Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

REPUBLIC OF THE PHILIPPINES,	**G.R. No. 214367**
Petitioner,	Present:
-versus-	VELASCO, JR., *J., Chairperson,* BERSAMIN, LEONEN, MARTIRES, and GESMUNDO, *JJ.*
LAUREANA MALIJAN-JAVIER AND IDEN MALIJAN-JAVIER,	**Promulgated:**
Respondents.	April 4, 2018

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DECISION

LEONEN, *J.*:

To establish that the land sought to be registered is alienable and disposable, applicants must "present a copy of the original classification approved by the [Department of Environment and Natural Resources] Secretary and certified as a true copy by the legal custodian of the official records."[1]

This is a Petition for Review on Certiorari[2] under Rule 45 of the 1997 Rules of Civil Procedure, praying that the September 15, 2014 Decision[3] of the Court of Appeals in CA-G.R. CV No. 98466 be reversed and set aside.[4]

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1 *Republic v. T.A.N. Properties*, 578 Phil. 441, 452–453 (2008) [Per J. Carpio, First Division].

2 *Rollo*, pp. 8–22.

3 Id. at 24–37. The Decision was penned by Associate Justice Elihu A. Ybañez and concurred in by Associate Justices Japar B. Dimaampao and Carmelita S. Manahan of the Twelfth Division, Court of Appeals, Manila.

4 Id. at 18, Petition for Review.

The Court of Appeals affirmed the May 5, 2011 Decision[5] and December 9, 2011 Order[6] of the Municipal Circuit Trial Court of Talisay-Laurel, Batangas in Land Reg. Case No. 09-001 (LRA Record No. N-79691), which adjudicated Lot No. 1591, Cad. 729, Talisay Cadastre in favor of Laureana Malijan-Javier (Laureana) and Iden Malijan-Javier (Iden).[7]

This case involves Laureana and Iden's application for registration of land title over a parcel situated in Barangay Tranca, Talisay, Batangas filed in June 2009 before the Municipal Circuit Trial Court of Talisay-Laurel, Batangas. The land, regarded as Lot No. 1591, Cad. 729, Talisay Cadastre, had an area of 9,629 square meters. The application of Laureana and Iden was docketed as Land Registration Case No. 09-001 (LRA Record No. N-79691).[8]

On September 10, 2009, Republic of the Philippines (Republic) filed an Opposition to the application based on the following grounds:

> (1) Ne[i]ther the applicants nor their predecessors-in-interest have been in open, continuous, exclusive and notorious possession and occupation of the land in question in the concept of an owner since June 12, 1945 or earlier; (2) The tax declarations relied upon by appellees do not constitute competent and sufficient evidence of a *bona fide* acquisition of the land by the appellees; and (3) The parcel of land applied for is a land of public domain and, as such, not subject to private appropriation.[9]

An initial hearing was scheduled on January 19, 2010. During the hearing, several documents were marked to show compliance with the necessary jurisdictional requirements. Since nobody appeared to oppose Laureana and Iden's application, the trial court issued an Order of General Default against the whole world except the Republic.[10]

In the subsequent hearings, Laureana and Iden presented testimonial and documentary evidence to establish their ownership claim.[11] Laureana testified along with Juana Mendoza Banawa (Banawa), Ben Hur Hernandez (Hernandez), Loida Maglinao (Maglinao), and Glicerio R. Canarias (Canarias).[12]

In her testimony, Laureana alleged that she was married to Cecilio

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5 Id. at 52–56. The Decision was penned by Presiding Judge Librado P. Chavez of the Municipal Circuit Trial Court of Talisay-Laurel, Batangas.

6 Id. at 57–59. The Order was penned by Presiding Judge Librado P. Chavez of the Municipal Circuit Trial Court of Talisay-Laurel, Batangas.

