

FIRST DIVISION

[G.R. No. 181435, October 02, 2017]

REPUBLIC OF THE PHILIPPINES, PETITIONER, VS. ROSARIO L. NICOLAS, RESPONDENT.

DECISION

SERENO, C.J.:

This is a Petition for Review on Certiorari^[1] filed by the Republic of the Philippines to assail the Court of Appeals (CA) Decision^[2] and Resolution^[3] in CA-G.R. CV No. 81678. The CA affirmed the Regional Trial Court (RTC) Decision,^[4] which granted the Petition^[5] filed by respondent Rosario L. Nicolas for the registration of title to a parcel of land located in *Barangay (Brgy.)* San Isidro, Rodriguez, Rizal.^[6] The appellate court agreed with the conclusion of the RTC that respondent had convincingly established her ownership of the land and was therefore entitled to judicial confirmation and registration of title.^[7]

FACTUAL ANTECEDENTS

On 22 March 1996, respondent filed a Petition before the RTC of San Mateo, Rizal,^[8] seeking to register her title over Lot 2 of Survey Plan Psu-213331, a parcel of land located in *Brgy.* San Isidro, Rodriguez, Rizal, with an area of 118,448 square meters.^[9] She asserted that she was entitled to confirmation and registration of title, as she had been in "natural, open, public, adverse, continuous, uninterrupted" possession of the land in the concept of an owner since October 1964.^[10]

Petitioner Republic of the Philippines filed an Opposition^[11] to the Petition. It contended that (a) neither respondent nor her predecessors-in-interest had been in open, continuous, exclusive and notorious possession of the land since 12 June 1945;^[12] (b) the Tax Declarations attached to the Petition did not constitute sufficient evidence of the acquisition or possession of the property;^[13] (c) respondent failed to apply for registration of title within six months from 16 February 1976 as required by Presidential Decree No. (P.D.) 892;^[14] and (d) the land in question was part of the public domain and not subject to private appropriation.^[15]

After the conduct of proceedings to confirm compliance with jurisdictional requisites,^[16] the RTC directed respondent to submit documents to establish that (a) the property that was the subject of the application for registration of title was not covered by the Comprehensive Agrarian Reform Program of the Government; (b) there were no tenants on the property; and (c) the land was not subject to any homestead, free patent, or grant of title from the Land Registration Authority (LRA),

the Bureau of Lands, or the Department of Agrarian Reform.^[17] Respondent was also directed to begin the presentation of her evidence.^[18]

In line with this directive, the Community Environment and Natural Resources Office (CENRO) submitted a Report^[19] on the results of its verification of the existing records on the subject property. The Report stated that the land "appears to be [n]ot covered by any public land application nor embraced by any administrative title."^[20] However, the entry with respect to whether the land was within the alienable and disposable zone was left blank with a notation that the area was "not projected due to [unavailability of coordinates re:] Tala Estate Tie-Line."^[21]

The LRA likewise submitted a Report^[22] stating that it "was not in a position to verify whether or not the parcel of land subject of registration is already covered by land patent and is within the area classified as alienable and disposable land of the public domain."^[23] Hence, the LRA recommended that the CENRO of Antipolo, Rizal, be ordered to submit a report on the status of the land.^[24] This proposal was adopted by the RTC in an Order^[25] dated 28 December 1998.

During trial, respondent presented three witnesses to prove her right to register the property: Leonila Alfaro, her daughter and attorney-in-fact, who testified that respondent had occupied the land since 1940 and had paid the real estate taxes therefor since 1969;^[26] Santiago Eulin, who was allegedly hired by respondent to plant vegetables and fruit trees on the land and who acted as its caretaker since 1942;^[27] and Roberto M. Valdez of the LRA, who identified the original tracing cloth plan for the property.^[28]

The following documents were likewise submitted to the trial court: Survey Plan PSU-213331,^[29] a Surveyor's Certificate^[30] and technical descriptions of the property,^[31] which purportedly proved that the land had been duly surveyed by the Land Management Sector; various Tax Declarations and receipts;^[32] and a Certification issued by the CENRO that the land applied for was not covered by any public land application.^[33]

Petitioner, on the other hand, decided to have the case submitted for resolution without any further submission.^[34]

THE RULING OF THE RTC

In a Decision dated 31 July 2002, the RTC granted the Petition and ordered the issuance of a Decree of Registration in favor of respondent.^[35] It declared that she had acquired ownership of the land by way of open, continuous, public, adverse, actual and *bona fide* possession in the concept of an owner since 1940.^[36]

Petitioner appealed the RTC Decision to the CA. In the Appellant's Brief,^[37] the Republic argued that respondent had failed to clearly and convincingly establish that she had actual, continuous, exclusive and notorious possession of the property since 12 June 1945 or earlier as required by Section 14(1) of P.D. 1529 or the Property Registration Decree.^[38] Petitioner further asserted that there was no basis for the

finding of the RTC that she had occupied the land since 1940.^[39]

Respondent failed to file an appellee's brief.^[40] Consequently, the CA considered the case submitted for resolution.^[41]

THE RULING OF THE CA

On 23 August 2007, the CA dismissed petitioner's appeal.^[42] According to the appellate court, the evidence presented proved that respondent had occupied the land since 1940. Even assuming that her possession of the property started only when she had it privately surveyed in 1964, she had been its occupant for more than 30 years.^[43] As such, she was still entitled to registration of title under Section 14(2) of P.D. 1529.

