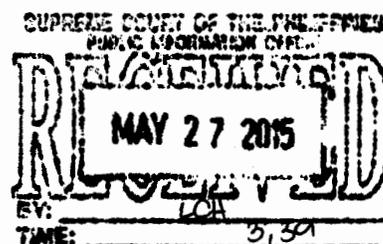




Republic of the Philippines  
Supreme Court  
Baguio City

FIRST DIVISION

NOTICE



Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated April 20, 2015, which reads as follows:*

***“G.R. No. 175264 - REPUBLIC OF THE PHILIPPINES, Petitioner, v. HYDRA TERRACES CONSTRUCTION, INC., Respondent.*”**

Before Us is a Petition for Review on *Certiorari* assailing the Decision<sup>1</sup> dated July 7, 2006 of the Court of Appeals in CA-G.R. CV No. 78469, which affirmed the Decision<sup>2</sup> dated June 28, 2002 of the Regional Trial Court (RTC), Tanauan, Batangas, Branch 6, in Land Reg. Case No. T-346. The RTC granted the Amended Application for Registration of Title of Hydra Terraces Construction, Inc. (Hydra) for a parcel of land with an area of 7,595 square meters, located in Malvar, Batangas, particularly known as Lot 3722.

The antecedents of the case are as follows:

On April 10, 1997, ICTSI Warehousing, Inc. (ICTSI) filed an Application for Registration of Title for Lot 3722, docketed as Land Reg. Case No. T-346 (LRA Rec. No. N-69500).

- over - fifteen (15) pages .....

306-A

<sup>1</sup> *Rollo*, pp. 25-36; penned by Associate Justice Rebecca de Guia-Salvador with Associate Justices Ruben T. Reyes and Vicente Q. Roxas, concurring.

<sup>2</sup> *CA rollo*, pp. 51-55; penned by Judge Arcadio I. Manigbas.

The Republic of the Philippines (Republic), thru the Director of Lands, filed an Opposition to the Application for Registration of Title of ICTSI.

The Land Registration Authority (LRA) also filed a Report with the RTC stating that Lot 3722 was the subject of another application for original registration of title but its Record Book of Cadastral Lots did not show whether said application had been granted. The LRA further discovered a discrepancy in the technical description of Lot 3722, which the LRA relayed to the Regional Technical Director of the Land Management Sector (LMS), Department of Environment and Natural Resources (DENR). The LRA further said that it was uncertain whether Lot 3722 was already covered by a land patent, or whether it had been classified as alienable and disposable land.

The RTC issued an Order<sup>3</sup> on December 22, 1998 directing the LMS, Community Environment and Natural Resources Office (CENRO), and Forest Management Bureau (FMB) to submit a report on whether Lot 3722 was covered by a land patent, previously approved isolation survey, or within the alienable and disposable zone. The RTC likewise ordered the Regional Director of the Surveys Division, LMS, to verify the alleged discrepancy and to make the necessary correction in the technical description of the lot.

In compliance with the above Order, Robert C. Pangyarihan, Chief of the Surveys Division, LMS, submitted the correct technical description of Lot 3722, which reads:

LOT 3722, Ap-04-009885  
Psc-47, Malvar Cadastre

A PARCEL OF LAND (Lot - 3722 Psc-47, Malvar Cadastre, as shown on plan Ap-04-009885, L.R.C. Record No. \_\_\_\_), situated in the Brgy. of San Andres, Mun. of Malvar, Province of Batangas. Bounded on the NE., along line 1-2 by Lot 3721; on the SE., along line 2-3 by Lot 3723, both of Psc-47, Malvar Cadastre; on the SW., along line 3-4 by Creek (5.00 M. Wide); on the NW., along line 4-5 by Lot 3719; and on the NE., along line 5-1 by Lot 3720, both of Psc-47, Malvar Cadastre.