7 Id. at 56, Municipal Circuit Trial Court Decision.

8 Id. at 24–25, Court of Appeals Decision.

9 Id. at 25.

10 Id.

11 Id. at 25, Court of Appeals Decision, and 53, Municipal Circuit Trial Court Decision.

12 Id. at 25–26 and 53.

Javier (Cecilio) and that Iden was their son. She claimed that she and Cecilio (the Spouses Javier) purchased the property from Spouses Antonio Lumbres and Leonisa Manaig (the Spouses Lumbres) on October 10, 1985. A Deed of Absolute Sale was executed to facilitate the transaction. They had the property fenced and planted with coconut, antipolo, and duhat. She also claimed that they had paid its property taxes since 1986.[13]

Banawa, a resident of Barangay Tranca, Talisay, Batangas since her birth on March 8, 1929,[14] testified that Cito Paison (Cito) and Juan Paison (Juan) owned the property as early as 1937. The half portion owned by Cito was later transferred to his daughter, Luisa Paison (Luisa). Both portions owned by Luisa and Juan were then transferred to the Spouses Lumbres, until half was finally sold to the Spouses Javier and the other half to their son, Iden.[15] Banawa added that since every person in their barangay knew that Laureana and Iden owned and possessed the property, nobody interrupted or disturbed their possession or made an adverse claim against them.[16] Thus, their possession was "open, continuous, exclusive, and in the concept of an owner[.]"[17]

Hernandez, who was a Special Land Investigator I of the Department of Environment and Natural Resources-Community Environment and Natural Resources Office (DENR-CENRO), testified that he was the one who conducted an ocular inspection on the land.[18] He found that the land "ha[d] not been forfeited in favor of the government for non-payment of taxes [or] . . . confiscated as bond in connection with any civil or criminal case."[19] Moreover, the land was outside a reservation or forest zone. Hernandez also found that no prior application was filed or any patent, decree, or title was ever issued for it.[20] Finally, he stated that the land "[did] not encroach upon an established watershed, river bed, river bank protection, creek or right of way."[21]

Maglinao, Forester I of DENR-CENRO,[22] also testified that she inspected the property before issuing a certification, which stated that the land "[was] within the alienable and disposable zone under Project No. 39, Land Classification Map No. 3553 certified on September 10, 1997."[23]

Meanwhile, Canarias, the Municipal Assessor of Talisay, Batangas,

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13 Id. at 26 and 53.
14 Id. at 54.
15 Id. at 26 and 54.
16 Id. at 54.
17 Id.
18 Id. at 26.
19 Id. at 26–27.
20 Id. at 27.
21 Id.
22 Id. at 54.
23 Id.

attested that the property was covered by Tax Declaration Nos. 014-01335 and 014-00397 under the names of Laureana and Cecilio, and of Iden. Upon tracing back the tax declarations on the property, Canarias also found that the previous owners who declared the land for taxation purposes were the same as the previous owners according to Laureana's and Iden's testimonies. The previous tax declarations of the property now covered by Tax Declaration No. 014-01335 were under the names of Luisa and the Spouses Lumbres while Tax Declaration No. 014-00397 were previously under the names of Juan and the Spouses Lumbres.[24]

On May 5, 2011, the trial court rendered a Decision granting Laureana and Iden's application for registration of title. It held that they were able to establish that the property was alienable and disposable since September 10, 1997 and that "[they] and their predecessors-in-interest ha[d] been in open, continuous, exclusive, and notorious possession of the subject property, in the concept of an owner, even prior to 12 June 1945."[25] The dispositive portion of the Decision read:

> WHEREFORE, upon confirmation of the Order of General Default, the Court hereby adjudicates and decrees Lot No. 1591, Cad-729 Talisay Cadastre as shown on plan As-04-003630 situated in Barangay Tranca, Municipality of Talisay, Province of Batangas, with an area of NINE THOUSAND SIX HUNDRED TWENTY[-]NINE (9,629) SQUARE METERS in favor of and in the name of LAUREANA MALIJAN JAVIER (1/2 SHARE), widow, Filipino, with address at Barangay Tranca, Talisay, Batangas, and IDEN MALIJAN JAVIER (1/2 SHARE), married to Jaena Buno, Filipino, with address at 39-31 56th St Apt 3, Woodside, New York, USA in accordance with Presidential Decree No. 1529, otherwise known as the Property Registration Decree.
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> Once this decision has become final, let an Order be issued directing the Administrator of the Land Registration Authority to issue the corresponding decree of registration.
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> SO ORDERED.[26]

