

## FIRST DIVISION

[ G.R. No. 200223, June 06, 2018 ]

**REPUBLIC OF THE PHILIPPINES, V. LAKAMBINI C. JABSON, PARALUMAN C. JABSON, MAGPURI C. JABSON, MANUEL C. JABSON III, EDGARDO C. JABSON, RENATO C. JABSON, NOEL C. JABSON, AND NESTOR C. JABSON, REPRESENTED BY LAKAMBINI C. JABSON, ATTORNEY-IN-FACT, RESPONDENTS.**

### D E C I S I O N

**LEONARDO-DE CASTRO,[\*] J.:**

Before the Court is a petition for review on *certiorari* under Rule 45 of the Rules of Court, as amended, seeking to reverse and set aside the Amended Decision<sup>[1]</sup> dated November 4, 2010 and Resolution<sup>[2]</sup> dated December 26, 2011 of the Court of Appeals in CA-G.R. CV No. 82986 entitled, "*Lakambini C. Jabson, Paraluman C. Jabson, Marpuri C. Jabson, Manuel C. Jabson III, Edgardo C. Jabson, Renata Jabson, Noel C. Jabson, and Nestor C. Jabson, represented by Lakambini C. Jabson, Attorney-in Fact.*" The Court of Appeals affirmed the Decision<sup>[3]</sup> dated October 28, 2003 of the Regional Trial Court (RTC), Branch 161, Pasig City in LRC Case No. N-11402 entitled, "*Re: Application for Registration of Title Lakambini C. Jabson, et al., Applicants, Represented by: Lakambini C. Jabson, Attorney-in-Fact.*"<sup>[4]</sup>

#### **Factual Antecedents**

On February 17, 1999, siblings Lakambini, Paraluman, Tala, and Magpuri together with Manuel III, Edgardo, Renato, Noel, and Nestor representing their father, Manuel, Jr., all surnamed Jabson (respondents Jabson), filed for the second time an Application for Registration of Title<sup>[5]</sup> (Application) before the Regional Trial Court (RTC), Branch 161, Pasig City docketed as LRC Case No. N-11402. Their first attempt to have the subject properties registered in their names was denied by then Court of First Instance in 1978 "for failure of the applicants to comply with the recommendation of the then Land Registration Commission to include in their application the complete names and postal addresses of all the lessees occupying the lands sought to be registered."<sup>[6]</sup>

The RTC narrated the facts leading to the application's filing, *viz.*:

There are two parcels of land being applied for registration—one is located at Barrio San Jose, Pasig City, and the other is situated in Barangay Bagong Katipunan, Pasig City. Both used to form part of seven parcels of land owned and possessed by the Jabson family as early as 1909. Each and every applicant herein claims undivided share and participation as follows: Lakambini C. Jabson—1/5; Paraluman Jabson—1/5; Magpuri Jabson—1/5 & Tala J. Olega—1/5; Manuel III, Edgardo,

Renata, Noel & Nestor Jabson as legal heirs of their father Manuel Jabson, Jr. —1/5.

Sometime in 1978, applicants had already applied for registration of the same parcels of land. However, said previous application docketed as LRC No. 9572 was dismissed by the CFI of Rizal, Branch 11, as per Order dated 29 December 1978 for failure of the applicants to comply with the recommendation of the then Land Registration Commission to include in their application the complete names and postal addresses of all the lessees occupying the lands sought to be registered.

The first parcel of land (or the San Jose property) consists of Lots 1, 2 and 3 with a total area of 1,344 square meters and is covered by verified survey plan PSU-233559. x x x

The second parcel of land (or the Bagong Katipunan property) sought to be registered consists of Lots 26346 and 26347, with a total area of 3,024 square meters and is covered by verified survey plan AP-00-000399.<sup>[7]</sup> x x x (Citations omitted.)

Respondents Jabson acquired the San Jose and Bagong Katipunan properties via inheritance and purchase from their predecessors-in-interest. At the time of filing, it is not disputed that Lakambini, Paraluman, and Magpuri have already built their residences on the San Jose property, with remaining portions of the land occupied by third parties either thru lease or applicants' mere acquiescence. As to the Bagong Katipunan property, respondents Jabson alleged that they have leased portions of it to various third parties who have been paying rentals thereon.<sup>[8]</sup>

### **Decision of the RTC**

In its Decision dated October 28, 2003, the RTC ruled in favor of respondents Jabson, viz.:

WHEREFORE, the verified application for registration of title of the subject lots filed by the applicants Lakambini, Paraluman, Magpuri, Manuel III, Edgardo, Renato, Noel and Nestor, all surnamed Jabson, and Tala J. Olega is hereby GRANTED.

