Republic of the Philippines
Supreme Court
Manila

SECOND DIVISION

REPUBLIC OF THE PHILIPPINES, Petitioner,	**G.R. No. 197389** Present:
- *versus* -	PERLAS-BERNABE, *J.*, Chairperson, HERNANDO, INTING, DELOS SANTOS, and BALTAZAR-PADILLA,* *JJ.*
MANUEL M. CARAIG, Respondent.	Promulgated: 12 OCT 2020

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DECISION

HERNANDO, *J.*:

This Petition for Review on *Certiorari*[1] assails the January 31, 2011 Decision[2] and the June 15, 2011 Resolution[3] of the Court of Appeals (CA) in CA-G.R. CV No. 89686. The CA affirmed the February 28, 2007 Decision[4] of the Municipal Trial Court (MTC) of Sto. Tomas, Batangas in LRA MTC Case No. 2002-028 (LRA Record No. N-75008) granting the Application for Original Registration of Title of Lot No. 5525-B filed by respondent Manuel M. Caraig (Manuel).

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* On leave.

[1] *Rollo*, pp. 112-147.

[2] Id. at 51-58; penned by Associate Justice Isaias Dicdican and concurred in by Associate Justices Stephen C. Cruz and Jane Aurora C. Lantion.

[3] Id. at 60-61.

[4] Id. at 171-174.

The Antecedent Facts

On September 2, 2002, Manuel, through his attorney-in-fact,[5] Nelson N. Guevarra (Nelson) filed an Application for Original Registration of Title[6] over a 40,000-square meter portion of Lot 5525, known as Lot No. 5525-B, which is located at Brgy. San Luis, Sto. Tomas, Batangas. Lot No. 5525-B is described as follows:

> A parcel of land (Lot 5525-B of the subdivision plan, Csd-04-024208-D, being a portion of Lot 5525, Cad-424, Sto. Tomas Cadastre, L.R.C. Record No.), situated in the Barangay of San Luis, Municipality of Sto. Tomas, Province of Batangas, Bounded on the SW., along line 1-2 by Barangay Road (10.00 m.wide); on the NW., along line 2-3 by Lot 5664, Cad-424, Sto. Tomas Cadastre; on the NE., N., & SE., along lines 3-4-5-6-7-8-9-10 by Creek; on the SE., along lines 10-11-12 by Lot 5526, Cad-424, Sto. Tomas Cadastre; on the SW., & SE., along lines 12-13-1 by Lot 5525-A, of the subdivision plan. x x x containing an area of FORTY THOUSAND (40,000) SQUARE METERS. x x x[7]

Manuel alleged that he bought Lot No. 5525-B from Reynaldo S. Navarro (Reynaldo) as evidenced by a Deed of Absolute Sale[8] dated September 25, 1989. Reynaldo and his predecessors-in-interest had been in open, peaceful, continuous, and exclusive possession of the land prior to June 12, 1945 under a *bona fide* claim of ownership.

Manuel attached the following documents in his application: (a) Tax Declaration No. 017-00991[9] in his name; (b) Deed of Absolute Sale[10] dated September 25, 1989 executed by Reynaldo in his favor; (c) Subdivision Plan[11] of Lot No. 5525-B which was approved on July 3, 2002, together with its blue print, showing that it is a portion of Lot No. 5525; (d) Technical Description of Lot 5525-B;[12] and (e) Certification in lieu of Geodetic Engineer's Certificate for registration purposes.[13]

The Office of the Solicitor General (OSG), representing the Republic of the Philippines, filed its Opposition[14] to the application. It sought the denial of Manuel's application based on the following grounds: (a) the land is inalienable and part of the public domain owned by the Republic; (b) Manuel and his predecessors-in-interest were not in continuous, exclusive and notorious possession and occupation of the land since June 12, 1945 or prior thereto; and

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[5] Id. at 166.
[6] Id. at 161-165.
[7] Id. at 161-162.
[8] Records, pp. 8-9.
[9] Id. at 7.
[10] Id. at 8-9.
[11] Id. at 10-11.
[12] Id. at 12.
[13] Id. at 14.
[14] *Rollo*, pp. 167-168.

(c) the evidence attached to the application insufficiently and incompetently proved his acquisition of the land or his continuous, exclusive and notorious possession and occupation thereof.

