Republic of the Philippines
Supreme Court
Manila

SECOND DIVISION

REPUBLIC OF THE PHILIPPINES, *Petitioner,*	**G.R. No. 200773**
	Present:
- versus -	PERALTA,* BERSAMIN,** DEL CASTILLO, *Acting Chairperson,*** MENDOZA, *and* LEONEN, *JJ.*
ANGELINE L. DAYAOEN, AGUSTINA TAUEL,** **and LAWANA T. BATCAGAN,** *Respondents.*	Promulgated: 08 JUL 2015

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

DECISION

DEL CASTILLO, *J.*:

This Petition for Review on *Certiorari*[1] seeks to set aside the February 23, 2012 Decision[2] of the Court of Appeals (CA) in CA-G.R. CV No. 92584 affirming the September 11, 2008 Amended Decision[3] of the Regional Trial Court (RTC) of La Trinidad, Benguet, Branch 63 in LRC Case No. 03-LRC-0024.

Factual Antecedents

As determined by the appellate court, the facts are as follows:

---

* Per Special Order No. 2088 dated July 1, 2015.
** Per Special Order No. 2079 dated June 29, 2015.
*** Per Special Order No. 2087 (Revised) dated July 1, 2015.
**** Or Taule.
1 *Rollo*, pp. 21-86.
2 Id. at 88-99; penned by Associate Justice Japar B. Dimaampao and concurred in by Associate Justices Michael P. Elbinias and Agnes Reyes Carpio.
3 Id. at 100-116; penned by Presiding Judge Benigno M. Galacgac.

> Appellees Angeline Dayaoen (Angeline), Agustina Taule (Agustina) and Lawana Batcagan[4] (Lawana) filed an *Application for Registration*[5] of three parcels of land located in Barangay Tabangaoen, La Trinidad, Benguet, described as Lots 1, 6 and 7, each with an area of 994 square meters, 390 sq. m., and 250 sq. m. respectively, or, a total of 1,634 sq. m. under Survey Plan Psu-1-002413.[6]
>
> The subject parcels of land were originally owned and possessed since pre-war time by Antonio Pablo (Antonio), the grandfather of Dado Pablo (Dado), husband of appellee Angeline. In 1963, Antonio gave the parcels of land in question to appellee Angeline and Dado as a wedding gift. From that time on, they continuously occupied and possessed the properties. In 1976 and 1977, appellee Angeline sold Lots 6 and 7 to co-appellees Agustina and Lawana, pursuant to an *Affidavit of Quitclaim* and a *Deed of Absolute Sale of a Portion of Unregistered Land*, respectively. Since 12 June 1945, appellees and their predecessor-in-interest have been in public, open, exclusive, uninterrupted and continuous possession thereof in the concept of an owner. Appellees declared the questioned properties for taxation purposes. There was no mortgage or encumbrance of any kind whatsoever affecting the said parcels of land. Neither did any other person have an interest therein, legal or equitable, or was in possession thereof.
>
> On the scheduled initial hearing, appellees adduced pieces of documentary evidence to comply with the jurisdictional requirements of notices, posting and publication. Appellee Angeline testified on the continuous, open, public and exclusive possession of the lands in dispute.
>
> Trial on the merits ensued. In a *Decision*[7] dated 6 November 2007, the court *a quo* granted appellees' application for registration. Unflinching, the Office of the Solicitor General (OSG) moved for reconsideration but failed to attain favorable relief as its *Motion* was denied by the court *a quo* in its *Order* dated 11 September 2008. On even date, the court *a quo* rendered the assailed *Amended Decision* finding appellees to have the registrable title over the subject properties.[8]

LRC Case No. N-453

Previously, or in 1979, herein respondents Angeline, Agustina and Lawana filed a similar application for registration of the herein subject property which was docketed as LRC Case No. N-453 before the RTC La Trinidad, Branch 8. The Republic opposed the application. After trial on the merits, a Decision[9] dated December 26, 1994 was rendered dismissing the application on the ground that respondents failed to prove that they or their predecessors-in-interest have been in

---

4 Herein respondents.

5 *Rollo*, pp. 134-138. Docketed as LRC Case No. 03-LRC-0024 before the Regional Trial Court, First Judicial Region, of La Trinidad, Benguet (RTC La Trinidad), Branch 63. The *Application* was superseded by an *Amended Application* dated January 30, 2003 (Id. at 190-194).

6 The subject property.

7 *Rollo*, pp. 238-247; penned by Presiding Judge Benigno M. Galacgac.

8 Id. at 90-91. Italics in the original.

9 Id. at 228-237; penned by Presiding Judge Angel V. Colet.

open, continuous, exclusive and notorious possession of the subject property under a *bona fide* claim of ownership since June 12, 1945 or earlier. Respondents did not appeal the said Decision; thus, it became final and executory.

Ruling of the Regional Trial Court in LRC Case No. 03-LRC-0024

The September 11, 2008 Amended Decision in LRC Case No. 03-LRC-0024 held as follows:

