



Republic of the Philippines
 Supreme Court
 Manila

SECOND DIVISION

CONRADO R. ESPIRITU, JR.,
 TERESITA ESPIRITU-
 GUTIERREZ, MARIETTA R.
 ESPIRITU-CRUZ, OSCAR R.
 ESPIRITU, and ALFREDO R.
 ESPIRITU,

Petitioners,

G.R. No. 219070

Present:

CARPIO,* J.,
 PERALTA,** *Acting Chairperson*,
 MENDOZA,
 LEONEN,*** and
 MARTIRES, JJ.

- versus -

REPUBLIC OF THE
 PHILIPPINES,

Respondent.

Promulgated:

27 JUN 2017

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DECISION

MENDOZA, J.:

This is a petition for review on *certiorari* seeking to reverse and set aside the March 20, 2015 Decision¹ and June 18, 2015 Resolution² of the Court of Appeals (CA) in CA-G.R. CV No. 101002, which reversed and set aside the July 30, 2012 Decision³ of the Regional Trial Court, Branch 274, Parañaque City (RTC) in Land Registration Case No. 10-0026 (LRC No. 10-0026), which approved the application for land registration filed by the petitioners.

* On Official Leave.

** Per Special Order No. 2445 dated June 16, 2017.

*** On Leave.

¹ Penned by Associate Justice Isaias P. Dicedican, with Associate Justices Elihu A. Ybañez and Maria Elisa Sempio Diy, concurring; *rollo*, pp. 34-46.

² Id. at 48-49.

³ Penned by Presiding Judge Fortunito L. Madrona; id. at 87-95.

The Antecedents

On March 1, 2010, the petitioners, with their now deceased sibling, Carmen Espiritu, filed before the RTC an Application for Registration of Title to Land⁴ covering a parcel of land with an area of 6,971 square meters, located at Barangay La Huerta, Parañaque City, Metro Manila, and identified as Lot 4178, Cad. 299 of the Parañaque Cadastre Case 3 (*subject land*).

Attached to the petitioners' application were copies of the following documents: (1) Special Powers of Attorney respectively executed by petitioners Oscar Espiritu (*Oscar*)⁵ and Alfredo Espiritu (*Alfredo*)⁶ in favor of petitioner Conrado Espiritu, Jr. (*Conrado, Jr.*), to represent them in the proceedings relating to the application; (2) Advanced Survey Plan⁷ of Lot No. 4178, Cad. 299 of the Parañaque Cadastre Case 3; (3) Technical Description⁸ of Lot 4178, AP-04-003281, being an advanced survey of Lot 4178, Cad. 299, Parañaque Cadastre Case 3; and (4) Tax Declaration (*T.D.*) No. E-005-01718-TR.⁹

The petitioners alleged that their deceased parents, Conrado Espiritu, Sr. (*Conrado, Sr.*) and Felicidad Rodriguez-Espiritu (*Felicidad*), were the owners of the subject land; that they inherited the subject land after their parents passed away; and that they, by themselves and through their predecessors-in-interest, have been in open, public, and continuous possession of the subject land in the concept of owner for more than thirty (30) years.

Subsequently, the RTC determined that it had jurisdiction to act on the application. Thereafter, trial ensued, during which Oscar, Conrado, Jr., Ludivina Aromin (*Aromin*), Ferdinand Encarnacion (*Encarnacion*), and Marrieta Espiritu-Cruz (*Marrieta*), were presented as witnesses.

Encarnacion, a staff in the Docket Division of the Land Registration Authority, testified that the notices relative to the application for registration of the subject land were served on the owners of the adjoining lots.

Marrieta testified that she is one of the children of Conrado, Sr. and Felicidad; that she was born on February 23, 1933; that she has known the subject land since she was seven (7) years old because her parents owned the

⁴ Records, pp. 3-9.

⁵ Id. at 12.

⁶ Id. at 14.

⁷ Id. at 15.

⁸ Id. at 17.

