

THIRD DIVISION

[G.R. No. 214367, April 04, 2018]

REPUBLIC OF THE PHILIPPINES, PETITIONER, V. LAUREANA MALIJAN-JAVIER AND IDEN MALIJAN-JAVIER, RESPONDENTS.

DECISION

LEONEN, J.:

To establish that the land sought to be registered is alienable and disposable, applicants must "present a copy of the original classification approved by the [Department of Environment and Natural Resources] Secretary and certified as a true copy by the legal custodian of the official records."^[1]

This is a Petition for Review on Certiorari^[2] under Rule 45 of the 1997 Rules of Civil Procedure, praying that the September 15, 2014 Decision^[3] of the Court of Appeals in CA-GR. CV No. 98466 be reversed and set aside.^[4] The Court of Appeals affirmed the May 5, 2011 Decision^[5] and December 9, 2011 Order^[6] of the Municipal Circuit Trial Court of Talisay-Laurel, Batangas in Land Reg. Case No. 09-001 (LRA Record No. N-79691), which adjudicated Lot No. 1591, Cad. 729, Talisay Cadastre in favor of Laureana Malijan-Javier (Laureana) and Iden Malijan-Javier (Iden).^[7]

This case involves Laureana and Iden's application for registration of land title over a parcel situated in Barangay Tranca, Talisay, Batangas filed in June 2009 before the Municipal Circuit Trial Court of Talisay-Laurel, Batangas. The land, regarded as Lot No. 1591, Cad. 729, Talisay Cadastre, had an area of 9,629 square meters. The application of Laureana and Iden was docketed as Land Registration Case No. 09-001 (LRA Record No. N-79691).^[8]

On September 10, 2009, Republic of the Philippines (Republic) filed an Opposition to the application based on the following grounds:

(1) Neither the applicants nor their predecessors-in-interest have been in open, continuous, exclusive and notorious possession and occupation of the land in question in the concept of an owner since June 12, 1945 or earlier; (2) The tax declarations relied upon by appellees do not constitute competent and sufficient evidence of a *bona fide* acquisition of the land by the appellees; and (3) The parcel of land applied for is a land of public domain and, as such, not subject to private appropriation.^[9]

An initial hearing was scheduled on January 19, 2010. During the hearing, several documents were marked to show compliance with the necessary jurisdictional requirements. Since nobody appeared to oppose Laureana and Iden's application, the trial court issued an Order of General Default against the whole world except the Republic.^[10]

In the subsequent hearings, Laureana and Iden presented testimonial and documentary evidence to establish their ownership claim.^[11] Laureana testified along with Juana Mendoza Banawa (Banawa), Ben Hur Hernandez (Hernandez), Loida Maglinao (Maglinao), and Glicerio R. Canarias (Canarias).^[12]

In her testimony, Laureana alleged that she was married to Cecilio Javier (Cecilio) and that Iden was their son. She claimed that she and Cecilio (the Spouses Javier) purchased the property from Spouses Antonio Lumbres and Leonisa Manaig (the Spouses Lumbres) on October 10, 1985. A Deed of Absolute Sale was executed to facilitate the transaction. They had the property fenced and planted with coconut, antipolo, and duhat. She also claimed that they had paid its property taxes since 1986.^[13]

Banawa, a resident of Barangay Tranca, Talisay, Batangas since her birth on March 8, 1929,^[14] testified that Cito Paison (Cito) and Juan Paison (Juan) owned the property as early as 1937. The half portion owned by Cito was later transferred to his daughter, Luisa Paison (Luisa). Both portions owned by Luisa and Juan were then transferred to the Spouses Lumbres, until half was finally sold to the Spouses Javier and the other half to their son, Iden.^[15] Banawa added that since every person in their barangay knew that Laureana and Iden owned and possessed the property, nobody interrupted or disturbed their possession or made an adverse claim against them.^[16] Thus, their possession was "open, continuous, exclusive, and in the concept of an owner[.]"^[17]