> Well settled is the rule that the burden of proof in land registration cases is incumbent on the applicant who must show that he is the real and absolute owner in fee simple of the land being applied for. x x x The applicant must present specific acts of ownership to substantiate the claim and cannot just offer general statements which are more conclusion of law than factual evidence of possession. Simply put, facts constituting possession must be duly established by competent evidence. x x x
>
> However, given the foregoing facts, as borne out by competent, reliable, concrete, and undisputed evidence, the Court cannot conceive of any better proof of applicants' adverse, continuous, open, public, peaceful, uninterrupted and exclusive possession and occupation in concept of owners. The Court finds and concludes that the applicants have abundantly shown the specific acts that would show such nature of their possession. In view of the totality of facts obtaining in evidence on record, the applicants had ably complied with the burden of proof required of them by law. The Court holds that the established facts are sufficient proof to overcome the presumption that the lots sought to be registered form part of the public domain. Hence, they have fully discharged to the satisfaction of the Court their burden in this proceeding.
>
> Moreover, the Court is mindful of what the Supreme Court said in *Director of Lands v. Funtillar* x x x that *"The attempts of humble people to have disposable lands they have been tilling for generations titled in their names should not only be viewed with an understanding attitude but should, as a matter of policy, be encouraged."* For this reason, the Supreme Court limited the strict application of the rule stated in *Heirs of Amunategui v. Director of Forestry*, x x x, that *"In confirmation of imperfect title cases, the applicant shoulders the burden of proving that he meets the requirements of Section 48, Commonwealth Act No. 141, as amended by Republic Act 1942. He must overcome the presumption that the land he is applying for is part of the public domain but that he has an interest therein sufficient to warrant registration in his name because of an imperfect title such as those derived from old Spanish grants or that he has had continuous, open and notorious possession and occupation of agricultural lands of the public domain under a bona fide claim of acquisition of ownership for at least thirty (30) years preceding the filing of his application."* Thus, in *Director of Lands v. Funtillar*, the Supreme Court liberalized the aforecited rule and stated:
>
> > The Regalian doctrine which forms the basis of our land laws and, in fact, all laws governing natural resources is a revered and long standing principle. It must, however, be applied together with the constitutional provisions on social

> justice and land reform and must be interpreted in a way as to avoid manifest unfairness and injustice.
>
> Every application for a concession of public land has to be viewed in the light of its peculiar circumstances. A strict application of the *Heirs of Amunategui vs. Director of Forestry* (126 SCRA 69) ruling is warranted whenever a portion of the public domain is in danger of ruthless exploitation, fraudulent titling, or other questionable practices. But when an application appears to enhance the very reasons behind the enactment of Act 496, as amended, or the Land Registration Act, and Commonwealth Act No. 141, as amended, or the Public Land Act, then their provisions should not be made to stand in the way of their own implementation.

In the present case, there is no showing that any *"portion of the public domain is in danger of ruthless exploitation, fraudulent titling, or other questionable practices."* Instead, it is very evident from applicants' mass of undisputed evidence that the present application will enhance social justice considerations behind the Public Land Law and the Land Registration Act, in the light of the incontrovertible fact that applicant Angeline Dayaoen and her three (3) children have long established their residential houses on the land subject of the application, which is *"the policy of the State to encourage and promote the distribution of alienable public lands as a spur to economic growth and in line with the social justice ideal enshrined in the Constitution"* (Republic vs. Court of Appeals, G.R. No. L-62680, November 9, 1988).

In the case at bar, the tracing cloth (Diazo Polyester film) of the approved survey plan of the land embracing the lots subject of the application was adduced in evidence as Exhibit "H" for the applicants. At its lower left hand corner is a certification. It states in part: *"x x x. This Survey is inside the alienable and disposable areas per Proc. No. 209, Lot-A. The land herein described is outside any military or civil reservations. x x x"* Aside from this certification, it is further certified by Geronimo B. Fernandez, in his capacity as Supervising Geodetic Engineer I, *"that this survey is outside the Mountain State Agricultural College and it is within the Proclamation No. 209, Lot-A."* Further scrutiny of the tracing cloth plan also reveals that the survey plan was approved by Regional Director Sulpicio A. Taeza *"For the Director of Lands."*

The Court takes judicial notice of Proclamation No. 209[10] issued by then President Ramon Magsaysay on October 20, 1955. It provides:

> "Upon recommendation of the Secretary of Agriculture and Natural Resources and pursuant to the provisions of Sections 83 and 89 of Commonwealth Act No. 141, as amended, I, RAMON MAGSAYSAY, President of the Philippines do hereby exclude from the operation of Proclamation Nos. 99, 64, 39, 102 and 698, series of 1914, 1919, 1920, 1927 and 193[4], respectively, and declare the parcel or parcels of land embraced

---

[10] EXCLUDING FROM THE OPERATION OF PROCLAMATIONS NOS. 99, 64, 39, 102, AND 698, SERIES OF 1914, 1919, 1920, 1927, AND 1934, RESPECTIVELY, AND DECLARING THE PARCEL OR PARCELS OF LAND EMBRACED THEREIN OR PORTIONS THEREOF SITUATED IN THE MUNICIPALITY OF LA TRINIDAD, SUB-PROVINCE OF BENGUET, MOUNTAIN PROVINCE, OPEN TO DISPOSITION UNDER THE PROVISIONS OF THE PUBLIC LAND ACT.

> therein or portions thereof situated in the Municipality of La Trinidad, Sub-province of Benguet, Mountain Province, open to disposition under the provisions of the Public Land Act, to wit: x x x"

Lot A, mentioned in the aforestated certifications in the tracing cloth of the approved survey plan (Exh. "H"), is one of the three (3) lots described in the aforecited Presidential Proclamation No. 209 opened to *"disposition under the provisions of the Public Land Act."*

The categorical statement of facts in the tracing cloth of the approved survey plan (Exh. "H"), in conjunction with the aforecited Proclamation No. 209, support the certification that the land subject of the survey is alienable and disposable. The certifications therein attesting that the land, which embraced Lots 1, 6 and 7 subject of the present application, is outside the Mountain State Agricultural College reservation, that it is within the Proclamation No. 209, Lot-A; that the land is alienable and disposable – pursuant to the Proclamation No. 209, Lot-A, and that it is outside any military or civil reservations. [This] statement of facts in the certifications in the tracing cloth of the approved survey plan sufficiently contain all the essential factual and legal bases for any certification that may be issued by the Department of Environment and Natural Resources that the lots subject of the present application are indeed alienable and disposable. More importantly, the tracing cloth of the approved survey plan was approved by Regional Director Sulpicio A. Taeza *"For the Director of Lands."* As such, the aforecited certifications in the tracing cloth of the approved survey plan carry not only his imprimatur but also that of the Director of Lands for whom he was acting. Thus, the approval of the survey plan was in effect the act of the Director of Lands. Necessarily, the certifications in the approved survey plan were [those] of the Director of Lands, not only of the Supervising Geodetic Engineer I and Regional Director Sulpicio A. Taeza. Under Commonwealth Act No. 141, the Director of Lands is empowered to issue the approved survey plan and to certify that the land subject thereof is alienable and disposable (Exh. "H") x x x. The law states the powers of the Director of Lands, as follows:

> Sec. 3. The Secretary of Agriculture and Commerce shall be the executive officer charged with carrying out the provisions of this Act through the Director of Lands, who shall act under his immediate control.
>
> Sec. 4. Subject to said control, the Director of Lands shall have direct executive control of the survey, classifications, lease, sale or any other form of concession or disposition and management of the lands of the public domain, and his decisions as to questions of fact shall be conclusive when approved by the Secretary of Agriculture and Commerce.
>
> Sec. 5. The Director of Lands, with the approval of the Secretary of Agriculture and Commerce shall prepare and issue such forms, instructions, rules, and regulations consistent with this Act, as may be necessary and proper to carry into effect the provisions thereof and for the conduct of proceedings arising under such provisions.

Therefore, to require another certification to be issued by the Director of Lands attesting to same facts already certified in the tracing cloth of the approved survey plan that the lots subject of the present application for registration of titles are alienable and disposable is a needless ceremony, a pure act of supererogation.

It is clear, therefore, that the applicants have satisfactorily complied with their burden of proving "*that the land subject of an application for registration is alienable"* considering that they have established *"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 statute."* The certifications categorically cited Proclamation No. 209, Lot-A, as the basis in attesting that the land, which is the subject of the survey and present application, is alienable and disposable because it is inside Lot A opened by the presidential proclamation "*to disposition under the provisions of the Public Land Act."*

The Court finds it significant that the State has not adduced any evidence, in spite of the fact that it has all the records, resources, and power in its command, to show that the lots subject of the present application are not alienable and disposable part of the public domain. Having failed to refute the evidence on the very face of the tracing cloth of the approved survey plan (Exh. "H"), which is a public document and part of a public record, the presumption that the certifications therein contained, attesting that the lots subject of the present application for registration are alienable and disposable, are true and correct have attained the status of concrete facts.

Hence, the Court now turns to resolve the sole issue of whether or not [sic] the herein applicants are entitled to the confirmation of their titles to the lots subject of their present application.

It has been well established that since pre-war Antonio Pablo had been in possession and occupation of the land (TSN, Oct. 19, 2005), which is corroborated by evidence that when the land was verbally given to applicant Angeline Dayaoen and Dado Dayaoen as a wedding gift, the old man Antonio Pablo had already an old hut thereon (TSN, May 29, 1984, p. 14) where the spouses stayed after their marriage (TSN, Oct. 19, 2005, p. 9), and there were already on the land some fruit trees, and some other plants, consisting of guavas and avocados already bearing fruits, which he had planted thereon (TSN, May 29, 1984, pp. 12-14). The anterior possession and occupation of Antonio Pablo of the land since pre-war should be tacked to the possession and occupation of applicant Angeline Dayaoen, and the latter's possession and occupation, in turn, is tacked to the present possession and occupation of her co-applicants, who acquired titles from her. Consequently, the applicants are entitled to the benefits of Sec. 48(b) of C.A. 141, as amended by R.A. 1942, which provides as follows:

> "Sec. 48. The following described citizens of the Philippines, occupying lands of the public domain or claiming to own 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

> (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 of 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."

This section was amended by Presidential Decree No. 1073, which took effect on January 25, 1977 (Republic vs. Court of Appeals, G.R. No. 48327, August 21, 1991). Section 4 thereof provides:

> Sec. 4. The provisions of Section 48(b) and Section 48(c), Chapter VIII of the Public Land Act are hereby amended in the sense that these provisions shall apply only to alienable and disposable lands of the public domain which have been in open, continuous, exclusive and notorious possession and occupation by the applicant himself or thru his predecessor-in-interest, under a bona fide claim of acquisition of ownership, since June 12, 1945

In the present case, it will be recalled that Antonio Pablo commenced possession and occupation of the land subject of the application for confirmation of title since before the Second World War. Thus, applicant Angeline Dayaoen was already in possession and occupation of the land under bona fide claim of acquisition of ownership for more than thirty (30) years, including the anterior possession and occupation of Antonio Pablo, when P.D. 1073 amended Sec. 48(b) if C.A. 141, as amended by R.A. 1942. Applicant Angeline Dayaoen already acquired vested right of ownership over the land and, therefore, already excluded from the public domain, as it was already a private property over which applicant Angeline Dayaoen has a confirmable title. *Republic vs. Court of Appeals* (G.R. No. 48327, August 21, 1991) held:

> It is important to note that private respondents' application for judicial confirmation of their imperfect title was filed in 1970 and that the land registration court rendered its decision confirming their long-continued possession of the lands here involved in 1974, that is, during the time when Section 48(c) was in legal effect. Private respondents' imperfect title was, in other words, perfected or vested by the completion of the required period of possession prior to the issuance of P.D. No. 1073. Private respondents' right in respect of the land they had possessed for thirty (30) years could not be divested by P.D. No. 1073.

Even if Sec. 48(b) of C.A. 141 is applied in the present case in its textual form as amended by P.D. 1073, still the present applicants are qualified thereunder to have their titles confirmed. They have already been in possession and occupation of the lots subject of their application for confirmation of titles under bona fide claim of acquisition of ownership for more than thirty (30) years since before the Second World War (or before June 12, 1945) considering that

the possession and occupation of x x x Antonio Pablo, the predecessor-in-interest of the present applicants, should be tacked to their possession and occupation. Consequently, applicant Angeline Dayaoen had a vested right over the lots subject of the present application when she conveyed, transferred and delivered Lots 6 and 7, respectively, to her co-applicants.

