

SECOND DIVISION

[G.R. No. 163254, June 01, 2007]

REPUBLIC OF THE PHILIPPINES, PETITIONER, VS. ALBINA STA. ANA-BURGOS, RESPONDENT.

DECISION

TINGA, J.:

The Republic challenges the Decision dated December 3, 2003^[1] of the Court of Appeals and its Resolution^[2] dated April 19, 2004 in CA-G.R. CV No. 68098, respectively, affirming the decision of the Regional Trial Court of Antipolo City, Branch 72, which granted the registration of title of the subject property to respondent Albina Sta. Ana-Burgos, and denying reconsideration.

The facts, quoted from the assailed Decision, are as follows:

On January 26, 1999, Applicant Albina Sta. Ana-Burgos filed before the Regional Trial Court in Antipolo, Rizal an application (Exhibit A) for the registration of a parcel of land referred to as Lot 1984-C of the subdivision plan Csd-04-014170-F, Cad-688-D, Cainta-Taytay Cadastre. The subject property allegedly has an area of 850 square meters and is situated at Barangay San Juan in Taytay, Rizal (Exhibit N). The application which was raffled to Branch 79 of said Court and docketed as LRC No. 99-2288, essentially alleged x x x:

5. That the said land at the last assessment for the taxation was assessed with an assessed value of P255,000.00 under Tax Declaration No. TY004-18534, x x x.
6. That to the best knowledge of the applicant, she does not know of any mortgage or encumbrances affecting said land, or that any other person has any estate or interest therein, legal or equitable possession, remainder, reversion or expectancy.
7. That the applicant has been in continuous, uninterrupted, open, public, adverse and in concept of owners in possession of said parcel of land for more than fifty (50) years already or even before June 12, 1945.
8. That by way of tacking of possession, herein applicant and her predecessors-in-interest have been [in] open, actual, public, adverse, continuous, uninterrupted and in the concept of owners in possession, control and disposition of the subject parcel of land even before June

12, 1945 or for a period of more than fifty (50) years now or even before June 12, 1945.

9. That Applicant obtained title on said property from his father, MATEO I. STA ANA on October 09, 1979 by virtue of a KASULATAN NG PAGKAKALOOB (Donation Inter Vivos, x x x).
10. That said land is not tenanted, nor occupied by any third person and is not covered by the Comprehensive Agrarian Reform Program (RA 6657).
11. That the names and addresses so far as known to the Applicant of the owners of all lands adjoining the above property are as follows, x x x

x x x x
12. That the subject land is alienable and disposable x x x.
13. That the subject parcel of land is not covered by any grant or patent nor subject of any pending application therefor.
14. That the subject parcel of land is not covered by any title nor any prior decree of registration.
15. That the full name, residence, and post office address of the Applicant is:

x x x x

Oppositor-appellant opposed the application on the following grounds: (a) neither the applicant nor her predecessor-in-interest has been in open, continuous, exclusive, notorious possession of the subject lot since June 12, 1945 or earlier, (b) the muniments of title alleged in or attached to the application are of recent vintage and do not constitute competent and sufficient evidence of the aforesaid possession or of a bonafide acquisition of the subject lot, (c) the claim of ownership in fee simple based on Spanish title or grant can no longer be availed of by the applicant who failed to file an appropriate application for registration within 6 months from February 16, 1976 as required by Presidential Decree No. 892, (d) the subject lot forms part of the public domain not subject to private appropriation, and (e) no notice of the application and its initial hearing was caused to be served on all the adjoining owners. x x x

At the initial hearing on June 17, 1999, applicant submitted the following documents to established the jurisdictional facts: Order dated February 4, 1999 setting initial hearing of the application x x x; notice of initial hearing issued by the Land Registration Authority x x x; LRA Report dated April 26, 1999 x x x; LRA certificate of publication in the Official

Gazette x x x; volume 95 no. 19 of the Official Gazette x x x; affidavit of publication x x x as well as the April 21, 1999 issue of Balita x x x; Sheriff's Certificate of Posting x x x and the notice of appearance of the Office of the Solicitor General x x x. The trial court thereafter issued an order of general default against the whole world with the exception of appellant.

To substantiate her allegation, appellant (sic) testified that she was born on February 19, 1926; that the first time she visited the subject property was during peace time; that it used to be a ricefield but was now for commercial and residential purposes; that she acquired the subject property from her father, Mateo Sta. Ana, by way of donation *inter vivos*; that Mateo Sta. Ana inherited the subject property from his parents; that since ownership of the lot was transferred to her on October 9, 1979, she has been in open, continuous, exclusive, actual and notorious possession thereof; that the subject property is vacant with no trees or any improvements thereon; that it is an alienable and disposable land, and that applicant and her predecessors-in-interest have been in possession of the subject property for more than fifty years or before June 12, 1945 x x x.

In the course of her testimony, applicant presented the following documentary evidence: deed of donation *inter vivos* x x x; tax declarations x x x; certification from the Treasurer's office of the Municipality of Taytay x x x; survey plan xxx; technical description x x x; certification in lieu of geodetic engineer's certificate xxx; and a certification issued by the Forest Management Service of the Department of Environment and Natural Resources (Region IV) x x x.

Applicant likewise presented Maura Cruz and Ligaya Halina on the witness stand. The respective testimonies of Cruz, a seventy-year old widow and childhood friend of applicant, and Halina, a fifty-eight year old widow who has been applicant's friend since 1965, basically reiterated the declarations of applicant without stating additional facts or introducing new evidence. x x x.

On January 11, 2000, the trial court handed down its Decision confirming applicant's title over the subject property, holding x x x as follows:

After due consideration of the evidence presented in this case, the Court finds merit on the same.

Applicant has indubitably shown that she is the real and lawful owner of the land subject of the application having presented evidence distinctly showing the fact of transfer of the property and thus the owner in fee simple of subject property.

Likewise applicant presented evidence that said property has been surveyed in her name duly approved by the Bureau of Lands.

Applicant further showed tax declarations, present and past,