Hernandez, who was a Special Land Investigator I of the Department of Environment and Natural Resources-Community Environment and Natural Resources Office (DENR-CENRO), testified that he was the one who conducted an ocular inspection on the land.^[18] He found that the land "ha[d] not been forfeited in favor of the government for non-payment of taxes [or] ... confiscated as bond in connection with any civil or criminal case."^[19] Moreover, the land was outside a reservation or forest zone. Hernandez also found that no prior application was filed or any patent, decree, or title was ever issued for it.^[20] Finally, he stated that the land "[did] not encroach upon an established watershed, river bed, river bank protection, creek or right of way."^[21]

Maglinao, Forester I of DENR-CENRO,^[22] also testified that she inspected the property before issuing a certification, which stated that the land "[was] within the alienable and disposable zone under Project No. 39, Land Classification Map No. 3553 certified on September 10, 1997."^[23]

Meanwhile, Canarias, the Municipal Assessor of Talisay, Batangas, attested that the property was covered by Tax Declaration Nos. 014-01335 and 014-00397 under the names of Laureana and Cecilio, and of Iden. Upon tracing back the tax declarations on the property, Canarias also found that the previous owners who declared the land for taxation purposes were the same as the previous owners according to Laureana's and Iden's testimonies. The previous tax declarations of the property now covered by Tax Declaration No. 014-01335 were under the names of Luisa and the Spouses Lumbres while Tax Declaration No. 014-00397 were previously under the names of Juan and the Spouses Lumbres.^[24]

On May 5, 2011, the trial court rendered a Decision granting Laureana and Iden's application for registration of title. It held that they were able to establish that the property was alienable and disposable since September 10, 1997 and that "[they] and their predecessors-in-interest ha[d] been in open, continuous, exclusive, and notorious possession of the subject property, in the concept of an owner, even prior to 12 June 1945."^[25] The dispositive portion of the Decision read:

WHEREFORE, upon confirmation of the Order of General Default, the Court hereby adjudicates and decrees Lot No. 1591, Cad-729 Talisay Cadastre as shown on plan As-04-003630 situated in Barangay Tranca, Municipality of Talisay, Province of Batangas, with an area of NINE THOUSAND SIX HUNDRED TWENTY[-]NINE (9,629) SQUARE METERS in favor of and in the name of LAUREANA MALIJAN JAVIER (1/2 SHARE), widow, Filipino, with address at Barangay Tranca, Talisay, Batangas, and IDEN MALIJAN JAVIER (1/2 SHARE), married to Jaena Buno, Filipino, with address at 39-31 56th St Apt 3, Woodside, New York, USA in accordance with Presidential Decree No. 1529, otherwise known as the Property Registration Decree.

Once this decision has become final, let an Order be issued directing the Administrator of the Land Registration Authority to issue the corresponding decree of registration.

SO ORDERED.^[26]

The Republic moved for reconsideration, which was denied by the trial court in its December 9, 2011 Order.^[27]

The Republic elevated the case to the Court of Appeals, assailing the May 5, 2011 Decision and December 9, 2011 Order of the Municipal Circuit Trial Court.^[28] It averred that there should be "(1) [a] CENRO or [Provincial Environment and Natural Resources Office] Certification; and (2) a copy of the original classification approved by the DENR Secretary and certified as a true copy by the legal custodian of the official records" attached to the application for title registration. It added that Laureana and Iden failed to attach the second requirement.^[29] It also argued that they failed to prove that "they and their predecessors-in-interest ha[d] been in open, continuous, exclusive, and notorious possession and occupation [of the property] under a *bona fide* claim of ownership since June 12, 1945 or earlier."^[30]

On September 15, 2014, the Court of Appeals promulgated a Decision^[31] dismissing the Republic's appeal and affirming the Decision and Order of the Municipal Circuit Trial Court. It ruled that although Laureana and Iden failed to present a copy of the DENR Secretary-approved original classification stating that the property was alienable and disposable, "there [was] substantial compliance to the requirement[s]."^[32] It gave credence to the testimony of Hernandez, Special Land Investigator I of DENR-CENRO, who stated that the property was not patented, decreed, or titled.^[33] Hernandez also identified his written report on the property, which stated that:

(1) [T]he entire area is within the alienable and disposable zone as classified under Project No. 39, L.C. Map No. 3553 released and certified as such on September 10, 1997; (2) the land has never been forfeited in

favor of the government for non-payment of taxes; (3) it is not inside the forest zone or forest reserve or unclassified public forest; (4) the land does not form part of a bed or navigable river, streams, or creek. [34]

