

SECOND DIVISION

[G.R. No. 197389, October 12, 2020]

REPUBLIC OF THE PHILIPPINES, PETITIONER, VS. MANUEL M. CARAIG, RESPONDENT.

DECISION

HERNANDO, J.:

This Petition for Review on *Certiorari*^[1] assails the January 31, 2011 Decision^[2] and the June 15, 2011 Resolution^[3] of the Court of Appeals (CA) in CA-G.R. CV No. 89686. The CA affirmed the February 28, 2007 Decision^[4] of the Municipal Trial Court (MTC) of Sto. Tomas, Batangas in LRA MTC Case No. 2002-028 (LRA Record No. N-75008) granting the Application for Original Registration of Title of Lot No. 5525-B filed by respondent Manuel M. Caraig (Manuel).

The Antecedent Facts

On September 2, 2002, Manuel, through his attorney-in-fact,^[5] Nelson N. Guevarra (Nelson) filed an Application for Original Registration of Title^[6] over a 40,000-square meter portion of Lot 5525, known as Lot No. 5525-B, which is located at Brgy. San Luis, Sto. Tomas, Batangas. Lot No. 5525-B is described as follows:

A parcel of land (Lot 5525-B of the subdivision plan, Csd-04-024208- D, being a portion of Lot 5525, Cad-424, Sto. Tomas Cadastre, L.R.C. Record No.), situated in the Barangay of San Luis, Municipality of Sto. Tomas, Province of Batangas, Bounded on the SW., along line 1-2 by Barangay Road (10.00 m.wide); on the NW., along line 2-3 by Lot 5664, Cad-424, Sto. Tomas Cadastre; on the NE., N., & SE., along lines 3-4-5-6-7-8-9-10 by Creek; on the SE., along lines 10-11-12 by Lot 5526, Cad-424, Sto. Tomas Cadastre; on the SW., & SE., along lines 12-13-1 by Lot 5525-A, of the subdivision plan. x x x containing an area of FORTY THOUSAND (40,000) SQUARE METERS. x x x^[7]

Manuel alleged that he bought Lot No. 5525-B from Reynaldo S. Navarro (Reynaldo) as evidenced by a Deed of Absolute Sale^[8] dated September 25, 1989. Reynaldo and his predecessors-in-interest had been in open, peaceful, continuous, and exclusive possession of the land prior to June 12, 1945 under a *bona fide* claim of ownership.

Manuel attached the following documents in his application: (a) Tax Declaration No. 017-00991^[9] in his name; (b) Deed of Absolute Sale^[10] dated September 25, 1989 executed by Reynaldo in his favor; (c) Subdivision Plan^[11] of Lot No. 5525-B which was approved on July 3, 2002, together with its blue print, showing that it is a portion of Lot No. 5525; (d) Technical Description of Lot 5525-B;^[12] and (e) Certification in lieu of Geodetic Engineer's Certificate for registration purposes.^[13]

The Office of the Solicitor General (OSG), representing the Republic of the Philippines, filed its Opposition^[14] to the application. It sought the denial of Manuel's application based on the following grounds: (a) the land is inalienable and part of the public domain owned by the Republic; (b) Manuel and his predecessors-in-interest were not in continuous, exclusive and notorious possession and occupation of the land since June 12, 1945 or prior thereto; and (c) the evidence attached to the application insufficiently and incompetently proved his acquisition of the land or his continuous, exclusive and notorious possession and occupation thereof.

Only the OSG interposed its opposition to the application. As a result, an Order of General Default was issued against the whole world with the exception of OSG.

During the trial, Manuel presented the following witnesses: (a) Nelson; (b) Arcadio Arcillas (Arcadio); (c) Epifanio Guevarra (Epifanio); (d) Miguel Jaurigue Libot (Miguel); (e) Francisco Malleon (Francisco); and (f) Fermin Angeles (Fermin).

Nelson attested that Manuel could not personally testify as he was working in Italy. They have known each other since they were children and before Manuel married Maribel F. Cabus.

