

## FIRST DIVISION

[ G.R. No. 189970, June 02, 2014 ]

**REPUBLIC OF THE PHILIPPINES, PETITIONER, VS. CRISANTO S. RANESES, RESPONDENT.**

### D E C I S I O N

**VILLARAMA, JR., J.:**

Before this Court is a petition<sup>[1]</sup> for review on *certiorari* under Rule 45 of the 1997 Rules of Civil Procedure, as amended, seeking the reversal of the Decision<sup>[2]</sup> dated June 18, 2009 of the Court of Appeals (CA) in CA-G.R. CV No. 90383, which affirmed the Orders dated October 11, 2007<sup>3</sup> and November 27, 2007<sup>[4]</sup> of the Regional Trial Court (RTC), of Pasig City (Taguig City Hall of Justice), Branch 153 in Land Registration Case (LRC) No. N-11573-TG.

The facts follow.

On March 26, 2007, respondent Crisanto S. Raneses (respondent) filed an Application<sup>[5]</sup> for Original Registration of Land Title docketed as LRC No. N-11573-TG over two parcels of land identified as Lot No. 3085-A, Csd-00-001621 and Lot No. 3085-B, Csd-00-001621 both located at Barangay Napindan, Taguig City, Metro Manila with a total area of twenty-two thousand six hundred (22,600) square meters (subject properties).

On September 24, 2007, during the initial hearing, respondent marked several documents to establish compliance with the jurisdictional requirements. There being no opposition filed, the RTC issued an Order of General Default<sup>[6]</sup> against all persons except herein petitioner Republic of the Philippines (petitioner) and granted respondent's Motion to Present his Evidence *Ex-Parte*.<sup>[7]</sup>

On October 1, 2007, respondent testified that despite the fact that the earliest tax declaration on record over the subject properties was issued only in 1980, his parents had been in continuous possession and occupation of the same as early as June 1945.<sup>[8]</sup> He narrated that his father, the late Pedro Raneses (Pedro), was a farmer who cultivated the subject properties by planting *palay* and other crops thereon. Respondent further narrated that since the subject properties were near the lake, Pedro used a portable irrigation system to suck water from Laguna de Bay and a mechanized harvester to harvest the *palay*. However, he claimed that when Pedro died on November 15, 1982,<sup>[9]</sup> the cultivation of the subject properties was likewise stopped. Respondent averred that Pedro declared the subject properties for real estate tax purposes, as evidenced by several tax declarations<sup>[10]</sup> issued in Pedro's name. Respondent claimed that he acquired ownership over the subject properties when his mother, Nina Raneses,<sup>[11]</sup> and his sisters, Annabelle R. San

Juan and Belinda R. Bayas, executed an Extrajudicial Settlement of Estate with Deed of Waiver<sup>[12]</sup> (Extrajudicial Settlement of Estate) on April 24, 1997, whereby they agreed to partition and adjudicate among themselves the subject properties, and thereafter, waive all their rights, interest and participation over the same in favor of respondent.<sup>[13]</sup> Subsequently, respondent had the subject properties declared for real estate tax purposes under his own name.<sup>[14]</sup>

Respondent also testified that there were no other persons or entities who occupied the subject properties. Correlatively, a Conversion-Subdivision Plan<sup>[15]</sup> covering the subject properties was prepared by a private Geodetic Engineer named Andrew DG. Montallana (Engr. Montallana).<sup>[16]</sup> Said Plan noted that the subject properties were "[s]urveyed in accordance with Survey Authority No. LMS-SA-007607-310 dated August 29, 2006 issued by the CENRO, South [S]ector" and that the subject properties were "inside alienable and disposable land area [P]roj. [N]o. 27-B as per LC Map No. 2623 certified by the Bureau of Forestry on January 3, 1968."<sup>[17]</sup>

Respondent also presented before the RTC an Inter-Office Memorandum<sup>[18]</sup> dated March 26, 2007 (Inter-Office Memorandum) prepared and signed by the Engineering and Construction Division (ECD) of the Laguna Lake Development Authority (LLDA) composed of Engineer Ramon D. Magalona, Jr. (Engr. Magalona), Fredisvindo A. Latoza and Renato Q. Medenilla (ECD Team) and addressed to the Division Chief-III of the ECD. Said Memorandum provided that after an actual field verification, the ECD Team found that the subject properties are "presently above (backfilling) the reglementary 12.5-meter elevation."