Under Article 541 of the New Civil Code, which squarely applies to applicants' present application, *"A possessor in the concept of owner has in his favor the legal presumption that he possesses with a just title and he cannot be obliged to show or prove it."* Clearly, therefore, since the applicant Angeline Dayaoen and her predecessor, Antonio Pablo, have been in continuous and uninterrupted possession of the land since before the Second World War and have been exercising acts of ownership thereon, it is incumbent upon the State, and not the applicants, to show that the land still forms part of the public domain. The State has utterly failed to overcome the presumption with the sole testimony of Irene Leaño Caayas, which the Court does not even accord any weight and credence.

The tax declaration of applicant Angeline Dayaoen and religious payment of real property taxes lend strong corroboration to the evidence of the applicants. It is the established jurisprudence that "*While it is true that by themselves tax receipts and declarations of ownership for taxation purposes are not incontrovertible evidence of ownership they become strong evidence of ownership acquired by prescription when accompanied by proof of actual possession of the property"* (Republic vs. Court of Appeals, 131 SCRA 533). In the present application, it has been concretely and [indisputably] established that applicant Angeline Dayaoen and her predecessor Antonio Pablo have been in actual and continuous possession of the parcel of land embracing the lots subject of the present application.

In fine, therefore, the present applicants are entitled to have their titles confirmed under Section 14(1) of Presidential Decree No. 1529. The Court concludes that the applicants have indeed confirmable and registrable titles over the lots subject of the instant application for confirmation of titles pursuant to either Sec. 48(b) of C.A. 141, as amended by R.A. 1942, or Sec. 48(c) of C.A. 141, as amended by R.A. 1942 and P.D. 1073.

WHEREFORE, in view of the foregoing, judgment is hereby rendered GRANTING the herein Application for Registration of the parcels of land described as follows:

> Lot 1, Psu-1-002413, in the name of ANGELINE L. DAYAOEN, particularly described as a parcel of land (Lot 1, Psu-1-002413) situated at Brgy. of Tabangaoen, Mun. of La Trinidad, Prov. of Benguet, Island of Luzon. Bounded on the NW., along line 1-2 by an alley (2.00m. wide); on the NE., along line 2-3 by Morris Leaño; on the SE., along line 3-4 by lot 2 of the plan; on the SW., along line 4-1 by Mt. State Agricultural College, T.C.T. # 7179; Beginning at a point marked "1" on plan being S. 63 deg. 59'E., 1391.52 m. from Tri. Sta, "TRINIDAD", La Trinidad, Benguet, thence:
>
> N. 45 deg. 18'E., 27.25m. to point 2;
> S. 40 deg. 37'E., 33.18m. to point 3;

S. 54 deg. 05'W., 37.44m. to point 4;
N. 20 deg. 50'W., 29.94m. to point of beginning.

Containing an area of NINE HUNDRED NINETY FOUR (994) SQ. METERS, more or less.

Lot 6, Psu-1-002413, in the name of AGUSTINA TAULE, particularly described as a parcel of land (Lot 6, Psu-1-002413) situated at Brgy. of Tabangaoen, Mun. of La Trinidad, Prov. of Benguet, Island of Luzon. Bounded on the SW., along line 1-2 by Mt. State Agricultural College, T.C.T. # 7179; on the NE., along line 2-3 by Morris Leaño; on the NE., along line 3-4 by Psu-1-000485; on the SE., along line 4-1 by lot 7 of the plan,. Beginning at a point marked "1" on plan being S. 64 deg. 20'E. 1382.57m. from Tri. "TRINIDAD", La Trinidad, Benguet, thence:

N. 20 deg. 50'W., 47.27m. to point 2;
S. 45 deg. 15'E., 16.02m. to point 3;
S. 43 deg. 38'E., 24.91m. to point 4;
S. 38 deg. 20'W., 18.96m. to point of beginning.

Containing an area of THREE HUNDRED NINETY (390) SQ. METERS, more or less.

Lot 7, Psu-1-002413, in the name of LAWANA T. BATCAGAN, particularly described as a parcel of land (Lot 7, Psu-1-002413) situated at Brgy. of Tabangaoen, Mun. of La Trinidad, Prov. of Benguet, Island of Luzon. Bounded on the NW., along line 1-2 by Psu-1-000485; on the NE., along line 2-3 by Morris Leaño; on the SE., along line 3-4 by an alley (2.00 m. wide); on the SW., along line 4-5 by Mt. State Agricultural College, T.C.T. # 7179; on the NW., along line 5-1 by lot 6 of the plan. Beginning at a point marked "1" on plan being S. 65 deg. 02'E., 1385.03 m. from Tri. "TRINIDAD", La Trinidad, Benguet, thence:

N. 62 deg. 02'E., 3.11m. to point 2;
S. 47 deg. 13'E., 10.58m. to point 3;
S. 44 deg. 47'W., 26.43m. to point 4;
N. 20 deg. 50'W., 10.29m. to point 5;
N. 38 deg. 20'E., 18.96m. to point of beginning.

Containing an area of TWO HUNDRED FIFTY (250) SQ. METERS, more or less.

The decree of registration shall be issued upon attainment by this judgment of its finality.

This Amended Decision supersedes the Decision earlier rendered by the Court.

SO ORDERED.[11]

Ruling of the Court of Appeals

Petitioner filed an appeal with the CA, which was docketed as CA-G.R. CV No. 92584. Petitioner essentially argued that the La Trinidad RTC erred in granting respondents' application for registration since they failed to prove that the subject property constitutes alienable and disposable land; that the annotation on the survey plan that the subject property is alienable and disposable is not sufficient; and that respondents failed to prove open, continuous, exclusive and notorious possession and occupation of the subject property.