Nelson testified that Lot No. 5525 was previously owned by Evaristo Navarro (Evaristo). In support of his claim, he presented the March 10, 2003 Certification^[15] issued by the Office of the Municipal Assessor of Sto. Tomas, Batangas showing that Evaristo was the first declared owner of the said land as reflected in Tax Declaration Nos. 20386/20387 issued in 1955. On November 11, 1958, Evaristo and his wife, Flora Sangalang, donated Lot No. 5525 to their son Reynaldo as evidenced by a Deed of Donation.^[16] Reynaldo then took possession of the entire land until he sold to Manuel a portion thereof, which is Lot No. 5525-B, the land subject of the application for registration.

Nelson further averred that Lot No. 5525-B is alienable and disposable land of public domain. He then submitted the February 11, 2003 Certification^[17] issued by the Department of Environment and Natural Resources (DENR) Region IV - Community Environment and Natural Resources Office (CENRO) of Batangas City, which states that Lot No. 5525-B is not covered by any public land application or patent. Nelson also presented another Certification^[18] dated March 21, 2003 from the CENRO which declared Lot No. 5525-B to be within the alienable and disposable zone under "Project No. 30, Land Classification Map No. 582 certified on December 31, 1925" except for the three meters strip of land along the creek bounding on the northwestern portion which was for bank protection.^[19]

Fermin, a long-time resident of Brgy. San Luis and neighbor of Manuel and his predecessors-in-interest, was also presented as a witness during the trial.^[20] He narrated that his and Evaristo's families were neighbors.^[21] Fermin used to accompany his mother who would bring food to his father who was tilling their land adjacent to Evaristo's.^[22] Each time, he would see Evaristo supervising the farm workers in his land in planting coffee and banana, harvesting the produce and selling the crops afterwards.

Arcadio, another long-time resident of Brgy. San Luis, testified that as early as 1942, the residents of the community knew that Evaristo was the owner.^[23]

Arcadio, who was then 12 years old, would often see Evaristo giving instruction to the workers tilling the land.^[24] In the early years, Evaristo's workers planted and harvested banana and coffee. Lot No. 5525 was subsequently owned by Reynaldo, Evaristo's son, who remained in peaceful and continuous possession and ownership of the entire land until he sold a portion thereof, Lot No. 5525-B, to Manuel.^[25] After his acquisition of Lot No. 5525-B, Manuel constructed his house and a corner stone on the property.^[26] He also planted black pepper, lanzones, and coffee thereon.^[27]

Arcadio further recalled that nobody, other than Reynaldo and his predecessors-in-interest, claimed ownership and possession over the said land.

Epifanio, Miguel, and Francisco all corroborated Nelson, Fermin and Arcadio's testimonies that Evaristo was the owner of Lot No. 5525 who used the land for planting crops. It was then inherited by Reynaldo who sold a portion thereof to Manuel. Further, they all recalled that as early as the 1940s, the residents of Brgy. San Luis knew that it was Reynaldo and his predecessors-in interest who owned the entire land including Lot No. 5525-B before it was sold to Manuel.

Ruling of the Municipal Trial Court:

In its February 28, 2007 Decision,^[28] the MTC granted Manuel's application for original registration after it was sufficiently established that he is the owner of Lot No. 5525-B. The *fallo* of the MTC Decision reads:

WHEREFORE, and upon confirmation of the Order of General Default, the Court hereby adjudicates and decrees Lot No. 5525-B of the subdivision plan, Csd-04-024208-D, being portion of Lot No. 5525, Cad 424, Santo Tomas Cadastre, situated in the Barangay of San Luis, Municipality of Santo Tomas, Province of Batangas, containing an area of Forty Thousand (40,000) Square Meters, in the name of the applicant, Manuel M. Caraig, of legal age, Filipino citizen, married to Maribel F. Cabus and a resident of Barangay San Luis, Santo Tomas, Batangas, as the true and absolute owner thereof.

Once this Decision shall have become final, let the corresponding decree of registration of title be issued in the instant case.

SO ORDERED.^[29]

Aggrieved, the OSG appealed to the CA.^[30] In its Oppositor-Appellant's Brief,^[31] the OSG argued that there was no competent proof that Manuel was in possession of the land for at least 30 years to allow the same to be registered under his name. The MTC erred in giving weight and credit to the testimonies of the witnesses which were purely hearsay. The OSG further insisted that Nelson was incompetent to identify the contents of the Deed of Absolute Sale and the Deed of Donation.

Ruling of the Court of Appeals:

In its January 31, 2011 Decision,^[32] the CA affirmed the MTC Decision. It opined that Nelson, as the attorney-in-fact, was authorized to file the application in behalf of Manuel, to represent him in the proceedings, to testify and to present documentary evidence during the trial, and to do any acts in furtherance thereof.

