THIRD DIVISION

[G.R. No. 224389, November 07, 2018]

HIGHPOINT DEVELOPMENT CORPORATION, PETITIONER, VS. REPUBLIC OF THE PHILIPPINES, RESPONDENT.

D E C I S I O N

PERALTA, J.:

In this Petition for Review on *Certiorari* under Rule 45 of the Rules of Court, petitioner Highpoint Development Corporation assails the Decision[1] dated December 17, 2015 and the Resolution[2] dated March 16, 2016 of the Court of Appeals (*CA*) in CA G.R. CEB CV No. 03996. The assailed Decision reversed and set aside the Decision[3] dated September 28, 2009 of the Regional Trial Court (*RTC*) of Mandaue City, Branch 55 in LRC Case No. N-676, for original registration of title, whereas the assailed Resolution denied the reconsideration thereof.

The factual antecedents are as follows:

On June 29, 2006, petitioner filed an Application for Original Registration of Title under Presidential Decree (*P.D.*) No. 1529, otherwise known as the *Property Registration Decree*, over a parcel of land situated at Lot 7217, Barangay Lataban, Municipality of Lilo-an, Province of Cebu (*the subject property*) before the RTC of Mandaue City, Branch 55 and docketed as LRC Case No. N-676 (LRA Rec. No. N-78293). The subject property is particularly described as follows:

> A parcel of land (Lot 7217, Lilo-an, PLS-823, described on plan, AP-07-002817), situated in the Barangay of Lataban. Municipality of Lilo-an, province of Cebu, Island of Cebu. Bounded on x x x x x: containing an area of FORTY-THREE THOUSAND NINE HUNDRED NINETEEN (43,919) square meters, more or less.[4]

During the hearing conducted on January 22, 2008, petitioner offered several documents in evidence; and the witnesses corroborate the same and establish the jurisdictional facts of its application. Petitioner presented Artemio Pitogo, Jesusa Longakit, Buenaventura Pendo, and Lydia G. Reuma as its witnesses.

Artemio Pitogo testified that he was the documentary officer in charge of securing the certifications and compliance with all the documentary requirements of petitioner. He traced the ownership and possession of the subject property, starting from the ownership of one Leoncio Sasing until petitioner's purchase of the same from one Jose Gildo S. Tiu, by virtue of a Deed of Sale executed between petitioner and Medlen T. Lee, Jose Gildo S. Tiu's authorized representative, evidenced by a Special Power of Attorney.[5]

Afterwards, petitioner's Finance Manager, Lydia G. Reuma, corroborated Artemio

Pitogo's testimony, and further testified that the subject property was declared by Leoncio Sasing for taxation purposes as early as 1945. In addition, Lydia G. Reuma testified that the Community Environment and Natural Resources Office (CENRO) Certification certified that the subject property was found to be within the "Alienable and Disposable Block, Project No. 29, Land Classification Map 1391, Forestry Administrative Order 4-537 dated July 31, 1940."[6]

Jesusa Longakit and Buenaventura Pendo, both residents of Lataban, Lilo-an, Cebu, testified as to their familiarity with the subject property, particularly the possession and ownership of its previous owners. Moreover, Jesusa Longakit alleges that she was one of the agents who sold the subject property to Merllen T. Lee.[7]

On September 28, 2009, the RTC rendered the decision granting petitioner's application for registration of title. The RTC held that all the requisites for the registration of the subject property were present, and that the subject property was indeed alienable and disposable as indicated from the CENRO Certificate classifying said property as such since July 31, 1940.[8] The RTC was also convinced that petitioner has adverse possession of the subject property, indicated in the tax declarations in the names of petitioner's predecessors-in-interest, the oldest of which was issued in 1945. These tax declarations strengthened the testimonies of the witnesses presented on the predecessors-in-interest's possession of the subject property for more than 30 years.

Aggrieved, respondent Republic of the Philippines, through the Office of the Solicitor General, filed its Motion for Reconsideration, alleging failure on the part of petitioner to prove that: (a) the subject property was indeed alienable and disposable land of the public domain; and (b) it had sufficiently established possession of the subject property for the period required by law.[9] However, the RTC, in its Order dated March 30, 2011, denied respondent's Motion for Reconsideration, prompting the latter to file an appeal before the CA.

In its appeal, respondent argued that petitioner cannot solely rely on the CENRO Certification to prove that the subject land is alienable and disposable. Respondent further explained that in addition to said certification, jurisprudence requires the presentation of a certified true copy of the original classification approved by the Department of Environment and Natural Resources (*DENR*) Secretary, as certified by the legal custodian of the official records. Respondent, in addition, disagrees with the findings of the RTC that the witnesses sufficiently showed that petitioner and its predecessors-in-interest proved their open, continuous, exclusive, and notorious possession for the period required by law. Lastly, respondent assails that petitioner's reliance on the tax declarations is unmeritorious since the same only show signs of possession in the concept of an owner and require further proof of specific acts of ownership.[10]

The CA found respondent's appeal to be meritorious. The *fallo* of the Decision states:

