

FIRST DIVISION

[G.R. No. 158897, September 13, 2007]

**REPUBLIC OF THE PHILIPPINES, PETITIONER, VS.
FREDESVINDA ALMEDA CONSUNJI, RESPONDENT.**

D E C I S I O N

AZCUNA, J.:

This is a petition for review on *certiorari* under Rule 45 of the 1997 Rules of Civil Procedure, seeking the nullification of the July 1, 2003 Decision^[1] of the Court of Appeals (CA) in CA-G.R. CV No. 68000, which affirmed the Decision^[2] dated April 14, 2000 of the Regional Trial Court (RTC) of Tanauan, Batangas, Branch 6, in Land Registration Case No. T-622 LRA Record No. N-69517. The RTC granted the application of respondent Fredesvinda Almeda Consunji for original registration of title over Lot Nos. **1399, 2232, and 2601**, all of Cad-424, Sto. Tomas Cadastre.

As culled from the records of the case, the facts indicate that on April 19, 1999, respondent filed an application for the registration of Lot Nos. 1399, 2232, and 2601 — all of Cad-424, Sto. Tomas Cadastre before the RTC of Tanauan, Batangas, Branch 6. The case was docketed as Land Registration Case No. T-622 LRA Record No. N-69517. Lot No. 1399 is 4,490 square meters, Lot No. 2232 has an area of 3,649 sq. m., while Lot No. 2601 is 106,426 sq. m. big.

In her application, respondent declared, among other things, that she is the sole and exclusive owner in fee simple of the lands by virtue of inheritance and possession together with the improvements thereon; that the applicant had acquired the lands by inheritance from her deceased uncle, Claro T. Almeda, who, by his Last Will and Testament executed on March 22, 1975, bequeathed to her the three parcels of land; that she has been in possession of the lots as her paraphernal properties; that as exclusive owner of the properties, she has been in continuous, peaceful, exclusive, public, and adverse possession of the assets together with her predecessors-in-interest for more than 60 years.

After all the interested parties and appropriate government agencies had been notified of the application, the trial court issued a notice of initial hearing.^[3] When the jurisdictional requirements for the application were ascertained, an Order^[4] of General Default was issued by the trial court on October 15, 1999 against all persons with the exception of the Director of Lands.

At the trial on the merits, Andres Sanchez, an adjacent landowner and a retired farmer, testified that he was born on November 30, 1930 and owns properties adjacent to Lot Nos. 2601 and 1399.^[5] Lot Nos. 1399 and 2601 are both located in San Antonio, Sto. Tomas, Batangas; Lot No. 2232 is in San Bartolome, Sto. Tomas, Batangas. Sanchez narrated that he knew Claro Almeda as the former owner of Lot

Nos. 2601, 1399, and 2232 since he was ten years old. His father, Gregorio Sanchez, was a good friend of Almeda and about his age too. In 1940, Sanchez remembered that Lot Nos. 2601 and 1399 were planted with rice, corn, citrus, and coconut trees. Lot No. 2232 was likewise planted with coconut trees. Upon Almeda's death, respondent acquired the properties and would often visit the place. The witness stated that he had not known any other person claiming any interest over the properties. At the time of Sanchez's testimony, he recounted that Lot No. 2232 had vegetables, coffee, mahogany and coconut trees; while Lot No. 1399 was planted with coconut and bananas.^[6]

On cross-examination, Sanchez revealed that Lot Nos. 1399 and 2601 are about 200 meters away from his residence; while Lot No. 2232 was approximately farther by one kilometer. He described that Lot No. 2601 is delineated from Lot No. 1399 by barbed wire and *ipil-ipil* trees. Meanwhile, Lot No. 2232 was demarcated with *kakawati* and *kaliyos* trees to separate it from the adjoining lands. The witness told the court that respondent inherited the properties from Almeda as the latter had no children. He was aware that Almeda had other siblings, which he even named except for the sister, but stated that no other heir is claiming an interest over the properties adverse to that of the respondent. Lastly, the witness averred that respondent's ownership and possession over the parcels of land in question are open, continuous, adverse, peaceful, and in the concept of an owner.^[7]