Beginning at a point marked "1" on plan, being S. 21 deg. 45' W., 3910.24 m. from BLIM No. 1, Malvar Cadastre;

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<sup>3</sup> Records, p. 55.

thence S. 30 deg. 07'E., 44.36 m. to point 2;  
thence S. 66 deg. 46'W., 114.89 m. to point 3;  
thence N. 29 deg. 29'W., 65.15 m. to point 4;  
thence N. 65 deg. 05'W., 15.89 m. to point 5;  
thence N. 22 deg. 57'E., 24.16 m. to point of

beginning, containing an area of SEVEN THOUSAND FIVE HUNDRED NINETY[-]FIVE (7,595) SQUARE METERS. All points referred to are indicated on the plan and are marked on the ground [by] P.S. cyl. conc. mons. 15x60cms; bearings grid date of original survey; July 1, 1968, date prepared: February 1, 1996, and was approved on August 19, 1996.<sup>4</sup>

On July 19, 1999, prior to the initial hearing of the case, ICTSI executed a Deed of Absolute Sale conveying ownership over several parcels of land, including Lot 3722, in favor of Hydra. Hydra then filed an Amended Application for Registration of Title, which was admitted by the RTC in an Order<sup>5</sup> dated September 22, 1999. As a result, Hydra replaced ICTSI as the applicant for registration of title over Lot 3722.

Thereafter, the case was set for initial hearing on January 27, 2000. The Notice of Hearing was posted on the bulletin board of the municipal building of Malvar, Batangas, and published in page 12 of Taliba on December 17, 1999 and in pages 9286-9287 of the Official Gazette, Vol. 95, dated December 27, 1999. Copies of the same Notice were also sent to all owners of the adjoining lands of Lot 3722.

Without any private opposition to the Amended Application for Registration of Title of Hydra, the RTC issued an Order<sup>6</sup> dated February 3, 2000 directing the issuance of an Order of General Default against the whole world, except for the Director of Lands, and designating Atty. Edwina Macalintal-Perez (Macalintal-Perez), the Branch Clerk of Court, as commissioner to receive the evidence of Hydra.

After Hydra completed the presentation and offer of its evidence, Atty. Macalintal-Perez submitted her Report and Recommendation on June 21, 2002, in which she found that Lot 3722 was within the alienable and disposable zone;<sup>7</sup> was classified as commercial/industrial land;<sup>8</sup> and was

<sup>4</sup> Id. at 74.

<sup>5</sup> Id. at 72.

<sup>6</sup> Id. at 127.

<sup>7</sup> Verification of status of land dated March 9, 2000 of DENR, Region IV, Manila (records, p. 137) and Certification dated January 14, 2000 of DENR-CENRO, Batangas City (records, p. 199).

<sup>8</sup> Resolution No. 70, s. 1995 (records, pp. 227-228); Resolution No. 39, s. 1999, with certified true copy of attachments (records, pp. 221-224); and Resolution No. 2-A (records, pp. 225-226).

not covered by any kind of public land application or patent.<sup>9</sup> Additionally, Lot 3722 was declared for taxation purposes in the name of Hydra and its previous owners, who have been in open, continuous, adverse, and peaceful possession in the concept of an owner of the subject lot since 1937.

On the basis of the facts and evidence gathered by Atty. Macalintal-Perez, the RTC rendered a Decision on June 28, 2002 granting the Amended Application for Registration of Title of Hydra over Lot 3722, thus:

WHEREFORE, premises considered, this Court hereby adjudicates and decrees the parcel of land referred to in the Application as Lot No. 3722, Psc-47, Malvar Cadastre, as shown on plan Psc-47, Malvar Cad., Ap-04-009885 located in the Barangay of San Andres, Municipality of Malvar, Province of Batangas, and particularly described and identified in the above-mentioned Technical Description issued in connection thereon consisting of SEVEN THOUSAND FIVE HUNDRED NINETY[-]FIVE (7,595) SQUARE METERS in favor of and in the name of applicant Hydra Terraces Construction, Inc., a domestic corporation duly organized and existing under Philippine laws, with postal address at 8<sup>th</sup> Floor, Strata 200 Building, Emerald Avenue, Pasig City, as its true and absolute owner thereof.