On February 23, 2012, the CA rendered the assailed Decision affirming the September 11, 2008 Amended Decision of the La Trinidad RTC, pronouncing thus:

> **The *Appeal* bears no merit.**
>
> Appellant Republic asseverates that appellees[12] failed to comply with the legal requirement of open, continuous, exclusive and notorious possession and occupation of the lands applied for since 12 June 1945 or earlier as required under Section 14(1) of Presidential Decree (PD) No. 1529.[13]
>
> *Appellant's asseveration does not hold sway.*
>
> Section 14(1) of PD No. 1529 provides:
>
> > "Sec. 14. Who may apply. — The following persons may file in the proper Court of First Instance x x x 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**."
>
> By the same token, Section 48(b) of Commonwealth Act (CA) No. 141[14] which took effect [in] November 1936, amended by Section 4 PD No. 1073, provides:
>
> > "Sec. 4. The provisions of Section 48(b) and Section 48(c), Chapter VIII of the Public Land Act are hereby amended

---

11 *Rollo*, pp. 109-116. Italics in the original.
12 Herein respondents.
13 THE PROPERTY REGISTRATION DECREE.
14 THE PUBLIC LAND ACT.

> in the sense that these provisions shall apply only to alienable and disposable lands of the public domain which have been in open, continuous, exclusive and notorious possession and occupation by the applicant himself or thru his predecessor-in-interest, under a bona fide claim of acquisition of ownership, **since June 12, 1945**."

The proceedings under the Property Registration Decree (P.D. No. 1529), and Section 48 of the Public Land Act (C.A. No. 141 as amended by P.D. No. 1073), are the same in that both are against the whole world, both take the nature of judicial proceedings, and both the decree of registration issued is conclusive and final. Both proceedings are likewise governed by the same court procedure and law of evidence.

There are three obvious requisites for the filing of an application for registration of title under Section 14 (1) – that the property in question is alienable and disposable land of the public domain; that the applicants by themselves or through their predecessors-in-interest have been in continuous, open, exclusive and notorious possession and occupation, and; that such possession is under a *bona fide* claim of ownership since June 12, 1945 or earlier.

Withal, appellees must present specific acts of ownership to substantiate their claim and they cannot just offer general statements which are mere conclusions of law than factual evidence of possession. Jurisprudence dictates that a person who seeks confirmation of imperfect or incomplete title to a piece of land on the basis of possession by himself and his predecessors-in-interest shoulders the burden of proving by clear and convincing evidence compliance with the requirements of Section 48(b) of C.A. No. 141, as amended.

Parenthetically, case law teaches us that the determination of whether claimants were in open, continuous, exclusive and notorious possession under a bona fide claim of ownership since 1945 as required by law, is a question of fact. Here, We find no cogent reason to deviate from the conclusion of the court *a quo* that appellees have the registrable right owing to their and their predecessor-in-interest continuous possession of the subject parcels of land. The foundation of such conclusion is primarily factual. Findings of fact of the trial court are conclusive when supported by substantial evidence on record.

Contrary to appellant's thesis, appellees were able to prove by convincing evidence that they and their predecessor-in-interest have been in continuous, open, exclusive and notorious possession over the subject properties since 12 June 1945 or earlier. Appellee Angeline had personal knowledge that her predecessor-in-interest, Antonio, owned and possessed them from pre-war time. She and her husband Dado, tilled and cultivated the lands in question since 1963 when it was given to them by Antonio as a wedding gift. This was corroborated by co-appellee Lawana who was a co-employee of Antonio in 1961 at the Mountain State Agricultural College (MSAC), and witness Albert Dimas (Albert), a resident of the adjoining lot (MSAC cottage), and witness Victor Alejandro, a neighbor of Antonio in Camp Dangwa.

In the same vein, appellees declared the subject properties for taxation purposes. Although tax declarations and realty tax payment of property are not conclusive evidence of ownership, nevertheless, they are good *indicia* of the possession in the concept of owner for no one in his right mind would be paying

taxes for a property that is not in his actual or at least constructive possession. They constitute at least proof that the holder has a claim of title over the property. The voluntary declaration of a piece of property for taxation purposes manifests not only one's sincere and honest desire to obtain title to the property and announces his adverse claim against the State and all other interested parties, but also the intention to contribute needed revenues to the Government. Such an act strengthens one's *bona fide* claim of acquisition of ownership.

Next, appellant's postulations that the disputed lands were not yet alienable and disposable and that appellees failed to overcome the presumption that all lands form part of the public domain, carry no weight.

x x x x

In the case at bench, appellees were able to discharge such bounden duty. The subject properties are no longer part of public domain. Their private character is declared in the annotation of the survey plan approved by the Department of Environment and Natural Resources through the Bureau of Lands, Regional Office No. 1, San Fernando, La Union, *viz*: *"The survey is inside alienable and disposable areas per Proc. No. 209, Lot-A"; x x x The land herein described is outside any military and civil reservations. x x x"* The Supervising Geodetic Engineer of the same Office likewise certified "*x x x this survey is outside the Mountain State Agricultural College and it is within the Proclamation No. 209, Lot-A.*"

We echo with approval the disquisition of the court a quo which thoroughly threshed out the issue on the alienable and disposable character of the challenged parcels of land –

> "In the case at bar, the tracing cloth (Diazo Polyester film) of the approved survey plan of the land embracing the lots subject of the application x x x.
>
> The Court takes judicial notice of Proclamation No. 209 issued by then President Ramon Magsaysay on October 20, 1955. x x x
>
> Lot A, mentioned in the aforestated certifications in the tracing cloth of the approved survey plan (Exh. "H"), is one of the three (3) lots described in the aforecited Presidential Proclamation No. 209 **opened to *"disposition under the provisions of the Public Land Act."***
>
> ***The categorical statement of facts in the tracing cloth of the approved survey plan (Exh. "H"), in conjunction with the aforecited Proclamation No. 209, support the certification that the land subject of the survey is alienable and disposable***. The certifications therein attesting that the land, which embraced Lots 1, 6 and 7 subject of the present application, is outside the Mountain State Agricultural College reservation, ***that it is within the Proclamation No. 209, Lot-A; that the land is alienable and disposable – pursuant to the Proclamation No. 209, Lot-A, and that it is outside any military or civil reservations***. [This] statement of facts in the certifications in the tracing cloth of the

> approved survey plan sufficiently contain[s] all the essential factual and legal bases for any certification that may be issued by the Department of Environment and Natural Resources ***that the lots subject of the present application are indeed alienable and disposable. More importantly, the tracing cloth of the approved survey plan was approved by Regional Director Sulpicio A. Taeza "For the Director of Lands."*** As such, the aforecited certifications in the tracing cloth of the approved survey plan carry not only his imprimatur but also that of the Director of Lands for whom he was acting. Thus, the approval of the survey plan was in effect the act of the Director of Lands. Necessarily, the certifications in the approved survey plan were [those] of the Director of Lands, not only of the Supervising Geodetic Engineer I and Regional Director Sulpicio A. Taeza.

