



Republic of the Philippines  
Supreme Court  
Manila

SECOND DIVISION

REPUBLIC OF THE  
PHILIPPINES, represented by the  
REGIONAL EXECUTIVE  
DIRECTOR, DENR, REGION IV,  
MANILA,

Petitioner,

- versus -

G.R. No. 218418

Present:

CARPIO, J., Chairperson,  
PERALTA,  
PERLAS-BERNABE,\*  
CAGUIOA, and  
REYES, JR., JJ.

Promulgated:

08 NOV 2017

THE HEIRS OF MEYNARDO  
CABRERA, as herein represented by  
MEYNARDO CABRERA, JR. and  
ALMA RODRIGUEZ CABRERA,  
THE HEIRS OF CONSOLACION  
DIMACULANGAN CABRERA, as  
herein represented by ALEXANDER  
CABRERA, MANIBI CABRERA,  
MILAGROS CABRERA GARA,  
AND RAUL CABRERA, JACKSON  
CINCO DY, LORETA AGBAYANI,  
GLORIA SORIANO, CRIS  
CALMA, NORA LIWANAG and the  
REGISTER OF DEEDS OF  
ORIENTAL MINDORO,  
Respondents.

X ----- X

DECISION

CAGUIOA, J.:

*The Case*

This is a Petition for Review on *Certiorari*<sup>1</sup> (Petition) filed under Rule 45 of the Rules of Court against the Decision<sup>2</sup> dated July 18, 2014 (Assailed

\* On official leave.

<sup>1</sup> *Rollo*, pp. 19-43.

<sup>2</sup> Id. at 45-65. Penned by Associate Justice Victoria Isabel A. Paredes, with Associate Justices Isaias P. Dican and Michael P. Elbinias concurring.

Decision) and Resolution<sup>3</sup> dated May 20, 2015 (Assailed Resolution) in CA-G.R. CV No. 98120 rendered by the Court of Appeals (CA) Eleventh Division and Special Former Eleventh Division, respectively.

The Assailed Decision and Resolution stem from an appeal from the Decision<sup>4</sup> dated December 5, 2005 rendered by the Regional Trial Court of Roxas, Oriental Mindoro, Branch 43 (RTC) in Civil Case No. C-358, dismissing the complaint for cancellation of free patent and reversion filed by the Republic of the Philippines (Republic) against the Heirs of Meynardo Cabrera (Heirs of Meynardo), the Heirs of Consolacion Dimaculangan Cabrera (Heirs of Consolacion), Jackson Cinco Dy (Dy), Loreta Agbayani (Agbayani), Gloria Soriano (Soriano), Cris Calma (Calma), Nora Liwanag (Liwanag), and the Register of Deeds of Oriental Mindoro (ROD) (collectively, Respondents).<sup>5</sup>

### *The Facts*

Sometime in 1971, Meynardo filed an Application for Free Patent concerning an 8,072<sup>6</sup> square-meter parcel of land situated in Pining, Roxas, Oriental Mindoro.<sup>7</sup> In said application, Meynardo alleged that he had been in possession of such parcel of land since 1936, through his predecessor-in-interest Marcelo Cabrera.<sup>8</sup>

In the same year, the Bureau of Lands (BOL) issued Free Patent No. 516197 in favor of Meynardo, covering two (2) lots denominated as: (i) Lot 1 with an area of 3,591 square meters, and (ii) Lot 2, with an area of 4,481 square meters.<sup>9</sup> On the basis of said patent, the ROD issued Original Certificate of Title (OCT) No. RP-132 (P-9193) covering both lots in Meynardo's name.<sup>10</sup>

Thereafter, a 2,445-square-meter portion of Lot 1 (Lot 1-A<sup>11</sup>) was transferred to Consolacion.<sup>12</sup> Thus, on April 6, 1982, Transfer Certificate of Title (TCT) No. 16580 covering Lot 1-A was issued in Consolacion's name.<sup>13</sup> Later still, Consolacion sold portions of Lot 1-A to several purchasers namely: Dy, Agbayani, Soriano, Calma, and Liwanag.<sup>14</sup>

<sup>3</sup> Id. at 67-69. Penned by Associate Justice Victoria Isabel A. Paredes, with Associate Justices Isaias P. Dicdican and Maria Elisa Sempio Diy concurring.

