Republic of the Philippines
Supreme Court
Manila

SECOND DIVISION

ROMAN CATHOLIC ARCHBISHOP OF MANILA, Petitioner,	**G.R. No. 179181** Present:
- versus -	CARPIO, *J. Chairperson*, BRION, DEL CASTILLO, PEREZ, and PERLAS-BERNABE, *JJ.*
CRESENCIA STA. TERESA RAMOS, assisted by her husband, PONCIANO FRANCISCO, Respondent.	Promulgated: NOV 18 2013

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

D E C I S I O N

BRION, *J.:*

We resolve in this petition for review on *certiorari*[1] under Rule 45 of the Rules of Court the challenge to the April 10, 2007 decision[2] and the August 9, 2007 resolution[3] of the Court of Appeals *(CA)* in CA-G.R. CV No. 84646. This CA decision affirmed, with modification, the January 17, 2005 decision[4] of the Regional Trial Court, Branch 156 of Pasig City (*RTC*), in LRC Case No. N-5811 that denied the application for confirmation and registration of title filed by the petitioner, Roman Catholic Archbishop of Manila *(RCAM)*.

---

1 *Rollo*, pp. 9-34.

2 Penned by Associate Justice Lucenito N. Tagle, and concurred in by Associate Justices Amelita G. Tolentino and Sixto Marella, Jr.; id. at 56-74.

3 Id. at 85.

4 Penned by Judge Alex L. Quiroz; id. at 43-54.

The Factual Antecedents

At the core of the controversy in the present petition are two parcels of land - **Lot 1** with an area of 34 square meters and **Lot 2** with an area of 760 square meters - covered by amended Plan PSU-223919[5] *(property),* both located in what used to be Barrio Bagumbayan, Taguig, Rizal.

On September 15, 1966, the RCAM filed before the RTC, (then Court of First Instance of Rizal, Branch 11), acting as a land registration court, an application for registration of title[6] *(application)* of property, pursuant to Commonwealth Act *(C.A.)* No. 141 (the Public Land Act).[7] On October 4, 1974, the RCAM amended its application[8] by reducing Lot 2 to 760 square meters (from 1,832 square meters).

In its amended application, the RCAM claimed that it owned the property; that it acquired the property during the Spanish time; and that since then, it has been in open, public, continuous and peaceful possession of it in the concept of an owner. It added that to the best of its knowledge and belief, no mortgage or encumbrance of any kind affects the property, and that no person has any claim, legal or equitable, on the property.

The RCAM attached the following documents to support its application: amended plan Psu-223919; technical description of Lots 1 and 2;[9] surveyor's certificate;[10] and Tax Declaration No. 9551 issued on September 6, 1966.[11]

On May 22, 1992, the Republic of the Philippines *(Republic)*, through the Director of Lands, filed an opposition[12] to the application. The Republic claimed that the property is part of the public domain and cannot be subject to private appropriation.

---

5 Approved on July 14, 1966; Records, Vol. I, p. 75.

6 Id. at 2-3. At the date set for the initial hearing, the Heirs of Hermogenes Rodriguez appeared to oppose the RCAM's application; the RTC, subsequently, dismissed their opposition for failure to appear during the trial (opposition dated March 20, 1967, Records, Vol. I, pp. 22-24).

7 Enacted on November 7, 1936, but became effective on December 1, 1936.

8 Per the CA's April 10, 2007 decision, the RCAM's amended application was filed on October 7, 1974; *rollo,* p. 58. See also Records, Vol. I, pp. 142-143.

The RCAM filed the amended application in view of the opposition filed by the Province of Rizal, arguing that: (1) portion of the property was part of the Taguig-Alabang road; and (2) another portion was a salvage zone that includes the area of public land reserved for the Laguna Lake Development Authority (id. at 25-26). The RCAM amended its application, deleting from Lot 2 the portion claimed by the Province of Rizal. The Province of Rizal subsequently dropped its opposition.

On January 1, 1978, Maura Garcia filed an opposition to the RCAM's application, claiming ownership of a portion of Lot 2 consisting of 170 square meters. The RCAM subsequently manifested to the trial court that it planned to pursue a compromise agreement with Garcia regarding her claim. The parties, however, failed to pursue the planned agreement. Thus, by an order dated April 4, 1984, the RTC archived the case. On March 20, 1992, the RTC revived the case upon motion of the RCAM (id. at 182-185, 196, 205, 209 and 212).

