

## SECOND DIVISION

[ G.R. No. 219070, June 21, 2017 ]

**CONRADO R. ESPIRITU, JR., TERESITA ESPXRITU-GUTIERREZ,  
MARIETTA R. ESPIRITU-CRUZ, OSCAR R. ESPIRITU, AND  
ALFREDO R. ESPIRITU, PETITIONERS, VS. REPUBLIC OF THE  
PHILIPPINES, RESPONDENT.**

### DECISION

**MENDOZA, J.:**

This is a petition for review on *certiorari* seeking to reverse and set aside the March 20, 2015 Decision<sup>[1]</sup> and June 18, 2015 Resolution<sup>[2]</sup> of the Court of Appeals (CA) in CA-G.R. CV No. 101002, which reversed and set aside the July 30, 2012 Decision<sup>[3]</sup> of the Regional Trial Court, Branch 274, Parañaque City (RTC) in Land Registration Case No. 10-0026 (LRC No. 10-0026), which approved the application for land registration filed by the petitioners.

#### The Antecedents

On March 1, 2010, the petitioners, with their now deceased sibling, Carmen Espiritu, filed before the RTC an Application for Registration of Title to Land<sup>[4]</sup> covering a parcel of land with an area of 6,971 square meters, located at Barangay La Huerta, Parañaque City, Metro Manila, and identified as Lot 4178, Cad. 299 of the Parañaque Cadastre Case 3 (*subject land*).

Attached to the petitioners' application were copies of the following documents: (1) Special Powers of Attorney respectively executed by petitioners Oscar Espiritu (*Oscar*)<sup>[5]</sup> and Alfredo Espiritu (*Alfredo*)<sup>[6]</sup> in favor of petitioner Conrado Espiritu, Jr. (*Conrado, Jr.*), to represent them in the proceedings relating to the application; (2) Advanced Survey Plan<sup>[7]</sup> of Lot No. 4178, Cad. 299 of the Parañaque Cadastre Case 3; (3) Technical Description<sup>[8]</sup> of Lot 4178, AP-04-003281, being an advanced survey of Lot 4178, Cad. 299, Parañaque Cadastre Case 3; and (4) Tax Declaration (*T.D.*) No. E-005-01718-TR.<sup>[9]</sup>

The petitioners alleged that their deceased parents, Conrado Espiritu, Sr. (*Conrado, Sr.*) and Felicidad Rodriguez-Espiritu (*Felicidad*), were the owners of the subject land; that they inherited the subject land after their parents passed away; and that they, by themselves and through their predecessors-in-interest, have been in open, public, and continuous possession of the subject land in the concept of owner for more than thirty (30) years.

Subsequently, the RTC determined that it had jurisdiction to act on the application. Thereafter, trial ensued, during which Oscar, Conrado, Jr., Ludivina Aromin (*Aromin*), Ferdinand Encarnacion (*Encarnacion*), and Marietta Espiritu-Cruz (*Marrieta*), were

presented as witnesses.

Encarnacion, a staff in the Docket Division of the Land Registration Authority, testified that the notices relative to the application for registration of the subject land were served on the owners of the adjoining lots.

Marrieta testified that she is one of the children of Conrado, Sr. and Felicidad; that she was born on February 23, 1933; that she has known the subject land since she was seven (7) years old because her parents owned the same; that before her parents, her grandparents and Felicidad's parents, Dalmacio Rodriguez and Dominga Catindig were the owners of the subject land; that she, together with her siblings, inherited the subject land from Conrado, Sr. and Felicidad, who died in March 1984 and on January 10, 1986, respectively; that they possessed the subject land openly and continuously since the death of their parents; that the subject land was agricultural in nature because it was being used as salt land during summer and as fishpond during rainy season; and that there were no adverse claimants over the subject land.

Oscar corroborated Marietta's testimony. He reiterated that they were in possession and occupation of the subject land because they could visit the property whenever they wanted to, introduce improvements thereon, and prevent intruders from entering it.

