

Republic of the Philippines  
Supreme Court  
Manila

THIRD DIVISION

REPUBLIC OF THE PHILIPPINES,  
Petitioner,

G.R. No. 176022

- versus -

Present:

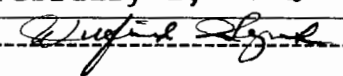
CECILIA GRACE L. ROASA,  
married to GREG AMBROSE  
ROASA, as herein represented by her  
Attorneys-in-Fact, BERNARDO M.  
NICOLAS, JR. and ALVIN B.  
ACAYEN,

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

Promulgated:

Respondents.

February 2, 2015

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DECISION

PERALTA, J.:

Before the Court is a petition for review on *certiorari* seeking the annulment of the Decision<sup>1</sup> of the Court of Appeals (CA), dated December 13, 2006, in CA-G.R. CV No. 85515 which reversed and set aside the Decision of the Regional Trial Court (RTC) of Tagaytay City, Branch 18, in Land Registration Case No. TG-930.

The facts of the case are as follows:

The instant petition arose from an application for registration of title over a parcel of land filed by herein respondent, represented by her attorneys-in-fact, Bernardo M. Nicolas, Jr. and Alvin B. Acayen. The application was filed on December 15, 2000 with the RTC of Tagaytay City.

<sup>1</sup> Penned by Associate Justice Vicente Q. Roxas, with Associate Justices Josefina Guevara-Salonga and Apolinario D. Bruselas, Jr., concurring, Annex "A" to Petition, *rollo*, pp. 43-51.

The subject lot was denominated as Lot 2 of the consolidation/subdivision plan, Ccs-04-000501-D, being a portion of Lots 13592 and 2681, Cad-452-D, Silang Cadastre.

In her application, respondent alleged, among others, that she is the owner in fee simple of the subject lot, having acquired the same by purchase as evidenced by a Deed of Absolute Sale dated December 2, 1994; that the said property is an agricultural land planted with corn, palay, bananas, coconut and coffee by respondent's predecessors-in-interest; that respondent and her predecessors-in-interest had been in open, continuous, exclusive and uninterrupted possession and occupation of the land under *bona fide* claim of ownership since the 1930's and that they have declared the land for taxation purposes. The application, likewise, stated the names and addresses of the adjoining owners.

Subsequently, the Republic of the Philippines, through the Office of the Solicitor General (*OSG*), opposed the application contending that the muniments of title, such as tax declarations and tax payment receipts, did not constitute competent and sufficient evidence of a *bona fide* acquisition of the land applied for nor of the alleged open, continuous, exclusive and notorious possession by respondent and her predecessors-in-interest as owners for the period required by law. The *OSG* also argued that the subject lot is a portion of the public domain belonging to the Republic of the Philippines which is not subject to private appropriation.

Thereafter, respondent presented three witnesses to prove her allegations. She, then, filed her formal offer of evidence. The Republic, on the other hand, did not present any evidence to support its opposition to respondent's application for registration.

On June 21, 2004, the RTC admitted all the exhibits of respondent and considered the case submitted for decision.

On December 8, 2004, the RTC rendered its Decision denying respondent's application. The trial court held:

x x x x

Perusal of the records show that the subject land x x x is not classified as forest land prior to March 15, 1982; x x x.

It bears stressing at this point in time that before one can register his title over a parcel of land, the applicant must show that he, by himself or by his predecessors-in-interest, had been in notorious possession and occupation of the subject land under a "bona fide" claim of ownership

since June 12, 1945 or earlier; and further, the land subject of application is alienable and disposable portion of the public domain. x x x

The evidence adduced by the applicant [herein respondent] particularly Exhibit “U” shows that the subject land applied for registration was declared as not part of the forest land of the government before March 15, 1982, or short of more or less seven (7) years of the required adverse possession of thirty (30) years.

x x x x.<sup>2</sup>

Aggrieved by the RTC Decision, herein respondent filed an appeal with the CA.

