

FIRST DIVISION

[G.R. No. 166890, June 28, 2016]

**REPUBLIC OF THE PHILIPPINES, PETITIONER, VS. APOLONIO
BAUTISTA, JR., RESPONDENT.**

DECISION

BERSAMIN, J.:

The applicant for judicial confirmation of imperfect title must trace his possession of the subject land to June 12, 1945, or earlier. Any length of possession that does not comply with the requirement cannot support the application, which must be then dismissed for failure to comply with Commonwealth Act No. 141 (*Public Land Act*) and Presidential Decree No. 1529 (*Property Registration Decree*).

The Case

The Government appeals the adverse judgment promulgated on September 30, 2004,^[1] whereby the Court of Appeals (CA) affirmed the decision of the Municipal Trial Court (MTC) of Subic, Zambales rendered on November 17, 1998 in LRC Case No. N-12-10-96 entitled *In Re: Application for Land Registration of Lot 17078 of Cad. 547-D, Subic Cadastre*^[2] granting the application of respondent Apolonio Bautista, Jr. for the judicial confirmation of title of Lot 17078 of Cad. 547-D, Subic Cadastre.

Antecedents

After acquiring Lot 17078 of Cad. 547-D, Subic Cadastre, located in Capisanan, Subic, Zambales from Mario Jardin on February 15, 1971 and Cornelia Villanueva on May 25, 1973, Apolonio, Sr. had the property declared for taxation purposes. He had been the sole and exclusive possessor and occupant from the time of acquisition until his death, with no party questioning his possession and ownership, or staking any adverse claim against him thereon.^[3] He died in 1987, and was succeeded by his children, namely: respondent Apolonio, Jr. and his siblings. Apolonio, Sr.'s children executed an extra-judicial settlement of their father's estate, whereby Apolonio, Jr.'s brothers and sisters waived their rights in his favor. Thus, the property was declared for taxation purposes in Apolonio, Jr.'s name under Tax Declaration No. 014-0432A of the Municipality of Subic, Zambales. There were no arrears in real estate taxes.^[4] The declared value was P73,040.00.^[5]

On October 21, 1996, Apolonio Jr. commenced LRC Case No. N-12-10-96 in the MTC. He later on testified that his father had been in actual possession since 1969, and had eventually acquired the land from Jardin and Villanueva through the notarized Deeds of Absolute Sale dated February 15, 1971, and May 25, 1973; and that his father had paid taxes on the land.

The Government did not interpose any timely objection to the testimony of Apolonio, Jr. It did not also object to the documentary evidence (*i.e.*, the deeds of absolute sale and tax declarations) offered by him. Hence, the MTC admitted all the evidence presented by Apolonio, Jr.

In due course, the MTC granted Apolonio, Jr.'s application, and declared him as the owner in fee simple of the land,^[6] and confirmed his ownership thereof.^[7]

The Government appealed the decision to the Court of Appeals (CA), which, on September 30, 2004, promulgated its assailed decision affirming the ruling of the MTC.^[8] The CA pointed out that the Government did not present evidence against the claim of Apolonio Jr.; and that the Government did not timely object to his testimony on the ground of its being hearsay.^[9]

Issue

In this appeal, the Government reiterates that the testimony of Apolonio, Jr. on possession, being hearsay, had no probative value; that the alienation of public land should always undergo careful scrutiny; and that the Court should carefully re-examine the factual issues that could alter the result of the case.^[10]

The Government points out that Apolonio, Jr. had given only general statements pertaining to the open, continuous, exclusive and notorious possession of his father since 1971; that such statements were mere conclusions of law, and did not prove the alleged possession; that because the application for judicial confirmation of imperfect title was filed on October 21, 1996, the applicable law was Section 48(b) of Commonwealth Act No. 141 (*Public Land Act*), as amended by Presidential Decree No. 1073; that, accordingly, the required period of possession must be "since June 12, 1945 or earlier," as stated in *Republic v. Doldol*,^[11] a more stringent requirement the non-compliance with which was fatal to his cause.^[12]

Lastly, the Government points out that tax declarations or tax receipts did not suffice to prove ownership of land in fee simple; that although it was the State's policy to encourage and promote distribution of alienable public lands as an ideal of social justice, stringent safeguards must be adopted and applied to prevent the lands from going to the wrong hands; and that Apolonio, Jr.'s reliance on hearsay evidence showed his unfitness to own the land.^[13]

In response, Apolonio Jr. insists that he had duly established his lawful occupation of the land as owner in fee simple; that the Government did not timely object to his testimony, and did not also controvert his evidence; that the property had been properly identified; and that the lower courts had observed the legal safeguards and guidelines in granting his application for judicial confirmation of his ownership in fee simple.^[14]

Ruling of the Court

We reverse.

The Government has correctly insisted that the requisite period of possession of the