrant the conclusion that they have been indeed in possession and occupation of the subject properties in the manner required by law. There was no showing as to the number of crops that are planted in the subject properties or to the volume of the produce harvested from the crops supposedly planted thereon.

Further, assuming *ex gratia argumenti* that the respondent and its predecessors-in-interest have indeed planted crops on the subject properties, it does not necessarily follow that the subject properties have been possessed and occupied by them in the manner contemplated by law. The supposed planting of crops in the subject properties may only have amounted to mere casual cultivation, which is not the possession and occupation required by law.

"A mere casual cultivation of portions of the land by the claimant does not constitute possession under claim of ownership. For him, possession is not exclusive and notorious so as to give rise to a presumptive grant from the state. The possession of public land, however long the period thereof may have extended, never confers title thereto upon the possessor because the statute of limitations with regard to public land does not operate against the state, unless the occupant can prove possession and occupation of the same under claim of ownership for the required number of years."[40]

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39 *See Valiao v. Republic*, G.R. No. 170757, November 28, 2011, 661 SCRA 299, 308-309.

40 *Del Rosario v. Republic of the Philippines*, 432 Phil. 824, 838 (2002).

Further, the Court notes that the tax declarations over the subject properties presented by the respondent were only for 2002. The respondent failed to explain why, despite its claim that it acquired the subject properties as early as 1989, and that its predecessors-in-interest have been in possession of the subject property since 1943, it was only in 2002 that it started to declare the same for purposes of taxation. "While tax declarations are not conclusive evidence of ownership, they constitute proof of claim of ownership."[41] That the subject properties were declared for taxation purposes only in 2002 gives rise to the presumption that the respondent claimed ownership or possession of the subject properties starting that year. Likewise, no improvement or plantings were declared or noted in the said tax declarations. This fact belies the claim that the respondent and its predecessors-in-interest, contrary to Cerquena's testimony, have been in possession and occupation of the subject properties in the manner required by law.

Having failed to prove that the subject properties form part of the alienable and disposable lands of the public domain and that it and its predecessors-in-interest have been in open, continuous, exclusive, and notorious possession and occupation of the same since June 12, 1945, or earlier, the respondent's application for registration should be denied.

WHEREFORE, in consideration of the foregoing disquisitions, the instant petition is **GRANTED**. The Decision dated November 10, 2011 of the Court of Appeals in CA-G.R. CV No. 90503, which affirmed the Decision dated May 16, 2007 of the Regional Trial Court of Pasig City, Branch 69, in Land Registration Case No. N-11465 is hereby **REVERSED** and **SET ASIDE**. The Application for Registration of Remman Enterprises, Inc. in Land Registration Case No. N-11465 is **DENIED** for lack of merit.

SO ORDERED.

BIENVENIDO L. REYES
Associate Justice

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41 *Alde v. Bernal*, G.R. No. 169336, March 18, 2010, 616 SCRA 60, 69.

WE CONCUR:

MARIA LOURDES P. A. SERENO
Chief Justice
Chairperson

TERESITA J. LEONARDO-DE CASTRO
Associate Justice

LUCAS P. BERSAMIN
Associate Justice

MARTIN S. VILLARAMA, JR.
Associate Justice

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution, 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.

MARIA LOURDES P. A. SERENO
Chief Justice