



Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

REMMAN ENTERPRISES, INC.,
Petitioner,

G.R. No. 188494

Present:

VELASCO, JR., J.,
Chairperson,
PERALTA,
VILLARAMA, JR.,
REYES, and
JARDELEZA, JJ.

- versus -

REPUBLIC OF THE PHILIPPINES,
Respondent.

Promulgated:

November 26, 2014

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DECISION

REYES, J.:

This resolves the petition for review on *certiorari*¹ filed by Remman Enterprises, Inc. (petitioner) under Rule 45 of the Rules of Court to assail the Decision² dated May 23, 2008 and Resolution³ dated June 22, 2009 of the Court of Appeals (CA) in CA-G.R. CV No. 74418. The CA reversed the Decision⁴ dated November 27, 2001 of the Regional Trial Court (RTC) of Pasig City, Branch 155, in LR Case No. N-11379, which granted the petitioner's application for land registration of three (3) parcels of land situated in Taguig, Metro Manila (subject properties).

¹ Rollo, pp. 9-34.

² Penned by Associate Justice Lucas P. Bersamin (now a member of this Court), with former Presiding Justice Conrado M. Vasquez, Jr. and Associate Justice Pampio A. Abarintos, concurring; id. at 36-45.

³ Id. at 46.

⁴ Issued by Judge Luis R. Tongco; id. at 58-64.

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The petitioner, through its authorized representative Ronnie P. Inocencio (Inocencio), filed with the RTC on June 4, 1998 an application for registration of the subject properties situated in *Barangay* Napindan, Taguig, Metro Manila, with an area of 27,477 square meters, 23,179 sq m and 45,636 sq m, more particularly described as follows:

SWO-00-001771, being a conversion of Lot 3079, Mcadm-590-D, containing an area of Twenty[-]Seven Thousand Four Hundred Seventy[-]Seven (27,477) square meters, more or less; SWO-00-001768, being a conversion of Lot 3071, Mcadm-590-D, containing an area of Twenty[-]Three Thousand One Hundred Seventy[-]Nine (23,179) square meters, more or less; and SWO-00-001773, being a conversion of Lot 3082, Mcadm-590-D, containing an area of Forty[-]Five Thousand Six Hundred Thirty[-]Six (45,636) square meters, more or less, all brought under the operation of the Property Registration Decree (PD 1529) or Commonwealth Act 141, as amended x x x.⁵

The State, through the Office of the Solicitor General, interposed its opposition to the application. During the initial hearing of the case on May 4, 1999, the petitioner presented and marked documentary evidence⁶ to prove its compliance with jurisdictional requirements.⁷

On October 25, 1999, the petitioner was allowed to present its evidence before the Branch Clerk of Court of the RTC. Inocencio, the petitioner's sales manager, testified that the subject properties were purchased on August 28, 1989 by the petitioner from sellers Magdalena Samonte, Jaime Aldana and Virgilio Navarro. The properties were declared for taxation purposes on August 9, 1989. After the sale, the petitioner occupied the properties and planted thereon crops like rice, corn and vegetables.⁸

Witness Canon Serquiña (Serquiña) supported the application for registration by claiming that he had been the caretaker of the subject properties since 1957, long before the lots were purchased by the petitioner. Serquiña alleged that no person other than the applicant and its predecessors-in-interest had claimed ownership or rights over the subject properties.⁹

⁵ Id. at 58.

⁶ Order dated December 16, 1998 (Exhibit "A"); Notice of Hearing dated January 18, 1999 (Exhibit "B"); Certificate of Publication (Exhibit "C"); Official Gazette dated March 29, 1999, Vol. 95 (Exhibit "D"); Pages 2097-2099 of Exhibit "D" (Exhibits "D-1" to "D-3"); Affidavit of Publication (Exhibit "E"); Newspaper clipping (Exhibit "E-1"); March 15, 1999 issue of Taliba (Exhibit "E-2"); Page 13 of Taliba issue (Exhibit "E-3"); Certificate of Notification dated April 7, 1999 (Exhibit "F"); and Certificate of Posting (Exhibit "G").

⁷ *Rollo*, pp. 37-38.

⁸ Id. at 38, 59-60.

⁹ Id. at 38-39.

On November 27, 2001, the RTC rendered its Decision¹⁰ granting the petitioner's application. The decretal portion of its decision reads:

WHEREFORE, in view of the foregoing, the Court finds the Applicant, Remman Enterprises, Inc., represented in this matter by its representative, Ronnie P. Inocencio, the absolute owner in fee simple of three (3) parcels of land, all located at Barangay Napindan, Taguig, Metro Manila, more particularly described as follows:

- 1.) SWO-00-001771, being a conversion of Lot 3079, Mcadm-590-D;
- 2.) SWO-00-001768, being a conversion of Lot 3071, Mcadm-590-D; and
- 3.) SWO-00-001773, being a conversion of Lot 3082, Mcadm-590-D

together with their corresponding technical descriptions.

Once the foregoing Decision has become final, let the corresponding decree of registration issue.

SO ORDERED.¹¹

Dissatisfied, the State appealed to the CA by alleging substantive and procedural defects in the petitioner's application. It argued that the identity of the subject properties was not sufficiently established. The State further claimed that the character and length of possession required by law in land registration cases were not satisfied by the petitioner.

Finding merit in the appeal, the CA reversed the RTC decision. The dispositive portion of the CA Decision dated May 23, 2008 reads:

WHEREFORE, the DECISION DATED NOVEMBER 27, 2001 is REVERSED and SET ASIDE and this case is DISMISSED.