Once this decision shall become final, let a Decree of Registration be issued in the instant case.<sup>10</sup>

The Republic appealed the foregoing RTC Decision before the Court of Appeals, raising a lone assignment of error:

THE COURT A QUO ERRED IN GRANTING THE APPLICATION FOR REGISTRATION DESPITE [HYDRA'S] FAILURE TO PROVE OPEN, CONTINUOUS, EXCLUSIVE AND PEACEFUL POSSESSION FOR AT LEAST THIRTY (30) YEARS.<sup>11</sup>

In its Decision dated July 7, 2006, the Court of Appeals denied the appeal of the Republic and affirmed *in toto* the RTC Decision. The Republic filed a Motion for Reconsideration, which was denied by the appellate court in a Resolution dated November 8, 2006.

<sup>9</sup> Certification dated May 3, 1999 of CENRO, Batangas City (records, p. 66).

<sup>10</sup> CA *rollo*, p. 55.

<sup>11</sup> Id. at 44.

Dissatisfied, the Republic filed the instant Petition seeking the reversal of the judgment of the Court of Appeals on the sole ground that:

THE COURT OF APPEALS ERRED [I]N A QUESTION OF LAW WHEN IT AFFIRMED THE TRIAL COURT'S GRANT OF THE APPLICATION FOR ORIGINAL REGISTRATION DESPITE EVIDENCE THAT THE LAND WAS DECLARED ALIENABLE AND DISPOSABLE LAND ONLY ON DECEMBER 22, 1997, OR EIGHT MONTHS AFTER THE FILING OF THE APPLICATION FOR REGISTRATION ON APRIL 10, 1997.<sup>12</sup>

The Republic asserts that Lot 3722 was declared alienable and disposable only on December 22, 1997 as evidenced by the Certification dated January 14, 2000 issued by the DENR-CENRO. Hence, Lot 3722 was not yet susceptible of private ownership when the original application for registration of title was filed on April 10, 1997 since Lot 3722 still formed part of the public domain.

Moreover, the Republic argues that the 30-year period of possession required under Section 48(b) of the Public Land Act should be reckoned from December 22, 1997 or the day when the land was declared alienable and disposable. Any period of possession prior to December 22, 1997 cannot ripen into private ownership, thus, it should be excluded in computing the 30-year possession requirement.

The Republic also points out that Lot 3722 became the subject of another land registration proceeding docketed as Cadastral Case No. N-4, LRC Cadastral Record No. N-544, which belies the claim of Hydra that it and its predecessors-in-interest have open, continuous, exclusive, and notorious possession of said lot.

Lastly, the Republic avers that the DENR Certification dated April 27, 2004, which states that Lot 3722 was declared alienable and disposable on March 26, 1928, is inadmissible in evidence considering that it had not been formally offered by Hydra during the RTC proceedings.

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<sup>12</sup> *Rollo*, p. 14.

We only partly grant the Petition.

***No record was presented of another land registration application involving Lot 3722.***

Although there was a report from the LRA that another application for land registration of Lot 3722 was commenced and docketed as Cadastral Case No. N-4, LRC Cadastral Record No. N-544, said report was not substantiated by any other evidence. We quote with approval the ruling of the RTC on this matter:

The Land Registration Authority, Quezon City, in its Report dated November 16, 1998 alleged, among other things that upon verification of its Book of Cadastral Lots it was found out that Lot 3722, Psc-47, Malvar Cadastre was previously applied for original registration in Court Cadastral Case No. N-4, Cadastral Case No. N-544, however, no decision has as yet been rendered thereon, or if there had been any, no copy of the same was furnished said office.

Considering the Certification of the Community Environment and Natural Resources Office in Batangas City that subject parcel of land is not covered by any kind of public land application and there is no evidence to show that indeed a decision was rendered in Cadastral Case No. N-4, Cadastral Record No. N-544 said cadastral proceeding is not a bar to the granting of the instant application.<sup>13</sup>

Certainly, we cannot give much weight to the LRA report when the Republic failed to submit the records and/or judgment rendered in Cadastral Case No. N-4, LRC Cadastral Record No. N-544.

