Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

REPUBLIC OF THE PHILIPPINES,
Petitioner,

G.R. No. 189970

Present:

SERENO, *C.J.*,
Chairperson,
LEONARDO-DE CASTRO,
BRION,*
BERSAMIN, and
VILLARAMA, JR., *JJ.*

- versus -

CRISANTO S. RANESES,
Respondent.

Promulgated:
JUN 09 2014

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DECISION

VILLARAMA, JR., *J.*:

Before this Court is a petition[1] for review on *certiorari* under Rule 45 of the 1997 Rules of Civil Procedure, as amended, seeking the reversal of the Decision[2] dated June 18, 2009 of the Court of Appeals (CA) in CA-G.R. CV No. 90383, which affirmed the Orders dated October 11, 2007[3] and November 27, 2007[4] of the Regional Trial Court (RTC), of Pasig City (Taguig City Hall of Justice), Branch 153 in Land Registration Case (LRC) No. N-11573-TG.

The facts follow.

On March 26, 2007, respondent Crisanto S. Raneses (respondent) filed an Application[5] for Original Registration of Land Title docketed as

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* Designated additional member per Raffle dated May 30, 2014.
1 *Rollo*, pp. 8-27.
2 CA *rollo*, pp. 65-75. Penned by Associate Justice Isaias Dicdican with Associate Justices Bienvenido L. Reyes (now a member of this Court) and Marlene Gonzales-Sison concurring.
3 Records, pp. 61-67.
4 Id. at 86-88.
5 Id. at 4-8.

LRC No. N-11573-TG over two parcels of land identified as Lot No. 3085-A, Csd- 00-001621 and Lot No. 3085-B, Csd-00-001621 both located at Barangay Napindan, Taguig City, Metro Manila with a total area of twenty-two thousand six hundred (22,600) square meters (subject properties).

On September 24, 2007, during the initial hearing, respondent marked several documents to establish compliance with the jurisdictional requirements. There being no opposition filed, the RTC issued an Order of General Default[6] against all persons except herein petitioner Republic of the Philippines (petitioner) and granted respondent's Motion to Present his Evidence *Ex-Parte*.[7]

On October 1, 2007, respondent testified that despite the fact that the earliest tax declaration on record over the subject properties was issued only in 1980, his parents had been in continuous possession and occupation of the same as early as June 1945.[8] He narrated that his father, the late Pedro Raneses (Pedro), was a farmer who cultivated the subject properties by planting *palay* and other crops thereon. Respondent further narrated that since the subject properties were near the lake, Pedro used a portable irrigation system to suck water from Laguna de Bay and a mechanized harvester to harvest the *palay*. However, he claimed that when Pedro died on November 15, 1982,[9] the cultivation of the subject properties was likewise stopped. Respondent averred that Pedro declared the subject properties for real estate tax purposes, as evidenced by several tax declarations[10] issued in Pedro's name. Respondent claimed that he acquired ownership over the subject properties when his mother, Nina Raneses,[11] and his sisters, Annabelle R. San Juan and Belinda R. Bayas, executed an Extrajudicial Settlement of Estate with Deed of Waiver[12] (Extrajudicial Settlement of Estate) on April 24, 1997, whereby they agreed to partition and adjudicate among themselves the subject properties, and thereafter, waive all their rights, interest and participation over the same in favor of respondent.[13] Subsequently, respondent had the subject properties declared for real estate tax purposes under his own name.[14]

Respondent also testified that there were no other persons or entities who occupied the subject properties. Correlatively, a Conversion-Subdivision Plan[15] covering the subject properties was prepared by a private Geodetic Engineer named Andrew DG. Montallana (Engr. Montallana).[16] Said Plan noted that the subject properties were "*[s]urveyed in accordance*

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6 Id. at 34.
7 Id. at 38-39.
8 TSN, October 1, 2007, pp. 12-14. Perusal of the records though showed that the earliest Declaration of Real Property can be traced as early as 1970. Please see records, p. 49.
9 Records, p. 44.
10 Id. at 49-55.
11 Also referred to as Catalina Raneses in other pleadings and documents.
12 Records, pp. 14-15.
13 TSN, October 1, 2007, pp. 9-12, 14-16.
14 Id. at 13.
15 Id. at 9.
16 Id. at 12.

