Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

REPUBLIC OF THE PHILIPPINES, represented by THE DIRECTOR OF LANDS, **Petitioner,**	**G.R. No. 163767**
	Present:
-versus-	SERENO, *C.J.*, LEONARDO-DE CASTRO, BERSAMIN, VILLARAMA, JR., and REYES, *JJ.*
ROSARIO DE GUZMAN VDA. DE JOSON, **Respondent.**	Promulgated: MAR 10 2014

x----------x

D E C I S I O N

BERSAMIN, *J.*:

This case concerns the discharge of the burden of proof by the applicant in proceedings for the registration of land under Section 14 (1) and (2) of Presidential Decree No. 1529 (*Property Registration Decree*).

The Republic appeals the adverse decision promulgated on January 30, 2004,[1] whereby the Court of Appeals (CA) affirmed the judgment rendered on August 10, 1981 by the erstwhile Court of First Instance (CFI) of Bulacan (now the Regional Trial Court) in Registration Case No. 3446-M granting the application of the respondent for the registration of her title covering a parcel of land situated in San Isidro, Paombong, Bulacan.[2]

The respondent filed her application for land registration in the CFI in Bulacan.[3] The jurisdictional requirements were met when the notice of initial

---

1 *Rollo*, pp. 29-36, penned by Associate Justice Andres B. Reyes, Jr. (later Presiding Justice), with Associate Justice Buenaventura J. Guerrero (retired/deceased) and Associate Justice Regalado E. Maambong (retired/deceased) concurring.

2 *Rollo*, pp. 50-52.

3 Records, pp. 4-6.

hearing was published in the Official Gazette for two successive weeks,[4] as evidenced by a certification of publication.[5] The notice of initial hearing was also posted by the Provincial Sheriff of Bulacan in a conspicuous place in the municipal building of Paombong, Bulacan as well as on the property itself.[6] On June 2, 1977, at the initial hearing of the application, Fiscal Liberato L. Reyes interposed an opposition in behalf of the Director of Lands and the Bureau of Public Works. Upon motion by the respondent and without objection from Fiscal Reyes, the CFI commissioned the Acting Deputy Clerk of Court to receive evidence in the presence of Fiscal Reyes.[7]

The records show that the land subject of the application was a riceland with an area of 12,342 square meters known as Lot 2633, Cad-297, Paombong, Bulacan, and covered by plan Ap-03-001603;[8] that the riceland had been originally owned and possessed by one Mamerto Dionisio since 1907;[9] that on May 13, 1926, Dionisio, by way of a deed of sale,[10] had sold the land to Romualda Jacinto; that upon the death of Romualda Jacinto, her sister Maria Jacinto (mother of the respondent) had inherited the land; that upon the death of Maria Jacinto in 1963, the respondent had herself inherited the land, owning and possessing it openly, publicly, uninterruptedly, adversely against the whole world, and in the concept of owner since then; that the land had been declared in her name for taxation purposes; and that the taxes due thereon had been paid, as shown in Official Receipt No. H-7100234.[11]

In their opposition filed by Fiscal Reyes,[12] the Director of Lands and the Director of Forest Development averred that whatever legal and possessory rights the respondent had acquired by reason of any Spanish government grants had been lost, abandoned or forfeited for failure to occupy and possess the land for at least 30 years immediately preceding the filing of the application;[13] and that the land applied for, being actually a portion of the Labangan Channel operated by the Pampanga River Control System, could not be subject of appropriation or land registration.[14]

The Office of the Solicitor General (OSG) also filed in behalf of the Government an opposition to the application,[15] insisting that the land was within the unclassified region of Paombong, Bulacan, as indicated in BF Map LC No. 637 dated March 1, 1927; that areas within the unclassified

---

4 Folder of Exhibits, p. 1, Exhibit "A".
5 Id. at 2, Exhibit "B"
6 *Rollo*, p. 50.
7 Id. at 50-51.
8 Folder of Exhibits, p. 5, "Exhibit "E".
9 Id. at 7-8, Exhibit "G".
10 Id.
11 Id. at 10, Exhibit "I".
12 Records, pp. 7-8.
13 *Rollo,* pp. 31-32.
14 Supra note 3, at 8.
15 *Rollo*, pp. 47-49.