Conrado, Jr. testified that he commissioned the survey of the subject land; that he requested and received from Laureano B. Ligan, Jr., Regional Technical Director of the Forest Management Services (FMS), Department of Environment and Natural Resources-National Capital Region (DENR-NCR), a Certification,<sup>[10]</sup> dated October 6, 2010, stating that the subject land was part of the alienable and disposable land of the public domain; and that they utilized the subject land in their salt-making business, which they inherited from their parents.

On cross-examination, Conrado, Jr. admitted that their salt-making business ceased operation in 2004, and that the subject land had become idle.

For her part, Aromin, the Chief of the Technical Services of the DENR-NCR, testified that their office issued a certified copy of the technical description of Lot No. 4178 (AP 04-003281) on February 18, 2010; and that the technical description was verified to be consistent with the approved survey plan of Lot No. 4178.

In addition to the testimonies of their witnesses, the petitioners also presented in evidence several tax declarations covering the subject land, the earliest of which was T.D. No. 31802<sup>[11]</sup> issued on April 28, 1970; a Certification,<sup>[12]</sup> dated January 26, 2011, issued by the Parañaque City Treasurer's Office stating that the real property tax for the subject land had been fully settled up to year 2010; and the DENR-NCR certification alluded to by Conrado, Jr. during his direct examination, to the effect that the subject land was verified to be within the alienable and disposable land under Project No. 25 of Parañaque City, as per LC Map 2623, and that it is not needed for forest purposes.

*The RTC Ruling*

In its decision, dated July 30, 2012, the RTC granted the application for registration. The trial court opined that the petitioners were able to establish possession and occupation over the subject land under a *bona fide* claim of ownership since June 12, 1945 or earlier. It gave credence to the testimony of Marrieta that she had known that the subject land belonged to their parents as early as 1940 because she was already seven (7) years old at that time.

The trial court was convinced that the petitioners were able to prove that the subject land was part of the alienable and disposable land of the public domain. In so ruling, it relied on the contents of the DENR-NCR certification. The dispositive portion of the decision reads:

WHEREFORE, pursuant to Section 29 of P.D. No. 1529 as amended, judgment is hereby rendered granting the application of the applicants, namely, Carmen R. Espiritu, Conrado R. Espiritu, Jr., Marrieta R. Espiritu, Oscar R. Espiritu, Alfredo R. Espiritu, and Teresita R. Espiritu, confirming the title of said applicants over the parcel of land fully described on its technical description described as follows:

X X X

and ordering the registration of said parcel of land in the name of the applicants.

Once this Decision becomes final, let the corresponding Order for the issuance of the Decree be issued.

SO ORDERED.<sup>[13]</sup> (Boldface omitted)

The Republic moved for reconsideration, but its motion was denied by the RTC in its resolution, dated April 1, 2013.

Aggrieved, the Republic, through the OSG, elevated an appeal to the CA.<sup>[14]</sup>

#### *The CA Ruling*

In its assailed decision, dated March 20, 2015, the CA reversed and set aside the July 30, 2012 RTC decision. In reversing the trial court, the appellate court reiterated the prevailing doctrine that to successfully register a parcel of land, the application must be accompanied by: (1) a CENRO or PENRO certification stating the alienable and disposable character of the land applied for; 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. It opined that the DENR-NCR certification presented by the petitioners would not suffice to prove that the subject land was indeed classified by the DENR Secretary as alienable and disposable. The CA explained that under Department of Agriculture Orders (DAO) Nos. 20 and 38, the Regional Technical Director of the FMS had no authority to issue certificates of land classification; and that the petitioners failed to present a certified true copy of the original classification approved by the DENR Secretary. The dispositive portion of the decision states:

WHEREFORE, in view of the foregoing, the instant appeal is hereby GRANTED. The Decision dated July 30, 2012 of the Regional Trial Court, Branch 274 in Parañaque City in LRC Case No. 10-0026 is hereby ANNULLED and SET ASIDE. The application for registration of land title filed by the applicants-appellees Carmen R. Espiritu, Conrado R. Espiritu, Jr., Marrieta R. Espiritu, Oscar R. Espiritu, Alfredo R. Espiritu and Teresita R. Espiritu is hereby DENIED.

SO ORDERED.<sup>[15]</sup> (Boldface omitted)

The petitioners moved for reconsideration, but their motion was denied by the CA in its resolution, dated June 18, 2015.