with Survey Authority No. LMS-SA-007607-310 dated August 29, 2006 issued by the CENRO, South [S]ector" and that the subject properties were "*inside alienable and disposable land area [P]roj. [N]o. 27-B as per LC Map No. 2623 certified by the Bureau of Forestry on January 3, 1968*."[17] Respondent also presented before the RTC an Inter-Office Memorandum[18] dated March 26, 2007 (Inter-Office Memorandum) prepared and signed by the Engineering and Construction Division (ECD) of the Laguna Lake Development Authority (LLDA) composed of Engineer Ramon D. Magalonga, Jr. (Engr. Magalonga), Fredisvindo A. Latoza and Renato Q. Medenilla (ECD Team) and addressed to the Division Chief-III of the ECD. Said Memorandum provided that after an actual field verification, the ECD Team found that the subject properties are "*presently above (backfilling) the reglementary 12.5-meter elevation*."

Catalina Raneses (Catalina), the mother of respondent, also testified that she and her husband Pedro had been in possession of the subject properties since the Japanese occupation. She narrated that Pedro cultivated the subject properties for *palay* production. However, after Pedro's death in 1982, the subject properties were no longer used for *palay* production, and were, instead, at times leased out for the production of watermelons. Catalina corroborated respondent's testimony that sometime in 1997, she, her daughters and respondent executed the aforementioned Extrajudicial Settlement of Estate, wherein all of them waived their rights and interests over the subject properties in favor of respondent for a consideration.[19]

On October 11, 2007, the RTC issued its first assailed Order[20] granting respondent's application for land registration, the dispositive portion of which reads, to wit:

> WHEREFORE, the application is Granted. Judgment is hereby rendered declaring applicant Crisanto S. Raneses, the owner in fee simple of Lot 3085-A, Csd-00-001621, with an area of Fifteen Thousand Two Hundred Forty (15,240) square meters situated in Brgy. Napindan, City of Taguig, Metro Manila; and Lot 3085-B, Csd-00-001621 with an area of seven thousand three hundred sixty (7,360) square meters situated in Brgy. Napindan, City of Taguig, Metro Manila.
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> After this Order shall become final and executory, let the Land Registration Authority issue the corresponding decree of registration.
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> SO ORDERED.[21]

On October 25, 2007, the LLDA filed its Opposition[22] to the application alleging that the subject properties are below the 12.50-meter elevation, hence, forming part of the bed of Laguna Lake and are, therefore,

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17 Supra note 15.
18 Id. at 56.
19 TSN, October 1, 2007, pp. 18-22.
20 Supra note 3.
21 Id. at 67.
22 Id. at 68-71.

inalienable, indisposable and incapable of registration. To support its cause, the LLDA attached to its Opposition a Memorandum[23] dated September 24, 2007 (ECD Memorandum) prepared and signed by no less than Engr. Magalonga of the ECD and concurred by the ECD's Division Chief-III, Engr. Donato C. Rivera, Jr. which stated that upon the projection of the subject properties in the LLDA's topographic map, the same were below the reglementary elevation of 12.50 meters. Moreover, the LLDA posited that in the absence of any declaration by the Director of Lands, the subject properties remain inalienable and indisposable.

In its Order[24] dated October 25, 2007, the RTC directed respondent to comment on the Opposition of LLDA. In the meantime, petitioner through the Office of the Solicitor General (OSG) filed its Notice of Appeal[25] on November 7, 2007. For orderly proceedings, the RTC took note of the Notice of Appeal as it awaited the respondent's comment in order for it to judiciously resolve the pending Opposition of the LLDA.[26] In compliance with the RTC's Order, respondent filed his Comment and Motion[27] to the said Opposition, arguing that the RTC should give more credence to the Inter-Office Memorandum as the findings therein were based on an actual field inspection rather than the ECD Memorandum, the findings of which were based on a mere table survey. Moreover, respondent argued that the ECD Memorandum should not be considered by the RTC as the same was not formally offered in evidence. Respondent prayed that his Comment and Motion be noted. He also manifested before the RTC that he is amenable to the reopening of the case so that the LLDA can present controverting evidence, if it wants to, and for him to present his rebuttal.