Only the OSG interposed its opposition to the application. As a result, an Order of General Default was issued against the whole world with the exception of OSG.

During the trial, Manuel presented the following witnesses: (a) Nelson; (b) Arcadio Arcillas (Arcadio); (c) Epifanio Guevarra (Epifanio); (d) Miguel Jaurigue Libot (Miguel); (e) Francisco Malleon (Francisco); and (f) Fermin Angeles (Fermin).

Nelson attested that Manuel could not personally testify as he was working in Italy. They have known each other since they were children and before Manuel married Maribel F. Cabus.

Nelson testified that Lot No. 5525 was previously owned by Evaristo Navarro (Evaristo). In support of his claim, he presented the March 10, 2003 Certification[15] issued by the Office of the Municipal Assessor of Sto. Tomas, Batangas showing that Evaristo was the first declared owner of the said land as reflected in Tax Declaration Nos. 20386/20387 issued in 1955. On November 11, 1958, Evaristo and his wife, Flora Sangalang, donated Lot No. 5525 to their son Reynaldo as evidenced by a Deed of Donation.[16] Reynaldo then took possession of the entire land until he sold to Manuel a portion thereof, which is Lot No. 5525-B, the land subject of the application for registration.

Nelson further averred that Lot No. 5525-B is alienable and disposable land of public domain. He then submitted the February 11, 2003 Certification[17] issued by the Department of Environment and Naturall Resources (DENR) Region IV - Community Environment and Natural Resources Office (CENRO) of Batangas City, which states that Lot No. 5525-B is not covered by any public land application or patent. Nelson also presented another Certification[18] dated March 21, 2003 from the CENRO which declared Lot No. 5525-B to be within the alienable and disposable zone under "Project No. 30, Land Classification Map No. 582 certified on December 31, 1925" except for the three meters strip of land along the creek bounding on the northwestern portion which was for bank protection.[19]

Fermin, a long-time resident of Brgy. San Luis and neighbor of Manuel and his predecessors-in-interest, was also presented as a witness during the

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[15] Records, p. 222.
[16] Id. at 236-237.
[17] Id. at 240.
[18] Id. at 238.
[19] Id.

trial.[20] He narrated that his and Evaristo's families were neighbors.[21] Fermin used to accompany his mother who would bring food to his father who was tilling their land adjacent to Evaristo's.[22] Each time, he would see Evaristo supervising the farm workers in his land in planting coffee and banana, harvesting the produce and selling the crops afterwards.

Arcadio, another long-time resident of Brgy. San Luis, testified that as early as 1942, the residents of the community knew that Evaristo was the owner.[23] Arcadio, who was then 12 years old, would often see Evaristo giving instruction to the workers tilling the land.[24] In the early years, Evaristo's workers planted and harvested banana and coffee. Lot No. 5525 was subsequently owned by Reynaldo, Evaristo's son, who remained in peaceful and continuous possession and ownership of the entire land until he sold a portion thereof, Lot No. 5525-B, to Manuel.[25] After his acquisition of Lot No. 5525-B, Manuel constructed his house and a corner stone on the property.[26] He also planted black pepper, lanzones, and coffee thereon.[27]

Arcadio further recalled that nobody, other than Reynaldo and his predecessors-in-interest, claimed ownership and possession over the said land.

Epifanio, Miguel, and Francisco all corroborated Nelson, Fermin and Arcadio's testimonies that Evaristo was the owner of Lot No. 5525 who used the land for planting crops. It was then inherited by Reynaldo who sold a portion thereof to Manuel. Further, they all recalled that as early as the 1940s, the residents of Brgy. San Luis knew that it was Reynaldo and his predecessors-in-interest who owned the entire land including Lot No. 5525-B before it was sold to Manuel.

Ruling of the Municipal Trial Court:

In its February 28, 2007 Decision,[28] the MTC granted Manuel's application for original registration after it was sufficiently established that he is the owner of Lot No. 5525-B. The *fallo* of the MTC Decision reads:

> WHEREFORE, and upon confirmation of the Order of General Default, the Court hereby adjudicates and decrees Lot No. 5525-B of the subdivision plan, Csd-04-024208-D, being portion of Lot No. 5525, Cad 424, Santo Tomas Cadastre, situated in the Barangay of San Luis, Municipality of

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[20] TSN, June 1, 2004, p. 2.
[21] Id. at 3.
[22] Id.
[23] TSN, August 18, 2004, pp. 2-4.
[24] Id. at 3-4.
[25] Id. at 6-8.
[26] Id. at 8.
[27] Id.
[28] *Rollo*, pp. 171-174.

