

## SECOND DIVISION

[ G.R. No. 197297, August 02, 2017 ]

### REPUBLIC OF THE PHILIPPINES, PETITIONER, VS. SPOUSES DANILO GO AND AMORLINA GO, RESPONDENTS.

#### DECISION

##### LEONEN, J.:

Public land remains inalienable unless it is shown to have been reclassified and alienated to a private person.<sup>[1]</sup>

This resolves a Petition for Review assailing the Court of Appeals Decision dated January 21, 2011 and Resolution dated June 6, 2011 in CA-G.R. CV No. 93000, which affirmed the Decision of the Municipal Trial Court in Cities dated December 12, 2008 issuing the Decree of Registration for Lot No. 4699-B of Subdivision Plan Csd-04-022290-D in favor of the Spouses Danilo and Amorlina Go.

On August 26, 2006, respondents Spouses Danilo and Amorlina Go (the Spouses Go) applied for the registration and confirmation of title over Cadastral Lot No. 4699-B (Lot No. 4699-B), a parcel of land in Barangay Balagtas, Batangas City covering an area of 1,000 square meters.<sup>[2]</sup>

The Spouses Go registered Lot No. 4699-B in their names for taxation purposes. They had paid the real property taxes, including the arrears, from 1997 to 2006, as shown in Tax Declaration No. 026-04167.<sup>[3]</sup> They had also established a funeral parlor, San Sebastian Funeral Homes, on the lot.<sup>[4]</sup> According to them, there were no other claimants over the property.<sup>[5]</sup>

The Spouses Go claimed to be in an open, continuous, exclusive, notorious, and actual possession of the property for seven (7) years since they bought it.<sup>[6]</sup> They also tacked their possession through that of their predecessors-in-interest, as follows:

Sometime in 1945,<sup>[7]</sup> Anselmo de Torres (Anselmo) came to know that his parents, Sergia Almero and Andres de Torres (the Spouses de Torres),<sup>[8]</sup> owned Lot No. 4699,<sup>[9]</sup> a bigger property where Lot No. 4699-B came from. According to Anselmo, the Spouses de Torres paid the real property taxes during their lifetime and planted bananas, mangoes, calamansi, and rice on this lot.<sup>[10]</sup> His mother, Sergia Almero (Sergia), allegedly inherited Lot No. 4699 from her parents, Celodonio and Eufemia Almero (the Spouses Almero).<sup>[11]</sup>

In the 1960s, Anselmo and his siblings inherited Lot No. 4699 from their parents upon their deaths.<sup>[12]</sup>

One of Anselmo's sisters, Cristina Almero de Torres Corlit (Cristina), then built a residential house on Lot No. 4699-B,<sup>[13]</sup> declaring this parcel of land under her name for tax purposes, as evidenced by Tax Declaration No. 026-03492.<sup>[14]</sup> Meanwhile, Anselmo and his other siblings built their homes on another portion of Lot No. 4699.<sup>[15]</sup> Anselmo, who was then 28 years old, started living in the eastern portion from 1966.<sup>[16]</sup>

On January 26, 2000, the Spouses Go bought Lot No. 4699-B from the previous owners, siblings Anselmo, Bernardo Almero de Torres, Leonila Almero de Torres Morada, and Cristina, as evidenced by a Deed of Absolute Sale.<sup>[17]</sup>

On August 26, 2006, the Spouses Go (respondents) applied for the registration and confirmation of title of Lot No. 4699-B.<sup>[18]</sup> They attached the Report dated January 31, 2007 of Special Land Investigator I Ben Hur Hernandez (Hernandez) and the Certification dated January 29, 2008 of Forester I Loida Maglinao (Maglinao) of the Batangas City Community Environment and Natural Resources Office (CENRO) of the Calamba, Laguna, Batangas, Rizal, and Quezon (CALABARZON) Region of the Department of Environment and Natural Resources (DENR).<sup>[19]</sup>

Hernandez's January 31, 2007 Report and Maglinao's January 29, 2008 Certification stated that the property was located in an alienable and disposable zone<sup>[20]</sup> since March 26, 1928, under Project No. 13, Land Classification Map No. 718.<sup>[21]</sup> No patent or decree was previously issued over the property.<sup>[22]</sup>