9 Id. at 148-149.

10 Id. at 145-146.

11 Id. at 8.

12 Id. at 220-221. The record is silent as to what happened to the Republic's opposition.

On August 18, 1992, respondent Cresencia Sta. Teresa Ramos, through her husband Ponciano Francisco, filed her opposition[13] to the RCAM's application. She alleged that the property formed part of the entire property that her family owns and has continuously possessed and occupied from the time of her grandparents, during the Spanish time, up to the present.

Cresencia submitted the following documents,[14] among others, to support her requested confirmation of imperfect title:

1.) the death certificates of Cipriano Sta. Teresa and Eulogia Sta. Teresa Vda. de Ramos (Cresencia's parents);

2.) her marriage certificate;

3.) their children's birth certificates;

4.) certificates of ownership covering two *bancas;*

5.) photographs of these two *bancas* with her youngest child while standing on the property and showing the location of the RCAM's church relative to the location of the property;

6.) photographs of a pile of gravel and sand (allegedly for their gravel and sand business) on the property;

7.) photographs of the RCAM's "*bahay ni Maria*" standing on the property;

8.) a photograph of the plaque awarded to Ponciano by ESSO Standard Philippines as sole dealer of its gasoline products in Bagumbayan, Taguig, Rizal;

9.) a photograph of their "La Compania Refreshment Store" standing on their titled lot adjacent to the property;

10.) a photograph of the certificate of dealership given to Ponciano by a Tobacco company for his dealership in Bagumbayan, Taguig, Rizal; and

11.) the registration certificate for their family's sheet manufacturing business situated in Bagumbayan, Taguig,[15] Rizal.

---

13 Dated August 14, 1992, *rollo,* pp. 151-157.

14 Records, Vol. II, pp. 389-411.

15 As spelled in the certificate of registration; id. at 398.

The RCAM presented in evidence the following documents, in addition to those already on record:[16] tax declarations issued in its name in 1948, 1973, 1981, 1990, 1993, and 1999;[17] the certified true copy of Original Certificate of Title No. 0082 covering the lot in the name of Garcia, which adjoins the property on the south; and the affidavit of Garcia confirming the RCAM's ownership of the property.[18] It likewise submitted several testimonial evidence to corroborate its ownership and claim of possession of the property.

The ruling of the RTC

In its decision of January 17, 2005,[19] the RTC denied the RCAM's application for registration of title. The RTC held that the RCAM failed to prove actual possession and ownership of the property applied for. The RTC pointed out that the RCAM's only overt act on the property that could be regarded as evidence of actual possession was its construction of the *"bahay ni Maria"* in 1991. Even this act, according to the RTC, did not sufficiently satisfy the actual possession requirement of the law as the RCAM did not show how and in what manner it possessed the property prior to 1991. The RCAM's tax declarations were also inconclusive since they failed to prove actual possession.

In contrast, the numerous businesses allegedly conducted by Cresencia and her family on the property, the various pieces of documentary evidence that she presented, and the testimony of the RCAM's own witnesses convinced the RTC that she and her family actually possessed the property in the manner and for the period required by law.

This notwithstanding, the RTC refused to order the issuance of the title in Cresencia's name. The RTC held that Cresencia failed to include in her opposition a prayer for issuance of title.

The RCAM assailed the RTC's decision before the CA.

The CA ruling

In its April 10, 2007 decision,[20] the CA affirmed with modification the RTC's January 17, 2005 ruling. The CA confirmed Cresencia's incomplete

---

16 On June 16, 1993, the RTC rendered a decision confirming Cresencia's title over the property (penned by Judge, now Supreme Court Associate Justice, Martin S. Villarama, Jr., attached as Annex "A" to the RCAM's Memorandum; *rollo,* succeeding pages after p. 442). (See also Records, Vol. II, pp. 430-434.)

The RCAM appealed the case before the CA which, by decision dated March 19, 1999, set aside the RTC's June 16, 1993 decision and remanded the case to the court *a quo* for further proceedings (Records, Vol. III, pp. 2-6).

The RCAM submitted these additional supporting pieces of evidence after the case was remanded.

17 Tax Declaration Nos. 5893, 10111, B-001-01164, C-001-00895, D-001-00766, and EL-001-00655, respectively; Records, Vol. III, pp. 180-186.