Thus, on November 27, 2007, the RTC issued its second assailed Order,[28] finding merit in respondent's arguments and dismissing LLDA's Opposition, to wit:

> **WHEREFORE**, premises considered, no probative value is therefore attached to the basis of LLDA's opposition filed fourteen (14) days late after the application for registration of Crisanto S. Raneses was granted.
>
> **SO ORDERED**.[29]

For the LLDA's failure to take any action against its second assailed Order, the RTC, in its Order[30] dated January 8, 2008, approved the Notice of Appeal filed by the OSG and directed the transmittal of the records of this case to the CA.

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23 Id. at 72.
24 Id. at 76.
25 Id. at 77-78.
26 RTC Order dated November 15, 2007, id. at 81.
27 Id. at 82-85.
28 Supra note 4.
29 Id. at 88.
30 Id. at 89.

On June 18, 2009, the CA upheld the RTC which gave more credence to the findings contained in the Inter-Office Memorandum than that of the ECD Memorandum and in granting respondent's application. The CA found that respondent had adequately proven that the subject properties form part of the disposable and alienable lands of the public domain. The CA disposed of the case in this wise:

> **WHEREFORE**, in view of the foregoing premises, judgment is hereby rendered by us **DISMISSING** the appeal filed in this case and **AFFIRMING** the Orders dated October 11, 2007 and November 27, 2007 rendered by Branch 153 of the Regional Trial Court of the National Capital Judicial Region stationed in Pasig City in LRC Case No. N-11573-TG.
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> **SO ORDERED**.[31]

Petitioner filed its Motion for Reconsideration[32] which the CA, however, denied in its Resolution[33] dated October 5, 2009.

Hence, this petition based on the following grounds:

> I
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> THE COURT OF APPEALS COMMITTED SERIOUS ERROR IN HOLDING THAT THE SUBJECT LANDS ARE PART OF THE DISPOSABLE AND ALIENABLE LANDS OF THE PUBLIC DOMAIN[; AND]
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> II
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> THE COURT OF APPEALS ERRED IN AFFIRMING THE FINDINGS OF THE LAND REGISTRATION COURT WHICH GRANTED RESPONDENT'S APPLICATION FOR REGISTRATION OF TITLE OVER SUBJECT PARCELS OF LAND NOTWITHSTANDING THE FACT THAT THE SAME ARE CONSIDERED PART OF PUBLIC LAND, BEING BELOW THE 12.50-METER ELEVATION AS CERTIFIED BY THE LAGUNA LAKE DEVELOPMENT AUTHORITY (LLDA).[34]

Petitioner through the OSG avers that respondent, having the burden to prove by incontrovertible evidence that the subject properties are alienable and disposable, failed by relying simply on the Conversion-Subdivision Plan and the Inter-Office Memorandum of the LLDA. Invoking this Court's ruling in *Republic v. Court of Appeals*,[35] the OSG argues that respondent as an applicant and in order to prove that the land subject of an application for registration is alienable, must 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

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31 Supra note 2, at 74.
32 CA *rollo*, pp. 78-86.
33 Id. at 91-92.
34 Supra note 1, at 16.
35 440 Phil. 697, 710-711 (2002).

Lands investigators; and a legislative act or a statute. Lastly, the OSG posits that the EDC Memorandum being a later issuance should be given more credence than the Inter-Office Memorandum.[36]

On the other hand, respondent counters that, as held by the RTC and the CA, no consideration should be accorded to the EDC Memorandum as it was not formally offered in evidence. He asserts that, even if considered, the Inter-Office Memorandum should be given more credence than the EDC Memorandum because the former was the result of an actual verification inspection while the latter was merely based on a table survey. Relying on the findings of the RTC and the CA, respondent claims that the subject properties had already been classified as alienable and disposable as provided in the Conversion-Subdivision Plan's annotation.[37]

Essentially, the sole issue the petition presents is whether or not the subject properties in this case are alienable or disposable land of the public domain.

