



Republic of the Philippines
Supreme Court
 Manila

SECOND DIVISION

**SPOUSES MARIO AND JULIA
 CAMPOS,**

Petitioners,

- versus -

REPUBLIC OF THE PHILIPPINES,
 Respondent.

G.R. No. 184371

Present:

CARPIO, J., *Chairperson*,
 BRION,
 DEL CASTILLO,
 PEREZ, and
 PERLAS-BERNABE, JJ.

Promulgated:

MAR 05 2014 *[Signature]*

X-----X

DECISION

BRION, J.:

Before this Court is a petition for review on *certiorari*¹ assailing the April 30, 2007 decision² and August 22, 2008 resolution³ of the Court of Appeals (CA) in CA-G.R. CV No. 84620. The CA reversed and set aside the December 29, 2004 decision⁴ of the Municipal Trial Court (MTC) Bauang, La Union in LRC Case No. 80-MTC, BgLU, which approved the application of registration of title of Lot No. 3876, Cad-474-D, Case 17, Bauang Cadastre, filed by the spouses Mario and Julia Campos (*petitioners*).

Facts

On November 17, 2003, the petitioners applied for the registration of a 6,904 square meter-parcel of land situated in Baccuit, Bauang, La Union, particularly described as Lot No. 3876, Cad-474-D, Case 17, Bauang

¹ Under Rule 45 of the Rules of Court.

² *Rollo*, pp. 30-38; Penned by Associate Justice Edgardo P. Cruz, with Associate Justices Fernanda Lampas-Peralta and Normandie B. Pizarro, concurring.

³ *Id.* at 39-40.

⁴ *Id.* at 74-78.

[Signature]

Cadastral. The petitioners bought the subject land from Roberto Laigo, as evidenced by a Deed of Absolute Sale executed by the parties on July 26, 1990.

In support of their application, the petitioners presented, among others, the following evidence: (1) testimony of petitioner Mario Campos; (2) testimony of adjoining lot-owner, Leopoldo Subang; (3) Linen cloth of Lot 3876 of AP-1-002221, Cad-474-D; (4) Original technical description of the lot; (5) Certificate of Assessment; (6) Deed of Absolute Sale dated July 26, 1990; (7) Certified true copies of Tax declarations for the years 1948 and 1953 in the name of Margarita Laigo, the mother of Roberto Laigo; (8) Certified true copies of Tax declarations for the years 1970, 1974, 1980, 1985 and 1987 in the name of Roberto Laigo; (9) Certified true copies of Tax declarations for the years 1990, 1994, 1995 and 1998 in the names of the petitioners; (10) Tax receipts for the years 1991-1994, 1999-2000, 2001-2002, 2003 and 2004; and (11) Certification from the DENR-CENRO that Lot 3876 falls within the alienable or disposable land of the public domain.⁵

Only the Republic filed a formal opposition to the petitioners' application, which the MTC later dismissed due to the Republic's failure to present testimonial or documentary evidence to substantiate its grounds for objection.⁶

On December 29, 2004, the MTC rendered a decision granting the petitioners' application for registration, stating that:

Based on the evidences presented, it is appearing that the applicants have established a satisfactory proof that they have a registrable title over the property subject of these proceedings, they, being qualified to own that land being Filipino citizens, it being established also that their possession and that of their predecessor-in-interest of the parcel of land subject of this application have been open, continuous, exclusive and adverse against the whole world for more than fifty-six (56) years since the oldest documentary evidence, Tax Declaration No. 235 series of 1948 and in the name of Margarita Laigo shows that Margarita Laigo, mother of Roberto Laigo from whom the applicants bought this land subject of this case, has owned it since 1948. Besides, witness Leopoldo Subang, the owner of the land adjacent to this land subject of this case, confirmed that their possession was probably before 1948 because he knows Roberto Laigo as the present owner of the land when he sold it to the applicants; and that this property was originally owned by Margarita Laigo, mother of Roberto Laigo. Hence, this Court conclusively presumes that Margarita Laigo was the original owner even before the Second World War.⁷

The Republic appealed to the CA on the ground that the MTC erred in granting the petitioners' application for registration because of discrepancies in the area of the subject land as applied for and indicated in the tax declarations and the parties' deed of sale. Also, discrepancies in the

⁵ *Id.* at 34-35.