Respondent herself testified that she became the owner and possessor of the properties in question when her uncle, Claro Almeda, died on September 3, 1978. Among the properties she inherited from her uncle are the three lots which are the subject matter of this petition. The first one is 10.6 hectares located in Barrio San Antonio, Sto. Tomas, Batangas. Another land is 4.98 ha. situated in Bo. San Bartolome, Sto. Tomas, Batangas. The last property has an area of 3,649 sq. m. and located in Bo. San Antonio, Sto. Tomas, Batangas. Respondent even showed the court a quo a copy of the Last Will and Testament of Almeda, as well as the Petition for the Probate of the Will filed before the Court of First Instance of Lipa City.^[8] Aside from the proof of payment of the real estate taxes, respondent likewise presented certifications from the Municipal Assessor's Office of Sto. Tomas, Batangas showing the history of property ownership of the parcels of land in question. At the time she testified, the witness informed the court that Lot No. 2601 is devoted to vegetables and other fruit-bearing trees like avocado, jackfruit, and a few coconut trees. Lot No. 1399 is used as a passageway to Lot No. 2601 and is planted with some coconut trees; and Lot No. 2232 is laden with coconut trees.^[9]

During cross-examination, respondent told the court that she does not know of any other person having a claim or right over the properties in question. When asked if she has a claim to a portion of a barangay road, which is along Lines 2 and 3 of Lot No. 1399, she answered in the negative.^[10] Respondent recalled that she first became aware of Almeda's ownership of the questioned properties when she was only 15 years old, or way back in 1938 and even before the Japanese occupation.^[11]

Among the pertinent pieces of evidence presented were the following:

- a) Certifications from the Region IV Community Environment and Natural Resources Office (CENRO) stating that Lot Nos. 1399,^[12] 2232,^[13] and

2601^[14] are not covered by any kind of public land application or patent;

b) a Certification^[15] from the Regional Technical Director of the CENRO verifying that Lot Nos. 2601, 2232, and 1399 are alienable and disposable lands;

c) a Certification^[16] from the Chief of the Surveys Division of the Department of Environment and Natural Resources (DENR) certifying that per records of the office, Lot Nos. 1399 and 2232, Cad-424, Sto. Tomas Cadastre are not portions of nor identical to any previously approved isolated surveys, however, Lot No. 2601, Cad-424, Sto. Tomas Cadastre is identical to Psu-199323;

d) Certifications from the Office of the Municipal Assessor of payment of real property taxes of Lot Nos. 2232,^[17] 1399,^[18] and 2601^[19] all dating back to as early as 1955;

e) a Letter^[20] from the Chief of Legal Division of the Department of Agrarian Reform (DAR) informing the court that the properties subject of this case are covered under Republic Act (R.A.) No. 6657 as they exceed the five ha. retention limit provided under the law; and

f) a Memorandum^[21] from the Municipal Agrarian Reform Officer (MARO) stating that based on existing records and investigation undertaken on the properties, said landholdings are covered by the Comprehensive Agrarian Reform Program pursuant to R.A. No. 6657; however, the same are not subject of any land dispute or case nor covered by Presidential Decree (P.D.) No. 27.

On April 14, 2000, the court *a quo* granted the application for registration of respondent. The dispositive portion of the decision reads:

WHEREFORE, and upon previous confirmation of the Order of General Default, the Court hereby adjudicates and decrees: Lot 2232, Cad-424, Sto. Tomas Cadastre, on plan Ap-04-012267, situated in the Barangay of San Bartolome, Municipality of Sto. Tomas, Province of Batangas, with an area of 4,490 square meters; Lot 1399, Cad-424, Sto. Tomas Cadastre, on plan As-04-000008, situated in the Barrio of San Antonio, Municipality of Sto. Tomas, Province of Batangas with an area of 3,649 square meters; and Lot 2601, Cad-424, Sto. Tomas Cadastre, on plan Ap-04-012266, equivalent to Psu-199323, with an area of 106,426 square meters, situated in Barangay San Antonio, Municipality of Sto. Tomas, Province of Batangas, in favor of and in the name of Fredesvinda Almeda-Consunji, Filipino citizen, of legal age, married to David M. Consunji and a resident of 4688 Pasay Road, Dasmariñas Village, Makati City, subject to the provisions of Republic Act No. 6657 otherwise known as the Comprehensive Agrarian Reform Law.