Hence, this petition.

### **ISSUE**

#### **WHETHER THE APPELLATE COURT ERRED IN REVERSING THE TRIAL COURT AND DISMISSING THE PETITIONERS' APPLICATION FOR REGISTRATION OF TITLE.**

The petitioners, relying on the cases of *Republic of the Philippines v. Serrano* (*Serrano*)<sup>[16]</sup> and *Republic v. Vega* (*Vega*)<sup>[17]</sup> argue that they had substantially complied with the presentation of the required proof that the land applied for registration is alienable and disposable part of the public domain. They assert that the DENR-NCR certification they submitted, together with all the documentary evidence they presented, constituted substantial compliance with the legal requirement that the land must be proved to be alienable and disposable part of the public domain. The petitioners insist that the DENR-NCR certification they submitted was sufficient proof of the character of the subject land because under DAO No. 2012-09,<sup>[18]</sup> dated November 14, 2012, the Regional Executive Director of the DENR is vested with authority to issue certifications on land classification for lands situated in Metro Manila.

The petitioners further claimed that they already submitted a certified true copy of the original land classification covering the subject land. They assert that in their Motion for Reconsideration, dated May 3, 2015, filed before the CA, they attached a copy of Forestry Administrative Order (FAO) No. 4-1141, dated January 3, 1968, signed by Arturo R. Tanco, Jr., then Secretary of Agriculture and Natural Resources.

In its Comment,<sup>[19]</sup> the Republic countered that the petitioners failed to comply with the requirements that the application for original registration must be accompanied by (1) a CENRO/PENRO certification; and (2) a certified true copy of the original classification approved by the DENR Secretary. It contended that the petitioners' reliance on *Serrano* and *Vega* were misplaced, because the rulings therein on substantial compliance were mere *pro hac vice*. The Republic further averred that while the petitioners were able to present a copy of FAO No. 4-1141, the same had no probative value as it was not presented during the proceedings before the RTC. Lastly, it claimed that assuming *arguendo* that the petitioners had sufficiently established the character of the subject land as alienable and disposable, registration would still not be proper, considering that they failed to establish the necessary possession and occupation for the period required by law.

In their Reply,<sup>[20]</sup> dated July 21, 2016, the petitioners insisted on the application of *Serrano* and *Vega* to the present case. They also assert that even if their copy of FAO No. 4-1141 was not presented during the proceedings before the RTC, the same still have probative value. On the basis of *Natividad Sta. Ana Victoria v. Republic of the Philippines (Sta. Ana Victoria)*,<sup>[21]</sup> the petitioners claim that in land registration cases, the Court has allowed the presentation of additional certifications to prove the alienability and disposability of the land sought to be registered when the authenticity thereof were not sufficiently contested.

### **The Court's Ruling**

The petition lacks merit.

The Court notes that the subject application was filed under Section 14(2) of Presidential Decree (P.D.) No. 1529, considering the allegation therein of possession and occupation in the concept of owner for more than thirty (30) years. The trial court, however, granted the application under Section 14(1) of the same decree after finding that the petitioners were able to establish open, continuous, and exclusive possession and occupation of the subject land under a *bona fide* claim of ownership since June 12, 1945 or earlier.

Manifestly, there has been some uncertainty under what provision of law the present application for registration is being sought because the requirements and basis for registration under these two provisions of law differ from one another. Section 14(1) mandates registration on the basis of possession, while Section 14(2) entitles registration on the basis of prescription.<sup>[22]</sup> Nevertheless, for the proper resolution of the issues and arguments raised herein, the present application would be scrutinized based on the requirements of the provisions of Sections 14(1) and (2) of P.D. No. 1529.

#### *Registration under Section 14(1) of P.D. No. 1529*

Section 14, paragraph 1 of P.D. No. 1529 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.

x x x

Registration under Section 14(1) of P.D. No. 1529 is based on possession and occupation of the alienable and disposable land of the public domain since June 12, 1945 or earlier, without regard to whether the land was susceptible to private ownership at that time.<sup>[23]</sup> Thus, for registration under Section 14(1) to prosper, the applicant for original registration of title to land must establish the following: (1)