> Santo Tomas, Province of Batangas, containing an area of Forty Thousand (40,000) Square Meters, in the name of the applicant, Manuel M. Caraig, of legal age, Filipino citizen, married to Maribel F. Cabus and a resident of Barangay San Luis, Santo Tomas, Batangas, as the true and absolute owner thereof.
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> Once this Decision shall have become final, let the corresponding decree of registration of title be issued in the instant case.
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> SO ORDERED.[29]

Aggrieved, the OSG appealed to the CA.[30] In its Oppositor-Appellant's Brief,[31] the OSG argued that there was no competent proof that Manuel was in possession of the land for at least 30 years to allow the same to be registered under his name. The MTC erred in giving weight and credit to the testimonies of the witnesses which were purely hearsay. The OSG further insisted that Nelson was incompetent to identify the contents of the Deed of Absolute Sale and the Deed of Donation.

Ruling of the Court of Appeals:

In its January 31, 2011 Decision,[32] the CA affirmed the MTC Decision. It opined that Nelson, as the attorney-in-fact, was authorized to file the application in behalf of Manuel, to represent him in the proceedings, to testify and to present documentary evidence during the trial, and to do any acts in furtherance thereof. Further, Manuel's witnesses sufficiently proved that Manuel, and his predecessors-in-interest were in open, continuous, exclusive, peaceful and adverse possession in the concept of an owner prior to June 12, 1945.

The OSG filed a Motion for Reconsideration[33] which the CA denied in its June 15, 2011 Resolution.[34]

Hence, this Petition for Review on *Certiorari*.

Issues

The OSG raised the following errors to support its petition:

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[29] Id. at 174.
[30] Id. at 175-176.
[31] Id. at 178-197.
[32] Id. at 112-147.
[33] Id. at 201-209.
[34] Id. at 60-61.

I.

THE COURT *A QUO* ERRED IN GIVING PROBATIVE VALUE TO HEARSAY EVIDENCE.

II.

NO COMPETENT EVIDENCE EXISTS TO SHOW THAT RESPONDENT WAS IN POSSESSION OF THE LAND FOR AT LEAST THIRTY (30) YEARS.

III.

THE CERTIFICATION THAT THE SUBJECT PROPERTY IS ALIENABLE AND DISPOSABLE IS INSUFFICIENT SANS AN EXPRESS GOVERNMENT MANIFESTATION THAT THE PROPERTY IS ALREADY PATRIMONIAL OR NO LONGER RETAINED FOR PUBLIC SERVICE OR THE DEVELOPMENT OF NATIONAL WEALTH, UNDER ARTICLE 422 OF THE CIVIL CODE.[35]

In fine, the issues to be resolved are as follows: (a) whether or not the CENRO Certificates are sufficient proofs that Lot No. 5525-B is alienable and disposable; and (b) whether or not Manuel sufficiently proved that he and his predecessors-in-interest were in continuous, peaceful, notorious and exclusive possession in the concept of an owner of the subject land.

The Court's Ruling

The Petition is bereft of merit.

The arguments raised in the instant petition involve a mixed question of facts and of law.

Rule 45 of the Rules of Court prescribes that only questions of law should be raised in petitions filed under the said rule since factual questions are not the proper subject of an appeal by *certiorari*.[36] The Court is not a trier of facts. Thus, We will not entertain questions of fact as factual findings of the appellate court are considered final, binding, or conclusive on the parties and upon this Court especially when supported by substantial evidence.[37]

The Court, in *Leoncio v. De Vera*,[38] differentiated a question of law from a question of fact in this wise:

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[35] Id. at 29.
[36] See *Pascual v. Burgos*, 776 Phil. 167, 182 (2016).
[37] Id.
[38] 569 Phil. 512, 516 (2008), citing *Binay v. Odeña*, 551 Phil. 681, 689 (2007).

