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THIRD DIVISION

[G.R. No. 183511, March 25, 2015]

REPUBLIC OF THE PHILIPPINES, PETITIONER, VS. EMETERIA G. LUALHATI, RESPONDENT.

D E C I S I O N

PERALTA, J.:

Before the Court is a petition for review on *certiorari* under Rule 45 of the Rules of Court seeking to reverse and set aside the Decision[1] and Resolution,[2] dated March 31, 2008 and June 18, 2008, respectively, of the Court Appeals (CA), which affirmed the Decision[3] dated October 4, 2005 of the Regional Trial Court (RTC) in LRC Case No. 04-3340.

The antecedents are:

On August 12, 2004, respondent Emeteria G. Lualhati filed with the RTC of Antipolo City an application for original registration covering Lots 1 and 2 described under Plan Psu-162384, situated in C-5 C-6 Pasong Palanas, Sitio Sapinit, San Juan (formerly San Isidro), Antipolo, Rizal, consisting of an area of 169,297 and 79,488 square meters, respectively. Respondent essentially maintains that she, together with her deceased husband, Andres Lualhati, and their four children, namely: Virginia, Ernesto, Felicidad, and Ligaya, have been in possession of the subject lands in the concept of an owner since 1944.[4]

In support of her application, respondent submitted the blueprint of the survey plan and the tracing cloth plan surveyed at the instance of Andres Lualhati and approved by the Director of Lands in October 1957, the certified true copy of the surveyor's certificate, the technical descriptions of Lots 1 and 2, Tax Declaration No. 26437 issued in the name of Andres Lualhati, which states that the tax on the properties commenced in 1944, the real property tax register evidencing payment of realty taxes on the subject properties from 1949 to 1958, certifications from the Department of Environment and Natural Resources (*DENR*), Region IV, City Environment and Natural Resources Office (*CENRO*), Antipolo City, that no public land application/land patent covering the subject lots is pending nor are the lots embraced by any administrative title, and a letter from the Provincial Engineer that the province has no projects which will be affected by the registration.[5]

Moreover, respondent presented several witnesses to prove her claim, the first of which was respondent herself. She testified that she and her late husband have been occupying the subject lots since 1944. Since then, she stated that she and her husband, together with their four children, have tilled the soil, planted fruit-bearing trees, and constructed their conjugal house on the subject properties, where all four of her children grew up until they got married. She identified the owners of the

adjoining lands and attested that the subject lots are alienable and disposable.[6]

Respondent next presented her 65-year old son-in-law, Juanito B. Allas, who testified that he first visited the subject properties during the time when he was courting respondent's daughter whose family was already in possession thereof; that his subsequent visits were when he would accompany his father-in-law to the said lots for the entire afternoon to plant fruit-bearing trees such as mango, coconut, jackfruit; that his parents-in-law cleared the lots and uprooted its grasses; that he knows the adjoining owners of the subject lots; that he does not know of any other person with any interest adverse to that of his in-laws; and that respondent has been in actual possession of the properties publicly, openly, and in the concept of an owner for more than 30 years.[7]

Thereafter, respondent presented her husband's *compadre*, Aurelio Garcia, who attested that he had been friends with Andres Lualhati since 1964; that respondent and Andres planted various fruit-bearing trees such as mango, cashew, coconut, and jackfruit, and erected their conjugal house thereon; that he and Andres would usually have drinking sprees on the properties; that he regularly visited the subject lots from the time he became friends with Andres until his death in 1982; that the last time he visited was in 2000; and, that the real property taxes were paid from 1949-1958.[8]

Finally, respondent presented another close friend, Remigio Leyble, who similarly declared that he had been friends with respondent and her spouse since 1950 and that ever since then, he had known them to be the owners of the lots in question; that the spouses told him that they had been sojourning thereon since 1944; that they were the ones who planted the fruit-bearing trees as well as constructed the conjugal house thereon; that he would usually join them in planting said trees; that he was actually present at the time when the lots were surveyed in 1957; that the lots were declared for taxation purposes even before the same was surveyed; and, that he does not know of any other person claiming or owning the subject properties other than respondent and her family who are constantly managing and improving the same.[9]

On October 4, 2005, the RTC granted respondent's application finding that she had been in open, public, continuous, exclusive, adverse, and notorious possession and occupation of the lands for more than 50 years under a *bona fide* claim of ownership even prior to June 12, 1945, as required under Section 14 (1) of Presidential Decree (PD) No. 1529, otherwise known as the *Property Registration Decree.*[10]

In its Decision dated March 31, 2008, the CA affirmed the ruling of the RTC, rejecting petitioner's contention that respondent failed to overcome the burden of proving her possession of the subject lots in its entirety, the area being too big for respondent's family to cultivate themselves, and that even if they did, such can hardly suffice as possession, being a mere casual cultivation. The CA also rejected petitioner's averment that the tax declarations and realty tax payments are not conclusive evidence of ownership for they constitute at least proof that the holder had a claim of title over the property. According to the appellate court, the fact that respondent and her family cultivated the subject lands, erected their conjugal home, and paid real property taxes thereon, cannot be construed as a mere casual cultivation but an intention of permanently settling down therein.

