

THIRD DIVISION

[G.R. No. 227388, July 23, 2018]

**REPUBLIC OF THE PHILIPPINES, PETITIONER, V. MARIA
THERESA MANAHAN-JAZMINES, RESPONDENT.**

DECISION

GESMUNDO, J.:

This is an appeal by *certiorari* seeking to reverse and set aside the Decision^[1] dated March 15, 2016 and Resolution^[2] dated September 20, 2016 of the Court of Appeals (CA) in CA-G.R. CV No. 99962. The CA affirmed the Decision^[3] of the Regional Trial Court of San Mateo, Rizal, Branch 75 (RTC) dated October 5, 2012, granting the application of registration of title in LRC Case No. N-330-09 SM, filed by Maria Theresa Manahan-Jazmines (*respondent*).

The Antecedents

On March 11, 2009, respondent filed an application for the registration of four (4) parcels of land (*subject lots*) under Presidential Decree (P.D.) No. 1529 or the Property Registration Decree. She alleged that she is the absolute owner in fee simple of the subject lots, described as Lots 1, 2, 3 & 5 of Plan Psu-114423, Montalban Cadastre, with all the improvements thereon. The subject lots are situated at Brgy. San Rafael, Rodriguez, Rizal and have been declared for taxation purposes. Respondent asserted that she acquired ownership over the same by inheritance from her parents Mariano Manahan, Jr. and Rosita Manahan. She added that she and her predecessors-in-interest have occupied the subject lots for more than forty (40) years and have been in public, peaceful, open, continuous, uninterrupted and adverse possession in the concept of an owner prior to June 12, 1945, devoting the lots solely for agricultural purposes. Respondent averred that there is no mortgage or encumbrance of any kind whatsoever affecting the subject lots and there was no other person having any legal or equitable interest therein.

The Office of the Solicitor General (OSG) filed its notice of appearance for the oppositor, Republic of the Philippines (*Republic*). After compliance by respondent with the jurisdictional requirements, the RTC issued an order of general default against the whole world, except the Republic. Thereafter, trial ensued.

In support of the application, respondent presented her and Gregorio Manahan's testimonies, as well as the following documents:

- a. Affidavit of Self-Adjudication of the Estate of Mariano Manahan, Jr. and Rosita S. Manahan;
- b. Tax Declarations of the subject lots;
- c. Original Approved Survey Plan of Psu-114423;
- d. Letter from the Community Environment and Natural Resources Office (CENRO) Antipolo City;

- e. Letter from the Land Management Bureau;
- f. Certification from the CENRO Antipolo City dated May 13, 2009;
- g. Certification from the Office of the Barangay Chairman of San Rafael, Rodriguez, Rizal dated December 21, 2009;
- h. Certification from the Municipal Agrarian Reform Office (MARO) of Rodriguez, Rizal, dated December 8, 2009.^[4]

Respondent testified that her paternal grandparents, Mariano Manahan Sr. and Angela Sta. Maria Manahan, owned the subject lots prior to June 12, 1945, and the total area covers more or less two (2) hectares; that when she was born in 1949, they were already in possession of the subject lots; that she acquired ownership over the subject lots when her father passed away in 1976 and her mother passed away in 2003; that she later on executed an affidavit of self-adjudication, which was published in Bulgar Tabloid on May 9, 16 and 23, 2008;^[5] and that she has been paying the taxes due on the subject lots, and has obtained an approved survey plan thereof.^[6] Respondent also presented a Certification^[7] issued by the CENRO classifying the lands as alienable and disposable. Finally, she stated that a certain Vergel Carasco used to be a tenant therein and that he planted rice on the subject lots but died several years ago.

Gregorio Manahan testified that he was an adjoining owner of the subject lots; that respondent, the only heir of the late Mariano Manahan Jr. and Rosita Manahan, was the owner of the subject lots after she inherited the same; and that respondent and her predecessors-in-interest have been in possession of the subject lots in the concept of owners for more than thirty (30) years, which started prior to 1945.

Thereafter, respondent filed her formal offer of evidence. The Republic, through the Office of the Provincial Prosecutor of San Mateo, Rizal, did not present any evidence.