SO ORDERED.¹²

The CA explained that the survey plans and technical descriptions submitted by the petitioner failed to establish the true identity of the subject properties. The application should have been accompanied by the original tracing cloth plan duly approved by the Director of Lands.¹³ The petitioner should have also submitted a certification from the proper government office stating that the properties were already declared alienable and disposable.¹⁴

¹⁰ Id. at 58-64.

¹¹ Id. at 63-64.

¹² Id. at 45.

¹³ Id. at 39-40.

¹⁴ Id. at 44.

The CA further cited a failure to establish that the petitioner and its predecessors-in-interest possessed the subject parcels of land under a bona fide claim of ownership since June 12, 1945 or earlier.¹⁵

Hence, this petition for review on *certiorari* filed by the petitioner to assail the CA's dismissal of its application for land registration. The petitioner argues that the identity of the subject properties was sufficiently established through the submission of the original tracing cloth plans, survey plans and technical descriptions. The alienable and disposable character of the properties was also duly established *via* a certification issued by the Community Environment and Natural Resources Office (CENRO) of the Department of Environment and Natural Resources (DENR). Further, it claims that it and its predecessors-in-interest possessed the parcels of land in the nature and within the length of time required by law.

The petition is dismissible.

On the matter of proof of the subject property's identity, jurisprudence provides that the presentation of the original tracing cloth plan may be dispensed with, subject however to certain conditions. Contrary to the petitioner's claim, the original clothing plans that cover the subject properties do not form part of the case records. The Court has nonetheless held in *Republic v. Espinosa*:¹⁶

As ruled in *Republic v. Guinto-Aldana*, the identity of the land, its boundaries and location can be established by other competent evidence apart from the original tracing cloth such as a duly executed blueprint of the survey plan and technical description:

“Yet if the reason for requiring an applicant to adduce in evidence the original tracing cloth plan is merely to provide a convenient and necessary means to afford certainty as to the exact identity of the property applied for registration and to ensure that the same does not overlap with the boundaries of the adjoining lots, there stands to be no reason why a registration application must be denied for failure to present the original tracing cloth plan, especially where it is accompanied by pieces of evidence—such as a duly executed blueprint of the survey plan and a duly executed technical description of the property—which may likewise substantially and with as much certainty prove the limits and extent of the property sought to be registered.”¹⁷
(Citations omitted)

¹⁵ Id. at 43.

¹⁶ G.R. No. 171514, July 18, 2012, 677 SCRA 92.

¹⁷ Id. at 110.

Notwithstanding the foregoing, the CA's dismissal of the petitioner's application for original registration was proper considering the latter's failure to sufficiently establish that the subject properties were already declared alienable and disposable by the government. Its reliance on a Report,¹⁸ issued by the CENRO, DENR National Capital Region, West Sector, was misplaced. The Court ruled in *Republic v. Medida*:¹⁹

In *Republic v. T.A.N. Properties, Inc.*, this Court explained that a Provincial Environment and Natural Resources Office (PENRO) or CENRO certification, by itself, fails to prove the alienable and disposable character of a parcel of land. We ruled:

[I]t 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. Respondents failed to do so because the certifications presented by respondent do not, by themselves, prove that the land is alienable and disposable.
x x x.

x x x x

The present rule on the matter then requires that an application for original registration be accompanied by: (1) 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. x x x.²⁰ (Citations omitted and emphasis in the original)

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 properties subject of the application are alienable and disposable.²¹ Even the notations on the survey plans submitted by the petitioner cannot be admitted as evidence of the subject properties' alienability and disposability. Such notations do not constitute incontrovertible evidence to overcome the presumption that the subject properties remain part of the inalienable public domain.²²

¹⁸ Records, pp. 69-70.

¹⁹ G.R. No. 195097, August 13, 2012, 678 SCRA 317.

²⁰ Id. at 327-329.

²¹ Id. at 325-326.


²² *Republic of the Philippines v. Emmanuel C. Cortez*, G.R. No. 186639, February 5, 2014.

Given the foregoing, the dismissal of the petitioner's application for registration was proper. Under pertinent laws and jurisprudence, the petitioner had to sufficiently establish that: *first*, the subject properties form part of the disposable and alienable lands of the public domain; *second*, the applicant and his predecessors-in-interest have been in open, continuous, exclusive, and notorious possession and occupation of the same; and *third*, the possession is under a bona fide claim of ownership since June 12, 1945 or earlier.²³

Without sufficient proof that the subject properties had been declared alienable and disposable, the Court finds no reason to look further into the petitioner's claim that the CA erred in finding that it failed to satisfy the nature and length of possession that could qualify for land registration.


WHEREFORE, the petition is **DENIED**. The Decision dated May 23, 2008 and Resolution dated June 22, 2009 of the Court of Appeals in CA-G.R. CV No. 74418 are **AFFIRMED**.

SO ORDERED.

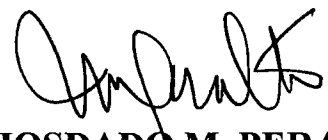


BIENVENIDO L. REYES
Associate Justice


WE CONCUR:




PRESBITERO J. VELASCO, JR.
Associate Justice
Chairperson



DIOSDADO M. PERALTA
Associate Justice




MARTIN S. VILLARAMA, JR.
Associate Justice


FRANCIS H. JARDELEZA
Associate Justice


A T T E S T A T I O N

I attest 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.


PRESBITERO J. VELASCO, JR.
Associate Justice
Chairperson, Third Division

C E R T I F I C A T I O N

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.


MARIA LOURDES P. A. SERENO
Chief Justice