region were denominated as forest lands and thus fell under the exclusive jurisdiction, control and authority of the Bureau of Forest Development (BFD);[16] and that the CFI did not acquire jurisdiction over the application considering that: (1) the land was beyond the commerce of man; (2) the payment of taxes vested no title or ownership in the declarant or taxpayer.[17]

Ruling of the CFI

On August 10, 1981, the CFI rendered its decision,[18] ordering the registration of the land in favor of the respondent on the ground that she had sufficiently established her open, public, continuous, and adverse possession in the concept of an owner for more than 30 years, to wit:

> Since it has been established that the applicants and her predecessors-in-interest have been in the open, public, continuous, and adverse possession of the said parcel of land in the concept of an owner for more than thirty (30) years, that it, since 1926 up to the present time, applicant therefore is entitled to the registration thereof under the provisions od Act No. 496, in relation to Commonwealth Act No. 141 as amended by Republic Act No. 6236 and other existing laws.
>
> WHEREFORE, confirming the order of general default issued in this case, the Court hereby orders the registration of this parcel of land Lot 2633, Cad 297. Case 5, Paombong Cadastre[)] described in plan Ap-03-001603 (Exhibit D, page 7 of records) and in the technical description (Exhibit F, page 5 of records) in favor of Rosario de Guzman Vda de Joson, of legal age, Filipino, widow and resident of Malolos, Bulacan.
>
> After the decision shall have become final, let the corresponding decree be issued,
>
> SO ORDERED[19].

The Republic, through the OSG, appealed to the CA, contending that the trial court had erred in granting the application for registration despite the land not being the subject of land registration due to its being part of the unclassified region denominated as forest land of Paombong, Bulacan.[20]

Judgment of the CA

On January 30, 2004, the CA promulgated its assailed judgment,[21] affirming the decision of the trial court upon the following ratiocination:

---

16 Id. at 47.
17 Id. at 48.
18 Supra note 2.
19 Id. at 52.
20 *Rollo*, pp. 32-38.
21 Supra note 1.

> The foregoing documentary and testimonial evidence stood unrebutted and uncontroverted by the oppositor-appellant and they should serve as proof of the paucity of the claim of the applicant-appellee over the subject property.
>
> Upon the other hand, oppositor-appellant, in a lackluster fashion, advanced *pro forma* theories and arguments in its Opposition which naturally failed to merit any consideration from the court *a quo* and also from this Court. The indorsement from the Bureau of Forest Development, San Fernando, Pampanga to the effect that the subject area is within the unclassified region of Paombong, Bulacan does not warrant any evidentiary weight since the same had never been formally offered as evidence by the oppositor-appellant. All the other allegations in the Opposition field (sic) by the oppositor-appellant failed to persuade this Court as to the veracity thereof considering that no evidence was ever presented to prove the said allegations.
>
> Such being the case, this Court is not inclined to have the positive proofs of her registrable rights over the subject property adduced by the applicant-appellee be defeated by the bare and unsubstantiated allegations of the oppositor-appellant.
>
> WHEREFORE, PREMISES CONSIDERED, the assailed Decision is hereby AFFIRMED IN TOTO.
>
> SO ORDERED.[22]

Hence, the Republic appeals by petition for review on *certiorari*.

Issue

(1) WHETHER OR NOT THE LAND SUBJECT OF THE APPLICATION FOR REGISTRATION IS SUSCEPTIBLE OF PRIVATE ACQUISITION; and

(2) WHETHER OR NOT THE TRIAL COURT, AS WELL AS THE COURT OF APPEALS, ERRED IN GRANTING THE APPLICATION FOR REGISTRATION.[23]

Ruling

The appeal is impressed with merit.

Section 14 (1) and (2) of the *Property Registration Decree* state:

---

22 Id. at 36.
23 *Rollo*, p. 14.

> Section 14. Who may apply. — The following persons may file in the proper [Regional Trial Court] 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.
>
> (2) Those who have acquired ownership of private lands by prescription under the provision of existing laws.
>
> x x x x

Section 14(1) deals with possession and occupation in the concept of an owner while Section 14(2) involves prescription as a mode of acquiring ownership. In *Heirs of Mario Malabanan v. Republic*,[24] the Court set the guidelines concerning land registration proceedings brought under these provisions of the *Property Registration Decree* in order provide clarity to the application and scope of said provisions.