> A question of law arises when there is doubt as to what the law is on a certain state of facts, while there is a question of fact when the doubt arises as to the truth or falsity of the alleged facts. For a question to be one of law, the same must not involve an examination of the probative value of the evidence presented by the litigants or any of them. The resolution of the issue must rest solely on what the law provides on the given set of circumstances. Once it is clear that the issue invites a review of the evidence presented, the question posed is one of fact. Thus, the test of whether a question is one of law or of fact is not the appellation given to such question by the party raising the same; rather, it is whether the appellate court can determine the issue raised without reviewing or evaluating the evidence, in which case, it is a question of law; otherwise it is a question of fact.

Here, the OSG is not only raising a question of law, *i.e.* on whether the evidence presented by Manuel was sufficient to prove that the subject land is alienable and disposable. It is also raising a question of fact as it seeks the Court's determination as to the veracity and truthfulness of the testimonies of the witnesses presented by Manuel in support of his claim that he and his predecessors-in-interest were in actual, continuous, exclusive and notorious possession and ownership of the land even before June 12, 1945. Consequently, the Court is constrained to exercise its jurisdiction in the case since the errors raised by the OSG in its Petition, being mixed questions of fact and of law, are not proper subjects of an appeal by *certiorari*.

In any case, the Petition is still dismissible for utter lack of merit.

The requirements under Section 14(1) of Presidential Decree (P.D.) No. 1529 were duly met.

No less than the Constitution prescribes under the Regalian Doctrine that all lands which do not appear to be within private ownership are public domain and hence presumed to belong to the State.[39] As such, a person applying for registration has the burden of proof that the land sought to be registered is alienable or disposable.[40] He must present incontrovertible evidence that the land subject of the application has been reclassified or released as alienable agricultural land, or alienated to a private person by the State and no longer remains a part of the inalienable public domain.[41]

Section 14(1) of Presidential Decree (P.D.) No. 1529, otherwise known as the Property Registration Decree, provides:

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[39] See Section 2, Article XII of the 1987 Philippine Constitution.

[40] See *Espiritu v. Republic*, 811 Phil. 506, 519 (2017), citing *People of the Philippines v. De Tensuan*, 720 Phil. 326, 339 (2013).

[41] See *Republic v. Medida*, 692 Phil. 454, 463 (2012), citing *Republic v. Dela Paz*, 649 Phil. 106, 115 (2010).

> Sec. 14. Who may apply. The following persons may file in the proper Court of First Instance an application for registration of title to land, whether personally or through their duly authorized representatives:
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> (1) Those who by themselves or through their predecessors-in-interest have been in open, continuous, exclusive and notorious possession and occupation of alienable and disposable lands of the public domain under a bona fide claim of ownership since June 12, 1945, or earlier.

In the same way, Section 48(b) of the Public Land Act (Commonwealth Act No. 141), as amended by P.D. No. 1073, states:

> SECTION 48. The following-described citizens of the Philippines, occupying lands of the public domain or claiming to own any such lands or an interest therein, but whose titles have not been perfected or completed, may apply to the Court of First Instance of the province where the land is located for confirmation of their claims and the issuance of a certificate of title thereof, under the Land Registration Act, to wit:
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> x x x x
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> (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, since June 12, 1945, 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.

Pursuant to the above-mentioned provisions, the applicant must prove the following requirements for the application for registration of a land under Section 14(1) to prosper: (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.[42]

Manuel adequately met all these requirements.

There is substantial proof that the subject land is disposable and alienable.

The OSG averred in its Petition that the CENRO Certificates dated February 11, 2003 and March 21, 2003 are insufficient proofs that Lot No. 5525-B is an alienable and disposable land. We disagree.

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[42] *Republic v. Estate of Santos*, 802 Phil. 801, 812 (2016).

Republic v. Court of Appeals[43] held that to prove that the land subject of the 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 a statute.

Here, Manuel presented the February 11, 2003 and March 21, 2003 Certificates from the CENRO stating that Lot No. 5525-B is disposable and alienable. The CENRO Certificate[44] dated February 11, 2003 stated that Lot No. 5525-B is not covered by any public land application or patent. The March 21, 2003 CENRO Certificate[45] likewise declared Lot No. 5525-B to be within the alienable and disposable zone under "Project No. 30, Land Classification Map No. 582 certified on December 31, 1925" except for the three-meter strip of land along the creek bounding on the northwestern portion which was for bank protection.