On December 13, 2006, the CA rendered its assailed Decision disposing as follows:

**WHEREFORE**, premises considered, the December 8, 2004 Decision of the Regional Trial Court of Tagaytay City, Branch 18, in Land Registration Case No. TG-930, is hereby **REVERSED** and **SET ASIDE** and a new one issued, **GRANTING** the application for confirmation of imperfect title. The Register of Deeds of Tagaytay City is hereby **DIRECTED** to issue Title in the name of applicant for Lot 2 of Consolidated Subdivision Plan CCs-04-000501-D, being a portion of Lot 13592 and 2681, Cad-452-D, Silang Cadastre, consisting of 1.5 hectares.

**SO ORDERED.**<sup>3</sup>

The CA held that:

x x x x

Applicants for confirmation of imperfect title must, therefore, prove the following: (a) that the land forms part of the disposable and alienable agricultural lands of the public domain; and (b) that they have been in open, continuous, exclusive and notorious possession and occupation of the same under a *bona fide* claim of ownership either since time immemorial or since June 12, 1945.

There are two parts to the requirements of the law. As to the first part, there is no doubt that the subject property, irregardless of the date, was already made alienable and disposable agricultural land.

As to the second requirement, there is a specific cut-off date of possession: June 12, 1945. The cut-off date of possession of June 12, 1945 only applies to the requirement of possession. It does not have any bearing as to when the land became alienable and disposable.

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<sup>2</sup> *Id.* at 52-53.

<sup>3</sup> *Id.* at 18. (Emphasis in the original)

When the property was classified as alienable and disposable, specifically on March 15, 1982, does not have any bearing with the second requirement of possession so that despite the fact that the property became alienable and disposable only in 1982, the possession requirement since June 12, 1945 stands so that, as in this case at bench, when the possession was since 1930, which is before June 12, 1945, the requirement of possession has been met.

x x x x<sup>4</sup>

Hence, the instant petition anchored on the sole ground, to wit:

FAILURE TO COMPLY WITH THE REQUIRED 30-YEAR ADVERSE POSSESSION SINCE THE SUBJECT LAND WAS DECLARED ALIENABLE AND DISPOSABLE LAND OF THE PUBLIC DOMAIN ONLY ON MARCH 15, 1982 PER CENRO CERTIFICATION, AND THE APPLICATION WAS FILED ONLY ON DECEMBER 12, 2000. ANY PERIOD OF POSSESSION PRIOR TO THE DATE WHEN THE SUBJECT LAND WAS CLASSIFIED AS ALIENABLE AND DISPOSABLE IS INCONSEQUENTIAL AND SHOULD BE EXCLUDED FROM THE COMPUTATION OF THE 30-YEAR PERIOD OF POSSESSION.<sup>5</sup>

Section 14(1), Presidential Decree No. 1529 provides as follows:

Section 14. Who may apply. The following persons may file in the proper Court of First Instance an application for registration of title to land, whether personally or through their duly authorized representatives:

(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.

In the same manner, Section 48 of Commonwealth Act No. 141, otherwise known as *The Public Land Act*, as amended by Presidential Decree No. 1073, states:

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

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<sup>4</sup> *Id.* at 16-17.

<sup>5</sup> *Id.* at 32-33.

(b) Those who by themselves or through their predecessors-in-interest have been in open, continuous, exclusive, and notorious possession and occupation of agricultural lands of the public domain, under a *bona fide* claim of acquisition or ownership, since June 12, 1945, immediately preceding the filing of the application for confirmation of title, except when prevented by war or *force majeure*. Those 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.

Based on the above provisions, an applicant for original registration of title based on a claim of exclusive and continuous possession or occupation must show the existence of the following:

1. Open, continuous, exclusive and notorious possession, by themselves or through their predecessors-in-interest, of land;
2. The land possessed or occupied must have been declared alienable and disposable agricultural land of public domain;
3. The possession or occupation was under a *bona fide* claim of ownership;
4. Possession dates back to June 12, 1945 or earlier.<sup>6</sup>

In the instant case, petitioner's sole contention is that the possession of the subject lot by respondent and her predecessors-in-interest before the establishment of alienability of the said land, should be excluded in the computation of the period of possession for purposes of registration. Petitioner argues that respondent's possession of the disputed parcel of land, prior to its re-classification as alienable and disposable, cannot be credited as part of the required period of possession because the same cannot be considered adverse.

