



Supreme Court
Manila

SECOND DIVISION

In re: PETITION FOR G.R. No. 221553
REGISTRATION AND
ISSUANCE OF TITLE FOR LOT
2264, LOT 2270 and LOT 2271 OF
THE HIMAMAYLAN
CADASTRE, PROVINCE OF
NEGROS OCCIDENTAL, and
MIRIAM DURBAN
TAGAMOLILA, for herself as
Attorney-in-fact of her sister
CECILIA DIMA-ANO,*
Petitioner,

Present:

LEONEN, J., Chairperson,
LAZARO-JAVIER,
LOPEZ, M.,
LOPEZ, J., and
KHO, JR., JJ.

-versus-

REPUBLIC OF THE
PHILIPPINES,
Respondent.

Promulgated:
JAN 25 2023

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DECISION

LEONEN, J.:

An applicant seeking original registration of public land must present the necessary evidence that it is alienable and disposable. The guidelines in Republic Act No. 11573 may apply retroactively because of its curative nature and the new rights created by its provisions.¹

* "Dima-ano" is also spelled as "Dimaano" in some parts of the *rollo*.

¹ *Superiora Locale Dell' Istituto Delle Suore Di San Giuseppe Del Caburlotto, Inc. v. Republic of the Philippines*, G.R. No. 242781, June 21, 2022 [Per J. J.Y. Lopez, En Banc], citing *Republic of the Philippines v. Pasig Rizal Co., Inc.*, G.R. No. 213207, February 15, 2022, [Per J. Caguioa, En Banc].

This Court resolves a Petition for Review on Certiorari² assailing the Decision³ and Resolution⁴ of the Court of Appeals, which reversed the Decision⁵ of the Regional Trial Court granting Miriam Durban Tagamolila's (Tagamolila) application for original registration of Lot Nos. 2264, 2270 and 2271.⁶

Tagamolila and her sister Cecilia Durban Dima-ano (Dima-ano), as the only legal heirs of their late father, Rafael J. Durban (Rafael), sought to register in their names three parcels of land allegedly forming part of Rafael's estate.⁷

Tagamolila and Dima-ano filed a petition for original registration of Lot Nos. 2264, 2270, and 2271 of the Himamaylan Cadastre, Province of Negros Occidental (the Himamaylan properties) before the Regional Trial Court of Himamaylan City, Negros Occidental.

In their petition, they contend that: (1) they are the legal heirs of their late father, Rafael; (2) the Himamaylan properties were already adjudicated to them by virtue of an "Extrajudicial Declaration of Heirship to the Estate of Rafael J. Durban"; and (3) Rafael acquired the Himamaylan properties through inheritance from his predecessor, documented in a "Petition for Probate of Last Will and Testament" on March 23, 1935.⁸

In its July 12, 2007 Order, the trial court ordered an initial hearing on January 9, 2008, where all interested persons may oppose the petition. On September 4, 2007, the Office of the Solicitor General entered its appearance, authorized the City Prosecutor of Himamaylan City to appear on its behalf, and filed an Opposition arguing the following:

1. [That] the parcels of land applied for is a portion of the public domain belonging to the Republic of the Philippines;
2. [That] Neither the applicant nor their predecessors-in-interest have been in open, continuous, exclusive and notorious possession and occupation of the land in question since June 12, 1945 or prior thereto. . .
3. [That] the muniment/s of title and/or the tax declarations and tax of petitioners attached in the application do not constitute competent and

² *Rollo*, pp. 3–26.

³ *Id.* at 29–38. The February 23, 2015 Decision in CA-G.R. CV. No. 03802 was penned by Associate Justice Renato C. Francisco, and concurred in by Associate Justices Pamela Ann Abella Maxino and Germano Francisco D. Legaspi of the Twentieth Division, Court of Appeals, Cebu City.

⁴ *Id.* at 41–42. The September 8, 2015 Resolution in CA-G.R. CV. No. 03802 was penned by Associate Justice Renato C. Francisco, and concurred in by Associate Justices Pamela Ann Abella Maxino and Germano Francisco D. Legaspi of the Former Twentieth Division, Court of Appeals, Cebu City.

⁵ *Id.* at 53–59. The July 29, 2010 Decision in L.R.A Case No. 02 was penned by Presiding Judge Nilo M. Sarsaba of the Regional Trial Court of Himamaylan City, Negros Occidental, Branch 56.

⁶ *Id.* at 53.