⁹ Id. at 28.

same; that before her parents, her grandparents and Felicidad's parents, Dalmacio Rodriguez and Dominga Catindig were the owners of the subject land; that she, together with her siblings, inherited the subject land from Conrado, Sr. and Felicidad, who died in March 1984 and on January 10, 1986, respectively; that they possessed the subject land openly and continuously since the death of their parents; that the subject land was agricultural in nature because it was being used as salt land during summer and as fishpond during rainy season; and that there were no adverse claimants over the subject land.

Oscar corroborated Marietta's testimony. He reiterated that they were in possession and occupation of the subject land because they could visit the property whenever they wanted to, introduce improvements thereon, and prevent intruders from entering it.

Conrado, Jr. testified that he commissioned the survey of the subject land; that he requested and received from Laureano B. Lingan, Jr., Regional Technical Director of the Forest Management Services (*FMS*), Department of Environment and Natural Resources-National Capital Region (*DENR-NCR*), a Certification,¹⁰ dated October 6, 2010, stating that the subject land was part of the alienable and disposable land of the public domain; and that they utilized the subject land in their salt-making business, which they inherited from their parents.

On cross-examination, Conrado, Jr. admitted that their salt-making business ceased operation in 2004, and that the subject land had become idle.

For her part, Aromin, the Chief of the Technical Services of the DENR-NCR, testified that their office issued a certified copy of the technical description of Lot No. 4178 (AP 04-003281) on February 18, 2010; and that the technical description was verified to be consistent with the approved survey plan of Lot No. 4178.

In addition to the testimonies of their witnesses, the petitioners also presented in evidence several tax declarations covering the subject land, the earliest of which was T.D. No. 31802¹¹ issued on April 28, 1970; a Certification,¹² dated January 26, 2011, issued by the Parañaque City Treasurer's Office stating that the real property tax for the subject land had been fully settled up to year 2010; and the DENR-NCR certification alluded to by Conrado, Jr. during his direct examination, to the effect that the subject

¹⁰ *Id.* at 184.

¹¹ *Id.* at 173.

¹² *Id.* at 174.

land was verified to be within the alienable and disposable land under Project No. 25 of Parañaque City, as per LC Map 2623, and that it is not needed for forest purposes.

The RTC Ruling

In its decision, dated July 30, 2012, the RTC granted the application for registration. The trial court opined that the petitioners were able to establish possession and occupation over the subject land under a *bona fide* claim of ownership since June 12, 1945 or earlier. It gave credence to the testimony of Marrieta that she had known that the subject land belonged to their parents as early as 1940 because she was already seven (7) years old at that time.

The trial court was convinced that the petitioners were able to prove that the subject land was part of the alienable and disposable land of the public domain. In so ruling, it relied on the contents of the DENR-NCR certification. The dispositive portion of the decision reads:

WHEREFORE, pursuant to Section 29 of P.D. No. 1529 as amended, judgment is hereby rendered granting the application of the applicants, namely, Carmen R. Espiritu, Conrado R. Espiritu, Jr., Marrieta R. Espiritu, Oscar R. Espiritu, Alfredo R. Espiritu, and Teresita R. Espiritu, confirming the title of said applicants over the parcel of land fully described on its technical description described as follows:

x x x

and ordering the registration of said parcel of land in the name of the applicants.

Once this Decision becomes final, let the corresponding Order for the issuance of the Decree be issued.

SO ORDERED.¹³ (Boldface omitted)

The Republic moved for reconsideration, but its motion was denied by the RTC in its resolution, dated April 1, 2013.

Aggrieved, the Republic, through the OSG, elevated an appeal to the CA.¹⁴

¹³ Id. at 271-272.

¹⁴ Id. at 306-307.