18 Id. at 174-175, 177.

19 *Supra* note 4.

20 *Supra* note 2.

and imperfect title to the property, subject to her compliance with the requisites for registration of title.

The CA agreed with the RTC that the totality of the evidence on record unquestionably showed that Cresencia was the actual possessor and occupant, in the concept of an owner, of the disputed property. The CA held that Cresencia's use of the property since the Spanish time (through her predecessors-in-interest), as confirmed by the RCAM's witnesses, clearly demonstrated her dominion over the property. Thus, while she failed to register the property in her name or declare it for taxation purposes as pointed out by the RCAM, the CA did not consider this non-declaration significant to defeat her claim. To the CA, Cresencia merely tolerated the RCAM's temporary use of the property for lack of any urgent need for it and only acted to protect her right when the RCAM applied for registration in its name. Thus, the CA declared that Cresencia correctly waited until her possession was disturbed before she took action to vindicate her right.

The CA similarly disregarded the additional tax declarations that the RCAM presented in support of its application. The CA pointed out that these documents hardly proved the RCAM's alleged ownership of or right to possess the property as it failed to prove actual possession. Lastly, the CA held that it was bound by the findings of facts and the conclusions arrived at by the RTC as they were amply supported by the evidence.

The RCAM filed the present petition after the CA denied its motion for reconsideration.[21]

Assignment of Errors

The RCAM argues before us that the CA erred and gravely abused its discretion in:[22]

1. confirming the incomplete and imperfect title of the oppositor when the magnitude of the parties' evidence shows that the oppositors merely had pretended possession that could not ripen into ownership;

2. failing to consider that the RCAM had continuous, open and notorious possession of the property in the concept of an owner for a period of thirty (30) years prior to the filing of the application; and

3. confirming the oppositor's incomplete and imperfect title despite her failure to comply with the substantial and procedural requirements of the Public Land Act.

---

21 *Supra* note 3.

22 *Rollo*, pp. 20-21.

The Issue

In sum, the core issue for our resolution is who - between the RCAM and Cresencia - is entitled to the benefits of C.A. No. 141 and Presidential Decree (*P.D.*) No. 1529 for confirmation and registration of imperfect title.

The Court's Ruling

Preliminary considerations: nature of the issues; factual-issue-bar rule

In her comment,[23] Cresencia primarily points out that the present petition essentially questions the CA's appreciation of the evidence and the credibility of the witnesses who attested to her actual, public and notorious possession of the property. She argues that these are questions of fact that are not proper for a Rule 45 petition. In addition, the findings of the RTC were well supported by the evidence, had been affirmed by the CA, and are thus binding on this Court.

We are not entirely convinced of the merits of what Cresencia pointed out.

The settled rule is that the jurisdiction of this Court over petitions for review on *certiorari* is limited to the review of questions of law and not of fact. "A question of law exists when the doubt or controversy concerns the correct application of law or jurisprudence to a certain set of facts; or when the issue does not call for an examination of the probative value of the evidence presented, the truth or falsehood of the facts being admitted. A question of fact exists when a doubt or difference arises as to the truth or falsehood of facts or when the query invites calibration of the whole evidence x x x as well as their relation to each other and to the whole, and the probability of the situation."[24]

An examination of the RCAM's issues shows that the claimed errors indeed primarily question the sufficiency of the evidence supporting the lower courts' conclusion that Cresencia, and not the RCAM, had been in possession of the property in the manner and for the period required by law. When the presented question centers on the sufficiency of the evidence, it is a question of fact[25] and is barred in a Rule 45 petition.

Nevertheless, jurisprudence recognizes certain exceptions to the settled rule. When the lower courts grossly misunderstood the facts and

---

[23] Comment dated June 3, 2008; id at 104-148.

[24] *Republic v. Vega,* G.R. No. 177790, January 17, 2011, 639 SCRA 541, 547, citing *New Rural Bank of Guimba (N.E.) Inc. v. Fermina S. Abad and Rafael Susan,* G.R. No. 161818, August 20, 2008, 562 SCRA 503. See also *Buenaventura v. Pascual,* G.R. No. 168819, November 27, 2008, 572 SCRA 143, 157.