The Republic moved for reconsideration, which was denied by the trial court in its December 9, 2011 Order.[27]

The Republic elevated the case to the Court of Appeals, assailing the May 5, 2011 Decision and December 9, 2011 Order of the Municipal Circuit Trial Court.[28] It averred that there should be "(1) [a] CENRO or [Provincial Environment and Natural Resources Office] Certification; and (2) a copy of the original classification approved by the DENR Secretary and certified as a

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24 Id. at 27 and 53.
25 Id. at 56.
26 Id.
27 Id. at 57–59.
28 Id. at 24.

true copy by the legal custodian of the official records" attached to the application for title registration. It added that Laureana and Iden failed to attach the second requirement.[29] It also argued that they failed to prove that "they and their predecessors-in-interest ha[d] been in open, continuous, exclusive, and notorious possession and occupation [of the property] under a *bona fide* claim of ownership since June 12, 1945 or earlier."[30]

On September 15, 2014, the Court of Appeals promulgated a Decision[31] dismissing the Republic's appeal and affirming the Decision and Order of the Municipal Circuit Trial Court. It ruled that although Laureana and Iden failed to present a copy of the DENR Secretary-approved original classification stating that the property was alienable and disposable, "there [was] substantial compliance to the requirement[s]."[32] It gave credence to the testimony of Hernandez, Special Land Investigator I of DENR-CENRO, who stated that the property was not patented, decreed, or titled.[33] Hernandez also identified his written report on the property, which stated that:

> (1) [T]he entire area is within the alienable and disposable zone as classified under Project No. 39, L.C. Map No. 3553 released and certified as such on September 10, 1997; (2) the land has never been forfeited in favor of the government for non-payment of taxes; (3) it is not inside the forest zone or forest reserve or unclassified public forest; (4) the land does not form part of a bed or navigable river, streams, or creek.[34]

The Court of Appeals also gave weight to the testimony of Maglinao, Forester I of DENR-CENRO, who said that she inspected the property before issuing a certificate classifying the property as alienable and disposable "under Project No. 39, Land Classification Map No. 3553 certified on 10 September 1997."[35]

Furthermore, the property's Survey Plan contained an annotation by DENR Regional Technical Director Romeo P. Verzosa, stating that the property was within an alienable and disposable area. The Court of Appeals held that the annotation could be regarded as substantial compliance with the requirement that the property should be alienable and disposable, especially since it coincided with Hernandez's report and Maglinao's testimony.[36]

Finally, the Court of Appeals found that Laureana and Iden were able to prove their predecessors-in-interest's possession of property since 1937

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29 Id. at 45, Brief for the Oppositor-Appellant.
30 Id. at 49–50.
31 Id. at 24–37.
32 Id. at 33.
33 Id. at 34.
34 Id.
35 Id.
36 Id.

and their possession since 1985 as evidenced by the tax declarations.[37]

The dispositive portion of the Court of Appeals Decision read:

> **WHEREFORE**, in view of the foregoing premises, the instant appeal is hereby ordered **DISMISSED**, and the appealed Decision rendered on 5 May 2011 and Order dated 9 December 2011 by the Fourth Judicial Region of the Municipal Circuit Trial Court in Talisay-Laurel, Batangas in Land Reg. Case No. 09-001 (LRA Record No. N-79691) are **AFFIRMED**. Without costs.
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> **SO ORDERED**.[38] (Emphasis in the original)