<sup>4</sup> See id. at 46. The RTC Decision does not form part of the records.

<sup>5</sup> Id. at 47-48.

<sup>6</sup> Stated as .8072 hectares, more or less, in the Petition and CA Decision; id. at 22 and 47.

<sup>7</sup> *Rollo*, pp. 46-47.

<sup>8</sup> See id. at 63.

<sup>9</sup> Id. at 46-47.

<sup>10</sup> Id. at 47.

<sup>11</sup> Referred to as Lot 1-E in some parts of the records.

<sup>12</sup> The relationship between Meynardo and Consolacion, as well as the manner through which Lot 1-A was transferred by the former to the latter, cannot be determined from the records of the case.

<sup>13</sup> *Rollo*, p. 47.

<sup>14</sup> The specific dates of conveyance cannot be ascertained from the records.

Learning of the issuance of TCT No. 16580, Jose and Leticia De Castro (De Castros), claiming to be the actual possessors of Lot 1-A, filed before the Department of Environment and Natural Resources (DENR) a petition urging DENR to conduct an investigation to determine Lot 1-A's land classification status.<sup>15</sup>

Consequently, in the DENR Final Investigation Report<sup>16</sup> (DENR Final Report) dated November 9, 1994 issued by Erwin D. Talento of the DENR Land Management Office (LMO), Free Patent No. 516197, covering Lots 1, 1-A, and 2 (collectively, Roxas Properties), was declared null and void for having been issued over land forming part of the public domain. The pertinent portions of the DENR Final Report read:

Sensing that they don't have any chance in the court to prove their better right to occupy and possess [Lot 1-A] x x x the [De Castros] addressed their petitions to the DENR basing their claim on the weight of a certification of [the National Mapping and Resource Information Authority (NAMRIA)] x x x. The [De Castros] are now seeking administrative remedies for the issue which they have already brought to the attention of the court and wherein they have failed to prove their priority right to occupy and possess [Lot 1-A]. **Granting that [the Roxas Properties constitute] forest land and [Free Patent No. 516197] issued in favor of [Meynardo] be (sic) rendered null and void [ab] initio**, it (sic) doesn't warrant that they have better right to possess and occupy [Lot 1-A] because [Meynardo, through his predecessors-in-interest] have entered [Lot 1-A] since the year 1943 and have exercised their ownership over the same x x x.

In view of the foregoing, it is respectfully recommended that the petition of [the De Castros] be dismissed x x x and **appropriate legal action be instituted for the cancellation of Free Patent No. 516197 issued in favor of Meynardo x x x for the same covers land of the public domain which is certified by the proper authority as public forest.**<sup>17</sup> (Emphasis supplied.)

Thereafter, Antonio G. Principe, the DENR Regional Executive Director of Region IV, issued an Order<sup>18</sup> dated August 8, 1997 declaring Free Patent No. 516197 null and void.

Later, on November 15, 1999, the Republic filed against the Respondents a complaint (Complaint) for the annulment and/or cancellation of Free Patent No. 516197, OCT No. RP-132 (P-9193), and TCT No. 16580. The Complaint also prayed for the reversion of the Roxas Properties in the State's favor.<sup>19</sup>

The Republic based its claim on the (i) DENR Final Report; and (ii) NAMRIA certifications dated January 31, 1994, February 1, 1994, and October 3, 1994, all stating that the Roxas Properties (including Lot 1-A)

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<sup>15</sup> *Rollo*, p. 47.

<sup>16</sup> *Id.* at 82-83.

<sup>17</sup> *Id.* at 83.

<sup>18</sup> *Id.* at 70-72.

