

THIRD DIVISION

[G.R. No. 188494, November 26, 2014]

REMMAN ENTERPRISES, INC., PETITIONER, VS. REPUBLIC OF THE PHILIPPINES, RESPONDENT.

D E C I S I O N

REYES, J.:

This resolves the petition for review on *certiorari*^[1] filed by Remman Enterprises, Inc. (petitioner) under Rule 45 of the Rules of Court to assail the Decision^[2] dated May 23, 2008 and Resolution^[3] dated June 22, 2009 of the Court of Appeals (CA) in CA-G.R. CV No. 74418. The CA reversed the Decision^[4] dated November 27, 2001 of the Regional Trial Court (RTC) of Pasig City, Branch 155, in LR Case No. N-11379, which granted the petitioner's application for land registration of three (3) parcels of land situated in Taguig, Metro Manila (subject properties).

The petitioner, through its authorized representative Ronnie P. Inocencio (Inocencio), filed with the RTC on June 4, 1998 an application for registration of the subject properties situated in *Barangay* Napindan, Taguig, Metro Manila, with an area of 27,477 square meters, 23,179 sq m and 45,636 sq m, more particularly described as follows:

SWO-00-001771, being a conversion of Lot 3079, Mcadm-590-D, containing an area of Twenty[-] Seven Thousand Four Hundred Seventy [-] Seven (27,477) square meters, more or less; SWO-00-001768, being a conversion of Lot 3071, Mcadm-590-D, containing an area of Twenty[-] Three Thousand One Hundred Seventy[-]Nine (23,179) square meters, more or less; and SWO-00-001773, being a conversion of Lot 3082, Mcadm-590-D, containing an area of Forty[-]Five Thousand Six Hundred Thirty[-]Six (45,636) square meters, more or less, all brought under the operation of the Property Registration Decree (PD 1529) or Commonwealth Act 141, as amended x x x.^[5]

The State, through the Office of the Solicitor General, interposed its opposition to the application. During the initial hearing of the case on May 4, 1999, the petitioner presented and marked documentary evidence^[6] to prove its compliance with jurisdictional requirements.^[7]

On October 25, 1999, the petitioner was allowed to present its evidence before the Branch Clerk of Court of the RTC. Inocencio, the petitioner's sales manager, testified that the subject properties were purchased on August 28, 1989 by the petitioner from sellers Magdalena Samonte, Jaime Aldana and Virgilio Navarro. The properties

were declared for taxation purposes on August 9, 1989. After the sale, the petitioner occupied the properties and planted thereon crops like rice, corn and vegetables.^[8]

Witness Cenon Serquina (Serquina) supported the application for registration by claiming that he had been the caretaker of the subject properties since 1957, long before the lots were purchased by the petitioner. Serquina alleged that no person other than the applicant and its predecessors-in-interest had claimed ownership or rights over the subject properties.^[9]

On November 27, 2001, the RTC rendered its Decision^[10] granting the petitioner's application. The decretal portion of its decision reads:

WHEREFORE, in view of the foregoing, the Court finds the Applicant, Remman Enterprises, Inc., represented in this matter by its representative, Ronnie P. Inocencio, the absolute owner in fee simple of three (3) parcels of land, all located at Barangay Napindan, Taguig, Metro Manila, more particularly described as follows:

- 1.) SWO-00-001771, being a conversion of Lot 3079, Mcadm-590-D;
- 2.) SWO-00-001768, being a conversion of Lot 3071, Mcadm-590-D; and
- 3.) SWO-00-001773, being a conversion of Lot 3082, Mcadm-590-D

together with their corresponding technical descriptions.

Once the foregoing Decision has become final, let the corresponding decree of registration issue.

SO ORDERED.^[11]

Dissatisfied, the State appealed to the CA by alleging substantive and procedural defects in the petitioner's application. It argued that the identity of the subject properties was not sufficiently established. The State further claimed that the character and length of possession required by law in land registration cases were not satisfied by the petitioner.

Finding merit in the appeal, the CA reversed the RTC decision. The dispositive portion of the CA Decision dated May 23, 2008 reads:

WHEREFORE, the DECISION DATED NOVEMBER 27, 2001 is REVERSED and SET ASIDE and this case is DISMISSED.

SO ORDERED.^[12]

The CA explained that the survey plans and technical descriptions submitted by the

petitioner failed to establish the true identity of the subject properties. The application should have been accompanied by the original tracing cloth plan duly approved by the Director of Lands.^[13] The petitioner should have also submitted a certification from the proper government office stating that the properties were already declared alienable and disposable.^[14]

The CA further cited a failure to establish that the petitioner and its predecessors-in-interest possessed the subject parcels of land under a bona fide claim of ownership since June 12, 1945 or earlier.^[15]

Hence, this petition for review on *certiorari* filed by the petitioner to assail the CA's dismissal of its application for land registration. The petitioner argues that the identity of the subject properties was sufficiently established through the submission of the original tracing cloth plans, survey plans and technical descriptions. The alienable and disposable character of the properties was also duly established *via* a certification issued by the Community Environment and Natural Resources Office (CENRO) of the Department of Environment and Natural Resources (DENR). Further, it claims that it and its predecessors-in-interest possessed the parcels of land in the nature and within the length of time required by law.

The petition is dismissible.

On the matter of proof of the subject property's identity, jurisprudence provides that the presentation of the original tracing cloth plan may be dispensed with, subject however to certain conditions. Contrary to the petitioner's claim, the original clothing plans that cover the subject properties do not form part of the case records. The Court has nonetheless held in *Republic v. Espinosa*:^[16]

As ruled in *Republic v. Guinto-Aldana*, the identity of the land, its boundaries and location can be established by other competent evidence apart from the original tracing cloth such as a duly executed blueprint of the survey plan and technical description:

"Yet if the reason for requiring an applicant to adduce in evidence the original tracing cloth plan is merely to provide a convenient and necessary means to afford certainty as to the exact identity of the property applied for registration and to ensure that the same does not overlap with the boundaries of the adjoining lots, there stands to be no reason why a registration application must be denied for failure to present the original tracing cloth plan, especially where it is accompanied by pieces of evidence—such as a duly executed blueprint of the survey plan and a duly executed technical description of the property—which may likewise substantially and with as much certainty prove the limits and extent of the property sought to be registered."^[17] (Citations omitted)

Notwithstanding the foregoing, the CA's dismissal of the petitioner's application for original registration was proper considering the latter's failure to sufficiently