> **WHEREFORE**, premises considered, the instant appeal is GRANTED. The November 21, 2007 Decision dated 28 September 2009 rendered by the Regional Trial Court (RTC) of Mandaue City, Branch 55, 7th Judicial Region, in Land Reg. Case No. N-676 (LRA Record No. N-78293) is

> hereby REVERSED and SET ASIDE. Accordingly, the Application for Registration of Title of applicant-appellee Highpoint Development Corporation in the said case is DENIED.
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> SO ORDERED.[11]

In reversing the RTC Decision, the CA found that petitioner failed to show any express declaration by the national government or any branch of the local government that the subject property has ceased to be part of the public domain, and is thus alienable and disposable, as required under Section 14(1) of P.D. No. 1529.[12]

A motion for reconsideration was filed by petitioner but the CA denied the same on March 16, 2016. Hence, the present Petition.

Petitioner raises the following issues: (a) whether the *pro hac vice* ruling in *Republic of the Phils. v. Vega, et al.*[13] can be applied in favor of petitioner, contrary to the ruling in *Rep. of the Phils. v. T.A.N. Properties, Inc.*;[14] and (b) whether there is cogent reason to revisit the Court's ruling in *Rep. of the Phils. v. TA.N. Properties, Inc.*[15]

We rule in the negative.

At the outset, it is important to explain the meaning of a *pro hac vice* ruling as defined by this Court. In *Partido ng Manggagawa (PM) v. COMELEC*,[16] *pro hac vice* is defined as a Latin term meaning "***for this one particular occasion***."[17] Similarly, in *Tadeja, et al. v. People*,[18] the Court held that a *pro hac vice* ruling is a "***ruling expressly qualified as such cannot be relied upon as a precedent to govern other cases***."[19]

Notably, in reversing the RTC Decision, the CA appropriately cited the case of *Rep. of the Phils. v. T.A.N Properties, Inc.*,[20] *viz*.:

> x x x [I]t is not enough for the PENRO or CENRO to certify that a land is alienable and disposable. The applicant for land registration must prove that the DENR Secretary had approved the land classification and released the land of the public domain as alienable and disposable, and that the land subject of the application for registration falls within the approved area per verification through survey by the PENRO or CENRO. In addition, the applicant for land registration must present 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. These facts must be established to prove that the land is alienable and disposable. Respondent failed to do so because the certifications presented by respondent do not, by themselves, prove that the land is alienable and disposable.[21]

Hence, it cannot be denied that petitioner erred in relying on the Court's ruling in *Vega*, as such case cannot be relied upon as a precedent to govern other cases. As correctly pointed out by respondent, the *Vega* ruling held:

> It must be emphasized that the present ruling on substantial compliance applies *pro hac vice*. ***It does not in any way detract from our rulings in Republic v. T.A.N. Properties, Inc., and similar cases which impose a strict requirement to prove that the public land is alienable and disposable***, especially in this case when the Decisions of the lower court and the Court of Appeals were rendered prior to these rulings. To establish that the land subject of the application is alienable and disposable public land, the general rule remains: all applications for original registration under the Property Registration Decree must include both (1) a CENRO or PENRO certification and (2) a certified true copy of the original classification made by the DENR Secretary.[22] (Citation omitted, emphasis ours)

Highly relevant is the Court's ruling in the recent case of *Republic of the Philippines v. Alaminos Ice Plant and Cold Storage, Inc., etc.*,[23] to wit:

> x x x [T]he appellate court erred in relying solely on the CENRO certification in order to affirm the approval of the application for the original registration of the subject public land. Significantly - and this point serves to stress the gravity of the CA's mistake - ***the CA ruling came after this Court had promulgated Republic v. T.A.N. Properties, wherein the strict requirement iu land registration cases for proving public dominion lands as alienable and disposable had been duly recognized***.
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> The above ***pronouncements*** in *Republic v. T.A.N. Properties* remain current, and were current at the time of the CA ruling. Naturally, the pronouncements found iteration in succeeding cases, notably in the 2011 *pro hac vice* case of *Republic v. Vega*, where the general rule was nevertheless summarized and reaffirmed in this wise:
>
> > To establish that the land subject of the application is alienable and disposable public land, the general rule remains: all applications for original registration under the Property Registration Decree must include both (1) a CENRO or PENRO certification and (2) a certified true copy of the original classification made by the DENR Secretary.
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> Respondent failed to present a certified true copy of the DENR's original classification of the land. ***With this failure, the presumption that Lot 6411-B, Csd-01-013782-D, is inalienable public domain has not been overturned.*** The land is incapable of registration in this case. On the strength of this reason alone, we reverse the assailed ruling. (Citations omitted, emphasis ours)

Moreover, it must be emphasized that petitioner cannot simply forego the submission of the DENR certification as a requirement for the registration of title and claim that it has substantially complied with the requirements of law. The certification issued by the DENR Secretary is essential since he or she is the official authorized to approve land classification, including the release of land from public domain.[24] *Republic of the Philippines v. Spouses Go*[25] further provides a comprehensive explanation of such requirement, to wit: