489 Phil. 405

SECOND DIVISION

[G.R. NO. 144057, January 17, 2005]

REPUBLIC OF THE PHILIPPINES, PETITIONER, VS. THE HONORABLE COURT OF APPEALS AND CORAZON NAGUIT, RESPONDENTS.

D E C I S I O N

TINGA, J.:

This is a *Petition for Review on Certiorari* under Rule 45 of the 1997 Rules of Civil Procedure, *See*king to review the *Decision*[1] of the Sixth Division of the Court of Appeals dated July 12, 2000 in CA-G.R. SP No. 51921. The appellate court affirmed the decisions of both the Regional Trial Court (RTC),[2] Branch 8, of Kalibo, Aklan dated February 26, 1999, and the 7th Municipal Circuit Trial Court (MCTC)[3] of Ibajay-Nabas, Aklan dated February 18, 1998, which granted the application for registration of a parcel of land of Corazon Naguit (Naguit), the respondent herein.

The facts are as follows:

On January 5, 1993, Naguit, a Filipino citizen, of legal age and married to Manolito S. Naguit, filed with the MCTC of Ibajay-Nabas, Aklan, a petition for registration of title of a parcel of land situated in Brgy. Union, Nabas, Aklan. The parcel of land is designated as Lot No. 10049, Cad. 758-D, Nabas Cadastre, AP – 060414-014779, and contains an area of 31,374 square meters. The application *See*ks judicial confirmation of respondent's imperfect title over the aforesaid land.

On February 20, 1995, the court held initial hearing on the application. The public prosecutor, appearing for the government, and Jose Angeles, representing the heirs of Rustico Angeles, opposed the petition. On a later date, however, the heirs of Rustico Angeles filed a formal opposition to the petition. Also on February 20, 1995, the court issued an order of general default against the whole world except as to the heirs of Rustico Angeles and the government.

The evidence on record reveals that the subject parcel of land was originally declared for taxation purposes in the name of Ramon Urbano (Urbano) in 1945 under Tax Declaration No. 3888 until 1991.[4] On July 9, 1992, Urbano executed a Deed of Quitclaim in favor of the heirs of Honorato Maming (Maming), wherein he renounced all his rights to the subject property and confirmed the sale made by his father to Maming sometime in 1955 or 1956.[5] Subsequently, the heirs of Maming executed a deed of absolute sale in favor of respondent Naguit who thereupon started occupying the same. She constituted Manuel Blanco, Jr. as her attorney-in-fact and administrator. The administrator introduced improvements, planted trees, such as mahogany, coconut and gemelina trees in addition to existing coconut trees which were then 50 to 60 years old, and paid the corresponding taxes

due on the subject land. At present, there are parcels of land surrounding the subject land which have been issued titles by virtue of judicial decrees. Naguit and her predecessors-in-interest have occupied the land openly and in the concept of owner without any objection from any private person or even the government until she filed her application for registration.

After the presentation of evidence for Naguit, the public prosecutor manifested that the government did not intend to present any evidence while oppositor Jose Angeles, as representative of the heirs of Rustico Angeles, failed to appear during the trial despite notice. On September 27, 1997, the MCTC rendered a decision ordering that the subject parcel be brought under the operation of the Property Registration Decree or Presidential Decree (P.D.) No. 1529 and that the title thereto registered and confirmed in the name of Naguit.[6]

The Republic of the Philippines (Republic), thru the Office of the Solicitor General (OSG), filed a motion for reconsideration. The OSG stressed that the land applied for was declared alienable and disposable only on October 15, 1980, per the certification from Regional Executive Director Raoul T. Geollegue of the Department of Environment and Natural Resources, Region VI.[7] However, the court denied the motion for reconsideration in an order dated February 18, 1998.[8]

Thereafter, the Republic appealed the decision and the order of the MCTC to the RTC, Kalibo, Aklan, Branch 8. On February 26, 1999, the RTC rendered its decision, dismissing the appeal.[9]

Undaunted, the Republic elevated the case to the Court of Appeals via Rule 42 of the 1997 Rules of Civil Procedure. On July 12, 2000, the appellate court rendered a decision dismissing the petition filed by the Republic and affirmed *in toto* the assailed decision of the RTC.

Hence, the present petition for review raising a pure question of law was filed by the Republic on September 4, 2000.[10]

The OSG assails the decision of the Court of Appeals contending that the appellate court gravely erred in holding that there is no need for the government's prior release of the subject lot from the public domain before it can be considered alienable or disposable within the meaning of P.D. No. 1529, and that Naguit had been in possession of Lot No. 10049 in the concept of owner for the required period. [11]

Hence, the central question for resolution is whether is necessary under Section 14(1) of the Property Registration Decree that the subject land be first classified as alienable and disposable before the applicant's possession under a bona fide claim of ownership could even start.