The RTC Ruling

In its decision dated October 5, 2012, the RTC granted respondent's application. It held that respondent duly established the ownership of her predecessors-in-interest over the subject lots and her continued possession over the same by virtue of the tax declarations acquired over the years. The RTC also observed that the subject lots were within the alienable and disposable portion of the public domain. The *fallo* of the decision reads:

WHEREFORE, premises considered, the instant application is **GRANTED** and the applicant, **MA. THERESA MANAHAN-JAZMINES**, of legal age, Filipino, married and a resident of #955 Sto. Tomas St., Sampaloc, Manila, is declared the owner of the four (4) parcels of land described as lots 1, 2, 3 and 5 and Psu-114423, the accurate description of which are shown in the following technical descriptions, to wit:

Lot 1
Psu-114423
(Mariano Manahan, Jr.)

A PARCEL OF LAND (Lot 1 as shown on plan Psu-114423, LRC Record No.____), situated in the Barrio of San Rafael, Municipality of Montalban, Province of Rizal. Bounded on the N, along line 1-2 by the property of the Heirs of Gonzalo

Bautista and Gabriel Manahan (Lot 1, Psu-114425); on the NE, along lines 2 to 4 by the property of Josefa Basa; on the SE, along lines 4 to 7 by the property of Joaquin Manahan; on the SW, along line 7-8 by the property of Rosendo Cruz; on the NW, along line 8-9 by Eustaquia Manahan; and on the N, along line 9-1 by the Heirs of Gonzalea Bautista. Beginning at a point marked "1" on the plan, being S. 87 deg. 30'E, m. from BLLM 1, Montalban, Rizal, x x x x containing an area of **SIX THOUSAND EIGHT HUNDRED EIGHTY ONE (6,881) SQ. METERS** x x x[.]

LOT 2
Psu-114423
(Mariano Manahan, Jr. et. al.)

A PARCEL OF LAND (Lot 2 as shown on plan Psu-114423, LRC, Record No. ____), situated in the Barrio of San Rafael, Municipality of Montalban, Province of Rizal, Island of Luzon. Bounded on the SW, along line 1-2 by the property of Rosendo Cruz; on the NW, along lines 2-3 & 3-5 by the property of Joaquin Manahan and Pedro San Diego; on the NE, along lines 5-6 by the Heirs of Severino Santos; and on the SE, along line 6-1 by the property of Pedro San Diego. Beginning at a point marked "I" on the plan, Being S. 80 deg. 26'E, 1089.98 m from BLLM #1, Montalban, Rizal, x x x containing an area of **FOUR THOUSAND FOUR HUNDRED EIGHT (4,408) SQUARE METERS** x x x[.]

LOT 3
Psu-114423
(Mariano Manahan, Jr. et al)

A PARCEL OF LAND (Lot 3 as shown on plan Psu-114423, LRC Record No. ____), situated in the Barrio of San Rafael, Municipality of Montalban, Province of Rizal, Island of Luzon. Bounded on the NE, along line 1-2 by Eustaquia Manahan, on the SE, along line 2-3 by Joaquin Manahan; and on the SW; along line 3-4 by Pedro San Diego, along line 4-5 by Jose Basa; and on the NW, along lines 5 to 7 by Joaquin Manahan; and along lines 7-8-1 by Hrs. of Juan San Juan. Beginning at a point marked "I" on the plan. Being S 72 deg. 28'E, 1120.28 m from BLLM #1, Montalban, Rizal x x x containing an area of **FOUR THOUSAND FOUR HUNDRED EIGHT (4,408) SQUARE METERS** x x x[.]

LOT 5
Psu-114423
(Mariano Manahan, Jr. et al.)

A PARCEL OF LAND (Lot 5 as shown on plan Psu-114423, LRC Rec. No. ____), situated in the Barrio of San Rafael, Municipality of Montalban, Province of Rizal, Island of Luzon.

Bounded on the NE, along line 1-2 by Calle Lopez Jaena; on the SE, along line 2-3 by the Hrs. of Severino Santos; on the SW., along line 3-4 by the property of Pedro San Diego, and on the NW., along 4-1 by Joaquin Manahan. Beginning at a point marked "1" on the plan N. 79 deg. 39'E, 1119.18 m from BLLM #1, Montalban, Rizal x x x containing an area of **FIVE THOUSAND SIXTY TWO (5,062) SQUARE METERS x x x[.]**

Henceforth, upon payments (sic) of the corresponding registry fees and after this decision has become final, let a Decree of Registration be issued over the afore[-]described properties in favor of herein applicant, **MA. THERESA MANAHAN-JAZMINES**, with address at #955 Sto. Tomas St., Sarnpaloc, Manila.