⁶ *Id.* at 78.

⁷ *Id.*

description of the subject land appeared in the tax declarations, as the land was sometimes described as “swampy” and, in others, “sandy.”

The CA, in its assailed April 30, 2007 decision, reversed and set aside the MTC’s decision and dismissed the petitioners’ application for registration of title. It ruled that, contrary to the MTC’s findings, the evidence failed to prove the nature and duration of the petitioners’ possession and that of their predecessors-in-interest; that the petitioners failed to prove that they and their predecessors-in-interest have been in open, continuous, exclusive, notorious and adverse possession of Lot 3876 since June 12, 1945 or earlier.

The CA further held that the petitioners failed to establish when the subject land became alienable; that while the DENR-CENRO La Union certified that “Lot 3876 falls within the Alienable and Disposable land of the Public Domain as per Project No. 9, L.C. Map No. 3330 of Bauang Cadastre as certified on January 21, 1987,” such certification (as annotated in the lot’s Advance Plan) was inadequate to prove that the subject land was classified as alienable and disposable on said date.

Lastly, the CA noted the discrepancies in the area of the subject land indicated in the tax declarations and deed of sale presented by the petitioners, which put in doubt the lot’s identity. It held that:

xxx, insufficient identification of the land claimed in absolute ownership by the applicant cannot ripen into ownership. Lot 3876 consists of 6,904 square meters, as shown in the tax declarations for 1994 and 1996, whereas the tax declarations for 1948, 1953 and 1970 cover a parcel of land consisting of 4,502 square meters. Besides, the Deed of Absolute Sale and tax declarations covering the years 1980 until 1987, inclusive, pertain to a land with an area of 4,512 square meters.⁸ (Citation omitted)

The petitioners moved to reconsider the CA’ decision but the CA denied their motion in a resolution dated August 22, 2008, hence, the filing of the present petition for review for *certiorari* with this Court.

The Petition

In the present petition, the petitioners argue that the CA erred in ruling on non-issues and on established and undisputed facts that were not raised by the Republic as errors in its appeal; that the sole issue raised by the Republic was merely on the discrepancies on the area and description of the subject land as indicated in the documents and evidence presented, which issue the petitioners already addressed in their appeal brief before the CA.

The petitioners maintain that they have presented sufficient evidence to show the nature and duration of their possession and the fact that they had possessed and cultivated the land sought to be registered.

⁸ *Id.* at 36.

Our Ruling

We deny the present petition as the CA committed no reversible error in dismissing the petitioners' application for registration of title.

First, we address the procedural issue raised by the petitioners. Section 8, Rule 51 of the 1997 Rules of Civil Procedure expressly provides:

SEC. 8. *Questions that may be decided.* – No error which does not affect the jurisdiction over the subject matter or the validity of the judgment appealed from or the proceedings therein will be considered unless stated in the assignment of errors, or closely related to or dependent on an assigned error and properly argued in the brief, save as the court pass upon plain errors and clerical errors.

The general rule that an assignment of error is essential to appellate review and only those errors assigned will be considered applies in the absence of certain exceptional circumstances. As exceptions to the rule, the Court has considered grounds not raised or assigned as errors in instances where: (1) grounds not assigned as errors but affecting jurisdiction over the subject matter; (2) matters not assigned as errors on appeal but are evidently plain or clerical errors within the contemplation of the law; (3) matters not assigned as errors on appeal, whose consideration is necessary in arriving at a just decision and complete resolution of the case or to serve the interest of justice or to avoid dispensing piecemeal justice; (4) matters not specifically assigned as errors on appeal but raised in the trial court and are matters of record having some bearing on the issue submitted which the parties failed to raise or which the lower court ignored; (5) matters not assigned as errors on appeal but are closely related to the assigned error/s; and (6) matters not assigned as errors on appeal, whose determination is necessary to rule on the question/s properly assigned as errors.⁹ The present case falls into the exceptions.