⁷ *Id.*

⁸ *Id.* at 30.

sufficient evidence of a *bonafide* acquisition of the land applied for or of their open, continuous, exclusive and notorious possession or occupation thereof in the concept of [an] owners, since July 12, 1945 or prior thereto[.]⁹

The trial court noted that the Land Registration Authority failed to submit a report regarding the properties, despite being furnished copies of the petition and being given the documents requested by the Chief of its Docket Division.¹⁰ On the other hand, Tagamolila and Dima-ano complied with the “jurisdictional requirements of publication, mailing, and posting of notices.” On February 13, 2008, the trial court, pursuant to a Motion filed by Tagamolila and Dima-ano, declared in general default all parties other than the Republic of the Philippines and proceeded to trial.¹¹

After the parties presented their evidence, the trial court granted Tagamolila and Dima-ano’s application for registration, finding that “petitioners have satisfactorily complied”¹² with the requirements for the original registration of their land. The dispositive portion of the Regional Trial Court’s decision reads:

WHEREFORE, the foregoing considered, the verified petition or application for registration is hereby GRANTED. It is hereby ordered that Lot No. 2264 with an area of 23,174 sq. meters more or less, Lot No. 2270 with an area of 27,460 sq. meters more or less and Lot No. 2271 with an area of 39,153 sq. meters more or less all of Himamaylan Cadastre, situated in the City of Himamaylan, Negros Occidental be REGISTERED in the names of petitioners-applicants MIRIAM D. TAGAMOLILA, Filipino, of legal age, married to Juan G. Tagamolila, and a resident of Bacolod City, Negros Occidental and CECILIA D. DIMA[-]ANO, Filipino, of legal age, married to Antonio R. Dima[-]ano, and a resident of Bacolod City, Negros Occidental.

SO ORDERED.¹³

The Republic of the Philippines (the Republic), through the Office of the Solicitor General, appealed the trial court’s decision, arguing the insufficiency of evidence submitted for supporting registration. The Republic insisted that land could be classified as alienable and disposable only by providing a certification, not only from the City Environment and Natural Resources Office and/or Provincial Environment and Natural Resources Office but also from the Secretary of the Department of Environment and Natural Resources.¹⁴

⁹ *Id.* at 31.

¹⁰ *Id.* at 56.

¹¹ *Id.*

¹² *Id.* at 58.

¹³ *Id.* at 59.

¹⁴ *Id.* at 141.

The Court of Appeals granted the Republic's appeal. It found Tagamolila's City Environment and Natural Resources certification insufficient "to commence the 30-year prescriptive period under Section 14(2)." According to the Court of Appeals, without a specific declaration from the State that the property involved was "no longer intended for public service or the development of the national wealth or that the property has been converted into patrimonial[.]" the Himamaylan properties remained part of the public dominion and could not be acquired by prescription.¹⁵ Instead of the City Environment and Natural Resources Office certification, the Court of Appeals required certificates and approvals from the Secretary of the Department of Environment and Natural Resources that the property formed part of the "alienable and disposable lands of the public domain[.]"¹⁶

WHEREFORE, premises considered, the appeal is GRANTED. The Decision dated July 29, 2010 of the Regional Trial Court of Himamaylan City, Negros Occidental, Branch 56, in L.R.A. Case No. 02 is hereby REVERSED and SET ASIDE.

SO ORDERED.¹⁷

The Court of Appeals also denied Tagamolila's motion for reconsideration, finding no basis to reverse its findings in the assailed Decision.¹⁸

Thus, petitioner Tagamolila filed this Petition for Review on Certiorari on her and her sister's behalf, arguing that they fully or otherwise substantially complied with the requirements for the original registration of the Himamaylan properties.¹⁹ In any event, petitioner argues that the authorities cited by the respondent were promulgated after she had filed her petition and should, thus, be applied prospectively.²⁰

Respondent, in its Comment, counters that petitioner's evidence falls short of the prevailing rules for proving the classification of lands as alienable and disposable.²¹ Respondent further argues that petitioner has no basis for asserting substantial compliance because her cited legal basis only applied *pro hac vice*.²² Finally, respondent disregards petitioner's claim to the prospective application of case law since the relevant jurisprudence was promulgated only a year after her petition for original registration. Given this time period, respondent argues that petitioner had no basis for failing to comply with the relevant case law's requirements.²³

¹⁵ *Id.* at 35–36.

¹⁶ *Id.* at 37.

¹⁷ *Id.* at 37–38.

¹⁸ *Id.* at 39–40.

¹⁹ *Id.* at 13–14.

²⁰ *Id.* at 15–16.

²¹ *Id.* at 144–145.

²² *Id.* at 145.

²³ *Id.* at 146–147.

In Petitioner's subsequent Reply, she reiterates her arguments on her full or otherwise substantial compliance with the requirements for proving the subject property's alienable and disposable classification. Finally, petitioner re-emphasizes the need to apply case law prospectively.²⁴

For this Court's resolution is the issue of whether or not the Court of Appeals gravely erred in reversing the trial court's grant of petitioner Miriam Durban Tagamolila's application for original registration of Lot Nos. 2264, 2270, and 2271.

We find partial merit in the Petition.

I

The basis of the Court of Appeals' for reversing the Regional Trial Court Decision and denying petitioner's application for original registration must be recalibrated in view of subsequent developments in the law on original registration of alienable and disposable lands of the public domain. *Republic v. Pasig Rizal Co., Inc.*²⁵ provides updated guidelines for handling such an application, which were recently reiterated in *Superiora Locale Dell' Istituto Delle Suore Di San Giuseppe Del Caburlotto, Inc. v. Republic of the Philippines*.²⁶

Petitioner cannot rely on *Republic v. Vega's*²⁷ accommodation for substantial compliance. However, the new guidelines in *Pasig Rizal Co., Inc.* may apply prospectively and allow a remand of these proceedings to the Court of Appeals for the reception of the appropriate evidence supporting the land's alienable and disposable classification.

I (A)

Pasig Rizal Co., Inc. deftly discusses the applicable guidelines in resolving an application for original registration of alienable and disposable land of the public domain, as provided by Republic Act No. 11573:

1. RA 11573 shall apply retroactively to all applications for judicial confirmation of title which remain pending as of September 1, 2021, or the date when RA 11573 took effect. These include all applications pending resolution at the first instance before all

²⁴ *Id.* at 165–166.

²⁵ G.R. No. 213207, February 15, 2022 <<https://sc.judiciary.gov.ph/27422/>> [Per J. Caguioa, En Banc].

²⁶ *Superiora Locale Dell' Istituto Delle Suore Di San Giuseppe Del Caburlotto, Inc. v. Republic of the Philippines*, G.R. No. 242781, June 21, 2022 [Per J. J.Y. Lopez, En Banc].

²⁷ 654 Phil. 511 (2011) [Per J. Sereno, Third Division].

Regional Trial Courts, and applications pending appeal before the Court of Appeals.

2. Applications for judicial confirmation of title filed on the basis of the old Section 14 (1) and 14 (2) of PD 1529 and which remain pending before the Regional Trial Court or Court of Appeals as of September 1, 2021 shall be resolved following the period and manner of possession required under the *new* Section 14 (1). Thus, beginning September 1, 2021, proof of “open, continuous, exclusive and notorious possession and occupation of alienable and disposable lands of the public domain not covered by existing certificates of title or patents under a *bona fide* claim of ownership for at least twenty (20) years immediately preceding the filing of the application for confirmation” shall be sufficient for purposes of judicial confirmation of title, and shall entitle the applicant to a decree of registration.
3. In the interest of substantial justice, the Regional Trial Courts and Court of Appeals are hereby directed, upon proper motion or *motu proprio*, to permit the presentation of additional evidence on land classification status based on the parameters set forth in Section 7 of RA 11573.
 - a. Such additional evidence shall consist of a certification issued by the DENR geodetic engineer which (i) states that the land subject of the application for registration has been classified as alienable and disposable land of the public domain; (ii) bears reference to the applicable Forestry Administrative Order, DENR Administrative Order, Executive Order, or proclamation classifying the land as such; and (iii) indicates the number of the LC Map covering the land.
 - b. In the absence of a copy of the relevant issuance classifying the land as alienable and disposable, the certification must additionally state (i) the release date of the LC Map; and (ii) the Project Number. Further, the certification must confirm that the LC Map forms part of the records of NAMRIA and is precisely being used by the DENR as a land classification map.
 - c. The DENR geodetic engineer must be presented as witness for proper authentication of the certification in accordance with the Rules of Court.²⁸

Despite Republic Act No. 11573 taking effect after the filing of the petition in *Pasig Rizal Co., Inc.*, this Court applied the law retroactively because the new provisions simplified and harmonized the various rules relating to applications for original registration of title to lands and created

²⁸ *Republic of the Philippines v. Pasig Rizal Co., Inc.*, G.R. No. 213207, February 15, 2022 <<https://sc.judiciary.gov.ph/27422/>> [Per J. Caguioa, En Banc].

new rights for those seeking such registration by shortening the required period of adverse possession:

As stated, RA 11573 took effect on September 1, 2021, or fifteen (15) days after its publication on August 16, 2021. Notably, RA 11573 does not expressly provide for its retroactive application.

As a general rule, laws shall have no retroactive effect, unless the contrary is provided. However, this rule is subject to certain recognized exceptions, as when the statute in question is curative in nature, or creates new rights, thus:

....