The petition is impressed with merit.

In petitions for review on certiorari under Rule 45 of the Revised Rules of Court, this Court is limited to reviewing only errors of law, not of fact, unless the factual findings complained of are devoid of support by the evidence on record, or the assailed judgment is based on a misapprehension of facts. It is not the function of this Court to analyze or weigh evidence all over again, unless there is a showing that the findings of the lower court are totally devoid of support or are glaringly erroneous as to constitute palpable error or grave abuse of discretion.[38]

In this case, the records do not support the findings made by the RTC and the CA that the subject properties are part of the alienable and disposable portion of the public domain.

Respondent bases his right to registration of title on Section 14 (1) of Presidential Decree (P.D.) No. 1529, otherwise known as the Property Registration Decree, which provides:

> SEC. 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:
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> (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.

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36 *Rollo*, pp. 232-240.
37 Id. at 204-210.
38 *Republic v. Dela Paz*, G.R. No. 171631, November 15, 2010, 634 SCRA 610, 618 (citations omitted).

The afore-quoted provision authorizes the registration of title acquired in accordance with Section 48 (b) of Commonwealth Act No. 141, otherwise known as the Public Land Act, as amended by P.D. No. 1073, which reads:

> 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:
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> (a) x x x
>
> (b) Those who by themselves or through their predecessors in interest have been in the 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, since June 12, 1945, 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.

Thus, under Section 14 (1) of P.D. No. 1529, a petition may be granted upon compliance with the following requisites: (a) that the property in question is alienable and disposable land of the public domain; (b) that the applicants by themselves or through their predecessors-in-interest have been in open, continuous, exclusive and notorious possession and occupation; and (c) that such possession is under a bona fide claim of ownership since June 12, 1945 or earlier.

The Regalian doctrine, embodied in Section 2, Article XII of the 1987 Constitution, provides that all lands of the public domain belong to the State, which is the source of any asserted right to ownership of land. All lands not appearing to be clearly within private ownership are presumed to belong to the State. Unless public land is shown to have been reclassified or alienated to a private person by the State, it remains part of the inalienable public domain[39] for land classification or reclassification cannot be assumed. It must be proved.[40] And the applicant bears the burden to overturn, by incontrovertible evidence, the presumption that the land subject of an application for registration is alienable and disposable.[41]

Respondent failed to hurdle this burden.

It bears noting that in support of his claim that the subject properties are alienable and disposable, respondent merely presented the Conversion-Subdivision Plan which was prepared by Engr. Montallana with the annotation that the subject properties were "*inside alienable and disposable*

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39 *Aranda v. Republic*, G.R. No. 172331, August 24, 2011, 656 SCRA 140, 146-147.

40 *Mercado v. Valley Mountain Mines Exploration, Inc.*, G.R. Nos. 141019, 164281 & 185781, November 23, 2011, 661 SCRA 13, 45.

41 *Republic v. Naguiat*, 515 Phil. 560, 565 (2006).

land area [P]roj. [N]o. 27-B as per LC Map No. 2623 certified by the Bureau of Forestry on January 3, 1968"[42] and the Inter-Office Memorandum from the LLDA.

Respondent's reliance on the said annotation and Inter-Office Memorandum is clearly insufficient.

In *Republic v. Dela Paz*[43] citing *Republic v. Sarmiento*,[44] this Court ruled that the notation of the surveyor-geodetic engineer on the blue print copy of the conversion and subdivision plan approved by the Department of Environment and Natural Resources (DENR) Center, that "*this survey is inside the alienable and disposable area, Project No. 27-B. L.C. Map No. 2623, certified on January 3, 1968 by the Bureau of Forestry,*" is insufficient and does not constitute incontrovertible evidence to overcome the presumption that the land remains part of the inalienable public domain.

