

FIRST DIVISION

[G.R. No. 193358, September 16, 2020]

**REPUBLIC OF THE PHILIPPINES, PETITIONER, VS. HEIRS OF THE
LATE LEOPOLDO DE GRANO, ET AL., RESPONDENTS**

VIOLETA SEVILLA, OPPOSITOR-RESPONDENT

G.R. NO. 193399

**VIOLETA SEVILLA, PETITIONER HEIRS OF THE LATE LEOPOLDO
DE GRANO, ET AL., RESPONDENTS**

REYES, J. JR., J.:

The consolidated Petitions for Review on *Certiorari* before the Court assail the Amended Decision dated September 15, 2009 of the Court of Appeals (CA) in CA-G.R. CV No. 84123, modifying the Order dated September 30, 2004 of the Regional Trial Court (RTC), Branch 18, Tagaytay City, (RTC) in LRC No. TG-394, and the CA Resolution dated August 13, 2010 denying the separate motions for reconsideration of petitioners.

Antecedent Facts

LRC No. TG-394 is an amended application filed in September 17, 1991 with the RTC by respondents Heirs of the Late Leopoldo de Grano (respondents) for registration under Presidential Decree (PD) No. 1529 of Lot 7467, Cad. 355-D, Tagaytay Cadastre.^[1] They alleged that Lot 7467 is alienable and disposable public land;^[2] that their family has been in possession and ownership thereof for more than 30 years, as evidenced by Tax Declaration No. 019-0163;^[3] and that there is no third person having an interest in the property.^[4] During the hearing, tenants on the property testified that they have been farming it for respondents.^[5]

Petitioner Republic of the Philippines (petitioner Republic) opposed the application on the ground that the property is part of the public domain and there is no evidence that it has been declared alienable and disposable.^[6] Moreover, there is no evidence of possession by respondents, as "only three (3) hectares are covered by tax declarations" in their name.^[7] Respondents failed to prove bona fide acquisition of the property, for even the alleged Spanish title of their predecessors was not registered within six months from February 16, 1976, as required by Presidential Decree No. 892.^[8]

Another oppositor, petitioner Violeta Sevilla (petitioner Sevilla), argued that as early as 1987 the Department of Environment and Natural Resources (DENR) acquired primary jurisdiction over Lot 7467 when it entertained her Miscellaneous Sales Application No. (IV-4) 290 over the property as well as several opposing claims,

including respondents'.^[9]

The RTC disregarded the opposition of petitioner Sevilla for making no claim to title to the property^[10] as well as the opposition of petitioner Republic on the ground that the law requires only evidence of "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".^[11] In its view, respondents "have more than sufficiently established by clear and convincing evidence that their predecessor-in-interest ... occupied and possessed the land from as far back as 1894" and that respondents continuously occupied and possessed the property by paying taxes thereon up to 1994 and farming the same through their tenants.^[12] The RTC thus held:

WHEREFORE, in view of the foregoing, let a decree of registration in accordance with the Torrens Act covering Lot No. 7467, Cad 355, Tagaytay Cadastre, with an area of 134,120 square meters be issued in favor of the HEIRS OF THE LATE LEOPOLDO DE GRANO.

SO ORDERED.^[13]

Only petitioner Sevilla filed a motion for reconsideration on the ground that the DENR had exercised primary jurisdiction over the property, to the exclusion of the RTC, and resolved the status of the property in an Order of the DENR Regional Director dated July 16, 1991^[14] and Order of the DENR Secretary dated February 2, 1993^[15] (DENR Orders). These were sustained in a Resolution dated August 2, 2002^[16] of the Office of the President (OP). Respondents earlier recourse to this Court from the OP resolution failed.

Over the opposition of respondents,^[17] the RTC granted the motion for reconsideration in the following Order:

WHEREFORE, premises considered the motion for reconsideration of oppositor Sevilla is hereby GRANTED and the decision dated December 15, 2003 is RECONSIDERED. Therefore, the application for original registration of title over Lot No. 7477, Cad. 355, Tagaytay Cadastre, is DENIED.