On this basis, the Court finds that RA 11573, particularly Section 6 (amending Section 14 of PD 1529) and Section 7 (prescribing the required proof of land classification status), may operate retroactively to cover applications for land registration pending as of September 1, 2021, or the date when RA 11573 took effect.

To be sure, the curative nature of RA 11573 can easily be discerned from its declared purpose, that is, "to simplify, update and harmonize similar and related provisions of land laws in order to simplify and remove ambiguity in its interpretation and implementation." Moreover, by shortening the period of adverse possession required for confirmation of title to twenty (20) years prior to filing (as opposed to possession since June 12, 1945 or earlier), the amendment implemented through Section 6 of RA 11573 effectively created a new right in favor of those who have been in possession of alienable and disposable land for the shortened period provided. The retroactive application of this shortened period does not impair vested rights, as RA 11573 simply operates to confirm the title of applicants whose ownership already existed prior to its enactment.²⁹ (Emphasis supplied and citations omitted)

More recently, *Superiora Locale* emphasized the curative nature of Republic Act No. 11573's provisions, which allows for the law's retroactive application even in the absence of express provisions to that effect:

Needless to say, R.A. No. 11573 does not provide for its retroactive application. While as a rule, laws shall have no retroactive effect, there are a few well-recognized exceptions, such as when the statute is curative or remedial, or when it creates new rights.

Being a curative statute, R.A. No. 11573 can be retroactively applied. Section 1 of R.A. No. 11573 sets forth the law's objective, which is "to simplify, update and harmonize similar and related provisions of land laws in order to simplify and remove ambiguity in its interpretation and implementation. It is also the policy of the State to provide land tenure security by continuing judicial and administrative titling processes." By declaring its intention to simplify and remove ambiguity in the interpretation and implementation of land laws, the curative nature of R.A. No. 11573 cannot be denied.

²⁹ *Id.*



The Court's pronouncement in *Philippine Health Insurance Corporation v. Commission on Audit* is instructive. There, this Court ruled that Section 15 of R.A. No. 11223, which classified PhilHealth personnel as public health workers, is a curative statute that remedied the shortcomings of R.A. No. 7305 regarding the classification of PhilHealth personnel as public health workers. Thus:

Notably, R.A. No. 11223 provides for a clear and unequivocal declaration regarding the classification of all PhilHealth personnel, to wit:

SECTION 15. PhilHealth Personnel as Public Health Workers. — All PhilHealth personnel shall be classified as public health workers in accordance with the pertinent provisions under Republic Act No. 7305, also known as the Magna Carta of Public Health Workers.

Plainly, the law states that all personnel of the PhilHealth are public health workers in accordance with R.A. No. 7305. This confirms that PhilHealth personnel are covered by the definition of a public health worker. In other words, R.A. No. 11223 is a curative statute that remedies the shortcomings of R.A. No. 7305 with respect to the classification of PhilHealth personnel as public health workers.

Curative statutes are intended to [correct] defects, abridge superfluities in existing laws and curb certain evils. "They are intended to enable persons to carry into effect that which they have designed and intended, but has failed of expected legal consequence by reason of some statutory disability or irregularity in their own action. They make valid that which, before the enactment of the statute, was invalid."

Curative statutes have long been considered valid in this jurisdiction. Their purpose is to give validity to acts done that would have been invalid under existing laws, as if existing laws have been complied with. They are, however, subject to exceptions. For one, they must not be against the Constitution and for another, they cannot impair vested rights or the obligation of contracts. By their nature, curative statutes may be given retroactive effect, unless it will impair vested rights. A curative statute has a retrospective application to a pending proceeding.

*In the present case, R.A. No. 11573 intended to correct defects and abridge superfluities in our present land registration laws. To be sure, R.A. No. 11573 makes valid that which, before the enactment of the statute, was invalid because the applicant can now prove possession under a *bona fide* claim of ownership for only twenty (20) years immediately preceding the filing of the application, instead of proving possession since June 12, 1945 or earlier.³⁰ (Emphasis supplied; citations omitted)*

³⁰ *Superiora Locale Dell' Istituto Delle Suore Di San Giuseppe Del Caburlotto, Inc. v. Republic of the Philippines*, G.R. No. 242781, June 21, 2022 [Per J. J.Y. Lopez, En Banc].

Further, *Pasig Rizal Co., Inc.* considered the purpose of allowing private Filipino ownership of public lands and determined that Republic Act No. 11573 promoted the policy of “just distribution of all agricultural lands” and realized the State policy of broadening accessibility to land ownership by simplifying the process for doing so.

The underlying philosophy of making public land available to Filipino citizens is sewn into the foundations of the Constitution; it is reflected in the exclusive reservation of land ownership to Filipinos, and is echoed in the State’s mandate to promote agrarian and urban land reform through the just distribution of all agricultural lands, and the establishment of urban centers and resettlement areas for the homeless. Through the imposition of retention limits, the provision of incentives for voluntary land-sharing, and the directive to respect the rights of small land and property owners, the Constitution further institutionalizes the policy of making land ownership accessible to each individual Filipino.

In line with this, PD 1529 provides for the judicial confirmation of imperfect title to land so as to bring the latter within the coverage of the Torrens system. The protection afforded by the Torrens system provides the necessary security to encourage land owners to make the investments needed to make productive use of their landholdings. Through this process, the law functions to aid land owners in becoming productive members of society in a manner that is consistent with the principles enshrined in the Constitution.

With the passage of RA 11573, any doubt which may have plagued the requirements for confirmation of title under Section 14 of PD 1529 have been clarified, with the expressed view of removing any ambiguity in its interpretation, and further streamlining the registration process. (Emphasis supplied and citations omitted)

The present Petition, which was also filed prior to Republic Act No. 11573’s enactment, may, therefore, be resolved by applying the new law’s provisions and remanding proceedings to the Court of Appeals, consistent with *Pasig Rizal Co., Inc.* and *Superiora Locale*.

I (B)

Concurrently, the present Petition and the proceedings in *Pasig Rizal Co., Inc.* exhibit similarities that allow the remanded proceedings to focus on the Himamaylan properties’ classification as alienable and disposable in nature.

In *Pasig Rizal Co., Inc.*, this Court deemed the applicant’s adverse possession uncontroverted and limited the remanded proceedings solely to

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the issue of public land's alienable and disposable nature.³¹ Similarly, the assailed Decision did not delve into petitioner's adverse possession, as it saw fit to resolve only the question of the Himamaylan properties' classification as alienable and disposable land of the public domain.³²

Thus, to simplify the remanded proceedings and to allow the resolution of remaining issues with dispatch, the proceedings before the Court of Appeals shall allow additional evidence solely on the issue of the Himamaylan properties' classification. Petitioner's evidence of adverse possession for the duration required in Republic Act No. 11573 shall be limited to the evidence already on record.

II

Prior to *Pasig Rizal Co., Inc., Heirs of Malabanan v. Court of Appeals*³³ summarized the requirements for judicial confirmation of title, as provided by Presidential Decree No. 1529. *Pasig Rizal Co., Inc.* aptly discussed the *Heirs of Malabanan* requirements in applying Republic Act No. 11573's provisions:

Based on the foregoing discussion in *Malabanan*, the requirements for original registration under then Section 14 (2) were: (i) a declaration that the land subject of the application is alienable and disposable; (ii) an express government manifestation that said land constitutes patrimonial property, or is "no longer retained" by the State for public use, public service, or the development of national wealth; and (iii) proof of possession for the period and in the manner prescribed by the Civil Code for acquisitive prescription, reckoned from the moment the property subject of the application becomes patrimonial property of the State.³⁴

Particularly relevant to Republic Act No. 11573 is the "second *Malabanan* requirement" of an "express government manifestation" that the land sought to be registered was "no longer intended" for public use, for public service, or for the development of national wealth, in addition to its classification as "alienable and disposable."

Accordingly, there must be an express declaration by the State that the public dominion property is no longer intended for public service or the development of the national wealth or that the property has been converted into patrimonial. Without such express declaration, the property, even if classified as alienable or disposable, remains property of the public dominion, pursuant to Article 420(2), and thus incapable of

³¹ *Republic of the Philippines v. Pasig Rizal Co., Inc.*, G.R. No. 213207, February 15, 2022 <<https://sc.judiciary.gov.ph/27422/>> [Per J. Caguioa, En Banc].

³² *Id.*

³³ 605 Phil. 244, 279 (2009) [Per J. Tinga, En Banc].

³⁴ *Republic of the Philippines v. Pasig Rizal Co., Inc.*, G.R. No. 213207, February 15, 2022 <<https://sc.judiciary.gov.ph/27422/>> [Per J. Caguioa, En Banc].

acquisition by prescription. It is only when such alienable and disposable lands are expressly declared by the State to be no longer intended for public service or for the development of the national wealth that the period of acquisitive prescription can begin to run. Such declaration shall be in the form of a law duly enacted by Congress or a Presidential Proclamation in cases where the President is duly authorized by law.

