



Republic of the Philippines
Supreme Court
Manila

SECOND DIVISION

REPUBLIC OF THE PHILIPPINES,
Petitioner,

G.R. No. 203384

Present:

- versus -

CARPIO, J., Chairperson,
VELASCO, JR.,*
DEL CASTILLO,
MENDOZA, and
LEONEN, JJ.

SPS. JOSE CASTUERA and
PERLA CASTUERA,

Promulgated:

Respondents.

JAN 14 2015

Manuel A. Reyes

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DECISION

CARPIO, J.:

The Case

This is a petition¹ for review on certiorari under Rule 45 of the Rules of Court. The petition challenges the 26 March 2012 Decision² and 14 August 2012 Resolution³ of the Court of Appeals in CA-G.R. CV No. 85015, affirming the 31 January 2005 Decision⁴ of the Regional Trial Court (RTC), Branch 70, Iba, Zambales, in Land Registration Case No. RTC-N-92-I and denying the motion for reconsideration, respectively.

The Facts

Andres Valiente owned a 3,135-square meter land in Barangay Siminublan, San Narciso, Zambales. In 1978, he sold the property to

* Designated Acting Member per Special Order No. 1910 dated 12 January 2015.

¹ Rollo, pp. 7-26.

² Id. at 27-34. Penned by Associate Justice Stephen C. Cruz, with Associate Justices Vicente S. E. Veloso and Myra V. Garcia-Fernandez concurring.

³ Id. at 35-36.

⁴ CA rollo, pp. 35-38. Penned by Judge Clodualdo M. Monta.

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respondents Jose and Perla Castuera (Spouses Castuera). On 21 May 2003, the Spouses Castuera filed with the RTC an application⁵ for original registration of title over the property.

The Spouses Castuera presented three witnesses to support their application. The three witnesses were (1) former barangay captain and councilman Alfredo Dadural, (2) Senior Police Officer 2 Teodorico Cudal, and (3) Perla Castuera. All witnesses testified that the Spouses Castuera owned the property.

The Spouses Castuera also presented documentary evidence to support their application. The documents included tax receipts and an advance plan⁶ with a notation, “Checked and verified against the cadastral records on file in this office and is for registration purposes. This survey is within the Alienable and Disposable land proj. No. 3-H certified by Director of Forestry on June 20, 1927 per LC Map No. 669 Sheet 1.”

Petitioner Republic of the Philippines (petitioner), through the Office of the Solicitor General, filed an opposition to the application for original registration.

The RTC’s Ruling

In its 31 January 2005 Decision, the RTC granted the application for original registration of title over the property. The RTC held:

From the evidence submitted by the applicants, they have shown preponderantly that they are the lawful owners in fee simple and the actual possessors of Lot 6553 of the San Narciso Cadastre. They are entitled therefore to a judicial confirmation of their imperfect title to the said land pursuant to the provisions of the new Property Registration Decree (PD 1529).⁷

Petitioner appealed the RTC Decision to the Court of Appeals. The Spouses Castuera attached to their appellees’ brief a certification⁸ from the Community Environment and Natural Resources Office (CENRO), stating:

THIS IS TO CERTIFY that the tract of land situated at Brgy. Siminublan, San Narciso, Zambales containing an area of ONE THOUSAND EIGHT HUNDRED FORTY SEVEN (1847.00) SQUARE METERS as shown and described in this sketch as verified by Cart. Nestor L. Delgado for Sps. Jose Castuera and Perla Castuera was found to be within the Alienable or Disposable, Project No. 3-H, certified by then Director of Forestry, manila [sic] on June 20, 1927 per LC Map No. 669, sheet No. 1.⁹

⁵ Records, pp. 2-5.

⁶ Id. at 6.

⁷ CA *rollo*, pp. 37-38.

⁸ Id. at 57.

⁹ Id.

The Court of Appeals' Ruling

In its 26 March 2012 Decision, the Court of Appeals affirmed the RTC Decision. The Court of Appeals held that:

Presidential Decree No. 1529, otherwise known as the Property Registration Decree, provides for the instances when a person may file for an application for registration of title over a parcel of land:

“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:

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.”

Accordingly, pursuant to the aforequoted provision of law, applicants for registration of title must prove the following: (1) that the subject land 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 land under a bona fide claim of ownership since 12 June 1945 or earlier. Section 14(1) of the law requires that the property sought to be registered is already alienable and disposable at the time the application for registration is filed.

Applying the foregoing in the present case, We find and so rule that the trial court is correct in granting appellees' application for original registration of the subject land. A scrutiny of the records shows that there is substantial compliance with the requirement that the subject land is alienable and disposable land. It bears to emphasize that the Advance Plan has the following notations:

“Checked and verified against the cadastral records on file in this office and is for registration purposes.[”]

“This survey is within the alienable and disposable land proj. no. 3-H certified by Director of Forestry on June 20, 1927 per LC Map No. 669, Sheet 1.”

