

THIRD DIVISION

[G.R. No. 208350, November 14, 2016]

REPUBLIC OF THE PHILIPPINES, PETITIONER, VS. HEIRS OF SPOUSES TOMASA ESTACIO AND EULALIO OCOL, RESPONDENTS.

DECISION

PERALTA, **, J.:

Before us is a Petition for Review on *Certiorari*^[1] under Rule 45 of the Rules of Court which seeks the reversal of the Decision^[2] dated February 20, 2013, and Resolution^[3] dated July 26, 2013 of the Court of Appeals (CA) in CA-G.R. CV No. 96879. The CA affirmed the Order^[4] of the Regional Trial Court (RTC) in LRC Case No. N-11598 granting respondents' application for registration and confirmation of title over three (3) parcels of land located at Barangay Calzada, Taguig City with a total area of 11,380 square meters.

The factual antecedents are as follows:

On September 19, 2008,^[5] respondents, Heirs of Spouses Tomasa Estacio and Eulalio Ocol filed with the RTC of Pasig City, Branch 266 an application for land registration under Presidential Decree No. 1529 (PD 1529) otherwise known as the Property Registration Decree. The application covers three (3) parcels of land described as follows: a) Lot 2 under approved survey plan Ccs-00-000258 with an area of 3,731 square meters; b) Lot 1672-A under approved subdivision plan Csd-00-001798 consisting of 1,583 square meters; c) a lot under approved survey plan Cvn-00-000194 consisting of 6,066 square meters.^[6] The total assessed value of the parcels of land is P288,970.00^[7]

On October 6, 2008, the RTC issued a Notice of Initial Hearing, copy furnished the Land Registration Authority (LRA). The notice was sent to the Official Gazette for publication and was served on all the adjoining owners. It was likewise posted conspicuously on each parcel of land included in the application.^[8] During the initial hearing on January 13, 2010, respondents, by counsel, presented the jurisdictional requirements (*Exhibits "A" to "I" and their sub-markings*). There being no private oppositor, an Order of General Default was issued except against the Republic of the Philippines.

At the *ex-parte* presentation of evidence on January 22, 2010, respondents Rosa Ocol, 72 years old, and Felipe Ocol, 70 years old, testified that they are the children of the late Tomasa Estacio and Eulalio Ocol (*Exhibits "U" and "V"*). They inherited the subject lots from their father and mother who died on February 1, 1949 and March 22, 1999, respectively. When Felipe Ocol was only about eight years old and Rosa was still in grade school, their parents developed and cultivated the subject lots as rice fields. In the 1940's, there were only a few houses around their house.

At present, one of the lots is residential while the two remaining lots have become idle. Their parents and grandparents had been in continuous, actual and physical possession of the lots without any interruption for more than sixty five (65) years. Felipe and Rosa have been in possession of the land for more than fifty (50) years. There is no existing mortgage or encumbrance over the said lots.^[9]

Respondents presented witness Antonia Marcelo who was 85 years old at the time she testified. She is the neighbor of Tomasa Estacio and Eulalio Ocol in *Barangay Calzada* where she has been residing for more than fifty (50) years. She testified that during her childhood days, she used to play on the subject lots and had seen the spouses Ocol cultivate the lots by planting vegetables, rice and trees.^[10]

In support of their application, respondents presented documentary evidence which sought to establish the following:

1. The first lot which is Lot 2 of the conv. Subd. plan Ccs-00-000258 with an area of 3,731 square meters was declared for taxation purposes in the names of Tomasa Estacio and Eulalio Ocol in the years 1966, 1974, 1979, 1985, 2000 and 2002 (*Exhibits "T" to "T-7"*);
2. The second lot which is Lot 1672-A under approved subdivision plan Csd-00-001798 consisting of 1,583 square meters was declared for taxation purposes in the names of Tomasa Estacio and Eulalio Ocol in the years 1942, 1949, 1966, 1974, 1979, 1985, 1994, 2000 and 2002 (*Exhibits "R" to "R-10"*);
3. The third lot which is a lot under approved survey plan CVN-00-000194 consisting of 6,066 square meters, being a conversion of Lot 1889, MCadm, 590-D Taguig Cadastral Mapping, was declared for taxation purposes in the names of Tomasa Estacio and Eulalio Ocol in the years 1949, 1974, 1979, 1985, 2000 and 2002 (*Exhibits "S" to "S-6"*);
4. The subject lots used to have larger areas but certain portions were taken and designated as legal easements. On December 17, 2009, the real property tax on the subject lots, declared in the names of Tomasa Estacio and Eulalio Ocol as owners, were paid (*Exhibits "Q", "Q-1" and "Q-2"*);
5. The subject lots were surveyed for Tomasa Vda. de Ocol as evidenced by the Geodetic Engineers' Certificates and Conversion Subdivision Plans (*Exhibits "J", "K", "L", "P", "P-1", and "P-2"*);
6. The subject lots are verified to be within alienable and disposable land under Project No. 27-B Taguig Cadastral Mapping as per LC Map No. 2623 approved on January 3, 1968 as evidenced by Certifications dated January 28, 2010 issued by the Department of Environment and Natural Resources-National Capital Region (*Exhibits "J-3, "K-2" and "L-3"*).^[11]

On February 11, 2010, respondents formally offered their documentary evidence. The RTC set the case for presentation of evidence of the government on April 16, 2010. On the date of the hearing, there was no appearance from the government. Hence, the court, upon motion of applicants, considered the case submitted for resolution.

On August 12, 2010, the RTC issued an Order granting the respondents' application for registration of title to the subject properties, viz.:

WHEREFORE, judgment is hereby rendered thus: the title of the heirs of Tomasa Estacio and Eulalio Ocol, namely, Rosa Ocol; and Felipe Ocol, to the three (3) parcels of land above-described is hereby CONFIRMED.

Upon the finality of the judgment, let the proper Decree of Registration and Certificates of Title be issued to the applicants pursuant to Section 39 of P.D. 1529.

Let two (2) copies of this Order be furnished the Land registration Authority Administrator Benedicta B. Ulep thru Salvador L. Oriol, the Chief of the Docket Division of said Office, East Avenue, Quezon City.

SO ORDERED.^[12]

The RTC found that respondents were able to prove that their predecessors-in-interest possessed the subject lots from 1966 until 2002 with respect to the first lot; from 1942 to 2002, with respect to the second lot; and from 1949 to 2002 with respect to the third lot, as shown in the tax declarations. The court posited that even if the subject lots were declared as alienable and disposable public land only on January 3, 1968, respondents had already "acquired title to the land according to P.D. 1529" by virtue of the continued possession of the respondents and their predecessors-in-interest from January 3, 1968 to the present.^[13]

A motion for reconsideration was filed by the petitioner raising the following grounds:

- (a) Respondents did not comply with the requirements in acquiring ownership of the subject lots by prescription because the few tax declarations of respondents failed to substantiate the requirement of open, continuous, notorious and exclusive possession of the subject lots for the required period as stated in the case of *Wee vs. Republic*;^[14]
- (b) The evidence is insufficient to establish the nature of possession because the testimony of witness Antonia Marcelo with regard to the cultivation of the subject properties by spouses Ocol does not convincingly prove possession and enjoyment of the subject lots to the exclusion of other people;
- (c) There was no declaration, either in the form of a law or a presidential proclamation, showing that the lots are no longer intended for public use or for the development of national wealth, or that it has been converted to patrimonial property as stated in the case of *Heirs of Malabanan v. Republic*.^[15]

The Motion for Reconsideration was denied by the RTC on February 15, 2011.

The RTC opined that the case of *Wee vs. Republic*^[16] is not applicable in the instant case because the parcels of land involved in the said case are "unirrigated ricefields". In the instant case, the first and third lots are ricefields while the second lot is a residential one as shown in the tax declarations. The RTC averred that, even prior to the dates stated in the tax declarations specifically during the 1940s,

spouses Tomasa and Eulalio Ocol had started planting rice on the first and third lots as testified to by respondents. The testimony was corroborated by witness Antonia Marcelo, who is 15 years older than the respondents, when she testified that she played on the subject lots and had seen the spouses Ocol cultivate the same by planting vegetables, rice and trees in the 1930s. As to the second lot, the RTC gave credence to the testimony of respondents that in the 1940s, respondents' house was already erected on the said lot. According to the court, such is proof that the lot has been used for residential purposes even prior to 1942 which is the earliest date of the tax declaration on the lot.

The RTC further held that the case of *Heirs of Malabanan vs. Republic*^[17] does not apply in the case at bar because the said case involved a 71,324-square-meter lot, while the subject lots have a total area of 11,380 square meters only. The court pointed out that respondents are not just entitled to a grant of their application under Section 14(1) of PD 1529 but also under Section 14(2) of the same law because respondents had proven that their predecessors-in-interest were in possession of the subject lands earlier than 1945. Thus, there is no need for an express government manifestation that the property is patrimonial, or that such is no longer intended for public service or for the development of national wealth.

Aggrieved, petitioner filed an appeal before the CA. In a Decision dated February 20, 2013, the CA affirmed the Decision of the RTC. The *fallo* of the Decision states:

WHEREFORE, the instant appeal is DISMISSED, and the Order dated August 12, 2010, of the Regional Trial Court of Pasig City, Branch 266, in L.R.C. Case No. N-11598 (LRA Record No. N-79393) is AFFIRMED IN TOTO.

SO ORDERED.^[18]

In affirming the RTC Order, the CA made the following ratiocinations:

In the case at bar, the applicants-appellees seek the confirmation of their ownership to the subject lands not based on prescription, but based on their claim that "they have been in open, continuous, exclusive and notorious possession and occupation of alienable and disposable lands of the public domain under a *bonafide* claim of ownership since June 12, 1945, or earlier". (Section 14[1], PD 1529). The requirement of prior declaration that the property is patrimonial property of the State, therefore, does not apply. As explained in *Heirs of Malabanan*, for application based on Section 14(1) of the Property Registration Decree, it is enough that the property is alienable and disposable property of the State and the applicant has been in open, continuous, exclusive, and notorious possession and occupation of the subject land under a *bonafide* claim of ownership from June 12, 1945 or earlier. Both of these requirements are present in this case.^[19]

A motion for reconsideration was filed by the petitioner but the same was denied by the CA on July 26, 2013.

Hence, this petition, raising the following errors:

1. THE RECORD IS BEREFT OF PROOF THAT THE SUBJECT PROPERTIES HAD BEEN CLASSIFIED AS ALIENABLE AND DISPOSABLE;
2. THE RECORD IS BEREFT OF PROOF THAT RESPONDENTS HAVE BEEN IN OPEN, CONTINUOUS, EXCLUSIVE AND NOTORIOUS POSSESSION OF THE SUBJECT LOTS UNDER A *BONA FIDE* CLAIM OF OWNERSHIP SINCE JUNE 12, 1945, OR EARLIER;
3. ALTERNATIVELY, RESPONDENTS CANNOT INVOKE PRESCRIPTION UNDER SECTION 14(2) OF PRESIDENTIAL DECREE NO. 1529. THE SUBJECT LOTS HAVE NOT BEEN CONVERTED INTO PATRIMONIAL PROPERTY OF THE STATE.^[20]

On the first ground, petitioner states that respondents failed to present a copy of the original certification, approved by the DENR Secretary and certified as a true copy by the legal custodian, which would support respondents' claim that the subject lands are alienable and disposable. The certification of Senior Forest Management Specialist Corazon D. Calamno and Chief of the Forest Utilization and Law Enforcement Division of the DENR should not be treated as sufficient compliance with the requirements of the law because she was not presented during trial to testify on the contents of the certification.

On the second ground, petitioner argues that there is insufficient evidence of acts of dominion on the part of respondents and their predecessors-in-interest for the following reasons:

- (a) Respondents did not explain how the properties were acquired. The only explanation as to the acquisition of Lot 1672-A was that it was first acquired from a certain Gregorio, without even mentioning the date of acquisition as well as any document evidencing the same.^[21]
- (b) It was unusual for respondents' parents to possess and occupy three (3) parcels of land that are not contiguous to one another;
- (c) Respondents were able to present a tax receipt only for the year 2009;
- (d) In terms of improvements, respondents did not go to the extent of specifying whether fences were erected on the lots. While they claim that crops were planted, it did not appear that they exclusively and continuously enjoyed the possession of the lots;
- (e) While respondents consistently affirm the development of the lots as ricefields, they failed to consider the fact that the second lot, Lot 1672-A, is a residential land as stated on the tax declaration of the land.

On the third ground, petitioner avers that respondents cannot invoke prescription under Section 14(2) of P.D. 1529 because they failed to present the necessary documents which would show that the subject properties are no longer intended for public service or no longer used for the development of the national wealth. They did not present a declaration in the form of a law or a Presidential Proclamation.

In their Comment,^[22] respondents counter that the certifications issued by the DENR constitute substantial compliance with the legal requirement, and that with their continuous possession of the subject lots for more than thirty (30) years, they had acquired ownership over the subject lots through prescription under Section