The CA Ruling

In its assailed decision, dated March 20, 2015, the CA reversed and set aside the July 30, 2012 RTC decision. In reversing the trial court, the appellate court reiterated the prevailing doctrine that to successfully register a parcel of land, the application must be accompanied by: (1) a CENRO or PENRO certification stating the alienable and disposable character of the land applied for; and (2) a copy of the original classification approved by the DENR Secretary and certified as a true copy by the legal custodian of the official records. It opined that the DENR-NCR certification presented by the petitioners would not suffice to prove that the subject land was indeed classified by the DENR Secretary as alienable and disposable. The CA explained that under Department of Agriculture Orders (*DAO*) Nos. 20 and 38, the Regional Technical Director of the FMS had no authority to issue certificates of land classification; and that the petitioners failed to present a certified true copy of the original classification approved by the DENR Secretary. The dispositive portion of the decision states:

WHEREFORE, in view of the foregoing, the instant appeal is hereby GRANTED. The Decision dated July 30, 2012 of the Regional Trial Court, Branch 274 in Parañaque City in LRC Case No. 10-0026 is hereby ANNULLED and SET ASIDE. The application for registration of land title filed by the applicants-appellees Carmen R. Espiritu, Conrado R. Espiritu, Jr., Marrieta R. Espiritu, Oscar R. Espiritu, Alfredo R. Espiritu and Teresita R. Espiritu is hereby DENIED.

SO ORDERED.¹⁵ (Boldface omitted)

The petitioners moved for reconsideration, but their motion was denied by the CA in its resolution, dated June 18, 2015.

Hence, this petition.

ISSUE

WHETHER THE APPELLATE COURT ERRED IN REVERSING THE TRIAL COURT AND DISMISSING THE PETITIONERS' APPLICATION FOR REGISTRATION OF TITLE.

¹⁵ *Rollo*, p. 45.

The petitioners, relying on the cases of *Republic of the Philippines v. Serrano (Serrano)*¹⁶ and *Republic v. Vega (Vega)*,¹⁷ argue that they had substantially complied with the presentation of the required proof that the land applied for registration is alienable and disposable part of the public domain. They assert that the DENR-NCR certification they submitted, together with all the documentary evidence they presented, constituted substantial compliance with the legal requirement that the land must be proved to be alienable and disposable part of the public domain. The petitioners insist that the DENR-NCR certification they submitted was sufficient proof of the character of the subject land because under DAO No. 2012-09,¹⁸ dated November 14, 2012, the Regional Executive Director of the DENR is vested with authority to issue certifications on land classification for lands situated in Metro Manila.

The petitioners further claimed that they already submitted a certified true copy of the original land classification covering the subject land. They assert that in their Motion for Reconsideration, dated May 3, 2015, filed before the CA, they attached a copy of Forestry Administrative Order (FAO) No. 4-1141, dated January 3, 1968, signed by Arturo R. Tanco, Jr., then Secretary of Agriculture and Natural Resources.

In its Comment,¹⁹ the Republic countered that the petitioners failed to comply with the requirements that the application for original registration must be accompanied by (1) a CENRO/PENRO certification; and (2) a certified true copy of the original classification approved by the DENR Secretary. It contended that the petitioners' reliance on *Serrano* and *Vega* were misplaced, because the rulings therein on substantial compliance were mere *pro hac vice*. The Republic further averred that while the petitioners were able to present a copy of FAO No. 4-1141, the same had no probative value as it was not presented during the proceedings before the RTC. Lastly, it claimed that assuming *arguendo* that the petitioners had sufficiently established the character of the subject land as alienable and disposable, registration would still not be proper, considering that they failed to establish the necessary possession and occupation for the period required by law.

In their Reply,²⁰ dated July 21, 2016, the petitioners insisted on the application of *Serrano* and *Vega* to the present case. They also assert that even if their copy of FAO No. 4-1141 was not presented during the proceedings before the RTC, the same still have probative value. On the basis of *Natividad Sta. Ana Victoria v. Republic of the Philippines (Sta. Ana*

¹⁶ 627 Phil. 350 (2010).

¹⁷ 654 Phil. 511 (2011).

¹⁸ CA *rollo*, p. 184.

¹⁹ *Rollo*, pp. 179-188.

²⁰ *Id.* at 195-204.