The Court does not agree.

The Court's disquisition in the recent case of *AFP Retirement and Separation Benefits System (AFP-RSBS) v. Republic of the Philippines*,<sup>7</sup> as it retraces the various rulings of this Court on the issue as to when an applicant's possession should be reckoned and the resulting prevailing doctrine, is instructive, to wit:

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<sup>6</sup> *Republic v. Sese*, G.R. No. 185092, June 4, 2014; *Republic v. Zurbaran Realty and Development Corporation*, G.R. No. 164408, March 24, 2014.

<sup>7</sup> G.R. No. 180086, July 2, 2014,

X X X X

*Republic v. Naguit* [409 Phil. 405] involves the similar question. In that case, **this court clarified that Section 14(1) of the Property Registration Decree should be interpreted to include possession before the declaration of the land's alienability as long as at the time of the application for registration, the land has already been declared part of the alienable and disposable agricultural public lands.** This court also emphasized in that case the absurdity that would result in interpreting Section 14(1) as requiring that the alienability of public land should have already been established by June 12, 1945. Thus, this court said in *Naguit*:

Besides, we are mindful of the absurdity that would result if we adopt petitioner's position. Absent a legislative amendment, the rule would be, adopting the OSG's view, that all lands of the public domain which were not declared alienable or disposable before June 12, 1945 would not be susceptible to original registration, no matter the length of unchallenged possession by the occupant. Such interpretation renders paragraph (1) of Section 14 virtually inoperative and even precludes the government from giving it effect even as it decides to reclassify public agricultural lands as alienable and disposable. The unreasonableness of the situation would even be aggravated considering that before June 12, 1945, the Philippines was not yet even considered an independent state.

Instead, the more reasonable interpretation of Section 14(1) is that it merely requires the property sought to be registered as already alienable and disposable at the time the application for registration of title is filed. If the State, at the time the application is made, has not yet deemed it proper to release the property for alienation or disposition, the presumption is that the government is still reserving the right to utilize the property; hence, the need to preserve its ownership in the State irrespective of the length of adverse possession even if in good faith. However, if the property has already been classified as alienable and disposable, as it is in this case, then there is already an intention on the part of the State to abdicate its exclusive prerogative over the property.

However, in the later case of *Republic v. Herbierto* [498 Phil. 227] that was cited by respondent, this court ruled that the period of possession before the declaration that land is alienable and disposable cannot be included in the computation of the period of possession. This court said:

Section 48(b), as amended, now requires adverse possession of the land since 12 June 1945 or earlier. In the present Petition, the Subject Lots became alienable and disposable only on 25 June 1963. Any period of possession prior to the date when the Subject Lots were classified as alienable and disposable is inconsequential and should be excluded from the computation of the period of possession; such possession can never ripen into ownership and unless the land had been classified as alienable and disposable, the

rules on confirmation of imperfect title shall not apply thereto. It is very apparent then that respondents could not have complied with the period of possession required by Section 48(b) of the Public Land Act, as amended, to acquire imperfect or incomplete title to the Subject Lots that may be judicially confirmed or legalized.

This Court clarified the role of the date, June 12, 1945, in computing the period of possession for purposes of registration in *Heirs of Mario Malabanan v. Republic of the Philippines* [605 Phil. 244]. In that case, this court declared that *Naguit* and not *Herbieto* should be followed. *Herbieto* “has [no] precedential value with respect to Section 14(1).” This court said:

The Court declares that the correct interpretation of Section 14(1) is that which was adopted in *Naguit*. The contrary pronouncement in *Herbieto*, as pointed out in *Naguit*, absurdly limits the application of the provision to the point of virtual inutility since it would only cover lands actually declared alienable and disposable prior to 12 June 1945, even if the current possessor is able to establish open, continuous, exclusive and notorious possession under a *bona fide* claim of ownership long before that date.