Noticeably, neither the Land Registration Authority nor the DENR opposed Manuel's application on the ground that Lot No. 5525-B is inalienable. Hence, since no substantive rights stand to be prejudiced, the benefit of the Certifications should therefore be equitably extended in favor of Manuel.[46]

Clearly, Lot No. 5525-B is an alienable and disposable land of the public domain. The CENRO Certificates dated February 11, 2003 and March 21, 2003 sufficiently showed that the government executed a positive act of declaration that Lot No. 5525-B is alienable and disposable land of public domain as of December 31, 1925. Remarkably, the OSG failed to controvert the said act of the government. Hence, the certificates enjoy the presumption of regularity in the absence of contradictory evidence.[47]

Thus, with the presentation of the CENRO certificates as evidence, together with the documentary evidence, Manuel substantially complied with the legal requirement that the land must be proved to be an alienable and disposable part of the public domain.

Strict requirements to prove that a land is disposable and alienable as set forth in Republic v. T.A.N. Properties, Inc. is inapplicable in the instant case.

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[43] 440 Phil. 697, 710-711 (2002).
[44] *Records*, p. 240.
[45] Id. at 238.
[46] *Republic v. Serrano*, 627 Phil. 350, 360 (2010).
[47] *Republic v. Consunji*, 559 Phil. 683, 699-700 (2007).

We are not unaware that in *Republic v. T.A.N. Properties, Inc.* (*Tan Properties*),[48] the Court has already declared that a certification from the PENRO or CENRO is not enough identification that a land has been declared alienable and disposable, *viz.*:

> 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.

Simply put, an applicant must present both the certification and approval from the DENR Secretary as proofs that the land is alienable and disposable.[49] Otherwise, the application must be denied.[50]

However, in our subsequent pronouncement in *Republic v. Serrano (Serrano),*[51] We ruled that the DENR Regional Technical Director's certification annotated on the subdivision plan which the applicant submitted in evidence substantially complies with the legal requirement that the subject land must be proved to be alienable and disposable. Similarly, in *Republic v. Vega (Vega),*[52] the applicants therein were found to have substantially complied with the legal requirement despite the absence of an approval from the DENR Secretary of the CENRO certification.

These pronouncements in *Serrano* and *Vega* did not do away with our ruling in *T.A.N. Properties* on strict requirements of proof that the land applied for registration is alienable and disposable since our pronouncements in *Serrano and Vega* are mere *pro hac vice*. This We have elucidated in *Vega*:

> It must be emphasized that the present ruling on substantial compliance applies *pro hac vice*. It does not in any way detract from our rulings in *Republic v. T.A.N. Properties, Inc.*, and similar cases which impose a strict requirement to prove that the public land is alienable and disposable, especially in this case when the Decisions of the lower court and the Court of Appeals were rendered prior to these rulings. To establish that the land subject of the application is alienable and disposable public land, the general rule remains: all applications for original registration under the Property Registration Decree must include both (1) a CENRO or PENRO certification and (2) a certified true copy of the original classification made by the DENR Secretary.

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[48] 578 Phil. 441, 452-453 (2008).
[49] See *Republic v. San Mateo*, 746 Phil. 394, 403 (2014).
[50] Id.
[51] *Supra* note 46.
[52] 654 Phil. 511 (2011).

> As an exception, however, the courts — in their sound discretion and based solely on the evidence presented on record — may approve the application, *pro hac vice*, on the ground of substantial compliance showing that there has been a positive act of government to show the nature and character of the land and an absence of effective opposition from the government. **This exception shall only apply to applications for registration currently pending before the trial court prior to this Decision and shall be inapplicable to all future applications.** [Citations Omitted.] (Emphasis Supplied.)

The grant of an application for land registration on the basis of substantial compliance may be applied subject to the discretion of the courts and 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*.[53] In *Espiritu v. Republic*,[54] citing *Republic v. Mateo*,[55] the Court shed enlightenment behind Our subsequent decisions granting applications for land registration on the basis of substantial compliance in this wise:

> 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*.[56] [Citations Omitted.]