It is comprehensible with ease that this reading of Section 14(2) of the Property Registration Decree limits its scope and reach and thus affects the registrability even of lands already declared alienable and disposable to the detriment of the *bona fide* possessors or occupants claiming title to the lands. *Yet this interpretation is in accord with the Regalian doctrine and its concomitant assumption that all lands owned by the State, although declared alienable or disposable, remain as such and ought to be used only by the Government.*³⁵ (Emphasis supplied)

According to *Heirs of Malabanan*, public land declared as alienable and disposable remained beyond the scope of private ownership without an explicit declaration from the State to the contrary. This reflects the enduring adoption of the regalian doctrine as the State's basis for presumptive ownership of all land not explicitly owned in a private capacity. Thus, the Court of Appeals denied petitioner Tagamolila's application for registration by reiterating this same need for an "express declaration by the State."³⁶

However, *Pasig Rizal Co., Inc.* amended the interpretation in *Heirs of Malabanan* by applying the new provisions of Republic Act No. 11573.

Equally notable is the final *proviso* of the new Section 14 (1) which expressly states that upon proof of possession of alienable and disposable lands of the public domain for the period and in the manner required under said provision, the applicant/s "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 this section." *This final proviso unequivocally confirms that the classification of land as alienable and disposable immediately places it within the commerce of man, and renders it susceptible to private acquisition through adverse possession.*

The final proviso thus clarifies that for purposes of confirmation of title under PD 1529, no further "express government manifestation that said land constitutes patrimonial property, or is 'no longer retained' by the State for public use, public service, or the development of national wealth" shall henceforth be required. This harmonizes the language of PD 1529 with the body of principles governing property of public dominion and patrimonial property in the Civil Code. Through the final *proviso*, any confusion which may have resulted from the wholesale adoption of the second *Malabanan* requirement has been addressed.³⁷ (Emphasis supplied)

³⁵ *Heirs of Mario Malabanan v. Court of Appeals*, 605 Phil. 244, 279 (2009) [Per J. Tinga, En Banc].

³⁶ *Id.*

³⁷ *Republic of the Philippines v. Pasig Rizal Co., Inc.*, G.R. No. 213207, February 15, 2022 <<https://sc.judiciary.gov.ph/27422/>> [Per J. Caguioa, En Banc].

Thus, the following pieces of evidence may now prove the alienable and disposable nature of the land sought to be registered and, thus, its susceptibility to acquisition through prescription.

In addition to the amendments discussed, RA 11573 also prescribes the nature of proof sufficient to establish the status of land as alienable and disposable, hence:

SEC. 7. *Proof that the Land is Alienable and Disposable.* — For purposes of judicial confirmation of imperfect titles filed under [PD 1529], a duly signed certification by a duly designated DENR geodetic engineer that the land is part of alienable and disposable agricultural lands of the public domain is sufficient proof that the land is alienable. Said certification shall be imprinted in the approved survey plan submitted by the applicant in the land registration court. The imprinted certification in the plan shall contain a sworn statement by the geodetic engineer that the land is within the alienable and disposable lands of the public domain and shall state the applicable Forestry Administrative Order, DENR Administrative Order, Executive Order, Proclamations and the Land Classification Project Map Number covering the subject land.

Should there be no available copy of the Forestry Administrative Order, Executive Order or Proclamation, it is sufficient that the Land Classification (LC) Map Number, Project Number, and date of release indicated in the land classification map be stated in the sworn statement declaring that said land classification map is existing in the inventory of LC Map records of the National Mapping and Resource Information Authority (NAMRIA) and is being used by the DENR as land classification map.

*In effect, Section 7 supersedes the requirements in T.A.N. Properties and Hanover.*³⁸ (Emphasis supplied and citations omitted)

As to petitioner's claim of substantial compliance under *Vega*, the same deserves no merit because it explicitly applies *only* on a *pro hac vice* basis:

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

³⁸ *Id.*

original classification made by the DENR Secretary.³⁹ (Emphasis supplied and citations omitted)

The prevailing rules continue to require strict compliance with the requirements for the original registration of alienable and disposable lands of the public domain. Despite the amendments introduced by *Pasig Rizal Co., Inc.*, the presumption of State ownership remains the petitioner's burden to overcome.

*Consequently, those who seek registration on the basis of title over land forming part of the public domain must overcome the presumption of State ownership. To do so, the applicant must establish that the land subject of the application is alienable or disposable and thus susceptible of acquisition and subsequent registration. However, once the presumption of State ownership is discharged by the applicant, the burden to refute the applicant's claim that the land in question is patrimonial in nature necessarily falls on the State. For while the burden to prove that the land subject of the application is alienable and disposable is placed on the applicant, the burden to prove that such land is retained for public service or for the development of the national wealth, notwithstanding its previous classification as alienable and disposable, rests, as it should, with the State.*⁴⁰ (Emphasis supplied and citations omitted)

Thus, a claim of substantial compliance with *Republic v. T.A.N. Properties*⁴¹ under *Vega* has no merit, not only because of *Vega's pro hac vice* application but also because *T.A.N. Properties* has been superseded by guidelines that maintain the presumption of State ownership.