Moreover, the *Naguit* interpretation allows more possessors under a *bona fide* claim of ownership to avail of judicial confirmation of their imperfect titles than what would be feasible under *Herbieto*. This balancing fact is significant, especially considering our forthcoming discussion on the scope and reach of Section 14(2) of the Property Registration Decree.

Thus, neither *Herbieto* nor its principal discipular ruling *Buenaventura* has any precedential value with respect to Section 14(1). On the other hand, the ratio of *Naguit* is embedded in Section 14(1), since it precisely involved situation wherein the applicant had been in exclusive possession under a *bona fide* claim of ownership prior to 12 June 1945. The Court’s interpretation of Section 14(1) therein was decisive to the resolution of the case. Any doubt as to which between *Naguit* or *Herbieto* provides the final word of the Court on Section 14(1) is now settled in favor of *Naguit*.

Moreover, in the resolution of the motions for reconsideration of this court’s 2009 decision in *Heirs of Malabanan*, this Court explained that there was no other legislative intent that could be associated with the date, June 12, 1945, as written in our registration laws except that it qualifies the requisite period of possession and occupation. The law imposes no requirement that land should have been declared alienable and disposable agricultural land as early as June 12, 1945.

Therefore, **what is important in computing the period of possession is that the land has already been declared alienable and disposable at the time of the application for registration. Upon satisfaction of this requirement, the computation of the period may include the period of adverse possession prior to the declaration that land is alienable and disposable.**<sup>8</sup> (Emphasis supplied)

Although adverse, open, continuous, and notorious possession in the concept of an owner is a conclusion of law to be determined by courts, it has more to do with a person's belief in good faith that he or she has just title to the property that he or she is occupying.<sup>9</sup> It is unrelated to the declaration that land is alienable or disposable.<sup>10</sup> A possessor or occupant of property may, therefore, be a possessor in the concept of an owner prior to the determination that the property is alienable and disposable agricultural land.<sup>11</sup>

Respondent's right to the original registration of title over the subject property is, therefore, dependent on the existence of (a) a declaration that the land is alienable and disposable at the time of the application for registration and (b) open and continuous possession in the concept of an owner through itself or through its predecessors-in-interest since June 12, 1945 or earlier.<sup>12</sup>

In the present case, there is no dispute that the subject lot has been declared alienable and disposable on March 15, 1982. This is more than eighteen (18) years before respondent's application for registration, which was filed on December 15, 2000. Moreover, the unchallenged testimonies of two of respondent's witnesses established that the latter and her predecessors-in-interest had been in adverse, open, continuous, and notorious possession in the concept of an owner even before June 12, 1945.<sup>13</sup>

**WHEREFORE**, the instant petition is **DENIED**. The Decision of the Court of Appeals, dated December 13, 2006, in CA-G.R. CV No. 85515 is **AFFIRMED**.

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<sup>8</sup> *Id.*

<sup>9</sup> *AFT Retirement and Separation Benefits System (AFP-RSBS) v. Republic of the Philippines*, *supra* note 7.

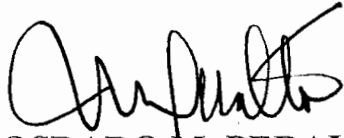
<sup>10</sup> *Id.*

<sup>11</sup> *Id.*


<sup>12</sup> *Heirs of Malabanan v. Republic of the Philippines*, G.R. No. 179987, September 3, 2013, 704 SCRA 561, 580.

<sup>13</sup> See TSN, January 17, 2002, pp. 3-14; TSN, September 15, 2003, pp. 3-9.

**SO ORDERED.**


  
**DIOSDADO M. PERALTA**  
Associate Justice

**WE CONCUR:**

  
**PRESBITERO J. VELASCO, JR.**  
Associate Justice  
Chairperson

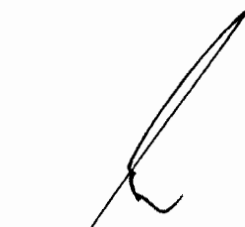
  
**MARTIN S. VILLARAMA, JR.**  
Associate Justice

  
**BIENVENIDO L. REYES**  
Associate Justice

  
**FRANCIS H. JARDELEZA**  
Associate Justice

**ATTESTATION**

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

**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.

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