The OSG invokes our holding in *Director of Lands v. Intermediate Appellate Court*[12] in arguing that the property which is in open, continuous and exclusive possession must first be alienable. Since the subject land was declared alienable only on October 15, 1980, Naguit could not have maintained a bona fide claim of ownership since June 12, 1945, as required by Section 14 of the Property Registration Decree, since prior to 1980, the land was not alienable or disposable,

the OSG argues.

Section 14 of the Property Registration Decree, governing original registration proceedings, bears close examination. It expressly provides:

> 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 over private lands by prescription under the provisions of existing laws.
>
> . . . .

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

Petitioner suggests an interpretation that the alienable and disposable character of the land should have already been established since June 12, 1945 or earlier. This is not borne out by the plain meaning of Section 14(1). "Since June 12, 1945," as used in the provision, qualifies its antecedent phrase "under a bonafide claim of ownership." Generally speaking, qualifying words restrict or modify only the words or phrases to which they are immediately associated, and not those distantly or remotely located.[13] *Ad proximum antecedents fiat relation nisi impediatur sentencia*.

Besides, we are mindful of the absurdity that would result if we adopt petitioner's position. Absent a legislative amendment, the rule would be, adopting the OSG's view, that all lands of the public domain which were not declared alienable or disposable before June 12, 1945 would not be susceptible to original registration, no matter the length of unchallenged possession by the occupant. Such interpretation renders paragraph (1) of Section 14 virtually inoperative and even precludes the government from giving it effect even as it decides to reclassify public agricultural lands as alienable and disposable. The unreasonableness of the situation would even be aggravated considering that before June 12, 1945, the Philippines was not yet even considered an independent state.

Instead, the more reasonable interpretation of Section 14(1) is that it merely requires the property sought to be registered as already alienable and disposable at the time the application for registration of title is filed. If the State, at the time the application is made, has not yet deemed it proper to release the property for

alienation or disposition, the presumption is that the government is still reserving the right to utilize the property; hence, the need to preserve its ownership in the State irrespective of the length of adverse possession even if in good faith. However, if the property has already been classified as alienable and disposable, as it is in this case, then there is already an intention on the part of the State to abdicate its exclusive prerogative over the property.

This reading aligns conformably with our holding in *Republic v. Court of Appeals*.[14] Therein, the Court noted that "to prove that the land subject of an application for registration is alienable, an 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."[15] In that case, the subject land had been certified by the DENR as alienable and disposable in 1980, thus the Court concluded that the alienable status of the land, compounded by the established fact that therein respondents had occupied the land even before 1927, sufficed to allow the application for registration of the said property. In the case at bar, even the petitioner admits that the subject property was released and certified as within alienable and disposable zone in 1980 by the DENR.[16]

This case is distinguishable from *Bracewell v. Court of Appeals*,[17] wherein the Court noted that while the claimant had been in possession since 1908, it was only in 1972 that the lands in question were classified as alienable and disposable. Thus, the bid at registration therein did not succeed. In *Bracewell*, the claimant had filed his application in 1963, or nine (9) years before the property was declared alienable and disposable. Thus, in this case, where the application was made years after the property had been certified as alienable and disposable, the *Bracewell* ruling does not apply.

A different rule obtains for forest lands,[18] such as those which form part of a reservation for provincial park purposes[19] the possession of which cannot ripen into ownership.[20] It is elementary in the law governing natural resources that forest land cannot be owned by private persons. As held in *Palomo v. Court of Appeals*,[21] forest land is not registrable and possession thereof, no matter how lengthy, cannot convert it into private property, unless such lands are reclassified and considered disposable and alienable.[22] In the case at bar, the property in question was undisputedly classified as disposable and alienable; hence, the ruling in *Palomo* is inapplicable, as correctly held by the Court of Appeals.[23]

It must be noted that the present case was decided by the lower courts on the basis of Section 14(1) of the Property Registration Decree, which pertains to original registration through ordinary registration proceedings. The right to file the application for registration derives from a *bona fide* claim of ownership going back to June 12, 1945 or earlier, by reason of the claimant's open, continuous, exclusive and notorious possession of alienable and disposable lands of the public domain.

A similar right is given under Section 48(b) of the Public Land Act, which reads:

> Sec. 48. The following described citizens of the Philippines, occupying lands of the public domain or claiming to own any such land or an