<sup>19</sup> *Id.* at 47.

had been reclassified as forest land as early as November 24, 1949. The statements in these documents were, in turn, based on the inscriptions appearing on Land Classification Map No. 209 (LC Map 209) dated March 6, 1924 covering the Roxas Properties. The Republic reasoned that while LC Map 209 indicates that the parcels of land thereunder were classified as alienable and disposable at the time it was prepared, a subsequent annotation made thereon indicates that they were reclassified as forest land sometime thereafter, and had thus become inalienable.<sup>20</sup>

In their respective answers, the Respondents averred, among others, that: (i) Lot 1-A forms part of the alienable and disposable land of the public domain, as evidenced by the original statements appearing on LC Map 209; (ii) the annotations appearing on LC Map 209 do not serve as sufficient proof of reversion; and (iii) the land area which had been purportedly reclassified as forest land was not properly identified since the Republic failed to present the technical description corresponding thereto.<sup>21</sup> In addition to these common assertions, respondents Dy, Agbayani, Soriano, and Liwanag further averred that they acquired portions of Lot 1-A from Consolacion in good faith, and have, since then, been in actual, exclusive, open, and continuous possession of their respective portions as owners.<sup>22</sup>

On December 5, 2005, the RTC rendered a Decision, the dispositive portion of which states:

ACCORDINGLY, judgment is hereby rendered DISMISSING the instant complaint for lack of merit.

SO ORDERED.<sup>23</sup>

The RTC found that the Republic failed to present proof that the Roxas Properties (including Lot 1-A) have been reclassified as forest land. Citing *Republic v. Animas*,<sup>24</sup> (*Animas*) the RTC held that in order to prove reversion of alienable and disposable land to forest land, a positive government act evincing the same is necessary.<sup>25</sup>

The Republic filed a motion for reconsideration (MR), which was denied in the RTC's Order dated October 18, 2011.<sup>26</sup>

### *CA Proceedings*

Aggrieved, the Republic elevated the case to the CA *via* petition for review under Rule 42, docketed as CA-G.R. CV No. 98120 (Appeal).

<sup>20</sup> See *id.* at 63. According to the CA, the annotation on LC Map 209 stated that "the subject property was reverted (sic) to forest land on November 24, 1949." A copy of said map, however, does not form part of the records of the case.

<sup>21</sup> See *id.* at 49-50.

<sup>22</sup> *Id.* at 48-49.

<sup>23</sup> *Id.* at 53.

<sup>24</sup> 155 Phil. 470 (1974).

<sup>25</sup> *Rollo*, pp. 54-55.

<sup>26</sup> *Id.* at 54.



In the Appeal, the Republic argued that the Court's ruling in *Animas* cannot be applied to the present case, since, in the former, the fact sought to be established was the classification of *forest land to alienable and disposable land*, and not the other way around, as in this case.<sup>27</sup> Further, the Republic averred that fraud must have necessarily attended the issuance of Free Patent No. 516197, OCT No. RP-132 and TCT No. 16580, owing to the status of the Roxas Properties as forest land.<sup>28</sup>

On July 18, 2014, the CA rendered the Assailed Decision dismissing the Appeal. The dispositive portion of said decision reads:

**WHEREFORE**, premises considered, the Appeal is **DISMISSED**. The Decision dated December 5, 2005 of the [RTC] x x x is **AFFIRMED**.

**SO ORDERED.**<sup>29</sup>

According to the CA, the Public Land Act vests the power to classify (and reclassify) lands of the public domain with the President. On this score, the CA held that the annotations appearing on LC Map 209 anent the alleged reversion of the Roxas Properties deserve scant consideration, as they do not appear to be based on any executive directive. Consequently, the NAMRIA certifications and DENR Final Report relied upon by the Republic are insufficient to sustain its cause, as they are, in turn, based solely on said annotations.<sup>30</sup>

The Republic filed an MR, which was denied by the CA in its Assailed Resolution dated May 20, 2015. The Republic received a copy of the Assailed Resolution on June 8, 2015.<sup>31</sup>

On June 19, 2015, the Republic filed a Motion for Extension of Time to File Petition for Review, praying for an additional period of twenty-five (25) days from June 23, 2015, or until July 18, 2015 within which to file a petition for review on *certiorari*. Subsequently, the Republic filed a Second Motion for Extension, praying for a five (5)-day extension.<sup>32</sup>

Finally, on July 22, 2015, the Republic filed the present Petition, to which Respondents filed their Compliance and Comment dated December 16, 2016.<sup>33</sup>

Thereafter, the Republic filed a Manifestation and Motion dated May 28, 2017, adopting the Petition as its reply to Respondents' Compliance and Comment.<sup>34</sup>

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<sup>27</sup> Id. at 55.