The respondent sought to have the land registered in her name by alleging that she and her predecessors-in-interest had been in open, peaceful, continuous, uninterrupted and adverse possession of the land in the concept of owner since time immemorial. However, the Republic counters that the land was public land; and that it could not be acquired by prescription. The determination of the issue hinges on whether or not the land was public; if so, whether the respondent satisfactorily proved that the land had already been declared as alienable and disposable land of the public domain; and that she and her predecessors-in-interest had been in open, peaceful, continuous, uninterrupted and adverse possession of the land in the concept of owner since June 12, 1945, or earlier.

In *Republic vs. Tsai*,[25] the Court summarizes the amendments that have shaped the current phraseology of Section 14(1), to wit:

> Through the years, Section 48(b) of the CA 141 has been amended several times. The Court of Appeals failed to consider the amendment introduced by PD 1073. In *Republic v. Doldol*, the Court provided a summary of these amendments:
>
> > The original Section 48(b) of C.A. No.141 provided for possession and occupation of lands of the public domain **since July 26, 1894**. This was superseded by R.A. No. 1942, which provided for a **simple thirty-year prescriptive period** of occupation by an applicant for judicial confirmation of imperfect title. The same, however, has already been amended by

---

24 G.R. No. 179987, April 29, 2009, 587 SCRA 172.
25 G.R. No. 168184, June 22, 2009, 590 SCRA 423.

> Presidential Decree No. 1073, approved on January 25, 1977. As amended, Section 48(b) now reads:
>
> > (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 of 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. (Emphasis supplied)
>
> As the law now stands, a mere showing of possession and occupation for 30 years or more is not sufficient. Therefore, since the effectivity of PD 1073 on 25 January 1977, it must now be shown that possession and occupation of the piece of land by the applicant, by himself or through his predecessors-in-interest, started on **12 June 1945 or earlier**. This provision is in total conformity with Section 14(1) of PD 1529.[26]

Under Section 14(1), therefore, the respondent had to prove that: (1) the land formed part of the alienable and disposable land of the public domain; and (2) she, by herself or through her predecessors-in-interest, had been in open, continuous, exclusive, and notorious possession and occupation of the subject land under a *bona fide* claim of ownership from June 12, 1945, or earlier.[27] It is the applicant who carries the burden of proving that the two requisites have been met. Failure to do so warrants the dismissal of the application.

The respondent unquestionably complied with the second requisite by virtue of her having been in open, continuous, exclusive and notorious possession and occupation of the land since June 12, 1945, or earlier. She testified on how the land had been passed on to her from her predecessors-in-interest; and tendered documentary evidence like: (1) the Deed of Sale evidencing the transfer of the property from Mamerto Dionisio to Romualda Jacinto in 1926;[28] (2) Tax Declaration No. 4547 showing that she had declared the property for taxation purposes in 1976;[29] and (3) Official Receipt No. H-7100234 indicating that she had been paying taxes on the land since 1977.[30] The CFI found her possession of the land and that of her predecessors-in-interest to have been open, public, continuous, and adverse in the concept of an owner since 1926 until the present time, or for more

---

[26] Id. at 432-433.

[27] *Republic v. Dela Paz,* G.R. No. 171631, November 15, 2010, 634 SCRA 610, 619, citing *Mistica v. Republic,* G.R. No. 165141, September 11, 2009, 599 SCRA 401, 408.

[28] Folder of exhibits, pp. 7-8, Exhibit "G".

[29] Id. at 9, Exhibit "H".