Manuel filed his application for original registration on September 2, 2002. The MTC granted the same on February 28, 2007 or **15 months before the promulgation of *T.A.N. Properties*.** Substantial compliance on the legal requirements should therefore be applied in this case. Thus, Manuel duly proved that Lot No. 5525-B is alienable and disposable.

Manuel has proved possession and occupation of the property under a bona fide claim of ownership.

Settled is the rule that an applicant for registration of a subject land must proffer proof of specific acts of ownership to substantiate his claim. In other words, he should prove that he exercised acts of dominion over the lot under a *bona fide* claim of ownership since June 12, 1945 or earlier.[57] "The applicant must present specific acts of ownership to substantiate the claim and cannot just

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[53] *Supra* note 48 at 520.
[54] Id.
[55] *Supra* note 40.
[56] Id. at 405.
[57] *Republic v. Serrano, supra* note 46.

offer general statements which are mere conclusions of law than factual evidence of possession."[58]

In *Republic v. Alconaba,*[59] the Court explained what constitutes open, continuous, exclusive and notorious possession and occupation, to wit:

> The law speaks of *possession* and *occupation*. Since these words are separated by the conjunction and, the clear intention of the law is not to make one synonymous with the other. Possession is broader than occupation because it includes constructive possession. When, therefore, the law adds the word *occupation*, it seeks to delimit the all encompassing effect of constructive possession. Taken together with the words open, continuous, exclusive and notorious, the word *occupation* serves to highlight the fact that for an applicant to qualify, his possession must not be a mere fiction. Actual possession of a land consists in the manifestation of acts of dominion over it of such a nature as a party would naturally exercise over his own property.[60] [Citations Omitted.]

Further, *Republic v. Estate of Santos*[61] discussed when possession is considered open, continuous, exclusive, and notorious as follows:

> Possession is open when it is patent, visible, apparent, notorious, and not clandestine. It is continuous when uninterrupted, unbroken and not intermittent or occasional. It is exclusive when the adverse possessor can show exclusive dominion over the land and an appropriation of it to his own use and benefit. And it is notorious when it is so conspicuous that it is generally known and talked of by the public or the people in the neighborhood.[62] [Citation Omitted.]

Manuel had sufficiently established his possession in the concept of owner of the property since June 12, 1945, or earlier.

The testimonies of the witnesses are credible enough to support Manuel's claim of possession. Worthy to note that the witnesses unswervingly declared that Evaristo, in the concept of an owner, occupied and possessed Lot No. 5525 even before June 12, 1945. Remarkably, Arcadio, who frequented the land since he was a child, categorically testified that it was Evaristo who possessed and owned Lot No. 5525 as early as 1942. Evaristo performed specific acts of ownership such as planting banana and coffee in the land, and hiring the services of other workers to help him till the soil. Thereafter, Lot No. 5525 was transferred to Reynaldo, Evaristo's son, who continued to cultivate the same.

The testimony of Arcadio was in confluence with the testimonies of other witnesses. It is important to note the testimony of Fermin who, despite his old

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[58] *Republic v. Court of Appeals*, 249 Phil. 148, 154 (1988).
[59] 471 Phil. 607 (2004).
[60] Id. at 620.
[61] Supra note 42.
[62] Id. at 814.

age, clearly remembered and firmly stated that their land which was tilled by his father is adjacent to Lot No. 5525 owned by Evaristo. As the owner, Evaristo would direct his workers to plant banana and coffee in his land, harvest the crops, and sell them thereafter. Fermin also vividly recalled that Evaristo donated Lot No. 5525 to Reynaldo in 1958 who continued cultivating the land. Reynaldo then sold a portion thereof, i.e. Lot No. 5525-B, to Manuel who constructed his house and planted various crops therein.

The possession and occupation as *bona fide* owner of Evaristo and Reynaldo can be tacked to the possession of Manuel who acquired Lot No. 5525-B by virtue of a Deed of Absolute Sale dated September 25, 1989 executed by Reynaldo in his favor. Notably, Lot No. 5525-B, which is the land subject of the application for registration, is a portion of Lot No. 5525 as evidenced by the Subdivision Plan and the Technical Description of Lot No. 5525-B. Hence, Reynaldo and his predecessors-in-interest's possession of Lot No. 5525 can be transferred to Manuel but only as regards to Lot No. 5525-B, the sold portion and land subject of the application for registration.