On November 25, 2014, the Republic filed a Petition for Review[39] before this Court against Laureana and Iden. Petitioner argues that the application for land registration should have been dismissed by the trial court considering that it was not accompanied by "a copy of the original classification approved by the Department of Environment and Natural Resources (DENR) Secretary and certified as true copy by its legal custodian."[40] It avers that a CENRO Certification is not sufficient to prove the land's classification as alienable and disposable.[41] Moreover, the rule on substantial compliance is applied *pro hac vice* in the cases of *Republic v. Vega* and *Republic v. Serrano,* upon which the Court of Appeals heavily relied.[42]

Petitioner contends that respondents' acts of fencing and planting transpired only after they purchased the property in 1985. Banawa also failed to mention in her testimony that respondents' predecessors-in-interest occupied, developed, maintained, or cultivated the property, which could have shown that the former owners possessed the property by virtue of a *bona fide* ownership claim. Lastly, the tax declarations presented by respondents only date back to 1948 as the earliest year of possession.[43]

On April 21, 2015, respondents filed their Comment.[44] They counter that they were able to prove substantial compliance when they presented Maglinao's Certification and Hernandez's report. The Survey Plan also stated that the land was in an alienable and disposable zone. They also point out that the Land Registration Authority did not question the classification of the property, despite notice of the application.[45]

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37 Id. at 35–36.
38 Id.
39 Id. at 8–22.
40 Id. at 13.
41 Id. at 13–16.
42 Id. at 15–16.
43 Id. at 16–17.
44 Id. at 63–72, Comment to the Petition for Review on Certiorari.
45 Id. at 67.

Respondents maintain that their and their predecessors-in-interest's possession had been "open, continuous, exclusive and notorious . . . under a bona fide claim of ownership since June 12, 1945 or earlier,"[46] as supported by Banawa's testimony. Although they admit that the earliest tax declaration was dated 1948, they seek the application of this Court's ruling in *Sps. Llanes v. Republic*, where this Court held that "tax declarations and receipts . . . coupled with actual possession . . . constitute evidence of great weight and can be the basis of a claim of ownership through prescription."[47]

On April 18, 2016, petitioner filed its Reply.[48] It asserts that land registration applicants should strictly comply with the requirements in proving that the land is alienable and disposable. It maintains that for failing to submit the required document, respondents' application should have been denied.[49] Petitioner also insists that Banawa's testimony and the tax declarations are not sufficient to prove that respondents' and their predecessors-in-interest's possession and occupation of the property were "open, continuous, exclusive, and notorious . . . under a *bona fide* claim of ownership, since June 12, 1945 or earlier."[50]

This Court resolves the sole issue of whether or not the trial court and the Court of Appeals erred in granting Laureana Malijan-Javier and Iden Malijan-Javier's application for registration of property.

Land registration is governed by Section 14 of Presidential Decree No. 1529 or the Property Registration Decree, which states:

> Section 14. Who may apply. — The following persons may file in the proper Court of First Instance an application for registration of title to land, whether personally or through their duly authorized representatives:
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> *(1) Those who by themselves or through their predecessors-in-interest have been in open, continuous, exclusive and notorious possession and occupation of alienable and disposable lands of the public domain under a bona fide claim of ownership since June 12, 1945, or earlier.*
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> (2) Those who have acquired ownership of private lands by prescription under the provisions of existing laws.
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> (3) Those who have acquired ownership of private lands or abandoned river beds by right of accession or accretion under the existing laws.

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46 Id. at 68.
47 Id. at 70.
48 Id. at 81–86.
49 Id. at 82–84.
50 Id. at 83–84.