[30] Id. at 10, Exhibit "I".

than 30 years, entitling her to the registration under the provisions of Act No. 496, in relation to Commonwealth Act No. 141, as amended by Republic Act No. 6236 and other existing laws.[31] On its part, the CA ruled that the documentary and testimonial evidence stood unrebutted and uncontroverted by the Republic.[32]

Nonetheless, what is left wanting is the fact that the respondent did not discharge her burden to prove the classification of the land as demanded by the first requisite. She did not present evidence of the land, albeit public, having been declared alienable and disposable by the State. During trial, she testified that the land was not within any military or naval reservation, and Frisco Domingo, her other witness, corroborated her. Although the Republic countered that the verification made by the Bureau of Forest Development showed that the land was within the unclassified region of Paombong, Bulacan as per BF Map LC No. 637 dated March 1, 1927,[33] such showing was based on the 1st Indorsement dated July 22, 1977 issued by the Bureau of Forest Development,[34] which the CA did not accord any evidentiary weight to for failure of the Republic to formally offer it in evidence. Still, Fiscal Reyes, in the opposition he filed in behalf of the Government, argued that the land was a portion of the Labangan Channel operated by the Pampanga River Control System, and could not be the subject of appropriation or land registration. Thus, the respondent as the applicant remained burdened with proving her compliance with the first requisite.

Belatedly realizing her failure to prove the alienable and disposable classification of the land, the petitioner attached as Annex A to her appellee's brief[35] the certification dated March 8, 2000 issued by the Department of Environment and Natural Resources–Community Environment and Natural Resources Office (DENR-CENRO),[36] *viz*:

> THIS IS TO CERTIFY that the parcel of land described on lot 2633 located at San Isidro, Paombong, Bulacan as shown in the sketch plan surveyed by Geodetic Engineer Carlos G. Reyes falls within the Alienable or Disposable Land Project No. 19 of Paombong, Bulacan per Land Classification Map No. 2934 certified on October 15, 1980.

However, in its resolution of July 31, 2000,[37] the CA denied her motion to admit the appellee's brief, and expunged the appellee's brief from the records. Seeing another opportunity to make the certification a part of the records, she attached it as Annex A of her comment here.[38] Yet, that attempt

---

31 Supra note 2, at 52.
32 Supra note 1, at 36.
33 *Rollo*, p. 11.
34 Id. at 38.
35 CA *Rollo*, pp. 49-58.
36 *Rollo*, p. 58.
37 CA *Rollo*, pp. 69-70.
38 *Rollo*, pp. 55-57.

to insert would not do her any good because only evidence that was offered at the trial could be considered by the Court.

Even had the respondent's effort to insert the certification been successful, the same would nonetheless be vain and ineffectual. In *Menguito v. Republic*,[39] the Court pronounced that a survey conducted by a geodetic engineer that included a certification on the classification of the land as alienable and disposable was not sufficient to overcome the presumption that the land still formed part of the inalienable public domain, to wit:

> To prove that the land in question formed part of the alienable and disposable lands of the public domain, petitioners relied on the printed words which read: "This survey plan is inside Alienable and Disposable Land Area, Project No. 27-B as per L.C. Map No. 2623, certified by the Bureau of Forestry on January 3, 1968," appearing on Exhibit "E" (Survey Plan No. Swo-13-000227).
>
> This proof is not sufficient. Section 2, Article XII of the 1987 Constitution, provides: "*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*. x x x." (Emphasis supplied.)
>
> For the original registration of title, the applicant (petitioners in this case) must overcome the presumption that the land sought to be registered forms part of the public domain. Unless public land is shown to have been reclassified or alienated to a private person by the State, it remains part of the inalienable public domain. Indeed, "occupation thereof in the concept of owner, no matter how long, cannot ripen into ownership and be registered as a title." To overcome such presumption, incontrovertible evidence must be shown by the applicant. Absent such evidence, the land sought to be registered remains inalienable.
>
> In the present case, petitioners cite a surveyor-geodetic engineer's notation in Exhibit "E" indicating that the survey was inside alienable and disposable land. Such notation does not constitute a positive government act validly changing the classification of the land in question. Verily, a mere surveyor has no authority to reclassify lands of the public domain. By relying solely on the said surveyor's assertion, petitioners have not sufficiently proven that the land in question has been declared alienable.[40]

We reiterate the standing doctrine that land of the public domain, to be the subject of appropriation, must be declared alienable and disposable either by the President or the Secretary of the DENR. In *Republic v. T.A.N. Properties, Inc.*,[41] we explicitly ruled:

---

39 G.R. No. 134308, December 14, 2000, 348 SCRA 128.
40 Id. at 139-140.
41 G.R. No. 154953, June 26, 2008, 555 SCRA 477.

> 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.[42]

This doctrine unavoidably means that the mere certification issued by the CENRO or PENRO did not suffice to support the application for registration, because the applicant must also submit a copy of the original classification of the land as alienable and disposable as approved by the DENR Secretary and certified as a true copy by the legal custodian of the official records. As the Court said in *Republic v. Bantigue Point Development Corporation*:[43]

> The Regalian doctrine dictates that all lands of the public domain belong to the State. The applicant for land registration has the burden of overcoming the presumption of State ownership by establishing through incontrovertible evidence that the land sought to be registered is alienable or disposable **based on a positive act of the government.** We held in *Republic v. T.A.N. Properties, Inc.* that a CENRO certification is insufficient to prove the alienable and disposable character of the land sought to be registered. The applicant must also show sufficient proof that the DENR Secretary has approved the land classification and released the land in question as alienable and disposable.
>
> Thus, the present rule is that an application for original registration must be accompanied by (1) a CENRO or PENRO Certification; and (2) 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.
>
> Here, respondent Corporation only presented a CENRO certification in support of its application. Clearly, this falls short of the requirements for original registration.[44]

Yet, even assuming that the DENR-CENRO certification alone would have sufficed, the respondent's application would still be denied considering that the reclassification of the land as alienable or disposable came only after the filing of the application in court in 1976. The certification itself indicated that the land was reclassified as alienable or disposable only on October 15, 1980. The consequence of this is fittingly discussed in *Heirs of Mario Malabanan v. Republic*, to wit:

---

42 Id. at 489.
43 G.R. No. 162322, March 14, 2012, 668 SCRA 158.
44 Id. at 170-171.

We noted in *Naguit* that it should be distinguished from *Bracewell v. Court of Appeals* since in the latter, the application for registration had been filed **before** the land was declared alienable or disposable. The dissent though pronounces *Bracewell* as the better rule between the two. Yet two years after *Bracewell*, its *ponente*, the esteemed Justice Consuelo Ynares-Santiago, penned the ruling in *Republic v. Ceniza*, which involved a claim of possession that extended back to 1927 over a public domain land that was declared alienable and disposable only in 1980. *Ceniza* cited *Bracewell*, quoted extensively from it, and following the mindset of the dissent, the attempt at registration in *Ceniza* should have failed. Not so.

> To prove that the land subject of an application for registration is alienable, an applicant must establish the existence of a positive act of the government such as a presidential proclamation or an executive order; an administrative action; investigation reports of Bureau of Lands investigators; and a legislative act or a statute.
>
> In this case, private respondents presented a certification dated November 25, 1994, issued by Eduardo M. Inting, the Community Environment and Natural Resources Officer in the Department of Environment and Natural Resources Office in Cebu City, stating that the lots involved were "found to be within the alienable and disposable (sic) Block-I, Land Classification Project No. 32-A, per map 2962 4-I555 dated December 9, 1980." This is sufficient evidence to show the real character of the land subject of private respondents' application. Further, the certification enjoys a presumption of regularity in the absence of contradictory evidence, which is true in this case. Worth noting also was the observation of the Court of Appeals stating that:
>
> > [n]o opposition was filed by the Bureaus of Lands and Forestry to contest the application of appellees on the ground that the property still forms part of the public domain. Nor is there any showing that the lots in question are forestal land...."
>
> Thus, while the Court of Appeals erred in ruling that mere possession of public land for the period required by law would entitle its occupant to a confirmation of imperfect title, it did not err in ruling in favor of private respondents as far as the first requirement in Section 48(b) of the Public Land Act is concerned, for they were able to overcome the burden of proving the alienability of the land subject of their application.
>
> As correctly found by the Court of Appeals, private respondents were able to prove their open, continuous, exclusive and notorious possession of the subject land even before the year 1927. As a rule, we are bound by the factual findings of the Court of Appeals. Although there are exceptions, petitioner did not show that this is one of them."