SO ORDERED.^[18]

The RTC recognized the binding effect of the OP Resolution and DENR Orders.^[19] It also found the application of respondent lacking merit for their "earliest tax declarations and other documents ... pertained to the year 1948, three (3) years short of the required period"^[20] and there is no government certification that the property had been reclassified as alienable and disposable public land.^[21] It also lacks a tracing cloth plan.^[22]

In their appeal to the CA, respondents relied mainly on the arguments that the OP Resolution constitutes *res judicata* only on MSA No. (IV-4) 290^[23] and left the remaining portion of the property unresolved.^[24] They argued that the tracing cloth can be dispensed with for their survey plan had been approved by the Director of

Lands and its correctness has not been challenged.^[25]

Citing *Director of Lands v. Intermediate Appellate Court* (1986),^[26] *Director of Land v. Bengzon* (1987)^[27] and *De Ocsio v. Court of Appeals*,^[28] respondents argue that the duration and nature of their possession automatically converted Lot 7467 into patrimonial property subject to prescriptive acquisition.^[29] Such possession was established by their documentary and testimonial evidence, in particular the "decision in Reg. Case No. N-406, LRC No. N-15455 rendered by the Seventh Judicial District, Court of First Instance (CFI) of Cavite dated November 4, 1958" regarding their predecessor's possession going as far back as 1894.^[30] Their earliest tax declaration is dated 1948 because Tagaytay City began issuing tax declarations only in that year.^[31]

Petitioner Sevilla opposed the appeal on the same grounds raised in her earlier motion for reconsideration from the RTC Decision.^[32]

Petitioner argued that, since the amended application was filed in 1993, the law in force was Commonwealth Act No. 141 as amended by PD No. 1073, which imposes the burden on respondents to prove possession dating back to June 12, 1945 or earlier.^[33] Respondents failed to discharge this burden not only because their earliest tax declaration was dated 1948 but also because these tax declarations refer to a 3-hectare property which differs in location, boundaries and area to those of Lot 7467.^[34] These disparities cast doubt on respondents' possession of the entire or major portion of Lot 7467.^[35] Finally, respondents' possession can hardly be characterized as peaceful given that petitioner Sevilla had filed MSA IV-4 in 1987 and the same was given due course by the OP.^[36]

Respondents' reply addressed only petitioner Sevilla's issues.^[37]

In its Decision dated January 9, 2009, the CA dismissed the appeal and sustained the order of the RTC on the grounds of *res judicata*^[38] and failure of respondents to prove ownership since 1945 or earlier.^[39]

Respondents' motion for reconsideration raised for the first time the argument that *res judicata* applies only to the 5 hectares covered by petitioner Sevilla's MSA, thereby leaving their application to the rest of Lot 7467 unresolved.^[40] The alienable and disposable nature of the remaining portion is established by the very same DENR and OP decisions on petitioner Sevilla's MSA.^[41] This is reinforced by their witness' documentary evidence consisting of a DENR certification that a 96,342-sq. m. portion of the property is alienable and disposable public land.^[42]

Petitioner Republic's comment dwelt on countering the new points raised by respondents. According to petitioner Republic, the DENR certification is insufficient evidence of the nature of the property.^[43] Neither does the OP resolution constitute proof that the property was alienable and disposable public land at the time that respondent filed their original petition in 1991.^[44]

The CA amended its decision and modified the RTC order to the following effect:

WHEREFORE, in view of the foregoing, let a decree of registration in accordance with the Torrens Act covering Lot No. 7467, Cad. 355, Tagaytay Cadastre, with an area of 8.4120 hectares be issued in favor of the HEIRS OF THE LATE LEOPOLDO DE GRANO.^[45]

The CA based the amendment of the decision on the finding that the OP decision affected only 5 hectares of the property and did not deprive the RTC of jurisdiction over the remaining portion.^[46] On the substantive issue, the CA relied on *Buenaventura v. Republic*^[47] and *Republic v. CA*^[48] to hold that the DENR certification constituted a positive act of government declaring the property alienable.^[49] Moreover, the CA cited an evidence adduced by respondents consisting of a 1958 CFI decision pertaining to a 50 hectare property referred to as Lot 7467, and recognizing respondents' predecessors prior possession.^[50]

In its motion for reconsideration from the CA amended decision, petitioner Republic pointed out that the DENR Certification relied upon by the CA refers to the status of the property as of 1997, or six years after respondents filed their application. Hence, it does not satisfy the evidentiary requirement of the law.