Victoria),²¹ the petitioners claim that in land registration cases, the Court has allowed the presentation of additional certifications to prove the alienability and disposability of the land sought to be registered when the authenticity thereof were not sufficiently contested.

The Court's Ruling

The petition lacks merit.

The Court notes that the subject application was filed under Section 14(2) of Presidential Decree (*P.D.*) No. 1529, considering the allegation therein of possession and occupation in the concept of owner for more than thirty (30) years. The trial court, however, granted the application under Section 14(1) of the same decree after finding that the petitioners were able to establish open, continuous, and exclusive possession and occupation of the subject land under a *bona fide* claim of ownership since June 12, 1945 or earlier.

Manifestly, there has been some uncertainty under what provision of law the present application for registration is being sought because the requirements and basis for registration under these two provisions of law differ from one another. Section 14(1) mandates registration on the basis of possession, while Section 14(2) entitles registration on the basis of prescription.²² Nevertheless, for the proper resolution of the issues and arguments raised herein, the present application would be scrutinized based on the requirements of the provisions of Sections 14(1) and (2) of P.D. No. 1529.

Registration under Section 14(1) of P.D. No. 1529

Section 14, paragraph 1 of P.D. No. 1529 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:

- (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.

²¹ 666 Phil. 519 (2011).

²² *Republic of the Philippines v. Zurbaran Realty and Development Corporation*, 730 Phil. 263, 274 (2014).

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Registration under Section 14(1) of P.D. No. 1529 is based on possession and occupation of the alienable and disposable land of the public domain since June 12, 1945 or earlier, without regard to whether the land was susceptible to private ownership at that time.²³ Thus, for registration under Section 14(1) to prosper, the applicant for original registration of title to land must establish the following: (1) that the subject land forms part of the disposable and alienable lands of the public domain; (2) that the applicants by themselves and their predecessors-in-interest have been in open, continuous, exclusive, and notorious possession and occupation thereof; and (3) that the possession is under a *bona fide* claim of ownership since June 12, 1945, or earlier.²⁴

*Petitioners failed to prove
that the subject land is
alienable and disposable*

The rule is that applicants for land registration bear the burden of proving that the land applied for registration is alienable and disposable.²⁵ In this regard, the applicant for land registration must prove that the DENR Secretary had approved the land classification and released the land of the public domain as alienable and disposable, and that the land subject of the application for registration falls within the approved area per verification through survey by the PENRO or CENRO. In addition, he must also present a copy of the original classification approved by the DENR Secretary and certified as a true copy by the legal custodian of the official records. These facts must be established to prove that the land is alienable and disposable.²⁶

In this case, during the proceedings before the RTC, to prove the alienable and disposable character of the subject land, the petitioners presented the DENR-NCR certification stating that the subject land was verified to be within the alienable and disposable part of the public domain. This piece of evidence is insufficient to overcome the presumption of State ownership. As already discussed, the present rule requires the presentation, not only of the certification from the CENRO/PENRO, but also the submission of a copy of the original classification approved by the DENR Secretary and certified as a true copy by the legal custodian of the official records.²⁷

²³ *Naguit v. Republic of the Philippines*, 489 Phil. 405 (2005).

²⁴ *Republic of the Philippines v. Estate of Virginia Santos*, G.R. No. 218345, December 7, 2016.

²⁵ *People of the Philippines v. De Tensuan*, 720 Phil. 326, 339 (2013).

²⁶ *Republic of the Philippines v. T.A.N. Properties, Inc.*, 578 Phil. 441, 452-453 (2008).

²⁷ *Id.*

Likewise, the petitioners' claim of substantial compliance does not warrant approval of the application.

The rule on strict compliance enunciated in *Republic of the Philippines v. T.A.N. Properties (T.A.N. Properties)*²⁸ remains to be the governing rule in land registration cases. This rule was neither abandoned nor modified by the subsequent pronouncements in *Vega* and *Serrano* as these latter cases were mere *pro hac vice*. In fact, in *Vega*, the Court clarified that the ruling on substantial compliance applies *pro hac vice* and did not, in any way, detract from the Court's ruling in *T.A.N. Properties* and similar cases which impose a strict requirement to prove that the land applied for registration is alienable and disposable.