The fact that the earliest tax declaration on record is 1955 does not necessarily show that the predecessors were not in possession of Lot No. 5525 since 1945. Indeed, the Court in a long line of cases has stated that tax declarations or tax receipts are good *indicia* of possession in the concept of owner.[63] However, it does not follow that belated declaration of the same for tax purposes negates the fact of possession.[64] This remains true especially in the instant case where there are no other persons claiming any interest in Lot No. 5525 or, in particular, Lot No. 5525-B.[65]

All told, there is no sufficient reason to reverse the findings of the MTC as affirmed by the CA. Lot No. 5525-B is duly proven to be alienable and disposable land of public domain. Further, Manuel has been in continuous, open, notorious and exclusive possession and occupation thereof even before June 12, 1945.

WHEREFORE, the Petition for Review on *Certiorari* is **DENIED**. The January 31, 2011 Decision and the June 15, 2011 Resolution of the Court of Appeals in CA-G.R. CV No. 89686, which in turn affirmed the February 28, 2007 Decision of the Municipal Trial Court of Sto. Tomas, Batangas in LRA MTC Case No. 2002-028 (LRA Record No. N-75008) granting Manuel's application for original registration of title over Lot No. 5525-B, are **AFFIRMED**.

No costs.

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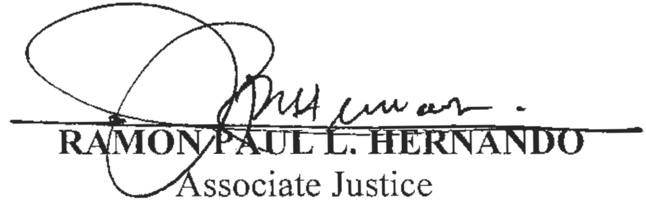
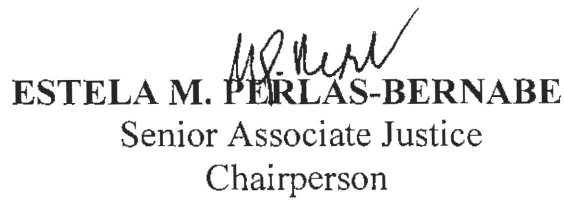
[63] *Recto v. Republic*, 483 Phil. 81, 90 (2004).
[64] Id.
[65] Id.

SO ORDERED.

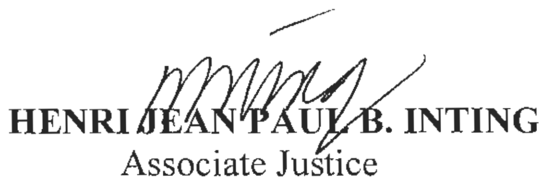


RAMON PAUL L. HERNANDO
Associate Justice

WE CONCUR:



ESTELA M. PERLAS-BERNABE
Senior Associate Justice
Chairperson



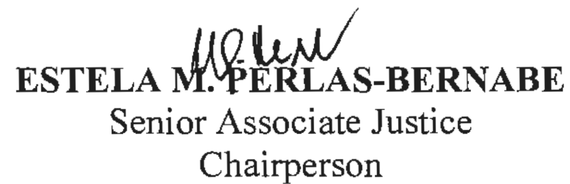
HENRI JEAN PAUL B. INTING
Associate Justice

EDGARDO L. DELOS SANTOS
Associate Justice

On leave.
PRISCILLA J. BALTAZAR-PADILLA
Associate Justice

ATTESTATION

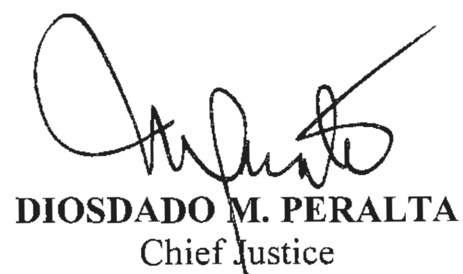
I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



ESTELA M. PERLAS-BERNABE
Senior Associate Justice
Chairperson

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.



DIOSDADO M. PERALTA
Chief Justice