On November 3, 2006, the Republic of the Philippines (petitioner) opposed respondents' application for registration for the following reasons: 1) Lot No. 4699-B was part of the public domain; 2) neither the Spouses Go nor their predecessors-in-interest had been in open, continuous, exclusive, and notorious possession and occupation of the property since June 12, 1945 or even before then; 3) the tax declaration and payment were not competent or sufficient proof of ownership, especially considering that these were relatively recent.<sup>[23]</sup>

Anselmo and his siblings had no proof of their inheritance. He claimed that the office having custody of the documentary proof of their inheritance was burned<sup>[24]</sup> and they no longer had the original copy of the documents.<sup>[25]</sup>

In the Decision<sup>[26]</sup> dated December 12, 2008, the Municipal Trial Court in Cities confirmed the title of the lot in the name of the Spouses Go. The dispositive portion read:

Considering that the applicants have duly established essential facts in support of the application, the Court hereby confirms title to Lot 4699-B, Cad 264 Batangas Cadastre covered in approved plan Csd-04-22290-D, containing an area of ONE THOUSAND (1,000) SQUARE METERS situated at Barangay Balagtas, Batangas City in the name of Spouses Danilo Go and Amorlina A. Go, of legal age, Filipino and residents of San Jose Subdivision, Barangay San Sebastian, Lipa City.

Once the Decision becomes final, let the corresponding Decree of Registration be issued.

SO ORDERED.<sup>[27]</sup>

Petitioner appealed directly to the Court of Appeals. In the Decision<sup>[28]</sup> dated January 21, 2011, the Court of Appeals denied the appeal:

**WHEREFORE**, premises considered, the appeal is **DENIED**. The assailed *Decision*, dated December 12, 2008, of the Municipal Trial Court in Cities (MTCC), Branch 2, Pallocan West, Batangas City in Land Registration Case No. 2006-162, is **AFFIRMED**.

No pronouncement as to costs.

SO ORDERED.<sup>[29]</sup>

Petitioner filed its Motion for Reconsideration,<sup>[30]</sup> which was denied on June 6, 2011.<sup>[31]</sup>

Petitioner elevated<sup>[32]</sup> the case before this Court, arguing that Maglinao testified having investigated only 200 square meters of the 1,000-square-meter land for registration.<sup>[33]</sup> She also admitted that her certification was based on the approved plan and not on the Land Classification Map. She certified the lot only to determine "the point or monument of the entire or whole area" and not to identify its alienable character. Thus, petitioner argues that Maglinao's certification should not have been used to determine that the land was alienable and disposable.<sup>[34]</sup>

Petitioner assails respondents' failure to submit a copy of the original classification map that bears the DENR Secretary's approval and its legal custodian's certification as a true copy.<sup>[35]</sup> Petitioner argues that a CENRO Certification is insufficient to establish that a land applied for registration is alienable.<sup>[36]</sup>

In the Resolution dated August 15, 2011, this Court required respondents to submit a certified true copy of any Presidential or DENR Secretary's issuance stating Lot No. 4699-B as alienable and disposable.<sup>[37]</sup>

In their Compliance<sup>[38]</sup> dated September 25, 2011, the Spouses Go attached a certified photocopy of the CENRO Certification dated January 29, 2008,<sup>[39]</sup> which this Court noted.<sup>[40]</sup> In the Resolution dated November 14, 2011, this Court informed the Spouses Go that the CENRO Certification was not the submission required of them.<sup>[41]</sup>

On June 20, 2012, the Spouses Go's counsel, Atty. Jose Amor M. Amorado, was ordered "to show cause why he should not be disciplinarily dealt with or held in contempt" for failure to comply with this Court's August 15, 2011 Resolution.<sup>[42]</sup> The Spouses Go manifested that they had already complied with this Court's Resolution through their September 25, 2011 Compliance.<sup>[43]</sup> They re-attached the CENRO Certification dated January 29, 2008.<sup>[44]</sup>

On September 24, 2012, this Court resolved<sup>[45]</sup> to require respondents to file their Comment. The Spouses Go failed to do so, which led this Court to again require<sup>[46]</sup> their counsel to show cause for their failure to comply with the September 24, 2012 Resolution.