SO ORDERED.^[22]

The Republic of the Philippines appealed the case to the CA, contending that the court *a quo* erred in finding that respondent has established possession over the subject properties for the period required by law. In addition, it asseverated that respondent failed to overthrow the presumption that the questioned properties form part of the public domain.

Disposing of the appeal, the appellate court ruled thereon on July 1, 2003 and affirmed the decision of the RTC. The *fallo* of the decision reads:

WHEREFORE, in view of all the foregoing, the assailed decision dated April 14, 2000 of the Regional Trial Court of Tanauan, Batangas, Branch 6 is hereby **AFFIRMED**. No costs.

SO ORDERED.^[23]

Hence, this petition.

Petitioner advances the following grounds:

I.

THE COURT OF APPEALS ERRED IN FINDING THAT THE RESPONDENT HAS ESTABLISHED POSSESSION OVER THE SUBJECT PROPERTIES FOR THE PERIOD REQUIRED BY LAW.

II.

THE COURT OF APPEALS ERRED IN CONSIDERING THE TAX DECLARATIONS AS EVIDENCE OF RESPONDENT'S POSSESSION.

III.

THE COURT OF APPEALS ERRED IN CONSIDERING THE CERTIFICATION BY THE CENRO AS PROOF OF ITS ALIENABLE AND DISPOSABLE CHARACTER.^[24]

The petition fails.

Section 1 of Rule 45 of the Rules of Court states that only questions of law are entertained in appeals by *certiorari* to this Court.^[25] It is a well-entrenched rule that the findings of fact of the trial court and its conclusions are accorded by this Court high respect, if not conclusive effect, especially when affirmed by the appellate court. This is because of the unique advantage of the trial court of having been able to observe, at close range, the demeanor and behavior of the witnesses as they testified.^[26] Furthermore, it is not the function of this Court to analyze and weigh evidence all over again, unless there is a showing that the findings of the lower court are totally devoid of support or are glaringly erroneous as to constitute palpable error or grave abuse of discretion.^[27]

Even assuming that the Court may review findings of fact, the petition still lacks merit. Petitioner argues that respondent failed to testify on the specific acts of

ownership exercised by her kin, Claro Almeda. It puts emphasis on the fact that neither the said kin nor any tenant or tiller of the vast tracts of land was presented to support respondent's claim of her predecessors-in-interest's "open, exclusive, notorious possession" of the land.

Respondent, on the other hand, contends that she was able to prove her title to the land in question through the clear, competent, and persuasive documentary evidence presented before the trial court as well as her testimony and that of the other witness, Andres Sanchez, who has been residing continuously in the area of San Antonio, Sto. Tomas, Batangas from 1930 up to the present.

Petitioner's contention is not tenable. Section 14 of Presidential Decree (P.D.) No. 1529, otherwise known as the Property Registration Decree, states:

SECTION 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.

(2) Those who have acquired ownership of private lands by prescription under the provision of existing laws.

Similarly, Section 48 (b) of the Public Land Act (Commonwealth Act No. 141), as amended, provides:

SECTION 48. The following described citizens of the Philippines, occupying lands of public domain or claiming to own 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 thereof, under the Land Registration Act, to wit:

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 dominion, under a *bona fide* claim of ownership, since June 12, 1945, or earlier, immediately preceding the filing of the application for confirmation of title except when prevented by war or force majeure. These 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.

It is evident from the above-cited provisions that an application for land registration must conform to three requisites: (1) the land is alienable public land; (2) the applicant's open, continuous, exclusive, and notorious possession and occupation thereof must be **since June 12, 1945, or earlier**; and (3) it is under a *bona fide*