[25] See *Republic v. Javier,* G.R. No. 179905, August 19, 2009, 596 SCRA 481, 491.

circumstances that, when correctly appreciated, would warrant a different conclusion, a review of the lower courts' findings may be made.[26] This, in our view, is the exact situation in the case as our discussions below will show.

Moreover, the RCAM also questions the propriety of the CA's confirmation of Cresencia's title over the property although she was not the applicant and was merely the oppositor in the present confirmation and registration proceedings. Stated in question form - was the CA justified under the law and jurisprudence in its confirmation of the oppositor's title over the property? This, in part, is a question of law as it concerns the correct application of law or jurisprudence to recognized facts.

Hence, we find it imperative to resolve the petition on the merits.

Requirements for confirmation and registration of imperfect and incomplete title under C.A. No. 141 and P.D. No. 1529

C.A. No. 141 governs the classification and disposition of lands of the public domain. Section 11 of C.A. No. 141 provides, as one of the modes of disposing public lands that are suitable for agriculture, the "confirmation of imperfect or incomplete titles." Section 48, on the other hand, enumerates those who are considered to have acquired an imperfect or incomplete title over public lands and, therefore, entitled to confirmation and registration under the Land Registration Act.

The RCAM did not specify the particular provision of C.A. No. 141 under which it anchored its application for confirmation and registration of title. Nevertheless, the allegations in its application and amended application readily show that it based its claim of imperfect title under Section 48(b) of C.A. No. 141. As amended by P.D. No. 1073 on January 25, 1977, Section 48(b) of C.A. No. 141 currently provides:

> Section 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 [now Regional Trial Court] 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
>
> (b) Those who by themselves or through their predecessors-in-interest have been in open, continuous, exclusive, and

---

[26] *Republic v. East Silverlane Realty Development Corporation,* G.R. No. 186961, February 20, 2012, 666 SCRA 401, 411. See also *Republic v. Javier, supra,* at 492.

> notorious possession and occupation of agricultural lands of the public domain, under a *bona fide* claim of acquisition or 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. [emphases and italics ours]

Prior to the amendment introduced by P.D. No. 1073, Section 48(b) of C.A. No. 141, then operated under the Republic Act *(R.A.)* No. 1942 (June 22, 1957) amendment which 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 or ownership, **for at least thirty years**, 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. [emphases and italics ours]

Since the RCAM filed its application on September 15, 1966 and its amended application on October 4, 1974, Section 48(b) of C.A. No. 141, as amended by R.A. No. 1942 (which then required possession of thirty years), governs.

In relation to C.A. No. 141, Section 14 of Presidential Decree *(P.D.)* No. 1529 or the "Property Registration Decree" specifies those who are qualified to register their incomplete title over an alienable and disposable public land under the Torrens system. P.D. No. 1529, which was approved on June 11, 1978, superseded and codified all laws relative to the registration of property.

The pertinent portion of Section 14 of P.D. No. 1529 reads:

> Section 14. Who may apply. — The following persons may file in the proper Court of First Instance [now *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. [italics ours]

Under these legal parameters, applicants in a judicial confirmation of imperfect title may register their titles upon a showing that they or 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 acquisition or ownership,[27] since June 12, 1945, or earlier (or for at least 30 years in the case of the RCAM) immediately preceding the filing of the application for confirmation of title. The burden of proof in these cases rests on the applicants who must demonstrate clear, positive and convincing evidence that: (1) the property subject of their application is alienable and disposable land of the public domain; and (2) their alleged possession and occupation of the property were of the length and of the character required by law.[28]

On the issue of whether the RCAM is entitled to the benefits of C.A. No. 141 and P.D. No. 1529

Reiterating its position before the RTC and the CA, the RCAM now argues that it actually, continuously, openly and notoriously possessed the property since time immemorial. It points out that its tax declarations covering the property, while not conclusive evidence of ownership, are proof of its claim of title and constitute as sufficient basis for inferring possession.

For her part, Cresencia counters that the RCAM failed to discharge its burden of proving possession in the concept of an owner. She argues that the testimonies of the RCAM's witnesses were replete with inconsistencies and betray the weakness of its claimed possession. Cresencia adds that at most, the RCAM's possession was by her mere tolerance which, no matter how long, can never ripen into ownership. She also points out that the RCAM's tax declarations are insufficient proof of possession as they are not, by themselves, conclusive evidence of ownership.

We do not see any merit in the RCAM's contentions.