<sup>28</sup> See id. at 60-61.

<sup>29</sup> Id. at 64.

<sup>30</sup> See id. at 55-59.

<sup>31</sup> Id. at 4.

<sup>32</sup> Id. at 11-14.

<sup>33</sup> Id. at 196-206.

<sup>34</sup> Id. at 213-216.

### *The Issue*

The Petition calls on the Court to determine whether the CA erred when it held that a positive act of government is necessary to evince the reclassification of land from alienable and disposable to forest.

### *The Court's Ruling*

In this Petition, the Republic maintains that the Court's ruling in *Animas* did not have the effect of making a positive executive act a necessary requirement for the purpose of proving the reclassification of alienable and disposable land.<sup>35</sup> Instead, the Republic posits that *Animas* affirms its right to institute reversion proceedings in instances where portions of forest land are erroneously included within the scope of land patents.<sup>36</sup> Moreover, the Republic argues that in reversion proceedings, the State should not be made to bear the burden of proving that the land in question constitutes public domain (*i.e.*, forest land).<sup>37</sup> In any case, the Republic posits that the documentary and testimonial evidence it had presented sufficiently proved such fact.<sup>38</sup>

The Petition should be denied for lack of merit. The CA did not err when it affirmed the RTC Decision, as the Republic failed to establish that the Roxas Properties were classified as forest land at the time Free Patent No. 516197 was issued.

*The Republic's Petition and Respondents' Compliance and Comment should be admitted in the interest of substantial justice.*

At the outset, the Court notes that the parties herein, *albeit* at different stages of the proceedings, have both prayed for the relaxation of the Rules of Court (Rules).

For its part, the Republic filed two (2) motions which sought for an aggregate period of thirty (30) days from the expiration of the initial thirty (30)-day period prescribed by the Rules for the filing of a petition for review on *certiorari*. The Respondents, on the other hand, sought the admission of their Compliance and Comment, filed more than seven (7) months after the filing of the Petition.<sup>39</sup>

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<sup>35</sup> See *id.* at 26.

<sup>36</sup> *Id.* at 32.

<sup>37</sup> *Id.* at 34-35.

<sup>38</sup> *Id.* at 35.

<sup>39</sup> The exact date on which Respondents received a copy of the Petition cannot be ascertained from the records.

Considering the nature of the issues involved in the present Petition, and the lack of evidence showing that neither the Republic's nor the Respondents' requests for accommodation had been impelled by any ill-motive, the Court resolves to admit in the interest of substantial justice the Republic's Petition and the Respondents' Comment with Compliance.

*The Court's ruling in Animas does not apply to the present case.*

The Republic's Petition primarily proceeds from the supposition that in ruling in favor of Respondents, the RTC and the CA erroneously relied on *Animas*.

In *Animas*, the Republic filed an action for reversion against respondent therein, claiming that the Free Patent issued in the latter's favor covered forest land. The Court of First Instance dismissed the Republic's action on the ground that the original certificate of title covering said land had become indefeasible, the same having been issued more than one (1) year prior to the filing of the Republic's action. Hence, the issue brought before the Court in *Animas* was whether the lapse of said one (1)-year period had the effect of precluding the State from initiating reversion proceedings to recover land which had been unlawfully registered, either through fraud or oversight. Resolving the issue, the Court held that public land fraudulently or erroneously included in the scope of patents or certificates of title may be recovered by the State through reversion proceedings, in accordance with the Public Land Act.

While the *Animas* ruling upholds the State's right to seek reversion with respect to fraudulently or erroneously registered lands, it does not, in any manner, lay down the facts that must be established for an action for reversion to prosper. Undoubtedly, the RTC and CA's reliance on the *Animas* ruling is misplaced.