***There is sufficient proof that Hydra and its predecessors-in-interest have been in open, continuous, exclusive, and notorious possession and occupation of Lot 3722 under bona fide claim of ownership since June 12, 1945 or earlier.***

Section 48(b) of the Public Land Act, as amended by Presidential Decree No. 1073, provides:

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306-A

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<sup>13</sup> Records, p. 260.

Sec. 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 therefor under the Land Registration Act, to wit:

X X X X

(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 or ownership, since June 12, 1945, immediately preceding the filing of the application for confirmation of title, except when prevented by war or force majeure. Those 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.

In relation to the aforequoted provision, Section 14(1) of Presidential Decree No. 1529, or the "Property Registration Decree," similarly states:

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:

(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.

There are three requisites for the filing of an application for registration of title under Section 14(1) of the Property Registration Decree, to wit: (1) that the property in question is alienable and disposable land of the public domain; (2) that the applicants by themselves or through their predecessors-in-interest have been in open, continuous, exclusive and notorious possession and occupation; and (3) that such possession is under a *bona fide* claim of ownership since June 12, 1945 or earlier.<sup>14</sup>

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306-A

<sup>14</sup> Republic v. Diloy, 585 Phil. 404, 412 (2008).

In our Decision in *Heirs of Mario Malabanan v. Republic*,<sup>15</sup> we have settled that:

(1) In connection with Section 14(1) of the Property Registration Decree, Section 48(b) of the Public Land Act recognizes and confirms that “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 acquisition of ownership, since June 12, 1945” have acquired ownership of, and registrable title to, such lands based on the length and quality of their possession.

(a) Since Section 48(b) merely requires possession since 12 June 1945 and does not require that the lands should have been alienable and disposable during the entire period of possession, the possessor is entitled to secure judicial confirmation of his title thereto as soon as it is declared alienable and disposable, subject to the timeframe imposed by Section 47 of the Public Land Act.

(b) The right to register granted under Section 48(b) of the Public Land Act is further confirmed by Section 14(1) of the Property Registration Decree. (Citation omitted.)

Acting on the motions for reconsideration of the parties, we clarified in our Resolution in *Heirs of Mario Malabanan v. Republic of the Philippines*<sup>16</sup> that “[i]f the mode is judicial confirmation of imperfect title under Section 48(b) of the Public Land Act, the agricultural land subject of the application needs only to be classified as alienable and disposable as of the time of the application, provided the applicant’s possession and occupation of the land dated back to June 12, 1945, or earlier.”

We discuss ahead the second and third requirements for judicial confirmation of an imperfect title (*i.e.*, that the applicants by themselves or through their predecessors-in-interest have been in open, continuous, exclusive, and notorious possession and occupation of the subject property, and that such possession is under a *bona fide* claim of ownership since June 12, 1945 or earlier), there being no complications regarding the same.

The RTC, affirmed by the Court of Appeals, gave full faith and credence to the witnesses of Hydra whose collective testimonies reveal that possession and claim of ownership by Herminigildo Morcilla (Morcilla) over Lot 3722 commenced sometime in 1937. Morcilla, through his son-in-

<sup>15</sup> 605 Phil. 244, 285 (2009).

<sup>16</sup> G.R. No. 179987, September 3, 2013, 704 SCRA 561, 584.

law, Felix Valencia, planted the lot with rice and corn and madre cacao trees around its perimeter. Upon Morcilla's death, ownership and possession of Lot 3722 passed to his descendants through succession until Morcilla's granddaughter, Paulina Morcilla Valencia (Valencia), sold the said lot to ICTSI in 1996, which, in turn, sold the same to Hydra in 1999.

