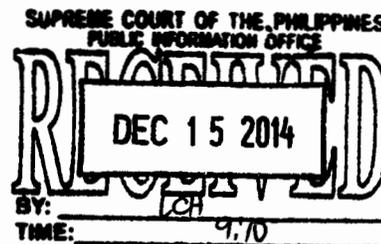




Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION



NOTICE

Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated **November 19, 2014** which reads as follows:*

“**G.R. No. 213927** (Pureza A. Solis, *petitioner*, v. Republic of the Philippines, *respondent*. – The petitioner’s motion for an extension of thirty (30) days within which to file a petition for review on certiorari is hereby **GRANTED**, counted from the expiration of the reglementary period.

The petitioner is hereby **DIRECTED** to **SUBMIT** within five (5) days from notice hereof, a verified declaration of the petition for review on certiorari and its annexes pursuant to A.M. Nos. 10-3-7-SC and 11-9-4-SC.

Sometime in June 2006, petitioner Pureza A. Solis filed before the Regional Trial Court, Branch 20, Cagayan de Oro City an Application for Registratibn of Land designated as Lot No. 45731 situated in Lapasan, Cagayan de Oro City.

Solis obtained title over the subject lot from a certain Dr. Jose L. Rivera through a notarized Deed of Absolute Sale dated 21 January 1969. On 16 September 1996, Dr. Rivera’s wife, Cortona Rivera, executed an Affidavit of Confirmation of Sale covering the subject lot.

Solis alleged that since 1948, tracing the origin of the subject lot to Lot No. 2248 C-3, the subject lot had been assessed for taxation purposes as evidenced by Real Property Historical Ownership of Lot No. 2248 C-3. Upon Solis’ purchase of the subject lot, she declared it for taxation purposes.

- over – five (5) pages

Solis alleged that she and her predecessor-in-interest have been in open, continuous and adverse possession and occupation of the subject lot under a *bona fide* claim of ownership since 12 June 1945. Solis claimed ownership of the subject lot *via* acquisitive prescription and presented the following documents to prove her claim:

1. Real property historical ownership of Lot No. 2248 C-3, a portion of which is the subject lot;
2. Tax Declaration No. 03278 for a portion of Lot 2248 designated as Lot 2248-A of subdivision plan Lot Cad. 237 Cagayan Cadastral in the name of Solis;
3. Tax Clearance certifying that Solis has paid realty taxes on the subject lot for 2006;
4. Deed of Absolute Sale executed by Dr. Rivera in favor of Solis;
5. Affidavit of Confirmation of Sale executed by Cortona Rivera in favor of Solis;
6. Original Tracing Plan together with two (2) blue print copies thereof;
7. Certified True Copies of the Technical Description of the subject lot;
8. Copies of the Certification issued by the Department of Environment and Natural Resources (DENR), Region X, Cagayan de Oro City;
9. Certification issued by the DENR Community Environment and Natural Resources Office (CENRO) that Lot 41929, Cad 237 is not recovered by any public land application in this office; and
10. Certification issued by the Land Registration Authority that no decree of registration has been issued for the subject property.¹

¹ Rollo, pp. 47-48.

The Office of the Solicitor General opposed the application of Solis on the grounds that: (1) neither Solis nor her predecessor-in-interest have been in open, continuous, exclusive and notorious possession and occupation of the subject lot for thirty (30) years; (2) the muniments of title and the tax declarations of Solis were not competent and sufficient evidence of a *bona fide* acquisition of lands applied for; (3) the said muniments of title did not appear to be genuine and the tax declaration indicative of possession appeared to be recent; and (4) there was no showing that the subject lot was alienable, such part of public domain and not subject to private appropriation.²

The RTC granted the application for registration of the subject lot, thus:

WHEREFORE, the instant application for registration is GRANTED and the Land Registration Authority and Register of Deeds of Cagayan de Oro City are DIRECTED to issue in the name of applicant PUREZA A. SOLIS, a natural born Filipino and currently an American citizen, widow with postal address at 223 Norton Avenue, Apt.-H, National City, CA 91950, USA, original certificate of title over lot no. 45731, CAD-237, Cagayan Cadastre, equivalent to 41929-A of the subdivision plan marked exhibit "M" located at Barangay Lapasan, Cagayan de Oro City with an area of 773 sq. meters.

Once this judgment becomes final, let the order for the issuance of decrees and corresponding Certificate of Title issue in accordance with Presidential Decree No. 1529, as amended.³

On appeal by the OSG, the Court of Appeals reversed and set aside the ruling of the RTC. The appellate court found that Solis failed to demonstrate that the subject lot was alienable, her evidence pertaining thereto was inadequate to overcome the Regalian doctrine that all lands of the public domain belong to the State. The Court of Appeals pointed out that Solis presented just one document, the Certification from the DENR, on the nature of the subject lot as alienable and disposable which was inadequate in applications for land registration as held in the case of *Republic v. T.A.N. Properties, Inc.*⁴

Hence, this petition for review on *certiorari* filed by Solis.

Whether the appellate court erred in reversing the trial court's grant of Solis' application for registration of the subject lot in her name.

² Id. at 48.

³ Id. at p. 49.

⁴ 578 Phil. 441 (2008).

We agree with the appellate court's ruling reversing the trial court's grant of Solis' application for registration of the subject lot in her name. As held by the Court of Appeals, first and foremost, the land subject of the application for registration must be established as alienable and disposable.

Contrary to the holding of the RTC, Solis failed to do so in this case.

The appellate court correctly applied the presumption that all lands of the public domain belong to the State pursuant to the Regalian doctrine or *jura regalia*. As such, the burden to establish that the land to be registered is alienable lies with the applicant.

In the cited case of *Republic v. T.A.N. Properties, Inc.*,⁵ we ruled that it is not enough that the DENR certifies that a land is alienable and disposable. The applicant for land registration must comply with the following: (i) proof that the DENR Secretary approved the land classification and released the land of the public domain; (ii) proof that the land subject of the application for registration falls within the approved area per verification through survey by the PENRO or CENRO; and (iii) presentation of a copy of the original classification approved by the DENR Secretary and certified as a true copy by the legal custodian of the official records.

Moreover, in the recent case of *Valiao v. Republic*,⁶ we declared that "[t]here must be a positive act declaring land of public domain as alienable and disposable." *Valiao* reiterated that the 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.

Regrettably, in this case, Solis failed in establishing the foregoing, presenting only a single Certification from the DENR-CENRO that the subject lot is alienable and disposable. Absent this primary and preliminary requisite of the land applied for registration as alienable and disposable, all other requisites appeared to have been complied with by Solis becomes irrelevant and unnecessary.

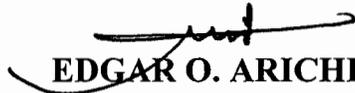
WHEREFORE, the petition is **DENIED** there being no reversible error in the Court of Appeal's Decision dated 14 March 2013 in CA-G.R. CV No. 01849-MIN.

⁵ Id. at 452-453.

⁶ G.R. No. 170757, 28 November 2011, 661 SCRA 299, 307.

SO ORDERED.” BERSAMIN, J., on official travel; **VELASCO, JR., J.**, designated acting member per S.O. No. 1870 dated November 4, 2014.

Very truly yours,


EDGAR O. ARICHETA
Division Clerk of Court ^{MINI}
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(LRC No. N-2006-014)

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