Upon this decision becoming final, let the corresponding decree of registration be issued to herein applicants.<sup>[9]</sup>

The RTC found that respondents Jabson acquired the properties from their predecessors-in-interest who, in turn, have possessed the same since time immemorial. Upon acquisition, respondents Jabson possessed the parcels of land for more than 30 years in an open, continuous, exclusive, and notorious manner, and in the concept of an owner. Moreover, their title was never disputed by other persons occupying the land. Thus, the RTC ruled that respondents Jabson satisfactorily proved and established their rights over the subject properties, in compliance with Section 14(1) and (2) of Presidential Decree No. 1529.

Aggrieved, petitioner Republic of the Philippines (Republic) elevated the case to the Court of Appeals.

### **The Ruling of the Court of Appeals**

On January 30, 2009, the appellate court rendered a Decision<sup>[10]</sup> (Original Decision) in petitioner Republic's favor, to wit:

WHEREFORE, the appealed decision of the Regional Trial Court of Pasig City (Branch 161) is REVERSED and SET ASIDE and the instant application for registration and confirmation of title DISMISSED WITHOUT PREJUDICE.<sup>[11]</sup>

The Court of Appeals held that in land registration cases, the applicant has the burden of showing that he is the real and absolute owner in fee simple of the land applied for.<sup>[12]</sup> Thus, to have his imperfect title confirmed, the applicant must present evidence to prove that his possession has been adverse, continuous, open, public, peaceful, and in the concept of an owner<sup>[13]</sup> since June 12, 1945 or earlier. However, the appellate court noted that the rule on confirmation of an imperfect title grounded on adverse possession does not apply unless and until the subject land has been released in an official proclamation to that effect so that it may form part of the disposable lands of the public domain. To this end, the applicant must secure a certification from the Government that the land applied for is in fact alienable and disposable.<sup>[14]</sup>

It found that respondents Jabson did not present any evidence showing that the San Jose property had already been classified as alienable and disposable land of the public domain. A plain photocopy of a purported Community Environment and Natural Resources Office (CENRO) Certification dated May 14, 1998, which tended to show that the Bagong Katipunan property is "within the alienable and disposable zone," was submitted to the trial court.<sup>[15]</sup> However, the Court of Appeals noted that no party identified, testified to, nor offered the certification in evidence. Thus, the Court of Appeals held that it cannot be admitted in evidence. Moreover, even if respondents Jabson offered in evidence a subdivision plan with a notation that the Bagong Katipunan property "is alienable and disposable" as certified by the Bureau of Forest Development, the Court of Appeals ruled that such plan does not constitute proof that the property is indeed alienable and disposable.<sup>[16]</sup>

Subsequently, respondents Jabson moved for the reconsideration of the aforequoted Decision. And finding merit in their motion, the appellate court issued its assailed Amended Decision dated November 4, 2010, viz.:

WHEREFORE, the instant motion for reconsideration is hereby GRANTED. This Court's Decision dated January 30, 2009 is RECALLED and SET ASIDE, and a new one entered affirming the Decision dated October 28, 2003 of the Regional Trial Court, Branch 161, Pasig City in LRC Case No. N-11402.<sup>[17]</sup>

The Court of Appeals found that respondents Jabson sufficiently established that: (a) they have had open, continuous, exclusive, and notorious possession of the subject properties; and (b) such properties formed part of the alienable and disposable lands of the public domain.

Previously, the appellate court did not give weight to the CENRO Certification dated May 14, 1998 as it was not offered in evidence. However, relying on the principle of substantial justice,<sup>[18]</sup> it admitted the Department of Environment and Natural

Resources (DENR) Certification<sup>[19]</sup> dated February 19, 2009 submitted by respondents Jabson, which reads:

This is to certify that the tract of land as shown and described at the reverse side of this Advance Plan (Ap-00-000399) of Lots 26346 and 26347, Mcad-579, Pasig Multi-Purpose Cadastre **situated at Brgy. Bagong Katipunan**, Pasig City containing an area of 3,024 square meters as surveyed by Geodetic Engineer Juanito A. Ilad for Manuel Jabson, Jr., et al., **was verified to be within the Alienable and Disposable Land**, under Project No. 21 of Pasig City per L.C. Map No. 639, approved on March 11, 1927.