The foregoing discourse is in congruity with the principle enunciated in **Republic v. Serrano**[15] wherein the Supreme Court explicitly pronounced, *viz*:

> "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. Loriega, 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 be equitably extended in favor of respondents.**
>
> In précis, We discern no reversible error committed by the court *a quo.*
>
> **WHEREFORE**, the Appeal is hereby **DENIED.** The *Amended Decision* dated 11 September 2008 of the Regional Trial Court, First Judicial Region, La Trinidad, Benguet, Branch 63, in LRC No. 03-LRC-0024, is **AFFIRMED.**
>
> **SO ORDERED**.[16]

Hence, the present Petition.

---

15 G.R. No. 183063, February 24, 2010, 613 SCRA 537, 546-547.

16 *Rollo*, pp. 92-98. Emphases and italics in the original.

Issues

In a November 25, 2013 Resolution,[17] this Court resolved to give due course to the Petition, which contains the following assignment of errors:

> THE COURT OF APPEALS SERIOUSLY MISAPPRECIATED THE FACTS AS WELL AS MADE FINDINGS WHICH ARE INCONSISTENT WITH, OR NOT SUPPORTED BY, THE EVIDENCE ON RECORD. LIKEWISE, IT GRAVELY MISAPPLIED THE LAWS AND JURISPRUDENCE, AS FOLLOWS:
>
> > (a) The land registration court gravely erred in granting the application for registration of the three (3) subject lots despite respondents' utter failure to prove that the said lots are alienable and disposable, a mere annotation on the survey plan that the said lots are alienable and disposable being insufficient to prove alienability;
> >
> > (b) Respondents' evidence is utterly insufficient to prove open, continuous, exclusive and notorious occupation and possession by themselves and their predecessors-in-interest since June 12, 1945, or earlier.[18]

Petitioner's Arguments

In its Petition and Reply[19] seeking reversal of the assailed CA decision and the dismissal of respondents' application for registration in LRC Case No. 03-LRC-0024, petitioner argues that respondents failed to satisfy the legal requirements relative to proof of the alienability of the subject land and continuous, open, exclusive and notorious possession thereof. Particularly, petitioner claims that it was erroneous for the trial and appellate courts to consider as substantial compliance the certification or annotation in the survey plan that the subject land is alienable and disposable; that respondents did not present in court the public officials who issued the said certification/annotation in order that they may authenticate the same; that respondents failed to establish the existence of a positive act of government declaring that the subject land is alienable and disposable; that respondents failed to secure a government certification that the subject land constitutes alienable and disposable land of the public domain; that the trial court erred in taking judicial notice of Proclamation 209, as the exact boundaries of the lots covered by said law, as well as that of the subject land, are not a matter of judicial knowledge; that respondents have not shown that their predecessors-in-interest were in continuous, open, exclusive and notorious possession of the land for 30 years or since June 12, 1945 or earlier; that respondents' possession is not genuine; that the trial court erred in relying on the

---

17 Id. at 385-386.
18 Id. at 37-38.
19 Id. at 378-383.

testimonial evidence taken in LRC Case No. N-453 since the transcripts of stenographic notes in said case were not submitted to the court; and that respondents' tax declarations and receipts do not constitute proof of adverse possession or ownership of the subject land.

Respondents' Arguments

In their Comment,[20] respondents contend that, as correctly found by the trial and appellate courts, the annotations and certifications in the approved survey plan substantially comply with the legal requirement for a certification as to the alienability of the subject land. They cite as follows:

> **Third**. The approved survey plan (Exh. "H") of the respondents contain certifications attesting to the fact that the three (3) lots, among others, which are the subject of their application for title, are within the parcel of land described as Lot A in Presidential Proclamation 209 of the late President Ramon Magsaysay excluded from the Mountain State Agricultural College (now Benguet State University) and released for disposition; x x x The certifications are found at the foot of the approved survey plan (Exh. "H"), which, for ready reference, are here quoted:
>
> > Note:
> > All corners not otherwise described are P.S. cyl. Conc. Mons. 15x60 cm. This survey is for registration purposes and should not be subject of a public land application unless declared public land by a competent court. This survey is claimed by Irene L. Ca-aya – representing the Hrs. of M. Leaño. This survey is inside the alienable & disposable area as per Proc. No. 209, Lot A. The land herein described is outside any military or civil registrations. Tax declaration no. 4317 of real property has been submitted as part of the survey-returns.
> >
> > - CERTIFICATION -
> >
> > I hereby certify that this survey is outside the Mountain State Agricultural College and it is within the Proclamation No. 209, Lot A.
> >
> > (Signed)
> > GERONIMO B. FERNANDEZ
> > Superv. Geodetic Engineer - I
>
> In recommending approval of the survey plan, Laurentino P. Baltazar, Regional Chief, Surveys Division, of the Regional Lands Office No. 1, Bureau of Lands, then Department of Natural Resources (now Department of Environment and Natural Resources), at San Fernando, La Union, certified:

---

[20] Id. at 337-366.