III

The foregoing discussion's focus on how the rules on original registration of land developed in the context of the regalian doctrine is best highlighted by *Heirs of Malabanan's* own recognition that the regalian doctrine's enduring application may result in problematic implications:

A final word. The Court is comfortable with the correctness of the legal doctrines established in this decision. *Nonetheless, discomfiture over the implications of today's ruling cannot be discounted. For, every untitled property that is occupied in the country will be affected by this ruling. The social implications cannot be dismissed lightly, and the Court would be abdicating its social responsibility to the Filipino people if we simply levied the law without comment.*

The informal settlement of public lands, whether declared alienable or not, is a phenomenon tied to long-standing habit and cultural

³⁹ *Republic of the Philippines v. Vega*, 654 Phil. 511, 527 (2011) [Per J. Sereno, Third Division].

⁴⁰ *Republic of the Philippines v. Pasig Rizal Co., Inc.*, G.R. No. 213207, February 15, 2022 <<https://sc.judiciary.gov.ph/27422/>> [Per J. Caguioa, En Banc].

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

acquiescence, and is common among the so-called "Third World" countries. This paradigm powerfully evokes the disconnect between a legal system and the reality on the ground. The law so far has been unable to bridge that gap. Alternative means of acquisition of these public domain lands, such as through homestead or free patent, have proven unattractive due to limitations imposed on the grantee in the encumbrance or alienation of said properties. Judicial confirmation of imperfect title has emerged as the most viable, if not the most attractive means to regularize the informal settlement of alienable or disposable lands of the public domain, yet even that system, as revealed in this decision, has considerable limits.

There are millions upon millions of Filipinos who have individually or exclusively held residential lands on which they have lived and raised their families. Many more have tilled and made productive idle lands of the State with their hands. They have been regarded for generation by their families and their communities as common law owners. There is much to be said about the virtues of according them legitimate states. Yet such virtues are not for the Court to translate into positive law, as the law itself considered such lands as property of the public dominion. It could only be up to Congress to set forth a new phase of land reform to sensibly regularize and formalize the settlement of such lands which in legal theory are lands of the public domain before the problem becomes insoluble. This could be accomplished, to cite two examples, by liberalizing the standards for judicial confirmation of imperfect title, or amending the Civil Code itself to ease the requisites for the conversion of public dominion property into patrimonial.

One's sense of security over land rights infuses into every aspect of well-being not only of that individual, but also to the person's family. Once that sense of security is deprived, life and livelihood are put on stasis. It is for the political branches to bring welcome closure to the long pestering problem.⁴² (Emphasis supplied and citations omitted)

A separate concurring opinion in *Pasig Rizal Co., Inc.* discusses the absence of constitutional or historical basis for the regalian doctrine. Further, the separate opinion supports the movement away from the regalian doctrine's strictures:

The regalian doctrine is a legal fiction devoid of clear constitutional mooring. Our Constitution does not support the presumption that all land is considered public by default because they were passed down from the Spanish Crown to the State. Article XII, Section 2 of the 1987 Constitution limits State ownership only to lands of the public domain:

SECTION 2. *All lands of the public domain, waters, minerals, coal, petroleum, and other mineral oils, all forces of potential energy, fisheries, forests or timber, wildlife, flora and fauna, and other natural resources are owned by the State. With the exception of agricultural lands, all other*

⁴² *Heirs of Mario Malabanan v. Court of Appeals*, 605 Phil. 244, 286-287 (2009) [Per J. Tinga, En Banc].

natural resources shall not be alienated. [Emphasis supplied]

This is consistent with the 1935 and 1973 Constitutions which also limited State dominion only over lands within the public domain.

The due process clause likewise protects all types of properties. Article III, Section 1 of the Constitution provides:

SECTION 1. No person shall be deprived of life, liberty, or property without due process of law, nor shall any person be denied the equal protection of the laws.

The due process clause does not confine its coverage to properties covered by paper titles, “[v]erily, there could be land, considered as property, where ownership has vested as a result of either possession or prescription, but still, as yet, undocumented.”

Furthermore, the regalian doctrine has no historical basis, as even Spain recognized private ownership of land outside of a royal decree, acknowledging that private land ownership can be obtained either through native custom or long-time possession.

....

The malicious imposition of the baseless dichotomy on natives has created widespread injustice not only on our indigenous communities but also to all Filipinos, as we were all natives before we were stamped by our colonizers with their convenient labels.