In *Republic v. Serrano*, the Supreme Court affirmed the findings of the trial court and this Court that the parcel of land subject of registration was alienable and disposable. It held that a DENR Regional Technical Director's certification, which is annotated on the subdivision plan submitted in evidence, constitutes substantial compliance with the legal requirement:

“While Cayetano failed to submit any certification which would formally attest to the alienable and disposable character of the land applied for, the Certification by DENR Regional Technical Director Celso V. Loriga, Jr., as annotated on the subdivision plan submitted in evidence by Paulita, constitutes substantial compliance with the legal requirement. It clearly indicates that Lot 249 had been verified as belonging to the alienable and disposable area as early as July 18, 1925.[”]

“The DENR certification enjoys the presumption of regularity absent any evidence to the contrary. It bears noting that no opposition was filed or registered by the Land Registration Authority or the DENR to contest respondents’ applications on the ground that their respective shares of the lot are inalienable. There being no substantive rights which stand to be prejudiced, the benefit of the Certification may thus be equitably extended in favor of respondents.”

While in the case of *Republic v. T.A.N. Properties, Inc.*, the Supreme Court overturned the grant by the lower courts of an original application for registration over a parcel of land in Batangas and ruled that a CENRO certification is not enough to certify that a land is alienable and disposable:

[“]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.”

However, in the recent case of *Republic vs. Carlos R. Vega, et al.*, as an exception to the strict application of the stringent rule imposed in the above pronouncement that the absence of these twin certifications justifies a denial of an application for registration, the Supreme Court, in its sound discretion, and based solely on the evidence on record, may approve the application, *pro hac vice*, on the ground of substantial compliance showing that there has been a positive act of government to show the nature and character of the land and an absence of effective opposition from the government. This exception shall only apply to applications for registration currently pending before the trial court prior to this Decision and shall be inapplicable to all future applications.

It must be noted that the present case was decided by the trial court only on January 31, 2005, prior to the above pronouncement[.] We believe that the same rule shall apply to the present case allowing the registration of the subject property as there is substantial compliance with the requirement that the land subject of registration is an alienable and disposable land. Besides, appellees had attached to their appellees' brief a Certification from the DENR-CENR Office issued on December 2, 1999, which states the following:

“THIS IS TO CERTIFY that the tract of land situated at Brgy. Siminublan, San Narciso, Zambales containing an area of ONE THOUSAND EIGHT HUNDRED FORTY SEVEN (1,847) SQUARE METERS as shown and described in this sketch as verified by Cart. Nestor L. Delgado for Sps. Jose Castuera and Perla Castuera was found to be within the Alienable or Disposable, Project No. 3-H, certified by then Director of Forestry, Manila on June 20, 1927 per LC Map No 669, Sheet No. 1.”¹⁰

Petitioner filed a motion for reconsideration. In its 14 August 2012 Resolution, the Court of Appeals denied the motion. Hence, the present petition.

The Issue

Petitioner raises as issue that the advance plan and the CENRO certification are insufficient proofs of the alienable and disposable character of the property.

The Court's Ruling

The petition is meritorious.

The advance plan and the CENRO certification are insufficient proofs of the alienable and disposable character of the property. The Spouses Castuera, as applicants for registration of title, must present a certified true copy of the Department of Environment and Natural Resources Secretary's declaration or classification of the land as alienable and disposable. In *Republic of the Philippines v. Heirs of Juan Fabio*,¹¹ citing *Republic v. T.A.N. Properties, Inc.*,¹² the Court held that:

In *Republic v. T.A.N. Properties, Inc.*, we ruled that it is not enough for the Provincial Environment and Natural Resources Office (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

¹⁰ *Rollo*, pp. 30-33.


¹¹ 595 Phil. 664 (2008).

¹² 578 Phil. 441 (2008).

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 must present a copy of the original classification of the land into alienable and disposable, as declared by the DENR Secretary, or as proclaimed by the President. Such copy of the DENR Secretary's declaration or the President's proclamation must be certified as a true copy by the legal custodian of such official record. These facts must be established to prove that the land is alienable and disposable.¹³


WHEREFORE, the Court **GRANTS** the petition and **SETS ASIDE** the 26 March 2012 Decision and 14 August 2012 Resolution of the Court of Appeals in CA-G.R. CV No. 85015. Respondents Jose and Perla Castuera's application for registration is **DISMISSED**.

SO ORDERED.



ANTONIO T. CARPIO
Associate Justice

WE CONCUR:

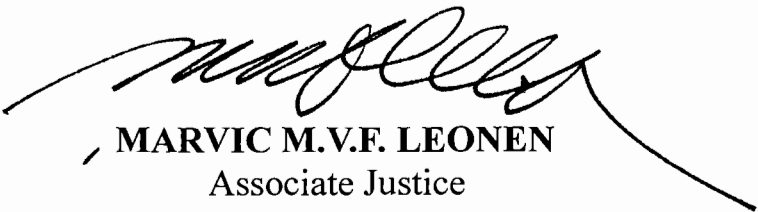


PRESBITERO J. VELASCO, JR.
Associate Justice

¹³ Supra note 11, at 687.


MARIANO C. DEL CASTILLO
Associate Justice


JOSE CATRAL MENDOZA
Associate Justice


MARVIC M.V.F. LEONEN
Associate Justice

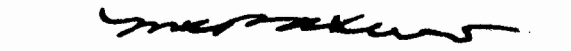
ATTESTATION

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.


ANTONIO T. CARPIO
Associate Justice
Chairperson

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