> (4) Those who have acquired ownership of land in any other manner provided for by law.
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> Where the land is owned in common, all the co-owners shall file the application jointly.
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> Where the land has been sold under *pacto de retro*, the vendor *a retro* may file an application for the original registration of the land, provided, however, that should the period for redemption expire during the pendency of the registration proceedings and ownership to the property consolidated in the vendee *a retro*, the latter shall be substituted for the applicant and may continue the proceedings.
>
> A trustee on behalf of his principal may apply for original registration of any land held in trust by him, unless prohibited by the instrument creating the trust.[51] (Emphasis supplied)

Applicants whose circumstances fall under Section 14(1) need to establish only the following:

> *[F]irst*, that the subject land forms part of the disposable and alienable lands of the public domain; *second*, that the applicant and his predecessors-in-interest have been in open, continuous, exclusive and notorious possession and occupation of the [land]; and *third*, that it is under a *bona fide* claim ownership since June 12, 1945, or earlier.[52]

To satisfy the first requirement of Section 14(1), petitioner argues that both a CENRO or Provincial Environment and Natural Resources Office (PENRO) certification and a certified true copy of a DENR Secretary-approved certificate should be obtained to prove that the land is alienable and disposable.[53]

Petitioner's contention has merit.

It is well-settled that a CENRO or PENRO certification is not enough to establish that a land is alienable and disposable.[54] It should be "accompanied by an official publication of the DENR Secretary's issuance

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[51] Pres. Decree No. 1529 (1978), sec. 14.

[52] See *Republic v. Rizalvo, Jr.*, 659 Phil. 578, 586 (2011) [Per J. Villarama, Jr., Third Division] and *Republic v. Remman Enterprises, Inc.*, 727 Phil. 608, 621 (2014) [Per J. Reyes, First Division].

[53] *Rollo*, pp. 12–16.

[54] *Republic v. T.A.N. Properties*, 578 Phil. 441, 452–453 (2008) [Per J. Carpio, First Division]; *Republic v. Hanover Worldwide Trading Corporation*, 636 Phil. 739, 752 (2010) [Per J. Peralta, Second Division]; *Republic v. Vda. De Joson*, 728 Phil. 550, 562 (2014) (Per J. Bersamin, First Division]; *Republic v. Lualhati*, 757 Phil. 119, 132 (2015) [Per J. Peralta, Third Division]; *Republic v. Local Superior of the Institute of the Sisters of the Sacred Heart of Jesus of Ragusa*, 780 Phil. 633, 643–644 (2016) [Per J. Reyes, Third Division]; *Republic v. Spouses Go*, G.R. No. 197297, August 2, 2017 <http://sc.judiciary.gov.ph/pdf/web/viewer.html?file=/jurisprudence/2017/august2017/197297.pdf> 11–14 [Per J. Leonen, Second Division].

declaring the land alienable and disposable."[55] In *Republic v. T.A.N. Properties*:[56]

> [I]t is not enough for the PENRO or CENRO to certify that a land is alienable and disposable. 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, *the applicant for land registration must 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.[57] (Emphasis supplied)

In *Republic v. Lualhati*:[58]

> [I]t has been repeatedly ruled that certifications issued by the CENRO, or specialists of the DENR, as well as Survey Plans prepared by the DENR containing annotations that the subject lots are alienable, *do not constitute incontrovertible evidence to overcome the presumption that the property sought to be registered belongs to the inalienable public domain.* Rather, this Court stressed the importance of proving alienability by presenting a copy of the original classification of the land approved by the DENR Secretary and certified as true copy by the legal custodian of the official records.[59] (Emphasis supplied, citation omitted)

The certification issued by the DENR Secretary is necessary since he or she is the official authorized to approve land classification, including the release of land from public domain.[60] As thoroughly explained in *Republic v. Spouses Go*:[61]

> [A]n applicant has the burden of proving that the public land has been classified as alienable and disposable. To do this, the applicant must show a positive act from the government declassifying the land from the public domain and converting it into an alienable and disposable land. "[T]he exclusive prerogative to classify public lands under existing laws is vested in the Executive Department." In *Victoria v. Republic*:
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> To prove that the land subject of the application for

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55 *Republic v. Hanover Worldwide Trading Corporation*, 636 Phil. 739, 752 (2010) [Per J. Peralta, Second Division.

56 578 Phil. 441 (2008) [Per J. Carpio, First Division].

57 Id. at 452–453.

58 757 Phil. 119 (2015) [Per J. Peralta, Third Division].