Further, in *Republic of the Philippines v. San Mateo (San Mateo)*,²⁹ the Court expounded on the reason behind the subsequent decisions which granted applications for land registration on the basis of substantial compliance, *viz.*:

In *Vega*, the Court was mindful of the fact that the trial court rendered its decision on November 13, 2003, way before the rule on strict compliance was laid down in *T.A.N. Properties* on June 26, 2008. Thus, the trial court was merely applying the rule prevailing at the time, which was substantial compliance. Thus, even if the case reached the Supreme Court after the promulgation of *T.A.N. Properties*, the Court allowed the application of substantial compliance, because there was no opportunity for the registrant to comply with the Court's ruling in *T.A.N. Properties*, the trial court and the CA already having decided the case prior to the promulgation of *T.A.N. Properties*.³⁰ (Italics omitted)

From the foregoing, it is clear that substantial compliance may be applied, at the discretion of the courts, only if the trial court rendered its decision on the application prior to June 26, 2008, the date of the promulgation of *T.A.N. Properties*. In this case, the application for registration, which was filed on March 1, 2010, was granted by the RTC only on July 30, 2012, or four (4) years after the promulgation of *T.A.N. Properties*. Evidently, the courts did not have discretion to apply the rule on substantial compliance. Thus, the petitioners' reliance on *Vega* and *Serrano*, as well as on *Sta. Ana Victoria*, which similarly appreciated substantial compliance, is clearly misplaced. Hence, the petitioners failed to prove the first requisite for registration under Section 14(1).

²⁸ Id.

²⁹ G.R. No. 203560, November 10, 2014, 739 SCRA 445.

³⁰ *Republic of the Philippines v. San Mateo*, supra at 456-457.

Petitioners failed to prove possession and occupation of the subject land under a bona fide claim of ownership since June 12, 1945 or earlier

As to the second and third requisites, the Court concurs with the appellate court that the petitioners failed to establish that they and their predecessors-in-interest have been in open, continuous, exclusive, and notorious possession and occupation of the subject land on or before June 12, 1945.

In this case, the petitioners presented several tax declarations in their names, the earliest of which dates back only to 1970. This period of possession and occupation is clearly insufficient to give the petitioners the right to register the subject land in their names because the law requires that possession and occupation under a *bona fide* claim of ownership should be since June 12, 1945 or earlier.

In a similar vein, the respective testimonies of petitioners Marietta, Oscar, and Conrado, Jr. were insufficient to support their claim of possession and occupation of the subject land. The only relevant testimonies offered by the petitioners were to the effect that they had known the subject land since they were children, as the same were owned by their parents; that it was used as a fishpond during the rainy season and in their salt-making business during the summer, which business, however, ceased operation in 2004; and that they could visit the subject land whenever they wanted to, introduce improvements on it, and prevent intruders therefrom.

In *Republic of the Philippines v. Remman Enterprises, Inc.*,³¹ the Court held that for purposes of land registration under Section 14(1) of P.D. No. 1529, proof of specific acts of ownership must be presented to substantiate the claim of open, continuous, exclusive, and notorious possession and occupation of the land subject of the application. Applicants for land registration cannot just offer general statements which are mere conclusions of law rather than factual evidence of possession. Actual possession consists in the manifestation of acts of dominion over it of such nature as a party would actually exercise over his own property.³²

In this case, the petitioners failed to sufficiently show that on or before June 12, 1945, they and their predecessors-in-interest actually exercised acts of dominion over the subject land. Their assertion that they could visit the subject land could not be considered an act of dominion

³¹ 727 Phil. 608 (2014).

³² *Republic of the Philippines v. Remman Enterprises, Inc.*, supra at 625.

which would vest upon them the right to own the subject land. Likewise, their general claim that they could prevent any person from intruding thereto was unsubstantiated by any evidence aside from their allegations.

Finally, assuming that the use of the land in salt-making and as a fishpond could be considered as a manifestation of acts of dominion, the petitioners still failed to satisfy the requirements of the law for registration of the subject land. Although the petitioners claim that they inherited the salt-making and fishpond businesses from their parents, no mention was made when the aforesaid businesses actually started operation on the subject land. Thus, they failed to demonstrate cultivation or use of the subject land since June 12, 1945 or earlier. Hence, the petitioners failed to establish possession and occupation of the subject land under a *bona fide* claim of ownership within the period required by law.

From the foregoing, the subject land cannot be registered in the name of the petitioners under Section 14(1) of P.D. No. 1529 for their failure to prove its alienable and disposable character, and their possession and occupation from June 12, 1945 or earlier.

Petitioners failed to comply with the requirements under Section 14(2) of P.D. No. 1529

Neither could the subject land be registered under Section 14(2), which reads:

- (2) Those who have acquired ownership of private lands by prescription under the provision of existing laws.

In *Heirs of Mario Malabanan v. Republic of the Philippines*,³³ the Court explained that when Section 14(2) of P.D. No. 1529 provides that persons “who have acquired ownership over private lands by prescription under the provisions of existing laws,” it unmistakably refers to the Civil Code as a valid basis for the registration of lands.

For registration under this provision to prosper, the applicant must establish the following requisites: (a) the land is an alienable and disposable, and patrimonial property of the public domain; (b) the applicant and its predecessors-in-interest have been in possession of the land for at least 10 years, in good faith and with just title, or for at least 30 years, regardless of good faith or just title; and (c) the land had already been converted to or

³³ 605 Phil. 244, 274 (2009).

declared as patrimonial property of the State at the beginning of the said 10-year or 30-year period of possession.³⁴

As regards the first and most important requisite, the Court has ruled that declaration of alienability and disposability is not enough for the registration of land under Section 14(2) of P.D. No. 1529. There must be an express declaration that the public dominion property is no longer intended for public service or the development of the national wealth or that the property has been converted into patrimonial property.³⁵ This is only logical because acquisitive prescription could only run against private properties, which include patrimonial properties of the State, but never against public properties.

Here, the petitioners failed to present any competent evidence which could show that the subject land had been declared as part of the patrimonial property of the State. The DENR-NCR certification presented by the petitioners only certified that the subject land was not needed for forest purposes. This is insufficient because the law mandates that to be subjected to acquisitive prescription, there must be a declaration by the State that the land applied for is no longer intended for public service or for the development of the national wealth pursuant to Article 422 of the Civil Code. Clearly, the petitioners failed to prove that they acquired the subject land through acquisitive prescription. Thus, the same could not be registered under Section 14(2) of P.D. No. 1529.

In fine, the petitioners failed to satisfy all the requisites for registration of title to land under either Sections 14(1) or (2) of P.D. No. 1529. The CA's reversal of the July 30, 2012 RTC decision, and denial of the petitioners' application for original registration of imperfect title over Lot No. 4178 must be affirmed.

WHEREFORE, the petition is **DENIED**. The March 20, 2015 Decision and June 18, 2015 Resolution of the Court of Appeals in CA-G.R. CV No. 101002 are **AFFIRMED**. The petitioners' application for original registration of title of Lot No. 4178 in LRC Case No. 10-0026 is **DENIED**, without prejudice.

SO ORDERED.


JOSE CATRAL MENDOZA
Associate Justice

³⁴ Supra note 22.

³⁵ Supra note 34.

WE CONCUR:

(On Official Leave)

ANTONIO T. CARPIO

Associate Justice



DIOSDADO M. PERALTA

Associate Justice
Acting Chairperson

(On Leave)

MARVIC M.V.F. LEONEN

Associate Justice



SAMUEL R. MARTIRES

Associate Justice

A T T E S T A T I O N

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.



DIOSDADO M. PERALTA

Associate Justice
Acting Chairperson, Second Division

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