Further, Manuel's witnesses sufficiently proved that Manuel, and his predecessors-in-interest were in open, continuous, exclusive, peaceful and adverse possession in the concept of an owner prior to June 12, 1945.

The OSG filed a Motion for Reconsideration^[33] which the CA denied in its June 15, 2011 Resolution.^[34]

Hence, this Petition for Review on *Certiorari*.

Issues

The OSG raised the following errors to support its petition:

I.

THE COURT A *QUO* ERRED IN GIVING PROBATIVE VALUE TO HEARSAY EVIDENCE.

II.

NO COMPETENT EVIDENCE EXISTS TO SHOW THAT RESPONDENT WAS IN POSSESSION OF THE LAND FOR AT LEAST THIRTY (30) YEARS.

III.

THE CERTIFICATION THAT THE SUBJECT PROPERTY IS ALIENABLE AND DISPOSABLE IS INSUFFICIENT SANS AN EXPRESS GOVERNMENT MANIFESTATION THAT THE PROPERTY IS ALREADY PATRIMONIAL OR NO LONGER RETAINED FOR PUBLIC SERVICE OR THE DEVELOPMENT OF NATIONAL WEALTH, UNDER ARTICLE 422 OF THE CIVIL CODE.^[35]

In fine, the issues to be resolved are as follows: (a) whether or not the CENRO Certificates are sufficient proofs that Lot No. 5525-B is alienable and disposable; and (b) whether or not Manuel sufficiently proved that he and his predecessors-in-interest were in continuous, peaceful, notorious and exclusive possession in the concept of an owner of the subject land.

The Court's Ruling

The Petition is bereft of merit.

The arguments raised in the instant petition involve a mixed question of facts and of law.

Rule 45 of the Rules of Court prescribes that only questions of law should be raised in petitions filed under the said rule since factual questions are not the proper subject of an appeal by *certiorari*.^[36] The Court is not a trier of facts. Thus, We will not entertain questions of fact as factual findings of the appellate court are considered final, binding, or conclusive on the parties and upon this Court especially when supported by substantial evidence.^[37]

The Court, in *Leoncio v. De Vera*,^[38] differentiated a question of law from a question of fact in this wise:

A question of law arises when there is doubt as to what the law is on a certain state of facts, while there is a question of fact when the doubt arises as to the truth or falsity of the alleged facts. For a question to be one of law, the same must not involve an examination of the probative value of the evidence presented by the litigants or any of them. The resolution of the issue must rest solely on what the law provides on the given set of circumstances. Once it is clear that the issue invites a review of the evidence presented, the question posed is one of fact. Thus, the test of whether a question is one of law or of fact is not the appellation given to such question by the party raising the same; rather, it is whether the appellate court can determine the issue raised without reviewing or evaluating the evidence, in which case, it is a question of law; otherwise it is a question of fact.

Here, the OSG is not only raising a question of law, *i.e.* on whether the evidence presented by Manuel was sufficient to prove that the subject land is alienable and disposable. It is also raising a question of fact as it seeks the Court's determination as to the veracity and truthfulness of the testimonies of the witnesses presented by Manuel in support of his claim that he and his predecessors-in-interest were in actual, continuous, exclusive and notorious possession and ownership of the land even before June 12, 1945. Consequently, the Court is constrained to exercise its jurisdiction in the case since the errors raised by the OSG in its Petition, being mixed questions of fact and of law, are not proper subjects of an appeal by *certiorari*.

In any case, the Petition is still dismissible for utter lack of merit.

**The requirements under
Section 14(1) of
Presidential Decree (P.D.)
No. 1529 were duly met.**

No less than the Constitution prescribes under the Regalian Doctrine that all lands which do not appear to be within private ownership are public domain and hence presumed to belong to the State.^[39] As such, a person applying for registration has the burden of proof that the land sought to be registered is alienable or disposable.^[40] He must present incontrovertible evidence that the land subject of the application has been reclassified or released as alienable agricultural land, or alienated to a private person by the State and no longer remains a part of the inalienable public domain.^[41]

Section 14(1) of Presidential Decree (P.D.) No. 1529, otherwise known as the Property Registration Decree, provides:

Sec. 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.