The RTC and the CA, as it affirmed the RTC, dismissed the RCAM's application for its failure to comply with the second requirement – possession of the property in the manner and for the period required by law.

We find no reason to disturb the RTC and the CA findings on this point. They had carefully analyzed and weighed each piece of the RCAM's evidence to support its application and had extensively explained in their respective decisions why they could not give weight to these pieces of

---

[27] See *Buenaventura v. Pascual, supra* note 24, at 159; *Republic v. Ching,* G.R. No. 186166, October 20, 2010, 634 SCRA 415, 424; and *Llanes v. Republic,* G.R. No. 177947, November 27, 2008, 572 SCRA 258, 267.

[28] See *Buenaventura v. Pascual, supra,* at 159; and *Republic of the Philippines v. Martin T. Ng,* G.R. No. 182449, March 6, 2013.

evidence. Hence, we affirm their denial of the RCAM's application. For greater certainty, we expound on the reasons below.

a. The RCAM failed to prove possession of the property in the manner and for the period required by law

The possession contemplated by Section 48(b) of C.A. No. 141 is actual, not fictional or constructive. In *Carlos v. Republic of the Philippines,*[29] the Court explained the character of the required possession, as follows:

> The law speaks of possession and occupation. Since these words are separated by the conjunction and, the clear intention of the law is not to make one synonymous with the other. Possession is broader than occupation because it includes constructive possession. When, therefore, the law adds the word occupation, it seeks to delimit the all-encompassing effect of constructive possession. **Taken together with the words open, continuous, exclusive and notorious, the word occupation serves to highlight the fact that for an applicant to qualify, his possession must not be a mere fiction. Actual possession of a land consists in the manifestation of acts of dominion over it of such a nature as a party would naturally exercise over his own property.**

Accordingly, to prove its compliance with Section 48(b)'s possession requirement, the RCAM had to show that it performed specific overt acts in the character an owner would naturally exercise over his own property. Proof of **actual possession of the property at the time of the filing of the application** is required because the phrase "adverse, continuous, open, public, and in concept of owner," the RCAM used to describe its alleged possession, is a conclusion of law,[30] not an allegation of fact. "Possession is open when it is patent, visible, apparent [and] notorious x x x continuous when uninterrupted, unbroken and not intermittent or occasional; exclusive when [the possession is characterized by acts manifesting] exclusive dominion over the land and an appropriation of it to [the applicant's] own use and benefit; and notorious when it is so conspicuous that it is generally known and talked of by the public or the people in the neighborhood."[31]

Very noticeably, the RCAM failed to show or point to any specific act characterizing its claimed possession in the manner described above. The various documents that it submitted, as well as the bare assertions it made and those of its witnesses, that it had been in open, continuous, exclusive and notorious possession of the property, hardly constitute the "well-nigh

---

29 505 Phil. 778, 783-784, citing *Republic v. Alconaba,* 427 SCRA 211 (2004); emphasis ours.
30 *Republic v. East Silverlane Realty Development Corporation, supra* note 26, at 421.
31 *Tan v. Republic,* G.R. No. 193443, April 16, 2012, 669 SCRA 499, 509.

incontrovertible" evidence required in cases of this nature.[32] We elaborate below on these points.

First, the tax declarations issued in the RCAM's name in 1948, 1966, 1977, 1984, 1990, 1993 and 1999 did not in any way prove the character of its possession over the property. Note that the settled rule is that tax declarations are not conclusive evidence of ownership or of the right to possess land when not supported by any other evidence showing actual, public and adverse possession.[33] The declaration for taxation purposes of property in the names of applicants for registration or of their predecessors-in-interest may constitute collaborating evidence only when coupled with other acts of possession and ownership;[34] standing alone, it is inconclusive.

This rule applies even more strongly in this case since the RCAM's payments of taxes due on the property were inconsistent and random. Interestingly, while the RCAM asserts that it had been in possession of the property since the Spanish time, the earliest tax declaration that it could present was that issued in 1948. Also, when it filed its application in 1966 and its amended application in 1974, the RCAM presented only two tax declarations (issued in 1948 and 1966) covering the property. And since then, up to the issuance of the January 17, 2005 decision of the RTC, the RCAM presented only five other tax declarations – those issued in 1977, 1984, 1990, 1993 and 1999. The case of *Tan v. Republic*[35] teaches us that this type of intermittent and sporadic assertion of alleged ownership does not prove open, continuous, exclusive and notorious possession and occupation.