In addition, Lot 3722 was declared for taxation purposes since 1970 in the name of Morcilla until it was declared in the name of Hydra in 2001 as shown by the History of Real Property Ownership dated August 28, 2000 issued by the Municipality of Malvar, Batangas,<sup>17</sup> which is corroborated by the following Declarations of Real Property: Tax Declaration (TD) Nos. 6344 and 4848 in the name of Herminigildo Morcilla;<sup>18</sup> TD Nos. 7193, 0297 and 0588, and Assessment of Real Property (ARP) 006-00044 in the name of spouses Leonida Valencia and Melchor Latayan;<sup>19</sup> ARP No. 006-00723 in the name of Paulina Valencia;<sup>20</sup> ARP No. 006-00730 in the name of ICTSI;<sup>21</sup> and ARP Nos. 006-00774 and 006-00804 in the name of Hydra.<sup>22</sup> As the Court of Appeals held, the tax declarations of Hydra and its predecessors-in-interest covering Lot 3722 are good indicia of possession in the concept of an owner for no one in his right mind would be paying taxes for a property that is not in his actual or constructive possession.<sup>23</sup>

In *Child Learning Center, Inc. v. Tagorio*,<sup>24</sup> we declared that:

Generally, factual findings of the trial court, affirmed by the Court of Appeals, are final and conclusive and may not be reviewed on appeal. The established exceptions are: (1) when the inference made is manifestly mistaken, absurd or impossible; (2) when there is grave abuse of discretion; (3) when the findings are grounded entirely on speculations, surmises or conjectures; (4) when the judgment of the Court of Appeals is based on misapprehension of facts; (5) when the findings of fact are conflicting; (6) when the Court of Appeals, in making its findings, went beyond the issues of the case and the same is contrary to the admissions of both appellant and appellee; (7) when the findings of fact are conclusions without citation of specific evidence on which they are based; (8) when the Court of Appeals manifestly overlooked certain relevant facts not disputed by the parties and which, if properly considered, would justify a different conclusion; and (9) when

<sup>17</sup> Records, p. 208.

<sup>18</sup> Id. at 216A-217.

<sup>19</sup> Id. at 213-216.

<sup>20</sup> Id. at 212.

<sup>21</sup> Id. at 211.

<sup>22</sup> Id. at 209-210.

<sup>23</sup> *Rollo*, pp. 33-34, the Court of Appeals cited the case of *Director of Lands v. Court of Appeals*, 367 Phil. 597, 604 (1999).

<sup>24</sup> 512 Phil. 618, 623 (2005).

the findings of fact of the Court of Appeals are premised on the absence of evidence and are contradicted by the evidence on record. (Citation omitted.)

The instant case does not fall under any of the above exceptions. There is no compelling reason to disturb the factual findings of the RTC, affirmed by the Court of Appeals, that possession by Hydra and its predecessors-in-interest of Lot 3722 dates back to 1937 and they have been in open, continuous, adverse, and peaceful possession in the concept of an owner of said lot ever since or for more than 50 years, when the application for registration of the same was filed in 1997.

***The Court of Appeals did not err in allowing into evidence the DENR Certification dated April 27, 2004 even when it was submitted for the first time on appeal.***

Anent the first requirement for judicial confirmation of an imperfect title, Hydra presented two documents during the trial before the RTC to prove that Lot 3722 was already alienable and disposable. Both documents are reproduced herein below:

1) The Certification dated January 14, 2000 issued by the DENR-CENRO:

This is to certify that based on projection from the technical reference map of this Office, Lot No. 3722, Ap-04-009885, located at Barangay San Andres, Malvar, Batangas containing an area of SEVEN THOUSAND FIVE HUNDRED NINETY[-]FIVE (7,595) SQUARE METERS and shown at the reverse side hereof has been verified to be within the ALIENABLE AND DISPOSABLE ZONE under Project No. 39, Land Classification Map No. 3601 certified on **22 December 1997** except for twenty meters strip of land along the creek bounding on the western portion which is to be maintained as streambank protection.<sup>25</sup> (Emphasis supplied.)

2) The Verification of Status of Land dated March 9, 2000 issued by the DENR:

SUBJECT: VERIFICATION OF STATUS OF LAND  
Lot 3722, Psc 47 (Ap-04-009885)  
Situated at San Andres, Malvar,  
Batangas

<sup>25</sup> Records, p. 199.

In connection with your request for verification of status of the above subject lot containing an area of 7,595 square meters dated December 6, 1999 please be informed that the subject area falls within Alienable and Disposable land, Project No. 22-A of Lipa, Batangas as per LC Map No. 718 certified on **March 26, 1928**.<sup>26</sup> (Emphasis supplied.)