59 Id. at 131.

60 *Republic v. Spouses Go*, G.R. No. 197297, August 2, 2017 <http://sc.judiciary.gov.ph/pdf/web/viewer.html?file=/jurisprudence/2017/august2017/197297.pdf> 11–12 [Per J. Leonen, Second Division].

61 G.R. No. 197297, August 2, 2017 <http://sc.judiciary.gov.ph/pdf/web/viewer.html?file=/jurisprudence/2017/august2017/197297.pdf> [Per J. Leonen, Second Division].

> 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 secure a certification from the government that the lands applied for are alienable and disposable, but *the certification must show that the DENR Secretary had approved the land classification and released the* land of the pub[l]ic domain as alienable and disposable[.]

Section X(1) of the DENR Administrative Order No. 1998-24 and Section IX(1) of DENR Administrative Order No. 2000-11 affirm that the DENR Secretary is the approving authority for "[l]and classification and release of lands of the public domain as alienable and disposable." Section 4.6 of DENR Administrative Order No. 2007-20 defines land classification as follows:

> Land classification is the process of demarcating, segregating, delimiting and establishing the best category, kind, and uses of public lands. Article XII, Section 3 of the 1987 Constitution of the Philippines provides that lands of the public domain are to be classified into agricultural, forest or timber, mineral lands, and national parks.

These provisions, read with *Victoria v. Republic*, establish the rule that before an inalienable land of the public domain becomes private land, the DENR Secretary must first approve the land classification into an agricultural land and release it as alienable and disposable. The DENR Secretary's official acts "may be evidenced by an official publication thereof or by a copy attested by the officer having legal custody of the record, or by his deputy."

The CENRO or the Provincial Environment and Natural Resources Officer will then conduct a survey to verify that the land for original registration falls within the DENR Secretary-approved alienable and disposable zone.

The CENRO certification is issued only to verify the DENR Secretary issuance through a survey[.][62] (Emphasis in the original, citations omitted)

In this case, although respondents were able to present a CENRO certification, a DENR-CENRO report with the testimony of the DENR officer who made the report, and the survey plan showing that the property is already considered alienable and disposable, these pieces of evidence are still not sufficient to prove that the land sought to be registered is alienable and disposable. Absent the DENR Secretary's issuance declaring the land alienable and disposable, the land remains part of the public domain.

Thus, even if respondents have shown, through their testimonial

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[62] Id. at 11–12.

evidence, that they and their predecessors-in-interest have been in open, continuous, exclusive, and notorious possession and occupation of the property since June 12, 1945, they still cannot register the land for failing to establish that the land is alienable and disposable.

All things considered, this Court finds that the Court of Appeals committed a reversible error in affirming the May 5, 2011 Decision and December 9, 2011 Order of the Municipal Circuit Trial Court of Talisay–Laurel, Batangas, which granted the land registration application of respondents.

WHEREFORE, the Petition is **GRANTED**. The Court of Appeals September 15, 2014 Decision in CA-G.R. CV No. 98466, which affirmed the May 5, 2011 Decision and December 9, 2011 Order of the Municipal Circuit Trial Court, is **REVERSED** and **SET ASIDE**. Laureana Malijan-Javier and Iden Malijan-Javier's application for registration of Lot No. 1591, Cad. 729, Talisay Cadastre is **DENIED** for lack of merit.

SO ORDERED.

MARVIC M.V.F. LEONEN
Associate Justice

WE CONCUR:

PRESBITERO J. VELASCO, JR.
Associate Justice
Chairperson

LUCAS P. BERSAMIN
Associate Justice

SAMUEL R. MARTIRES
Associate Justice

ALEXANDER G. GESMUNDO
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.

PRESBITERO J. VELASCO, JR.
Associate Justice
Chairperson, Third 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.

ANTONIO T. CARPIO
Acting Chief Justice

CERTIFIED TRUE COPY
WILFREDO V. LAPITAN
Division Clerk of Court
Third Division
MAY 31 2018