Second, even if we were to consider the RCAM's tax declarations as basis for inferring possession,[36] the RCAM still failed to prove actual possession of the property for the required duration. As already noted, the earliest tax declaration that it presented was for 1948. We are in fact inclined to believe that the RCAM first declared the property in its name only in 1948 as this tax declaration does not appear to have cancelled any previously-issued tax declaration. Thus, when it filed its application in 1966, it was in possession of the property for only eighteen years, counted from 1948. Even if we were to count the possession period from the filing of its amended application in 1974, its alleged possession (which was only for twenty-six years counted from 1948) would still be short of the thirty-year period required by Section 48(b) of C.A. No. 141, as amended by R.A. No. 1942. The situation would be worse if we were to consider the amendment introduced by P.D. No. 1073 to Section 48(b) where, for the RCAM's claimed possession of the property to give rise to an imperfect title, this possession should have commenced on June 12, 1945 or earlier.

---

32 *Republic of the Phils. v. Court of Appeals,* 398 Phil. 911, 923 (2000).

33 *Arbias v. Republic,* G.R. No. 173808, September 17, 2008, 565 SCRA 582, 593; and *Tan v. Republic, supra* note 32, at 510.

34 *Republic v. East Silverlane Realty Development Corporation, supra* note 26, at 421.

35 *Supra* note 32, at 509, citing *Wee v. Republic of the Philippines,* G.R. No. 177384, December 8, 2009, 608 SCRA 72.

36 *Republic v. Heirs of Doroteo Montoya,* G.R. No. 195137, June 13, 2012, 672 SCRA 576, 586.

Third, the amended plan Psu-223919, technical description for Lots 1 and 2, and surveyor's certificate only prove the identity of the property that the RCAM sought to register in its name.[37] While these documents plot the location, the area and the boundaries of the property, they hardly prove that the RCAM actually possessed the property in the concept of an owner for the required duration. In fact, the RCAM seemed to be uncertain of the exact area it allegedly possesses and over which it claims ownership. The total area that the RCAM applied for, as stated in its amended application and the amended survey plan, was 794 square meters (34 square meters for Lot 1 and 760 square meters for Lot 2). Yet, in its various tax declarations issued even after it filed its amended application, the total area declared under its name was still 1,832 square meters. Notably, the area stated in its 1948 tax declaration was only 132.30 square meters, while the area stated in the subsequently issued tax declaration (1966) was 1,832 square meters. Significantly, the RCAM did not account for or provide sufficient explanation for this increase in the area; thus, it appeared uncertain on the specific area claimed.

Fourth, the RCAM did not build any permanent structure or any other improvement that clearly announces its claim of ownership over the property. Neither did it account for any act of occupation, development, maintenance or cultivation for the duration of time it was allegedly in possession of it. The *"bahay ni Maria"* where the RCAM conducts its fiesta-related and Lenten activities could hardly satisfy the possession requirement of C.A. No. 141. As found out by the CA, this structure was constructed only in 1991 and not at the time of, or prior to, the filing of its application in 1966.

Last, the RCAM's testimonial evidence hardly supplemented the inherent inadequacy of its documentary evidence. While apparently confirming the RCAM's claim, the testimonies were undoubtedly hearsay and were not based on personal knowledge of the circumstances surrounding the RCAM's claimed actual, continuous, exclusive and notorious possession.

b. The RCAM failed to prove that the property is alienable and disposable land of the public domain

Most importantly, we find the RCAM's evidence to be insufficient since it failed to comply with the first and most basic requirement – proof of the alienable and disposable character of the property. Surprisingly, no finding or pronouncement referring to this requirement was ever made in the decisions of the RTC and the CA.

---

37 *Arbias v. Republic*, *supra* note 34, at 594.

To prove that the property is alienable and disposable, the RCAM was bound to 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."[38] It could have also secured a certification from the government that the property applied for was alienable and disposable.[39] Our review of the records shows that this evidence is fatally absent and we are in fact disappointed to note that both the RTC and the CA appeared to have simply assumed that the property was alienable and disposable.