We find no error by the CA in resolving the issues on the nature and duration of the petitioners' possession and on the alienable character of the subject land. These issues were apparently not raised by the Republic in its appeal before the CA, but are **crucial in determining whether the petitioners have registrable title over the subject land**. In *Mendoza v. Bautista*,¹⁰ the Court held that the appellate court reserves the right, resting on its public duty, to take cognizance of palpable error on the face of the record and proceedings, and to notice errors that are obvious upon inspection and are **of a controlling character**, in order to prevent a miscarriage of justice due to oversight.

⁹ *Hi-Tone Marketing v. Baikal Realty*, G.R. No. 149992, August 20, 2004, 437 SCRA 120.

¹⁰ G.R. No. 143666, March 18, 2005, 453 SCRA 691, 707.

In deciding on the merits of the present petition, we affirm the CA in dismissing the petitioners' application for registration of title.

Persons applying for registration of title under Section 14(1) of Presidential Decree No. 1529¹¹ must prove: (1) that the land sought to be registered forms part of the disposable and alienable lands of the public domain, and (2) that they have been in open, continuous, exclusive and notorious possession and occupation of the same under a *bona fide* claim of ownership **since June 12, 1945, or earlier.**¹²

As the CA did, we find that the petitioners failed to prove that they and 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, since June 12, 1945, or earlier. The oldest documentary evidence presented by the petitioners was a **1948** tax declaration over the subject land in the name of Margarita Laigo. The petitioners failed to present evidence of their possession prior to 1948. In fact, **the petitioners, in their application for registration, base their possession of the subject land only from 1948, and not "since June 12, 1945, or earlier"** as required by law.

We emphasize that since the effectivity of P.D. No. 1073¹³ on January 25, 1977, it must be shown that possession and occupation of the land sought to be registered by the applicant himself or through his predecessors-in-interest, **started on June 12, 1945 or earlier**, which totally conforms to the requirement under Section 14(1) of P.D. No 1529. A mere showing of possession and occupation for thirty (30) years or more is no longer sufficient.¹⁴

WHEREFORE, premises considered, we hereby **DENY** the petition and **AFFIRM** the April 30, 2007 decision and August 22, 2008 resolution of the Court of Appeals in CA-G.R. CV No. 84620.

SO ORDERED.



ARTURO D. BRION
Associate Justice

¹¹ Known as "AMENDING AND CODIFYING THE LAWS RELATIVE TO REGISTRATION OF PROPERTY AND FOR OTHER PURPOSES," effective June 11, 1978.

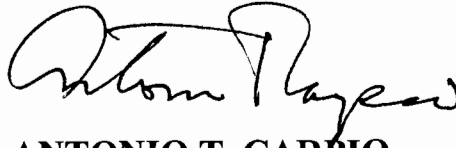
¹² *Republic v. Enciso*, G.R. No. 160145, November 11, 2005, 474 SCRA 700, 711.

¹³ Known as "EXTENDING THE PERIOD OF FILING APPLICATIONS FOR ADMINISTRATIVE LEGALIZATION (FREE PATENT) AND JUDICIAL CONFIRMATION OF IMPERFECT AND INCOMPLETE TITLES TO ALIENABLE AND DISPOSABLE LANDS IN THE PUBLIC DOMAIN UNDER CHAPTER VII AND CHAPTER VIII OF COMMONWEALTH ACT NO. 141, AS AMENDED, FOR ELEVEN (11) YEARS COMMENCING JANUARY 1, 1977."

¹⁴ *Republic v. Doldol*, 356 Phil. 671 (1998).



WE CONCUR:



ANTONIO T. CARPIO

Associate Justice
Chairperson



MARIANO C. DEL CASTILLO
Associate Justice



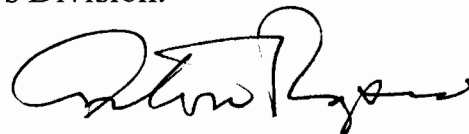
JOSE PORTUGAL PEREZ
Associate Justice



ESTELA M. PERLAS-BERNABE
Associate Justice

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution, and the Division Chairperson's Attestation, 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

Acting Chief Justice