In contrast, this Court has held that the applicant must present a certificate of land classification status issued by the Community Environment and Natural Resources Office (CENRO)[45] or the Provincial Environment and Natural Resources Office (PENRO)[46] of the DENR. He must also prove that the DENR Secretary had approved the land classification and released the land as alienable and disposable, and that it is within the approved area per verification through survey by the CENRO or PENRO. Further, the applicant must present a copy of the original classification approved by the DENR Secretary and certified as true copy by the legal custodian of the official records. These facts must be established by the applicant to prove that the land is alienable and disposable.[47]

Clearly, the pieces of evidence submitted by respondent before the RTC in this case hardly satisfy the aforementioned documentary requirements. Given the lack of evidence that the subject properties are alienable and disposable, it becomes unnecessary for this Court to resolve whether the Inter-Office Memorandum should be given more credence over the ECD Memorandum. On this matter, this Court's ruling in *Republic of the Philippines v. Lydia Capco de Tensuan*[48] is enlightening:

> While we may have been lenient in some cases and accepted substantial compliance with the evidentiary requirements set forth in *T.A.N. Properties*, we cannot do the same for Tensuan in the case at bar.

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42 Supra note 15.

43 Supra note 38, at 620. Italics supplied.

44 547 Phil. 157, 166-167 (2007), further citing *Menguito v. Republic*, 401 Phil. 274 (2000).

45 For lands with an area below 50 hectares as provided under Section G(1) of DENR Administrative Order (DAO) No. 20 dated May 30, 1988 entitled: Delineation of Regulatory Functions and Authorities. Please see *Republic v. Jaralve*, G.R. No. 175177, October 24, 2012, 684 SCRA 495, 519.

46 For lands with an area over 50 hectares as provided under Section F(1) of the same DAO. This delineation, with regard to the offices authorized to issue certificates of land classification status, was retained in DAO No. 38 dated April 19, 1990 entitled: Revised Regulations on the Delineation of Functions and Delineation of Authorities. Please see *Republic v. Jaralve*, id.

47 *Republic v. Roche*, G.R. No. 175846, July 6, 2010, 624 SCRA 116, 121-122, citing *Republic v. T.A.N. Properties, Inc*., 578 Phil. 441, 452-453 (2008).

48 G.R. No. 171136, October 23, 2013, p. 12.

> We cannot afford to be lenient in cases where the Land Registration Authority (LRA) or the DENR oppose the application for registration on the ground that the land subject thereof is inalienable. In the present case, the DENR recognized the right of the LLDA to oppose Tensuan's Application for Registration; and the LLDA, in its Opposition, precisely argued that the subject property is part of the Laguna Lake bed and, therefore, inalienable public land. **We do not even have to evaluate the evidence presented by the LLDA given the Regalian Doctrine. Since Tensuan failed to present satisfactory proof that the subject property is alienable and disposable, the burden of evidence did not even shift to the LLDA to prove that the subject property is part of the Laguna Lake bed.** (Emphasis supplied.)

WHEREFORE, the petition is **GRANTED**. The Decision of the Court of Appeals dated June 18, 2009 in CA-G.R. CV No. 90383, affirming the Orders dated October 11, 2007 and November 27, 2007 of the Regional Trial Court of Pasig City, Branch 153 in Land Registration Case No. N-11573-TG, is **REVERSED** and **SET ASIDE**. The application for registration of title filed by respondent Crisanto S. Raneses over two parcels of land identified as Lot No. 3085-A, Csd-00-001621 and Lot No. 3085-B, Csd-00-001621 both located at Barangay Napindan, Taguig City, Metro Manila, is **DISMISSED**.

No costs.

SO ORDERED.

MARTIN S. VILLARAMA, JR.
Associate Justice

WE CONCUR:

MARIA LOURDES P. A. SERENO
Chief Justice
Chairperson

TERESITA J. LEONARDO-DE CASTRO
Associate Justice

ARTURO D. BRION
Associate Justice

LUCAS P. BERSAMIN
Associate Justice

CERTIFICATION

Pursuant to Section 13, Article VIII of the 1987 Constitution, 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