We cannot tolerate this kind of approach for two basic reasons. *One,* in this jurisdiction, all lands belong to the State regardless of their classification.[40] This rule, more commonly known as the Regalian doctrine, applies with equal force even to private unregistered lands, unless the contrary is satisfactorily shown. *Second,* unless the date when the property became alienable and disposable is specifically identified, any determination on the RCAM's compliance with the second requirement is rendered useless as any alleged period of possession prior to the date the property became alienable and disposable can never be counted in its favor as any period of possession and occupation of public lands in the concept of owner, no matter how long, can never ripen into ownership.[41]

On this ground alone, the RTC could have outrightly denied the RCAM's application.

On the CA's authority to confirm the title of the oppositor in land registration proceedings

The RCAM next argues that the CA's act of confirming Cresencia's title over the property is contrary to law and jurisprudence. The RCAM points out that it filed the application for registration of title under the provisions of C.A. No. 141 or alternatively under P.D. No. 1529; both statutes dictate several substantive and procedural requirements that must first be complied with before title to the property is confirmed and registered. In affirming Cresencia's title without any evidence showing her compliance with these requirements, it claims that the CA, in effect, made Cresencia the applicant entitled to the benefits of the land registration proceedings that it initiated before the lower court.

We differ with this view.

---

38 *Aranda v. Republic,* G.R. No. 172331, August 24, 2011, 656 SCRA 140, 147. See also *Republic v. Serrano,* G.R. No. 183063, February 24, 2010, 613 SCRA 537, 545-546, citing *Republic of the Philippines v. Court of Appeals and Naguit,* G.R. No. 144507, January 17, 2005, 448 SCRA 442.

39 See *Aranda v. Republic, supra,* at 147.

40 *Republic v. Ching, supra* note 27, at 424; *Buenaventura v. Pascual, supra* note 24, at 160; and *Aranda v. Republic, supra* note 39, at 146.

41 *Republic of the Philippines v. Lao,* 453 Phil. 189, 199 (2003) (citation omitted); *Buenaventura v. Pascual, supra* note 24, at 160.

Section 29 of P.D. No. 1529 gives the court the authority to confirm the title of either the applicant or the oppositor in a land registration proceeding depending on the conclusion that the evidence calls for. Specifically, Section 29 provides that the court *"x x x after considering the evidence x x x finds that the applicant* ***or the oppositor*** *has sufficient title proper for registration, judgment shall be rendered confirming the title of the applicant,* ***or the oppositor****, to the land x x x x."* (emphases and italics ours)

Thus, contrary to the RCAM's contention, the CA has the authority to confirm the title of Cresencia, as the oppositor, over the property. This, of course, is subject to Cresencia's satisfaction of the evidentiary requirement of P.D. No. 1529, in relation with C.A. No. 141 in support of her own claim of imperfect title over the property.

The issue of whether Cresencia is entitled to the benefits of C.A. No. 141 and P.D. No. 1529

The RCAM lastly argues that the evidence belies Cresencia's claim of continuous, open and notorious possession since the Spanish time. The RCAM points out that, *first,* Cresencia failed to declare for taxation purposes the property in her name, thus effectively indicating that she did not believe herself to be its owner. *Second,* Cresencia did not have the property surveyed in her name so that she could assert her claim over it and show its metes and bounds. *Third,* Cresencia did not register the property in her name although she previously registered the adjoining lot in her name. *Fourth,* Cresencia did not construct any permanent structure on the property and no traces of the businesses allegedly conducted by her and by her family on it could be seen at the time it filed its application. *And fifth,* Cresencia did not perform any act of dominion that, by the established jurisprudential definition, could be sufficiently considered as actual possession

We agree with the RCAM on most of these points.

While we uphold the CA's authority to confirm the title of the oppositor in a confirmation and registration proceedings, we cannot agree, however, with the conclusion the CA reached on the nature of Cresencia's possession of the property.

Under the same legal parameters we used to affirm the RTC's denial of the RCAM's application, we also find insufficient the evidence that Cresencia presented to prove her claimed possession of the property in the manner and for the period required by C.A. No. 141. Like the RCAM, Cresencia was bound to adduce evidence that irrefutably proves her compliance with the requirements for confirmation of title. To our mind, she also failed to discharge this burden of proof; thus, the CA erred when it

affirmed the contrary findings of the RTC and confirmed Cresencia's title over the property.

We arrive at this conclusion for the reasons outlined below.