Why did the Court in *Ceniza*, through the same eminent member who authored *Bracewell*, sanction the registration under Section 48(b) of public domain lands declared alienable or disposable thirty-five (35) years and 180 days after 12 June 1945? The telling difference is that in *Ceniza*,

> the application for registration was filed nearly six (6) years **after** the land had been declared alienable or disposable, while in *Bracewell*, the application was filed nine (9) years **before the land was declared alienable or disposable.** That crucial difference was also stressed in *Naguit* to contradistinguish it from *Bracewell*, a difference which the dissent seeks to belittle.[45] (citations omitted)

On the other hand, under Section 14(2), ownership of *private lands* acquired through prescription may be registered in the owner's name. Did the respondent then acquire the land through prescription considering that her possession and occupation of the land by her and her predecessors-in-interest could be traced back to as early as in 1926, and that the nature of their possession and occupation was that of a *bona fide* claim of ownership for over 30 years?

Clearly, the respondent did not. Again, *Heirs of Mario Malabanan v. Republic* is enlightening, to wit:

> It is clear that property of public dominion, which generally includes property belonging to the State, cannot be the object of prescription or, indeed, be subject of the commerce of man. Lands of the public domain, whether declared alienable and disposable or not, are property of public dominion and thus insusceptible to acquisition by prescription.
>
> 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.
>
> 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".
>
> Accordingly, there must be an express declaration by the State that the public dominion property is no longer intended for public service or

---

45 Supra note 24, at 195-196.

> the development of the national wealth or that the property has been converted into patrimonial. Without such express declaration, the property, even if classified as alienable or disposable, 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.
>
> It is comprehensible with ease that this reading of Section 14(2) of the Property Registration Decree limits its scope and reach and thus affects the registrability even of lands already declared alienable and disposable to the detriment of the *bona fide* possessors or occupants claiming title to the lands. Yet this interpretation is in accord with the Regalian doctrine and its concomitant assumption that all lands owned by the State, although declared alienable or disposable, remain as such and ought to be used only by the Government.
>
> Recourse does not lie with this Court in the matter. The duty of the Court is to apply the Constitution and the laws in accordance with their language and intent. The remedy is to change the law, which is the province of the legislative branch. Congress can very well be entreated to amend Section 14(2) of the Property Registration Decree and pertinent provisions of the Civil Code to liberalize the requirements for judicial confirmation of imperfect or incomplete titles.[46]

The period of possession *prior to* the reclassification of the land as alienable and disposable land of the public domain is not considered in reckoning the prescriptive period in favor of the possessor. As pointedly clarified also in *Heirs of Mario Malabanan v. Republic*: [47]

> Should public domain lands become patrimonial because they are declared as such in a duly enacted law or duly promulgated proclamation that they are no longer intended for public service or for the development of the national wealth, would the period of possession prior to the conversion of such public dominion into patrimonial be reckoned in counting the prescriptive period in favor of the possessors? We rule in the negative.
>
> The limitation imposed by Article 1113 dissuades us from ruling that the period of possession before the public domain land becomes patrimonial may be counted for the purpose of completing the prescriptive period. Possession of public dominion property before it becomes patrimonial cannot be the object of prescription according to the Civil Code. As the application for registration under Section 14(2) falls wholly within the framework of prescription under the Civil Code, there is no way that possession during the time that the land was still classified as public

---

46 Id. at 202-204.
47 Id. at 205-206.

> dominion property can be counted to meet the requisites of acquisitive prescription and justify registration.[48]

In other words, the period of possession prior to the reclassification of the land, no matter how long, was irrelevant because prescription did not operate against the State before then.

WHEREFORE, the Court **REVERSES** and **SETS ASIDE** the decision of the Court of Appeals promulgated on January 30, 2004; **DISMISSES** the application for land registration of respondent Rosario de Guzman Vda. De Joson respecting Lot 2633, Cad-297 with a total area of 12,342 square meters, more or less, situated in San Isidro, Paombong, Bulacan; and **DIRECTS** the respondent to pay the costs of suit.

SO ORDERED.

LUCAS P. BERSAMIN
Associate Justice

WE CONCUR:

MARIA LOURDES P. A. SERENO
Chief Justice

TERESITA J. LEONARDO-DE CASTRO
Associate Justice

MARTIN S. VILLARAMA, JR.
Associate Justice

BIENVENIDO L. REYES
Associate Justice

---

[48] Id. at 205-206.

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