To bring justice to our people and to right our history, it is time that we reframe our invocation of the regalian doctrine and to stop viewing our lands as bounty bequeathed on us by our colonizers.⁴³ (Emphasis supplied and citations omitted)

The main opinion in *Pasig Rizal Co., Inc.* does not explicitly abandon the regalian doctrine. However, it did see fit to lessen the “discomfiture” arising from *Malabanan’s* adherence to the regalian doctrine by applying Republic Act No. 11573, which streamlines the process for original registration and removes ambiguity in its interpretation.

The underlying philosophy of making public land available to Filipino citizens is sewn into the foundations of the Constitution; it is reflected in the exclusive reservation of land ownership to Filipinos, and is echoed in the State’s mandate to promote agrarian and urban land reform through the just distribution of all agricultural lands, and the establishment of urban centers and resettlement areas for the homeless. Through the imposition of retention limits, the provision of incentives for voluntary land-sharing, and the directive to respect the rights of small land and property owners, the Constitution further institutionalizes the policy of making land ownership accessible to each individual Filipino.

⁴³ J. Leonen, *Separate Concurring Opinion in Republic of the Philippines v. Pasig Rizal Co., Inc.*, G.R. No. 213207, February 15, 2022 <<https://sc.judiciary.gov.ph/27455/>> [Per J. Caguioa, En Banc].

In line with this, PD 1529 provides for the judicial confirmation of imperfect title to land so as to bring the latter within the coverage of the Torrens system. The protection afforded by the Torrens system provides the necessary security to encourage land owners to make the investments needed to make productive use of their landholdings. Through this process, the law functions to aid land owners in becoming productive members of society in a manner that is consistent with the principles enshrined in the Constitution.

With the passage of RA 11573, any doubt which may have plagued the requirements for confirmation of title under Section 14 of PD 1529 have been clarified, with the expressed view of removing any ambiguity in its interpretation, and further streamlining the registration process. (Emphasis supplied and citations omitted)

Not only does this development herald a more equitable and meaningful interpretation of our constitutional policy on true land reform, it also gives us ownership of our own processes for the equitable distribution of wealth among our citizens and the pursuit of social justice.

ACCORDINGLY, the Petition for Review on Certiorari is **PARTIALLY GRANTED**.

The February 23, 2015 Decision and September 8, 2015 Resolution of the Court of Appeals in CA-G.R. CV No. 03802 are hereby **AFFIRMED** insofar as Petitioner Miriam Dubran Tagamolila's adverse possession of Lot Nos. 2264, 2271, and 2270 through her predecessors-in-interest remains uncontested, and insofar as substantial compliance with the requirements for proof of the alienable and disposable nature of Lot Nos. 2264, 2271, and 2270 is unmeritorious.

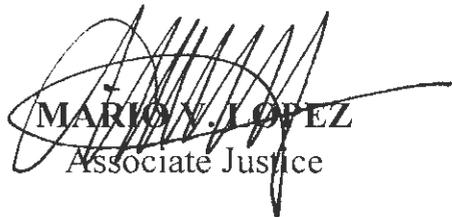
The case is **REMANDED** to the Court of Appeals for the reception of evidence on the Subject Property's land classification status based on the parameters set forth in Section 7 of Republic Act No. 11573. The Court of Appeals is also directed to resolve the present case in accordance with this Decision with due and deliberate dispatch.

SO ORDERED.


MARVIC M.V.F. LEONEN
Senior Associate Justice

WE CONCUR:


AMY C. LAZARO-JAVIER
Associate Justice

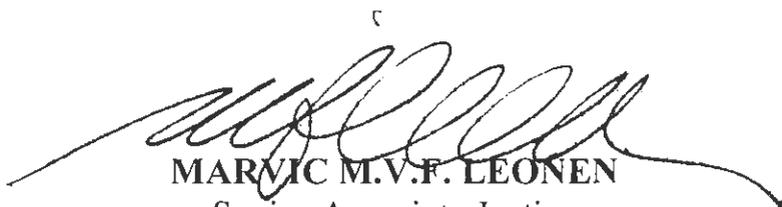

MARIO Y. LOPEZ
Associate Justice


JHOSEP Y. LOPEZ
Associate Justice


ANTONIO T. KHO, JR.
Associate Justice

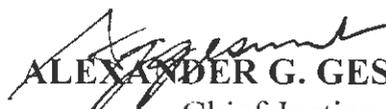
ATTESTATION

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.


MARVIC M.V.F. LEONEN
Senior Associate Justice
Chairperson

CERTIFICATION

Pursuant to Article VIII, Section 13 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.


ALEXANDER G. GESMUNDO
Chief Justice