CA denied the motion for reconsideration of petitioner Republic due to its failure to attach the registry receipt to the affidavit of service.^[51] Petitioner Sevilla's partial motion for reconsideration was also denied.^[52]

Issues and Arguments

In its petition before the Court, petitioner Republic raised the following arguments:

I

THERE IS SUBSTANTIAL COMPLIANCE WITH SECTION 13, RULE 13 OF THE RULES OF COURT ON PROOF OF SERVICE.

II

RESPONDENTS-APPELLANTS HAVE NOT COMPLIED WITH THE PROCEDURAL AND SUBSTANTIVE REQUIREMENTS OF SECTION 14(1) OF PD 1529.

III

RESPONDENTS-APPELLANTS CANNOT PROPERLY INVOKE SECTION 14 (2) OF PD 1529 AS BASIS FOR THEIR APPLICATION FOR ORIGINAL LAND REGISTRATION.^[53]

On the part of petitioner Sevilla, her main arguments are:

I

THE [CA] GRAVELY AND PALPABLY ERRED IN RULING THAT THE DOCTRINE OF PRIMARY JURISDICTION ONLY COVER FIVE (5) HECTARES

AND NOT THE ENTIRE LOT NO. 7467 SUBJECT OF PETITIONER'S SALE APPLICATION.

II

THE [CA] GRAVELY AND PALPABLY ERRED IN RULING THAT RESPONDENTS HAVE REGISTRABLE RIGHT OVER THE SUBJECT PROPERTY AT THE TIME OF THE FILING OF THEIR APPLICATION FOR REGISTRATION.^[54]

The Court's Ruling

The petitions are meritorious. The assailed decision of the CA is reversed and set aside.

The purpose of Section 13, Rule 13 of the 1997 Rules of Civil Procedure is to ensure service of a contentious motion upon the other parties. This purpose is deemed fulfilled based on confirmation of the date of actual receipt by said parties.^[55] Petitioner Republic furnished proof of actual receipt by counsel of respondents in the form of a mail bill of the Office of the Solicitor General (OSG) and a Certification by the Postmaster that respondents received copy of the motion on October 7, 2009.^[56] Hence, it was error on the part of the CA to deny the motion for reconsideration on a procedural ground, despite substantial compliance by petitioner Republic of the Philippines with Section 13 of Rule 13.

With the procedural obstacle out of the way, the substantive questions will now be resolved.

The Court begins with a preliminary point that there is no question as to the sufficiency of the allegation on the identity of the land which is the object of LRC No. TG-394 dated September 17, 1991. The allegation expressly and specifically refers to Lot No. 7467, Cad. 355-D, Tagaytay Cadastre and details its location and metes and bounds. No issue has been raised as to the precise location and identification of Lot No. 7467. These details are affirmed by the DENR National Mapping and Resource Information Authority (NAMRIA) in a Certification dated 14 April 1998.^[57]

There being sufficient allegation as to the precise location and identification of Lot No. 7467 as the piece of land object of LRC No. TG-394, jurisdiction properly vested in the RTC and the CA.

The subsequent diminution of the Lot 7467 in view of the award by the DENR/OP of a portion thereof to Sevilla does not make the allegation as to the identity of the land object of LRC No. TG-394 any less precise. The portion awarded to Sevilla is well-defined, making the portion of Lot 7467 which remains under the jurisdiction of the RTC and CA ascertainable. As the CA held, the award of a defined 5-hectare portion to Sevilla did not deprive the RTC of jurisdiction of the remaining 8.4120 hectare of Lot 7467 sought to be registered by respondents. This did not give rise to a necessity for respondents to amend their registration application, especially as they had opposed Sevilla's application.

Moreover, the sufficiency of the allegation as to the precise location and identity of