Based on both certifications, the RTC declared Lot 3722 as alienable and disposable and ordered the registration of said lot in the name of Hydra. When the Republic appealed the RTC Decision to the Court of Appeals, the discrepancy between the dates when Lot 3722 was declared alienable and disposable became evident. This prompted Hydra to obtain another certification from the DENR, which it submitted to the appellate court. The said Certification dated April 27, 2004 confirmed that Lot 3722 was declared alienable and disposable on March 26, 1928:

This is to certify that the parcel of land identified as Lot No. 3722, Ap-04-009885, situated at Barangay San Andres, Malvar, Batangas containing an area of SEVEN THOUSAND FIVE HUNDRED NINETY[-] FIVE (7,595) SQUARE METERS and shown at the reverse side hereof has been verified to be within the ALIENABLE AND DISPOSABLE ZONE under Project No. 22-A, Land Classification Map No. 718 certified on **26 March 1928**. x x x.<sup>27</sup> (Emphasis supplied.)

There is no question that Hydra presented new evidence for the first time on appeal. Ordinarily, this would not be sanctioned, but the circumstances in this case is closely similar to those in *Llanes v. Republic*,<sup>28</sup> which justified the liberal application of the rules of procedure. We allowed in *Llanes* the presentation of new evidence even on appeal, reasoning as follows:

In the instant case, the Spouses Llanes submitted to the MCTC Certifications from DENR Region IV and CENRO, Batangas City, to prove the alienability and disposability of the subject property. However, the two Certifications contained different dates as to when the subject property became alienable and disposable: **26 March 1928** per the DENR Certification, but **22 December 1997** according to the CENRO Certification. The discrepancy between the two Certifications was overlooked by the parties during the trial stage of the case before the MCTC. The MCTC granted the Spouses Llanes' Application for Registration of Title without mentioning the said discrepancy between the two Certifications. **The discrepancy was discovered only when the**

<sup>26</sup> Id. at 137.

<sup>27</sup> CA *rollo*, p. 75.

<sup>28</sup> 592 Phil. 623, 632-634 (2008).

**present case was already before the Court of Appeals. The Spouses Llanes immediately verified and secured a corrected Certification from the CENRO, which confirmed the DENR Certification that the subject property became alienable and disposable on 26 March 1928.** The appellate court, however, did not consider the corrected CENRO Certification and, in ruling against the Spouses Llanes' application, still relied on the first CENRO Certification which incorrectly stated that the subject property became alienable and disposable only on 22 December 1997.

To determine whether the Court of Appeals properly disregarded the corrected CENRO Certification as evidence for the Spouses Llanes, the Court refers to the relevant rules on evidence. Section 34, Rule 132 [of] the Rules of Court explicitly provides:

*SEC. 34. Offer of evidence.* - The court shall consider no evidence which has not been formally offered. The purpose for which the evidence is offered must be specified.

If the Court strictly applies the aforequoted provision of law, it would simply pronounce that the Court of Appeals could not have admitted the corrected CENRO Certification because it was not formally offered as evidence before the MCTC during the trial stage. Nevertheless, **since the determination of the true date when the subject property became alienable and disposable is material to the resolution of this case, it behooves this Court, in the interest of substantial justice, fairness, and equity, to consider the corrected CENRO Certification even though it was only presented during the appeal to the Court of Appeals. Since rules of procedure are mere tools designed to facilitate the attainment of justice, it is well recognized that the Court is empowered to suspend its rules or to exempt a particular case from the application of a general rule, when the rigid application thereof tends to frustrate rather than promote the ends of justice.**

Moreover, **the Spouses Llanes should not be made to suffer the grave consequences, which include the possibility of losing their right to their property, arising from the mistake of CENRO, a government agency. CENRO itself admitted its blunder and willingly issued a corrected Certification. Very conspicuously, no other objection to the corrected CENRO Certification was raised except as to its late presentation; its issuance and authenticity were not challenged or placed in doubt.**

Since both the DENR Certification and the corrected CENRO Certification state that the subject property became alienable and disposable on 26 March 1928, and there is no evidence to the contrary, then the Court accepts it to be so. (Emphases supplied, citation omitted.)