The Court of Appeals also gave weight to the testimony of Maglinao, Forester I of DENR-CENRO, who said that she inspected the property before issuing a certificate classifying the property as alienable and disposable "under Project No. 39, Land Classification Map No. 3553 certified on 10 September 1997." [35]

Furthermore, the property's Survey Plan contained an annotation by DENR Regional Technical Director Romeo P. Verzosa, stating that the property was within an alienable and disposable area. The Court of Appeals held that the annotation could be regarded as substantial compliance with the requirement that the property should be alienable and disposable, especially since it coincided with Hernandez's report and Maglinao's testimony. [36]

Finally, the Court of Appeals found that Laureana and Iden were able to prove their predecessors-in-interest's possession of property since 1937 and their possession since 1985 as evidenced by the tax declarations. [37]

The dispositive portion of the Court of Appeals Decision read:

WHEREFORE, in view of the foregoing premises, the instant appeal is hereby ordered **DISMISSED**, and the appealed Decision rendered on 5 May 2011 and Order dated 9 December 2011 by the Fourth Judicial Region of the Municipal Circuit Trial Court in Talisay-Laurel, Batangas in Land Reg. Case No. 09-001 (LRA Record No. N-79691) are **AFFIRMED**. Without costs.

SO ORDERED. [38] (Emphasis in the original)

On November 25, 2014, the Republic filed a Petition for Review [39] before this Court against Laureana and Iden. Petitioner argues that the application for land registration should have been dismissed by the trial court considering that it was not accompanied by "a copy of the original classification approved by the Department of Environment and Natural Resources (DENR) Secretary and certified as true copy by its legal custodian." [40] It avers that a CENRO Certification is not sufficient to prove the land's classification as alienable and disposable. [41] Moreover, the rule on substantial compliance is applied *pro hac vice* in the cases of *Republic v. Vega* and *Republic v. Serrano*, upon which the Court of Appeals heavily relied. [42]

Petitioner contends that respondents' acts of fencing and planting transpired only after they purchased the property in 1985. Banawa also failed to mention in her testimony that respondents' predecessors-in-interest occupied, developed, maintained, or cultivated the property, which could have shown that the former owners possessed the property by virtue of a *bona fide* ownership claim. Lastly, the tax declarations presented by respondents only date back to 1948 as the earliest year of possession. [43]

On April 21, 2015, respondents filed their Comment. [44] They counter that they were able to prove substantial compliance when they presented Maglinao's Certification and Hernandez's report. The Survey Plan also stated that the land was

in an alienable and disposable zone. They also point out that the Land Registration Authority did not question the classification of the property, despite notice of the application.^[45]

Respondents maintain that their and their predecessors-in-interest's possession had been "open, continuous, exclusive and notorious ... under a bona fide claim of ownership since June 12, 1945 or earlier,"^[46] as supported by Banawa's testimony. Although they admit that the earliest tax declaration was dated 1948, they seek the application of this Court's ruling in *Sps. Llanes v. Republic*, where this Court held that "tax declarations and receipts . . . coupled with actual possession ... constitute evidence of great weight and can be the basis of a claim of ownership through prescription."^[47]

On April 18, 2016, petitioner filed its Reply.^[48] It asserts that land registration applicants should strictly comply with the requirements in proving that the land is alienable and disposable. It maintains that for failing to submit the required document, respondents' application should have been denied.^[49] Petitioner also insists that Banawa's testimony and the tax declarations are not sufficient to prove that respondents' and their predecessors-in-interest's possession and occupation of the property were "open, continuous, exclusive, and notorious ... under a *bona fide* claim of ownership, since June 12, 1945 or earlier."^[50]

This Court resolves the sole issue of whether or not the trial court and the Court of Appeals erred in granting Laureana Malijan-Javier and Iden Malijan-Javier's application for registration of property.

Land registration is governed by Section 14 of Presidential Decree No. 1529 or the Property Registration Decree, which 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 provisions of existing laws.

(3) Those who have acquired ownership of private lands or abandoned river beds by right of accession or accretion under the existing laws.

(4) Those who have acquired ownership of land in any other manner provided for by law.

Where the land is owned in common, all the co-owners shall file the application jointly.