Catalina Raneses (Catalina), the mother of respondent, also testified that she and her husband Pedro had been in possession of the subject properties since the Japanese occupation. She narrated that Pedro cultivated the subject properties for *palay* production. However, after Pedro's death in 1982, the subject properties were no longer used for *palay* production, and were, instead, at times leased out for the production of watermelons.

Catalina corroborated respondent's testimony that sometime in 1997, she, her daughters and respondent executed the aforementioned Extrajudicial Settlement of Estate, wherein all of them waived their rights and interests over the subject properties in favor of respondent for a consideration.<sup>[19]</sup>

On October 11, 2007, the RTC issued its first assailed Order<sup>[20]</sup> granting respondent's application for land registration, the dispositive portion of which reads, to wit:

WHEREFORE, the application is Granted. Judgment is hereby rendered declaring applicant Crisanto S. Raneses, the owner in fee simple of Lot 3085-A, Csd-00-001621, with an area of Fifteen Thousand Two Hundred Forty (15,240) square meters situated in Brgy. Napindan, City of Taguig, Metro Manila; and Lot 3085-B, Csd-00-001621 with an area of seven thousand three hundred sixty (7,360) square meters situated in Brgy. Napindan, City of Taguig, Metro Manila.

After this Order shall become final and executory, let the Land Registration Authority issue the corresponding decree of registration.

SO ORDERED.<sup>[21]</sup>

On October 25, 2007, the LLDA filed its Opposition<sup>[22]</sup> to the application alleging that the subject properties are below the 12.50-meter elevation, hence, forming part of the bed of Laguna Lake and are, therefore, inalienable, indisposable and incapable of registration. To support its cause, the LLDA attached to its Opposition a Memorandum<sup>[23]</sup> dated September 24, 2007 (ECD Memorandum) prepared and signed by no less than Engr. Magalonga of the ECD and concurred by the ECD's Division Chief-III, Engr. Donato C. Rivera, Jr. which stated that upon the projection of the subject properties in the LLDA's topographic map, the same were below the reglementary elevation of 12.50 meters. Moreover, the LLDA posited that in the absence of any declaration by the Director of Lands, the subject properties remain inalienable and indisposable.

In its Order<sup>[24]</sup> dated October 25, 2007, the RTC directed respondent to comment on the Opposition of LLDA. In the meantime, petitioner through the Office of the Solicitor General (OSG) filed its Notice of Appeal<sup>[25]</sup> on November 7, 2007. For orderly proceedings, the RTC took note of the Notice of Appeal as it awaited the respondent's comment in order for it to judiciously resolve the pending Opposition of the LLDA.<sup>[26]</sup> In compliance with the RTC's Order, respondent filed his Comment and Motion<sup>[27]</sup> to the said Opposition, arguing that the RTC should give more credence to the Inter-Office Memorandum as the findings therein were based on an actual field inspection rather than the ECD Memorandum, the findings of which were based on a mere table survey. Moreover, respondent argued that the ECD Memorandum should not be considered by the RTC as the same was not formally offered in evidence. Respondent prayed that his Comment and Motion be noted. He also manifested before the RTC that he is amenable to the reopening of the case so that the LLDA can present controverting evidence, if it wants to, and for him to present his rebuttal.

Thus, on November 27, 2007, the RTC issued its second assailed Order,<sup>[28]</sup> finding merit in respondent's arguments and dismissing LLDA's Opposition, to wit:

**WHEREFORE**, premises considered, no probative value is therefore attached to the basis of LLDA's opposition filed fourteen (14) days late after the application for registration of Crisanto S. Raneses was granted.

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

For the LLDA's failure to take any action against its second assailed Order, the RTC, in its Order<sup>[30]</sup> dated January 8, 2008, approved the Notice of Appeal filed by the OSG and directed the transmittal of the records of this case to the CA.