**Nevertheless, such erroneous reliance on *Animas*, as will be discussed below, does not advance the Republic's cause, since the principle which serves as basis for the decisions of the RTC and CA remains correct, *albeit* attributed to the wrong case.**

*The power to classify and reclassify land lies solely with the Executive Department.*

The Regalian Doctrine has long been recognized as the basic foundation of the State's property regime,<sup>40</sup> and has been consistently

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<sup>40</sup> *Republic v. Espinosa*, G.R. No. 186603, April 5, 2017, p. 10, citing *SAAD Agro-Industries, Inc. v. Republic*, 534 Phil. 648, 663 (2006).

adopted under the 1935, 1973, and 1987 Constitutions;<sup>41</sup> it espouses that all lands of the public domain belong to the State, and that, as a consequence thereof, any asserted right of ownership over land necessarily traces back to the State.<sup>42</sup>

At present, Section 3, Article XII of the 1987 Constitution classifies lands of the public domain into five (5) categories — forest lands, agricultural lands, timber lands, mineral lands, and national parks. The Court's ruling in *Heirs of the Late Spouses Palanca v. Republic*,<sup>43</sup> instructs that in the absence of any prior classification by the State, unclassified lands of the public domain assume the category of forest lands not open to disposition.<sup>44</sup>

In turn, the classification of unclassified lands of the public domain, and the reclassification of those previously classified under any of the categories set forth in the 1987 Constitution (such as the Roxas Properties), are governed by Commonwealth Act No. 141<sup>45</sup> dated November 7, 1936, otherwise known as the Public Land Act. Sections 6 and 7 thereof provide:

SEC. 6. The President, upon the recommendation of the Secretary of Agriculture and Commerce, 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.

SEC. 7. For the purposes of the administration and disposition of alienable or disposable public lands, the President, upon recommendation by the Secretary of Agriculture and Commerce, shall from time to time declare what lands are open to disposition or concession under this Act. (Emphasis supplied)

These provisions are clear and leave no room for interpretation — the classification and reclassification of public lands into alienable or disposable, mineral or forest land is the exclusive prerogative of the Executive Department,<sup>46</sup> and is exercised by the latter through the President, or such other persons vested with authority to exercise the same on his behalf.<sup>47</sup>

<sup>41</sup> *Secretary of the Department of Environment and Natural Resources v. Yap*, 589 Phil. 156, 176 (2008).

<sup>42</sup> *Id.*

<sup>43</sup> 531 Phil. 602, 616 (2006).

<sup>44</sup> *Secretary of the Department of Environment and Natural Resources v. Yap*, supra note 41, at 196.

<sup>45</sup> COM. ACT NO. 141, entitled "AN ACT TO AMEND AND COMPILE THE LAWS RELATIVE TO LANDS OF THE PUBLIC DOMAIN" (1936).

<sup>46</sup> *Heirs of the Late Spouses Palanca v. Republic*, supra note 43, at 618.

<sup>47</sup> See COM. ACT NO. 141 (1936), Sec. 6.

Since the power to classify and reclassify land are executive in nature, such acts, effected without executive authority, are void, and essentially *ultra vires*.

*In reversion proceedings, the State bears the burden of proving that the property in question was inalienable at the time it was decreed or adjudicated in favor of the defendant.*

A land registration proceeding is the manner through which an applicant confirms title to real property. In this proceeding, the applicant bears the burden of overcoming the presumption of State ownership.<sup>48</sup> Accordingly, the applicant is bound to establish, through incontrovertible evidence, that the land sought to be registered had been declared alienable or disposable through a positive act of the State.<sup>49</sup>

Conversely, reversion proceeding is the manner through which the State seeks to revert land to the mass of the public domain;<sup>50</sup> it is proper when public land is fraudulently awarded and disposed of in favor of private individuals or corporations,<sup>51</sup> or when a person obtains a title under the Public Land Act which includes, by oversight, lands which cannot be registered under the Torrens system as they form part of the public domain.<sup>52</sup>

Owing to the nature of reversion proceedings and the outcome which a favorable decision therein entails, the State bears the burden to prove that the land previously decreed or adjudicated in favor of the defendant constitutes land which cannot be owned by private individuals. The Court's ruling in *Republic v. Development Resources Corporation*<sup>53</sup> is instructive:

Since a complaint for reversion can upset the stability of registered titles through the cancellation of the original title and the others that emanate from it, **the State bears a heavy burden of proving the ground for its action.** x x x<sup>54</sup> (Emphasis supplied)

Thus, in *Republic v. Espinosa*<sup>55</sup> (*Espinosa*), the Court held that the dismissal of the Republic's action for reversion is proper since the Republic failed to establish that the land subject thereof was classified as forest land **at the time the cadastral decree in favor of the defendant was issued:**

[I]t is undisputed that Espinosa was granted a cadastral decree and was subsequently issued OCT No. 191-N x x x. Having been granted a decree

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<sup>48</sup> *Republic v. Espinosa*, supra note 40, at 5.

<sup>49</sup> Id.

<sup>50</sup> See id. at 6.

<sup>51</sup> Id.

<sup>52</sup> Id.

<sup>53</sup> 623 Phil. 490 (2009).

<sup>54</sup> Id. at 493.

<sup>55</sup> Supra note 40.

in a cadastral proceeding, Espinosa can be presumed to have overcome the presumption that the land sought to be registered forms part of the public domain. This means that Espinosa, as the applicant, was able to prove by incontrovertible evidence that the property is alienable and disposable property in the cadastral proceedings.

x x x x

In this case, the State, through the Solicitor General, alleges neither fraud nor misrepresentation in the cadastral proceedings and in the issuance of the title in Espinosa's favor. The argument for the State is merely that the property was unlawfully included in the certificate of title because it is of the public domain.

**Since the case is one for reversion and not one for land registration, the burden is on the State to prove that the property was classified as timberland or forest land at the time it was decreed to Espinosa. To reiterate, there is no burden on [the present owner] to prove that the property in question is alienable and disposable land. At this stage, it is reasonable to presume that Espinosa, from whom [the present owner] derive[s] her title, had already established that the property is alienable and disposable land considering that she succeeded in obtaining the OCT over it. In this reversion proceeding, the State must prove that there was an oversight or mistake in the inclusion of the property in Espinosa's title because it was of public dominion.** This is consistent with the rule that the burden of proof rests on the party who, as determined by the pleadings or the nature of the case, asserts the affirmative of an issue.<sup>56</sup> (Emphasis and underscoring supplied)

Hence, to resolve this Petition, the Court must determine whether the documentary and testimonial evidence offered by the Republic are sufficient to sustain its cause.

*The Complaint should be dismissed as the Republic failed to show that the Roxas Properties (including Lot 1-A) were classified as forest land at the time Free Patent No. 516197 was issued in Meynardo's favor.*

To recall, the Republic presented the following pieces of evidence to support its complaint for reversion: (i) DENR Final Report; (ii) NAMRIA certifications; and (iii) LC Map 209. However, these documents, whether taken individually or collectively, do not evince a positive act of reclassification by the Executive Department. As aptly stated by the CA:

In this case, the Republic presented the [NAMRIA certifications], the [DENR Final Report] and [LC Map 209] dated March 6, 1924, with an inscription that the [Roxas Properties] [were] reverted x x x to the category of forest land on November 24, 1949. However, it appears that the findings of the CENRO and the NAMRIA are based solely on such

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<sup>56</sup> Id. at 5-6.

mapping [LC Map 209] where eighteen (18) hectares, including the location therein of the [Roxas Properties], [were] reclassified as forest land. Engineer [Mariano] Mendez<sup>57</sup> testified that:

x x x x

Q: So you don't have the law or the order reverting that portion of land to forest land on November 24, 1949?

A: Except only that it is a swamp land. And it is shown here in our map, sir.

x x x x

PROS. MARCO:

x x x [W]hat is the basis, if any, of you (*sic*) in declaring that this portion of land was reverted back from timber land to forest land on November 24, 1949?

A: Our files and records.

Q: What are these files and records?

A: As indicated in [LC Map 209].