Based on the foregoing pronouncements, we find no error on the part of the appellate court in considering the DENR Certification dated April 27, 2004 as evidence in favor of Hydra.

Nevertheless, even when allowed as evidence, the DENR Certification dated April 27, 2004, by itself, is insufficient proof that Lot 3722 had been declared alienable and disposable as of March 26, 1928.

***Current jurisprudence requires additional proof that Lot 3722 is alienable and disposable, thus, in the interest of due process, the case is remanded to the RTC for further reception of evidence.***

We bear in mind our ruling in *Republic of the Philippines v. T.A.N. Properties, Inc.*,<sup>29</sup> which laid down the strict evidentiary requirements in land registration proceedings to prove that a parcel of land is alienable and disposable. We explicitly held in *T.A.N. Properties* that:

[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. Respondent failed to do so because the certifications presented by respondent do not, by themselves, prove that the land is alienable and disposable.

x x x x

Applying Section 24 of Rule 132, the record of public documents referred to in Section 19(a), when admissible for any purpose, 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** x x x. The CENRO is not the official repository or legal custodian of the issuances of the DENR Secretary declaring public lands as alienable and

<sup>29</sup>

578 Phil. 441 (2008).

disposable. The CENRO should have attached an official publication of the DENR Secretary's issuance declaring the land alienable and disposable.<sup>30</sup>

Presently, therefore, to establish that the land sought to be registered is alienable and disposable, the applicant must be able to submit: (1) the CENRO or PENRO Certification; and (2) the original classification approved by the DENR Secretary and certified as true and correct by the legal custodian of the official records. Hydra was only able to submit herein the first of these two requisites.

However, it is also not lost to us that *T.A.N. Properties* was promulgated only on June 26, 2008, after the RTC and the Court of Appeals had already rendered their respective judgments in the instant case on June 28, 2002 and July 7, 2006, respectively, approving the application for registration of Hydra. To accord Hydra due process, we remand the case to the RTC to give Hydra the opportunity to submit evidence that Lot 3722 is alienable and disposable in compliance with the requirements in *T.A.N. Properties*, specifically, the original classification approved by the DENR Secretary and certified as a true copy by the legal custodian of the official records. For the remand and reception of evidence, we repeat our following instructions in *Republic of the Philippines v. Bantigue Point Development Corporation*<sup>31</sup>:

Here, respondent Corporation only presented a CENRO Certification in support of its application. Clearly, this falls short of the requirements for original registration.

We therefore remand this case to the court *a quo* for reception of further evidence to prove that the property in question forms part of the alienable and disposable land of the public domain. If respondent Bantigue Point Development Corporation presents a certified true copy of the original classification approved by the DENR Secretary, the application for original registration should be granted. If it fails to present sufficient proof that the land in question is alienable and disposable based on a positive act of the government, the application should be denied.

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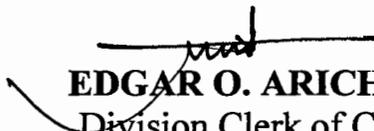
<sup>30</sup> Id. at 452-453.

<sup>31</sup> G.R. No. 162322, March 14, 2012, 668 SCRA 158, 171.

**WHEREFORE**, premises considered, we **RESOLVE** to **PARTLY GRANT** the instant Petition and **REMAND** the case to the Regional Trial Court, Tanauan, Batangas, Branch 6 for further reception of evidence to prove that Lot 3722 is alienable and disposable land of the public domain.

**SO ORDERED.”**

Very truly yours,

  
**EDGAR O. ARICHETA**  
Division Clerk of Court  
306-A

The Solicitor General (x)  
Makati City

Court of Appeals (x)  
Manila  
(CA-G.R. CV No. 78469)

Judgment Division (x)  
Supreme Court

Atty. Dante SL. Resurreccion  
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16 Pres. L. Katigbak St.  
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The Hon. Presiding Judge  
Regional Trial Court, Br. 6  
Tanauan 4332 Batangas  
(Land Reg. Case No. T-346)

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SR