On June 18, 2009, the CA upheld the RTC which gave more credence to the findings contained in the Inter-Office Memorandum than that of the ECD Memorandum and

in granting respondent's application. The CA found that respondent had adequately proven that the subject properties form part of the disposable and alienable lands of the public domain. The CA disposed of the case in this wise:

**WHEREFORE**, in view of the foregoing premises, judgment is hereby rendered by us **DISMISSING** the appeal filed in this case and **AFFIRMING** the Orders dated October 11, 2007 and November 27, 2007 rendered by Branch 153 of the Regional Trial Court of the National Capital Judicial Region stationed in Pasig City in LRC Case No. N-11573- TG.

**SO ORDERED.**<sup>[31]</sup>

Petitioner filed its Motion for Reconsideration<sup>[32]</sup> which the CA, however, denied in its Resolution<sup>[33]</sup> dated October 5, 2009.

Hence, this petition based on the following grounds:

## I

THE COURT OF APPEALS COMMITTED SERIOUS ERROR IN HOLDING THAT THE SUBJECT LANDS ARE PART OF THE DISPOSABLE AND ALIENABLE LANDS OF THE PUBLIC DOMAIN[; AND]

## II

THE COURT OF APPEALS ERRED IN AFFIRMING THE FINDINGS OF THE LAND REGISTRATION COURT WHICH GRANTED RESPONDENT'S APPLICATION FOR REGISTRATION OF TITLE OVER SUBJECT PARCELS OF LAND NOTWITHSTANDING THE FACT THAT THE SAME ARE CONSIDERED PART OF PUBLIC LAND, BEING BELOW THE 12.50-METER ELEVATION AS CERTIFIED BY THE LAGUNA LAKE DEVELOPMENT AUTHORITY (LLDA).<sup>[34]</sup>

Petitioner through the OSG avers that respondent, having the burden to prove by incontrovertible evidence that the subject properties are alienable and disposable, failed by relying simply on the Conversion- Subdivision Plan and the Inter-Office Memorandum of the LLDA. Invoking this Court's ruling in *Republic v. Court of Appeals*,<sup>[35]</sup> the OSG argues that respondent as an applicant and in order to prove that the land subject of an application for registration is alienable, must establish the existence of a positive act of the government such as a presidential proclamation or an executive order; an administrative action; investigation reports of Bureau of Lands investigators; and a legislative act or a statute. Lastly, the OSG posits that the EDC Memorandum being a later issuance should be given more credence than the Inter-Office Memorandum.<sup>[36]</sup>

On the other hand, respondent counters that, as held by the RTC and the CA, no consideration should be accorded to the EDC Memorandum as it was not formally offered in evidence. He asserts that, even if considered, the Inter-Office Memorandum should be given more credence than the EDC Memorandum because

the former was the result of an actual verification inspection while the latter was merely based on a table survey. Relying on the findings of the RTC and the CA, respondent claims that the subject properties had already been classified as alienable and disposable as provided in the Conversion-Subdivision Plan's annotation.<sup>[37]</sup>

Essentially, the sole issue the petition presents is whether or not the subject properties in this case are alienable or disposable land of the public domain.

The petition is impressed with merit.

In petitions for review on certiorari under Rule 45 of the Revised Rules of Court, this Court is limited to reviewing only errors of law, not of fact, unless the factual findings complained of are devoid of support by the evidence on record, or the assailed judgment is based on a misapprehension of facts. It is not the function of this Court to analyze or weigh evidence all over again, unless there is a showing that the findings of the lower court are totally devoid of support or are glaringly erroneous as to constitute palpable error or grave abuse of discretion.<sup>[38]</sup>

In this case, the records do not support the findings made by the RTC and the CA that the subject properties are part of the alienable and disposable portion of the public domain.

Respondent bases his right to registration of title on Section 14 (1) of Presidential Decree (P.D.) No. 1529, otherwise known as the Property Registration Decree, which 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.

The afore-quoted provision authorizes the registration of title acquired in accordance with Section 48 (b) of Commonwealth Act No. 141, otherwise known as the Public Land Act, as amended by P.D. No. 1073, which reads:

SEC. 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 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:

(a) x x x