On August 11, 2008, petitioner filed the instant petition invoking the following arguments:

I.

RESPONDENT FAILED TO PROVE THE ALIENABLE AND DISPOSABLE CHARACTER OF THE LAND APPLIED FOR REGISTRATION.

II.

RESPONDENT FAILED TO PROVE POSSESSION OVER THE PROPERTY APPLIED FOR REGISTRATION IN THE CONCEPT AND WITHIN THE PERIOD REQUIRED BY LAW.[11]

Petitioner contends that the appellate court failed to consider certain relevant facts which, if properly taken into account, will justify a different conclusion. *First*, petitioner posits that respondent did not present any evidence to show that the land sought to be registered is alienable and disposable land of public domain. In its Reply,[12] petitioner, citing our ruling in *Republic v. T.A.N. Properties*,[13] criticizes the probative value of the certifications submitted by respondent from the DENR-CENRO, Region IV, Antipolo City, that no public land application/land patent covering the subject lots is pending nor are the lots embraced by any administrative title as well as the letter from the Provincial Engineer that the province has no projects which will be affected by the registration. In said case, this Court held that a certification from the CENRO is insufficient to prove the alienability and disposability of lands.

Second, petitioner asserts that respondent failed to present sufficient evidence proving her claim of possession and occupation over the entire portion of the subject properties. Contrary to the findings of the courts below, respondent's planting of fruit-bearing trees, at best, constituted a mere casual cultivation of portions of the land which can hardly become sufficient basis for a claim of ownership. Other than planting trees and constructing their home, respondent failed to provide any other proof of acts of dominion over the subject land such as enclosing the property or constructing other improvements thereon considering the vastness of the same. In addition, petitioner points out that apart from a single tax declaration, there is nothing in the records which evince respondent's religious payment of real property taxes.

The petition is meritorious.

While it is true that this Court is limited to reviewing only errors of law, and not of fact, in petitions for review on *certiorari* under Rule 45, when the findings of fact are devoid of support by the evidence on record, or when the assailed judgment is based on a misapprehension of facts, this Court may revisit the evidence in order to arrive at a decision in conformity with the law and evidence at hand.[14] In the instant case, the evidence on record do not support the findings made by the courts below on the alienable and disposable character of the lands in question.

Section 14 (1) of PD 1529, otherwise known as the *Property Registration Decree 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.

Thus, pursuant to the aforequoted provision, applicants for registration of title must prove that: (1) the subject land forms part of the disposable and alienable lands of the public domain; and (2) they, by themselves or through their predecessors-in-interest, have been in open, continuous, exclusive, and notorious possession and occupation of the same under a *bona fide* claim of ownership since June 12, 1945, or earlier.[15]

Under the *Regalian Doctrine,* which is embodied in our Constitution, all lands of the public domain belong to the State, which is the source of any asserted right to any ownership of land. All lands not appearing to be clearly within private ownership are presumed to belong to the State. Accordingly, public lands not shown to have been reclassified or released as alienable agricultural land, or alienated to a private person by the State, remain part of the inalienable public domain. The burden of proof in overcoming the presumption of State ownership of the lands of the public domain is on the person applying for registration, who must prove that the land subject of the application is alienable or disposable. To overcome this presumption, incontrovertible evidence must be presented to establish that the land subject of the application is alienable or disposable.[16]

To support her contention that the lands subject of her application is alienable and disposable, respondent submitted certifications from the DENR-CENRO, Region IV, Antipolo City, stating that no public land application or land patent covering the subject lots is pending nor are the lots embraced by any administrative title.

Respondent's reliance on the CENRO certifications is misplaced.

In the oft-cited *Republic v. T.A.N. Properties,*[17] it has been held that it is not enough for the CENRO or the Provincial Environment and Natural Resources Office (*PENRO*) to certify that a certain parcel of land is alienable and disposable, to wit:

> **The certifications are not sufficient**. DENR Administrative Order (DAO) No. 20,18 dated 30 May 1988, delineated the functions and authorities of the offices within the DENR. Under DAO No. 20, series of 1988, the CENRO issues certificates of land classification status for areas below 50 hectares. The Provincial Environment and Natural Resources Offices (PENRO) issues certificate of land classification status for lands covering over 50 hectares. DAO No. 38, dated 19 April 1990, amended