> I certify that the complete survey returns of the herein described survey, which are on file in this Office, were verified and found to conform with pertinent laws of the Philippines and with applicable regulations of the Bureau of Lands. In view thereof, approval of the plan is hereby recommended.
>
> (Signed)
> LAURENTINO P. BALTAZAR
> Regional Chief, Survey Division

Sulpicio A. Taeza, Regional Director, Regional Lands Office No. 1, Bureau of Lands, then Department of Natural Resources (now Department of Environment and Natural Resources), at San Fernando, La Union, approved the survey and plan (Exh. "H") "*For the Director of Lands.*"

The survey plan (Exh. "H") was approved on April 10, 1976. Subsequent thereto, or on August 18, 1977, the sketch plan of Mr. Edilberto Quiaoit (Exh. "P" and Exh. "Z" and series) was prepared. It contains this certification of District Land Officer Amador Roxas of the Bureau of Lands at the foot thereof, to wit:

> CERTIFICATION
>
> I hereby certify that this sketch plan is true and correct as plotted from the technical descriptions of Lot 954, GSS-157, & Lots 1-7, PSU-1-002413 which are on file in this Office.
>
> Issued upon request of Mr. Lawana Batcagan in connection with Administrative Case No. (N) Angeline Dayaoen et al. vs. Morris Leaño et al.
>
> … Bu. Of Lands, Baguio City August 18, 1977
>
> (Signed)
> AMADOR P. ROXAS
> District Land Officer[21]

Respondents add that, as correctly held by the trial and appellate courts, they have satisfactorily proved their continuous, open, exclusive and notorious possession of the subject land; that their predecessors-in-interest occupied the land as early as during the Japanese occupation, or clearly prior to June 12, 1945; and that petitioner's evidence should not be believed for being biased.

Our Ruling

The Court grants the Petition.

---

[21] Id. at 346-347.

The trial and appellate courts seriously erred in declaring that the annotation in the tracing cloth of the approved survey plan (Exh. "H") and the certifications therein constitute substantial compliance with the legal requirement on presentation of a certificate of land classification status or any other proof that the subject land is alienable and disposable. We cannot subscribe to such notion.

Under the Regalian doctrine, all lands of the public domain belong to the State. The classification and reclassification of such lands are the prerogative of the Executive Department. The President may at any time transfer these public lands from one class to another.[22]

While in 1955 the President – through Presidential Proclamation No. 209 – declared particular lands in Baguio City as alienable and disposable, they may have been re-classified by the President thereafter. This is precisely the reason why an applicant for registration of title based on an executive proclamation is required to present evidence on the alienable and disposable character of the land applied for, such as a certificate of land classification status from the Department of Environment and Natural Resources (DENR), which only the Community Environment and Natural Resources Officer[23] (CENRO) and the Provincial Environment and Natural Resources Officer[24] (PENRO) are authorized to issue under DENR Administrative Order No. 38,[25] series of 1990 (DAO 38).

In *Republic v. Cortez*,[26] the Court made the following pronouncement:

> It must be stressed that incontrovertible evidence must be presented to establish that the land subject of the application is alienable or disposable.
>
> In the present case, the only evidence to prove the character of the subject lands as required by law is the notation appearing in the Advance Plan stating in effect that the said properties are alienable and disposable. However, this is hardly the kind of proof required by law. To prove that the land subject of an application for registration is alienable, an applicant 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 Lands investigators, and a legislative act or statute. The applicant may

---

22 C.A. No. 141, or the Public Land Act, Section 6.

Sec. 6. The President, upon the recommendation of the Secretary of Agriculture and Natural Resources, shall from time to time classify the lands of the public domain into:(a) Alienable or disposable, (b) Timber, and (c) Mineral lands, and may at any time and in a like manner transfer such lands from one class to another, for the purposes of their administration and disposition.

23 For areas below 50 hectares.

24 For areas exceeding 50 hectares.

25 REVISED REGULATIONS ON THE DELINEATION OF FUNCTIONS AND DELEGATION OF AUTHORITIES, April 19, 1990.

26 G.R. No. 186639, February 5, 2014, 715 SCRA 416, 427-429.

> also secure a certification from the Government that the lands applied for are alienable and disposable. In the case at bar, while the Advance Plan bearing the notation was certified by the Lands Management Services of the DENR, **the certification refers only to the technical correctness of the survey plotted in the said plan and has nothing to do whatsoever with the nature and character of the property surveyed**. Respondents failed to submit a certification from the proper government agency to prove that the lands subject for registration are indeed alienable and disposable. (Emphasis in the original)

Similarly, in *Republic v. Roche*, the Court declared that:

> Respecting the third requirement, the applicant bears the burden of proving the status of the land. In this connection, the Court has held that **he must present a certificate of land classification status issued by the Community Environment and Natural Resources Office (CENRO) or the Provincial Environment and Natural Resources Office (PENRO) 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.** (Emphasis in the original)
>
> Here, Roche did not present evidence that the land she applied for has been classified as alienable or disposable land of the public domain. She submitted only the survey map and technical description of the land which bears no information regarding the land's classification. She did not bother to establish the status of the land by any certification from the appropriate government agency. Thus, it cannot be said that she complied with all requisites for registration of title under Section 14(1) of P.D. 1529.

The annotation in the survey plan presented by Cortez is not the kind of evidence required by law as proof that the subject property forms part of the alienable and disposable land of the public domain. Cortez failed to present a certification from the proper government agency as to the classification of the subject property. Cortez likewise failed to present any evidence showing that the DENR Secretary had indeed classified the subject property as alienable and disposable. Having failed to present any incontrovertible evidence, Cortez' claim that the subject property forms part of the alienable and disposable lands of the public domain must fail. (Emphasis supplied)

Later, another pronouncement was made in *Fortuna v. Republic*,[27] stating thus:

> Under Section 6 of the PLA,[28] the classification and the reclassification of public lands are the prerogative of the Executive Department. The President, through a presidential proclamation or executive order, can classify or reclassify a land to be included or excluded from the public domain. The Department of Environment and Natural Resources (DENR) Secretary is likewise empowered by law to approve a land classification and declare such land as alienable and disposable. Accordingly, jurisprudence has required that an applicant for registration of title acquired through a public land grant must present incontrovertible evidence that the land subject of the application is alienable or disposable by establishing 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.
>
> In this case, the CA declared that the alienable nature of the land was established by the notation in the survey plan, which states:
>
> > *This survey is inside alienable and disposable area as per Project No. 13 L.C. Map No. 1395 certified August 7, 1940. It is outside any civil or military reservation.*
>
> It also relied on the Certification dated July 19, 1999 from the DENR Community Environment and Natural Resources Office (CENRO) that "there is, per record, neither any public land application filed nor title previously issued for the subject parcel[.]" However, we find that neither of the above documents is evidence of a positive act from the government reclassifying the lot as alienable and disposable agricultural land of the public domain.
>
> **Mere notations appearing in survey plans are inadequate proof of the covered properties' alienable and disposable character. These notations, at the very least, only establish that the land subject of the application for registration falls within the approved alienable and disposable area per verification through survey by the proper government office.** The applicant, however, must also present a copy of the original classification of the land into alienable and disposable land, as declared by the DENR Secretary or as proclaimed by the President. In *Republic v. Heirs of Juan Fabio*, the Court ruled that
>
> > [t]he 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 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.

---

27 G.R. No. 173423, March 5, 2014.

28 PUBLIC LAND ACT, or C.A. No. 141.

> The survey plan and the DENR-CENRO certification are not proof that the President or the DENR Secretary has reclassified and released the public land as alienable and disposable. The offices that prepared these documents are not the official repositories or legal custodian of the issuances of the President or the DENR Secretary declaring the public land as alienable and disposable.
>
> For failure to present incontrovertible evidence that Lot No. 4457 has been reclassified as alienable and disposable land of the public domain though a positive act of the Executive Department, the spouses Fortuna's claim of title through a public land grant under the PLA should be denied. (Emphasis supplied and/or in the original)

Yet again, in another subsequent decision of this Court in *Remman Enterprises, Inc. v. Republic*,[29] it was held that –

> The burden of proof in overcoming the presumption of State ownership of the lands of the public domain is on the person applying for registration, who must prove that the properties subject of the application are alienable and disposable. Even the notations on the survey plans submitted by the petitioner cannot be admitted as evidence of the subject properties' alienability and disposability. **Such notations do not constitute incontrovertible evidence to overcome the presumption that the subject properties remain part of the inalienable public domain**. (Emphasis supplied)

Thus, while judicial notice of Presidential Proclamation No. 209 may be taken, the DENR certificate of land classification status or any other proof of the alienable and disposable character of the land may not be dispensed with, because it provides a more recent appraisal of the classification of the land as alienable and disposable, or that the land has not been re-classified in the meantime. The applicable law – Section 14(1) of Presidential Decree No. 1529 – requires that the property sought to be registered is alienable and disposable **at the time the application for registration of title is filed**;[30] one way of establishing this material fact is through the DENR certificate of land classification status which is presumed to be the most recent appraisal of the status and character of the property.

The ruling in *Republic v. Serrano*[31] cannot be controlling. Instead, We must apply the pronouncements in *Republic v. Cortez*, *Fortuna v. Republic*, and *Remman Enterprises, Inc. v. Republic*, as they are more recent and in point. Besides, these cases accurately ratiocinate that such notations or certifications in approved survey plans refer only to the technical correctness of the surveys plotted in these plans and have nothing to do whatsoever with the nature and character of the properties surveyed, and that they only establish that the land subject of the application for registration falls within the approved alienable and disposable area

---

29 G.R. No. 188494, November 26, 2014.

30 *Republic v. Zurbaran Realty and Development Corporation*, G.R. No. 164408, March 24, 2014.

31 Supra note 14.

per verification through survey by the proper government office; they do not indicate at all that the property sought to be registered is alienable and disposable at the time the application for registration of title is filed.

On the issue of continuous, open, exclusive and notorious possession, however, there appears to be no reason to deviate from the identical findings of fact of the trial court and the CA, which are rooted in the testimonies of the respondents and their witnesses – categorical declarations which petitioner has failed to refute. We adopt the findings of the trial court, to wit:

> It has been well established that since pre-war Antonio Pablo had been in possession and occupation of the land (TSN, Oct. 19, 2005), which is corroborated by evidence that when the land was verbally given to applicant Angeline Dayaoen and Dado Dayaoen as a wedding gift, the old man Antonio Pablo had already an old hut thereon (TSN, May 29, 1984, p. 14) where the spouses stayed after their marriage (TSN, Oct. 19, 2005, p. 9), and there were already on the land some fruit trees, and some other plants, consisting of guavas and avocados already bearing fruits, which he had planted thereon (TSN, May 29, 1984, pp. 12-14). The anterior possession and occupation of Antonio Pablo of the land since pre-war should be tacked to the possession and occupation of applicant Angeline Dayaoen, and the latter's possession and occupation, in turn, is tacked to the present possession and occupation of her co-applicants, who acquired titles from her.[32]

Thus, while respondents have complied with most of the requirements in connection with their application for registration, they have not sufficiently shown that the property applied for is alienable and disposable at the time their application for registration was filed. The Court is left with no alternative but to deny their application for registration. To be sure, the nation's interests will be best served by a strict adherence to the provisions of the land registration laws.[33]

WHEREFORE, the Petition is **GRANTED**. The February 23, 2012 Decision of the Court of Appeals in CA-G.R. CV No. 92584 and the September 11, 2008 Amended Decision of the Regional Trial Court of La Trinidad, Benguet, Branch 63 in LRC Case No. 03-LRC-0024 are **REVERSED and SET ASIDE**. Respondents' application for registration in LRC Case No. 03-LRC-0024 is ordered **DISMISSED**.

SO ORDERED.

MARIANO C. DEL CASTILLO
Associate Justice

---

32 *Rollo*, pp. 112-113.

33 See *De Melgar v. Pagayon*, 129 Phil. 91, 96 (1967).

WE CONCUR:

DIOSDADO M. PERALTA
Associate Justice

LUCAS P. BERSAMIN
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.

MARIANO C. DEL CASTILLO
Associate Justice
Acting Chairperson

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution and the Division Acting 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