First, the various pieces of documentary evidence that Cresencia presented to support her own claim of imperfect title hardly proved her alleged actual possession of the property. Specifically, the certificates of marriage, birth and death did not particularly state that each of these certified events, *i.e.,* marriage, birth and death, in fact transpired on the claimed property; at best, the certificates proved the occurrence of these events in Bagumbayan, Taguig, Rizal and on the stated dates, respectively.

Similarly, the certificate of ownership of two *bancas* in the name of Ponciano, the registration certificate for their family's sheet manufacturing business, the photograph of the certificate of dealership in the name of Ponciano given by a tobacco company, and the photograph of the plaque awarded to Ponciano by ESSO Standard Philippines as sole dealer of its gasoline products did not prove that Cresencia and her family conducted these businesses on the disputed property itself. Rather, they simply showed that at one point in time, Cresencia and her family conducted these businesses in Bagumbayan, Taguig, Rizal. In fact, Cresencia's claim that they conducted their gasoline dealership business on the property is belied by the testimony of a witness who stated that the gas station was located north (or the other side) of Cresencia's titled lot and not on the property.[42]

The presence on the property, as shown by photographs, of Cresencia's daughter, of the two *bancas* owned by her family, and of the pile of gravel and sand they allegedly used in their gravel and sand business also hardly count as acts of occupation, development or maintenance that could have been sufficient as proof of actual possession. The presence of these objects and of Cresencia's daughter on the property was obviously transient and impermanent; at most, they proved that Cresencia and her family used the property for a certain period of time, albeit, briefly and temporarily.

Finally, the records show that the La Compania Refreshment Store business (that they allegedly conducted on the property) actually stood on their titled lot adjoining the property.

Second, while Cresencia registered in her name the adjoining lot (which they had been occupying at the time the RCAM filed its application and where their La Compania Refreshment Store stood), she never had the property registered in her name. Neither did Cresencia or her predecessors-in-interest declare the property for taxation purposes nor had the property surveyed in their names to properly identify it and to specifically determine its metes and bounds. The declaration for taxation purposes of property in

---

42 TSN, November 9, 2000, p. 10.

their names would have at least served as proof that she or her predecessors-in-interest had a claim over the property[43] that could be labeled as "possession" if coupled with proof of actual possession.

Finally, the testimonies of Ponciano and Florencia Francisco Mariano (Cresencia's daughter) on the nature and duration of their family's alleged possession of the property, other than being self-serving, were mere general statements and could not have constituted the factual evidence of possession that the law requires. They also failed to point out specific acts of dominion or ownership that were performed on the property by the parents of Cresencia, their predecessors-in-interest. They likewise failed to present any evidence that could have corroborated their alleged possession of the property from the time of their grandfather, Cipriano, who acquired the property from its previous owner, Petrona Sta. Teresa. Interestingly, other than Ponciano and Florencia, none of the witnesses on record seemed to have known that Cresencia owns or at least claims ownership of the property.

At any rate, even if we were to consider these pieces of evidence to be sufficient, which we do not, confirmation and registration of title over the property in Cresencia's name was still improper in the absence of competent and persuasive evidence on record proving that the property is alienable and disposable.

For all these reasons, we find that the CA erred when it affirmed the RTC's ruling on this matter and confirmed Cresencia's imperfect title to the property.

WHEREFORE, in light of these considerations, we hereby **DENY** the petition. We **AFFIRM with MODIFICATION** the decision dated April 10, 2007 and the resolution dated August 9, 2007 of the Court of Appeals in CA-G.R. CV No. 84646 to the extent described below:

1. We **AFFIRM** the decision of the Court of Appeals as it affirmed the January 17, 2005 decision of the Regional Trial Court of Pasig City, Branch 156, in LRC Case No. N-5811 that **DENIED** the application for confirmation and registration of title filed by the petitioner, Roman Catholic Archbishop of Manila; and

2. We **REVERSE** and **SET ASIDE** the confirmation made by the Court of Appeals of the title over the property in the name of respondent Cresencia Sta. Teresa Ramos for lack of sufficient evidentiary basis.

---

43 *Republic v. Guinto-Aldana,* G.R. No. 175578, August 11, 2010, 628 SCRA 210, 225.

Costs against the petitioner.

SO ORDERED.

ARTURO D. BRION
Associate Justice

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

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, it is hereby certified 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