The CA further characterized the land as private property:

The fact that the subject land is covered by a private survey (PSU) (EXH. "J") way back in 1964, which survey was approved on April 1965 by Director Nicanor Jorge of the then Bureau of Lands, is a clear indication that it is already private in nature. Moreover, applicant's evidence consisting of the DENR-CENRO Certifications (Exhs. "O" and "P") that Lot 2 of PSY 213331 is not covered by any public land application and that its equivalent is Lot No, 10549 of the Montalban Cadastre have substantial probative value which established (sic) that the land is alienable and disposable and not covered by any land grant from the government.

Petitioner moved for reconsideration of the Decision.^[44] The CA, however, denied the motion in a Resolution^[45] dated 22 January 2008, prompting petitioner to elevate the case to this Court.

PROCEEDINGS BEFORE THIS COURT

In its Petition for Review, the Republic argues that (a) the decision of the CA and the RTC to confirm the title of respondent to the land based on her possession and occupation thereof was not supported by evidence; and (b) the testimonial and documentary evidence she presented did not establish possession of the property in the manner and period required by law, that is, her possession of the property since 12 June 1945 or earlier. Petitioner also emphasizes that the lower courts gave undue importance to the Tax Declarations and receipts presented,^[46] as well as to the testimonies of respondent's witnesses, notwithstanding the inconsistencies in their statements.

On 26 September 2008, respondent filed a Manifestation and Comment^[47] in which she pointed out that the grounds relied upon by petitioner all pertain to allegedly erroneous findings of fact. She argued that these grounds could not be raised in a Rule 45 proceeding; hence, the dismissal of the petition was warranted.^[48]

Petitioner reiterated its arguments in its Reply^[49] and Memorandum^[50] filed on 17 March 2009 and 19 February 2010, respectively.

ISSUES

Based on the submissions of the parties and the Decisions of the CA and the RTC, two issues are presented for resolution by this Court:

- (1) Whether the CA erroneously allowed the judicial confirmation of respondent's title to the property under Section 14(1) of P.D. 1529; and
- (2) Whether the CA erred in declaring that respondent is likewise entitled to registration of title based on ownership by acquisitive prescription under Section 14(2) of P.D. 1529.

OUR RULING

We GRANT the Petition.

Applications for registration of title to land, both public and private, are governed by Section 14 of P.D. 1529:

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.

Where the land has been sold under pacto de retro, the vendor a retro may file an application for the original registration of the land, provided, however, that should the period for redemption expire during the pendency of the registration proceedings and ownership to the property consolidated in the vendee a retro, the latter shall be substituted for the applicant and may continue the proceedings.

A trustee on behalf of his principal may apply for original registration of any land held in trust by him, unless prohibited by the instrument creating the trust.

Each paragraph of Section 14 refers to a distinct type of application depending on the applicable legal ground. Since each type is governed by its own set of legal principles, the framework for analysis to be used in resolving an application would vary depending on the paragraph invoked.^[51] Hence, it is important for the Court to first determine the exact legal ground used by an applicant for registration.^[52]

In this case, we note that the application filed by respondent before the RTC did not state the exact legal basis of her request. At best, the pleading implied that her claim was one for registration and confirmation of title based on her *possession* and *occupation* of the property:

COMES NOW Petitioner Rosario L. Nicolas, of legal age, widow, Pilipino [sic] with address at Brgy. San Isidro, Rodriguez (formerly Montalban), Rizal Province, Philippines, by her undersigned counsel and to this Honorable Court respectfully petitions to have the land hereinafter described below brought under the operation of the Land Registration Act and to have said land **titled, registered and confirmed** in her name and further declares that:

x x x x

6. Petitioner acquired the subject parcel of land **by way of occupation** and has been in **natural, open, public, adverse, contin[u]ous, uninterrupted** and in the concept of an **owner/possessor** thereof since October 1964 up to the present.^[53] (Emphases supplied)

From the foregoing allegations, it appears that the claim of respondent is anchored on either of the first two paragraphs of Section 14. However, it is unclear whether she sought judicial confirmation and registration of her title pursuant to Section 14(1) of P.D. 1529, or of the registration of her title on the ground of acquisitive prescription under Section 14(2) of the same law.

Similarly, no specific provision in P.D. 1529 was identified by the RTC when it granted the Petition.^[54] Its mention of the Civil Code, however, seems to indicate an application of the principle of acquisitive prescription. The CA, for its part, delineated the differences between the first two paragraphs of Section 14, but decided to apply both clauses. In its Decision, it ruled that respondent is entitled to register her title under either paragraph:

From the evidence adduced, **applicant-appellee has convincingly established her registrable title to the subject land, which is entitled to confirmation and registration by the trial court.** As testified by the daughter of applicant, her mother commenced occupying the subject land since 1940 and up to the present which (sic) has been planted with fruit-bearing trees and vegetables by their caretaker. Her testimony was corroborated by Santiago Eulin, their caretaker since 1942 who took over after his father, the original caretaker. These witnesses declared that they even stayed on the land in question where the applicant has a hut. It was also established that the applicant had the property surveyed in 1964 resulting in the approval of Plan PSU 21331 by the Bureau of Lands. This qualifies applicant under **Section 14, par. 1 of the Property Registration Decree.**