**Engineer Mendez admitted that there was no presidential order or act reverting the classification of the subject property from alienable and disposable to forest land, thus:**

Q: Did you prepare the basis of the reversion of the land from disposable to forest land on November 24, 1949?

A: Yes, sir.

Q: What were the basis?

A: Yes, because when I studied that, I found out that the area was a swamp land?

Q: Aside from that, that the area was a swamp land, what are your other basis?

A: Nothing more, sir. As per records, that is the only basis.

Q: Did you not research any law, decree, presidential order or act as the basis of reverting this parcel of land to forest zone on November 24, 1949?

A: **I have even decrees or law reverting certain area to forest land but not in this particular area.**

Q: So, you know that before a certain parcel of land would be reverted from alienable and disposable to forest zone, there should be a basis for the same, like proclamation or law. From your experience, presidential decrees?

A: Yes, sir. These are proclamation decrees regarding the reversion of certain land use. But in this particular area, the land is swamp land.

<sup>57</sup> Engineer Mariano Mendez was the designated Land Classification Verifier of NAMRIA during the relevant period; *rollo*, p. 51.

Q: But in this particular case, did you encounter or did you see any law, executive order, presidential proclamation declaring this parcel of land from alienable and disposable to forest zone?

A: **I have not encountered any decree or presidential proclamation or order reverting this land to forest zone.** x x x

Even Engineer Mendez of the NAMRIA agreed that a law or proclamation is required before a certain parcel of land is reclassified from alienable and disposable to forest land. His insistence that because the land was (originally) swamp land that reclassification was made (sic), is not supported by any presidential or legal pronouncement or by practice and tradition x x x Unfortunately, the Republic failed to present any law, presidential proclamation, order or act to prove that the subject property was indeed within the area which is reclassified as forest land. Even an administrative order from the Bureau of Forestry was not presented to show that the subject property had been reclassified as forest land.<sup>58</sup> (Additional emphasis and underscoring supplied)

The foregoing testimony, culled from the Assailed Decision, confirms that the alleged reclassification of the Roxas Properties is bereft of basis, as it was done by Engineer Mendez on his sole account, without any prior directive from the President, or a duly authorized officer from the Executive Department. In fact, the annotation appearing on LC Map 209 upon which the Republic relies does not even state upon whose authority the alleged reclassification had been made,<sup>59</sup> placing the annotation's validity, veracity and worth in serious doubt.

Ultimately, the Republic failed to prove that the Roxas Properties (including Lot 1-A) were classified as forest land when they were decreed in Meynardo's favor in 1971. Thus, in accordance with the Court's ruling in *Development Resources Corporation* and *Espinosa*, the present Petition must be, as it is hereby, denied.

**WHEREFORE**, premises considered, the Petition for Review on *Certiorari* is **DENIED**. The Assailed Decision of the Court of Appeals dated July 18, 2014 and Resolution dated May 20, 2015 in CA-G.R. CV No. 98120 are hereby **AFFIRMED**.

**SO ORDERED.**

  
**ALFREDO BENJAMIN S. CAGUIOA**  
Associate Justice

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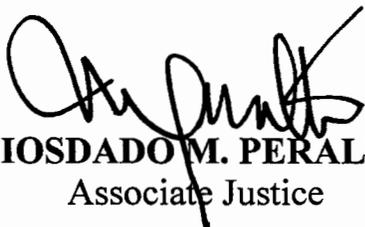
<sup>58</sup> *Rollo*, pp. 56-59.

<sup>59</sup> *Id.* at 63.

WE CONCUR:



**ANTONIO T. CARPIO**  
Associate Justice  
Chairperson



**DIOSDADO M. PERALTA**  
Associate Justice

(On official leave)

**ESTELA M. PERLAS-BERNABE**  
Associate Justice



**ANDRES B. REYES, JR.**  
Associate Justice

**ATTESTATION**

I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



**ANTONIO T. CARPIO**  
Associate Justice  
Chairperson, Second Division

**CERTIFICATION**

Pursuant to Section 13, Article VIII of the Constitution and the Division Chairperson's Attestation, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



**MARIA LOURDES P. A. SERENO**  
Chief Justice

