

THIRD DIVISION

[G.R. No. 185683, March 16, 2011]

**UNION LEAF TOBACCO CORPORATION, REPRESENTED BY ITS
PRESIDENT MR. HILARION P. UY, PETITIONER, VS. REPUBLIC OF
THE PHILIPPINES, RESPONDENT.**

R E S O L U T I O N

CARPIO MORALES, J.:

For consideration of the Court is the Motion for Reconsideration filed by Union Leaf Tobacco Corporation (petitioner) of the Resolution dated March 1, 2010 which denied the present petition for review on the ground of petitioner's failure to sufficiently show that the Court of Appeals committed any reversible error in the challenged decision and resolution.^[1]

Petitioner filed before the Regional Trial Court of Agoo, La Union on December 1, 2004 four applications for land registration covering various parcels of land (LRC-A-294, LRC-A-295, LRC-A-296 and LRC-A-298).^[2]

Petitioner alleged that it is the absolute owner of those parcels of land, having bought them from various individuals; and that its predecessors-in-interest have been in open, continuous, exclusive and notorious possession and occupation of the properties for more than thirty (30) years.^[3]

The Republic opposed the applications, citing Article XII, Section 3 of the Constitution which proscribes private corporations or associations from holding, except by lease, alienable lands of the public domain for a period not exceeding twenty five (25) years and not to exceed one thousand (1,000) hectares in area.^[4]

After the trial court dismissed without prejudice the applications for failure of petitioner to prove its allegation that it had been in "open, continuous, exclusive and notorious possession and occupation" of the lots,^[5] it, on petitioner's move, reopened the applications and allowed the presentation of additional evidence ? testimonial ? in support thereof.^[6]

By Decision of July 30, 2005,^[7] the trial court **confirmed** petitioners' titles over the properties subject of its applications. In finding for petitioner, the trial court ruled that petitioner had complied with the minimum 30-year uninterrupted possession; that realty taxes have been paid on these properties; and that no interested private individual opposed the applications.^[8]

On appeal by the Republic, the Court of Appeals, by Decision of July 30, 2008,^[9] **reversed** the trial court's decision, it holding that:

x x x x. Union Leaf presented no evidence to show that the subject parcels of land have been reclassified by the State as alienable or disposable to a private person. Absent proof of such reclassification, the subject parcels of land remain part of the public domain. x x x x.

x x x x.

The trial court ruled that the subject parcels of land were converted to private lands by reason of the possession of Union Leaf's predecessors-in-interest for a period longer than 30 years. In so ruling, the trial court relied on the testimonies of Celso Domondon, Bartolome Carreon, Encarnacion Magno, Norma Gayo, Ricardo Fronda, Anastacia Saltat, Em[manuel] Balderas and Jose Padilla. Analyzing their testimonies, it is our considered view that they are inconclusive to prove that Union Leaf's predecessors-in-interest had been in open, continuous, exclusive and notorious possession of the subject parcels of land, under a bona fide claim of acquisition of ownership for at least thirty (30) years immediately preceding the filing of the application. (underscoring partly in the original and partly supplied)

Petitioner's motion for reconsideration having been denied,^[10] it filed a petition for review which, as stated early on, the Court denied by Resolution of March 1, 2010 for failure to show that the appellate court committed any reversible error in its challenged issuances.

In its present motion for reconsideration, petitioner argues in the main that its documentary evidence shows that the government declared and confirmed that the subject properties are alienable and disposable.^[11] It particularly points to the Advance Plans and Consolidated Plans which all noted that the subject lands are "inside alienable and disposable area as per project No. 5-A, LC Map No. 2891."^[12]

The Solicitor General counters that petitioner failed to present evidence that the subject lands are alienable and disposable and that petitioner and its predecessors-in-interest failed to prove by preponderance of evidence that they have occupied the properties since June 12, 1945 or earlier.^[13]

The Motion for Reconsideration fails.

The Advance Plans and Consolidated Plans are hardly the competent pieces of evidence that the law requires. The notation by a geodetic engineer on the survey plans that properties are alienable and disposable does not suffice to prove these lands' classification.^[14]

Republic v. T.A.N. Properties, Inc.^[15] directs that

x x x x [T]he applicant for registration must present a copy of the original classification approved by the DENR Secretary and certified as a true copy by the legal custodian of the official records. These facts must be established to prove that the land is