SO ORDERED.^[8]

Aggrieved, the Republic appealed to the CA asserting that the RTC erred in granting the application for land registration of the subject lots.

The CA Ruling

In its decision dated March 15, 2016, the CA denied the appeal and affirmed the RTC ruling. It found that the notice and publication of the initial hearing was sufficient for the court to acquire jurisdiction over the case. The CA stressed that the identities of the lots were clearly established through the technical descriptions provided by respondent, which matched the original approved Survey Plan of Psu-114423. It also gave weight to the slew of tax declarations that respondent offered as evidence to prove her possession of the land.

Further, the CA emphasized that the subject lots were alienable and disposable based on *Republic v. T.A.N. Properties, Inc.*^[9] It observed by judicial notice that Proclamation No. 1637 dated April 18, 1977, established a town site reservation in Antipolo, San Mateo, and Montalban of Rizal, which necessarily classified the lands therein as alienable and indispensable. The CA also highlighted that the CENRO certification confirmed that the subject lands were within the alienable and disposable area of public domain. The dispositive portion of the CA decision states:

WHEREFORE, premises considered, the appeal is **DENIED**. The Decision dated October 5, 2012 of the Regional Trial Court, Branch 75, San Mateo, Rizal, in Land Registration Case No. N-330-09 SM is **AFFIRMED**.

SO ORDERED.^[10]

The Republic moved for reconsideration but it was denied by the CA in its September 20, 2016 resolution.

Hence, this petition. The Republic, through the OSG, raised the following grounds:

I

THE PRESENT PETITION COMES UNDER THE EXCEPTION TO THE GENERAL RULE THAT IN CERTIORARI PROCEEDINGS UNDER RULE 45 OF THE RULES OF COURT, ONLY QUESTIONS OF LAW ARE ENTERTAINED.

II

THE CA ERRED WHEN IT AFFIRMED THE RTC IN GRANTING THE APPLICATION FOR LAND REGISTRATION CONSIDERING THAT RESPONDENT FAILED TO PROVE THAT THE LAND IS ALIENABLE AND DISPOSABLE.

III

THE CA ERRED WHEN IT AFFIRMED THE RTC IN GRANTING THE APPLICATION FOR LAND REGISTRATION CONSIDERING THAT RESPONDENT FAILED TO PROVE THAT SHE AND HER PREDECESSORS-IN-INTEREST HAD OPEN, CONTINUOUS, EXCLUSIVE AND NOTORIOUS POSSESSION AND OCCUPATION OF THE LAND IN THE CONCEPT OF AN OWNER SINCE JUNE 1945 OR EARLIER.^[11]

The Republic argues that the evidence on record is not enough to support the findings and judgments made by the lower courts and that the complete records of the case must be reviewed. It also asserts that the certification from the CENRO falls short of the requirements set by law as the signatories of the said certification were not presented as witnesses.

The Republic also argues that respondent failed to show through incontrovertible evidence acts of dominion over the subject lots for the following reasons:

- a. The testimonies of respondent and her distant cousin Gregorio S. Manahan are not convincing;
- b. The tax declarations submitted dates back to 1965 only;
- c. Respondent did not provide any explanation why it was only in 1965 that the said properties were declared for tax purposes if she and her predecessors-in-interest were indeed in possession of the subject lots from 1945 or earlier;
- d. The real estate taxes were only paid for the year 1994 up to the present, or a mere 14 years, falling short of the requirements;
- e. The subject lots remain to be unoccupied, unfenced, uncultivated, with no improvements except for a short period when a distant relative tended the subject lots; and
- f. Respondent only lived in the subject lots until 1954 and afterwards, she merely visited the lots as she now resides in Sampaloc, Manila.

In her Comment,^[12] respondent counters that the CENRO certification is a substantial compliance with the legal requirement and that the land classification map approved by the DENR Secretary is a mere surplusage. She also argues that the Republic is estopped from assailing the regularity of the said certification since the same was admitted by the public prosecutor.

In its Reply,^[13] the Republic asserts that respondent failed to comply with the requisites for original registration. It adds that the tax declarations presented by respondent dates back only to 1965 showing at best, possession from that year, and the payment for realty taxes for a brief period of time cannot be considered as proof of ownership.

The Court's Ruling