This certification is issued upon the request of Lakambini C. Jabson for whatever legal purpose it may serve as contained in her letter dated February 18, 2009. (Emphasis supplied.)

The Court of Appeals pointed out that based on *Llanes v. Republic*,<sup>[20]</sup> in the interest of substantial justice and to resolve a material issue in a land registration case, the court is allowed to admit a CENRO Certification in evidence despite its belated submission and lack of formal offer.

Further, the appellate court ruled that respondents Jabson sufficiently established their adverse possession of the subject properties through the following: (a) by exercising specific acts of ownership such as constructing residential houses on the subject properties and leasing the same to third parties, and (b) as admitted by petitioner Republic, by possessing and occupying the San Jose property since 1944.

Petitioner Republic's subsequent motion for reconsideration<sup>[21]</sup> was denied in a Resolution dated December 26, 2011.

Hence, the present petition.

### **The Issue**

Petitioner Republic comes before this Court raising a single issue:

THE COURT OF APPEALS GRAVELY ERRED IN REVERSING ITS EARLIER DECISION AND SUSTAINING THE JUDGMENT OF THE LOWER COURT CONSIDERING THAT RESPONDENTS FAILED TO ESTABLISH ALL THE REQUIREMENTS UNDER THE LAW TO WARRANT THE REGISTRATION IN THEIR FAVOR OF THE LOTS IN QUESTION.<sup>[22]</sup>

Petitioner Republic insists that respondents Jabson failed to establish with clear and convincing evidence that they have complied with all the requirements under the law to register their title over the subject properties.<sup>[23]</sup>

Specifically, petitioner Republic maintains that respondents Jabson failed to present any document showing that the subject properties are alienable and disposable. It argues that the appellate court erred in admitting the DENR Certification dated February 19, 2009 on two grounds – *first*, respondents Jabson did not show that Carlita P. Castañeda, DENR Senior Forest Management Specialist, the signatory in the certification, was authorized to issue such a document; and second, as held in *Republic v. Castro*,<sup>[24]</sup> a document that has not been identified and presented during the proceedings in the trial court cannot be submitted for the first time on

appeal. Citing *Republic v. T.A.N. Properties, Inc.*,<sup>[25]</sup> petitioner Republic asserts that respondents Jabson should establish that the DENR Secretary had approved the subject properties' classification as alienable and disposable parts of the public domain. Further, respondents Jabson also failed to show the manner by which their predecessors-in-interest acquired the subject properties. They did not present proof showing their predecessors' basis for claiming ownership or any act that would establish the nature of their predecessors' possession or ownership.<sup>[26]</sup>

For their part, respondents Jabson insist that they have proven through clear and convincing evidence the subject properties' alienable and disposable nature, the manner and length of time of their predecessors-in interest's possession, as well as their acts of ownership over the subject properties.<sup>[27]</sup> Thus, inasmuch as the Court of Appeals' factual findings are supported by these evidence, such findings are binding on this Court.

### **The Ruling of the Court**

The petition is meritorious.

At the onset, We address respondents Jabson's argument that, as this Court is not a trier of facts, We are bound by the trial and appellate courts' factual findings, when supported by clear and convincing evidence. Thus, only questions of law may be raised in a petition for review on *certiorari*.

It is settled that a question of law arises when there is doubt or difference as to what the law is on a certain state of facts, and the question does not call for an examination of the probative value of the evidence presented by the litigants. On the other hand, there is a question of fact when the doubt or controversy arises as to the truth or falsity of the alleged facts.<sup>[28]</sup>

The present petition does not require an examination of the probative value or truthfulness of the evidence presented. It merely raises the question whether or not the Court of Appeals correctly applied the law and jurisprudence when in granting respondents Jabson's application for registration of title to the subject property.<sup>[29]</sup> Thus, the pivotal question herein is whether or not the grant of respondents Jabson's application for registration of title to the subject property was proper under the law and current jurisprudence.

The general rule prevailing over claims of land is the Regalian Doctrine, which, as enshrined in the 1987 Constitution, declares that the State owns all lands of the public domain.<sup>[30]</sup> In other words, land that has not been acquired from the government, either by purchase, grant, or any other mode recognized by law, belongs to the State as part of the public domain.<sup>[31]</sup>

In turn, The Public Land Act<sup>[32]</sup> governs the classification and disposition of lands of the public domain, except for timber and mineral lands.<sup>[33]</sup> The law also entitles possessors of public lands to judicial confirmation of their imperfect titles, *viz.*:

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