In their Compliance<sup>[47]</sup> dated August 15, 2013, the Spouses Go informed this Court that they would dispense with the filing of their Comment.

For resolution before this Court is whether the Court of Appeals erred in issuing the Spouses Go a Decree of Registration over Lot No. 4699-B.

## I

Any application for confirmation of title under Commonwealth Act No. 141<sup>[48]</sup> already concedes that the land is previously public.

For a person to perfect one's title to the land, he or she may apply with the proper court for the confirmation of the claim of ownership and the issuance of a certificate of title over the property.<sup>[49]</sup> This process is also known as judicial confirmation of title.<sup>[50]</sup>

Section 48(b) of Commonwealth Act No. 141, as amended<sup>[51]</sup> by Presidential Decree No. 1073,<sup>[52]</sup> states who can apply for judicial confirmation of title:

Section 48. The following described citizens of the Philippines, occupying *lands of the public domain* or claiming to own any such lands or an interest therein, but whose titles have not been perfected or completed, may apply to the Court of First Instance [Regional Trial Court] of the province where the land is located for confirmation of their claims and the issuance of a certificate of title therefor, under the Land Registration Act, to wit:

....

(b) Those who by themselves or through their predecessors in interest have been in the open, continuous, exclusive, and notorious possession and occupation of *agricultural lands* of the public domain, under a bona fide claim of acquisition or ownership, except as against the government, since July twenty-sixth, eighteen hundred and ninety-four, except when prevented by war or force majeure. Those shall be conclusively presumed to have performed all the conditions essential to a Government grant and shall be entitled to a certificate of title under the provisions of this chapter.  
(Emphasis supplied)

Commonwealth Act No. 141 is a special law that applies to agricultural lands of the public domain, not to forests, mineral lands, and national parks.<sup>[53]</sup> The requisite period of possession and occupation is different from that of land classification.

In an application for judicial confirmation of title, an applicant already holds an imperfect title to an agricultural land of the public domain after having occupied it from June 12, 1945 or earlier.<sup>[54]</sup> Thus, for purposes of obtaining an imperfect title, the date it was classified is immaterial.<sup>[55]</sup>

Classifying a land of the public domain as agricultural is essential only to establish the applicant's "eligibility for land registration, not the ownership or title over it."<sup>[56]</sup> *Heirs of Malabanan v. Republic of the Philippines*<sup>[57]</sup> explained:

[T]he applicant's imperfect or incomplete title is derived only from possession and occupation since June 12, 1945, or earlier. This means that the character of the property subject of the application as alienable and disposable agricultural land of the public domain determines its eligibility for land registration, not the ownership or title over it.<sup>[58]</sup>

In *Malabanan*, the Court *En Banc* affirmed that June 12, 1945 is the "reckoning point of the requisite *possession* and occupation" and not of the land classification as alienable and disposable:

[T]he choice of *June 12, 1945* as the reckoning point of the requisite possession and occupation was the sole prerogative of Congress, the determination of which should best be left to the wisdom of the lawmakers. Except that said date qualified the *period of possession and occupation*, no other legislative intent appears to be associated with the fixing of the date of June 12, 1945. Accordingly, the Court should interpret only the plain and literal meaning of the law as written by the legislators.

[A]n examination of Section 48 (b) of the Public Land Act indicates that Congress prescribed no requirement that the land subject of the registration should have been classified as agricultural since June 12, 1945, or earlier.<sup>[59]</sup> (Emphasis supplied)

Thus, the land may be declared alienable and disposable at any time, not necessarily before June 12, 1945. The moment that the land is declared alienable and disposable, an applicant may then initiate the proceedings for the judicial confirmation of title.

On the other hand, for the requisite duration of possession, an applicant must have had possession of the property under a bona fide claim of ownership or acquisition, from June 12, 1945 or earlier. Such possession must have also been open, continuous, exclusive, and notorious.<sup>[60]</sup>

Under Section 11(4)(a) of Commonwealth Act No. 141, the judicial confirmation of imperfect or incomplete titles, which the law describes as "judicial legalization," allows for agricultural public lands to be disposed of by the State and acquired by Filipino citizens.<sup>[61]</sup>

Meanwhile, Section 14(1) of Presidential Decree No. 1529<sup>[62]</sup> provides for the procedure to register a title under the Torrens system: