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# THIRD DIVISION

# [ G.R. No. 172011, March 07, 2011 ]

## REPUBLIC OF THE PHILIPPINES, PETITIONER, VS. TEODORO P. RIZALVO, JR., RESPONDENT.

## D E C I S I O N

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

On appeal under Rule 45 of the 1997 Rules of Civil Procedure, as amended, is the Decision[1] of the Court of Appeals (CA) in CA-G.R. CV No. 73647 which affirmed the Decision[2] of the Municipal Trial Court (MTC) of Bauang, La Union, in LRC Case No. 58-MTCBgLU, approving respondent's application for registration of an 8,957-square meter parcel of land located in Brgy. Taberna, Bauang, La Union.

The facts are undisputed.

On December 7, 2000, respondent Teodoro P. Rizalvo, Jr. filed before the MTC of Bauang, La Union, acting as a land registration court, an application for the registration[3] of a parcel of land referred to in Survey Plan Psu-200706,[4] located in Bauang, La Union and containing an area of 8,957 square meters.

Respondent alleged that he is the owner in fee simple of the subject parcel of land, that he obtained title over the land by virtue of a Deed of Transfer[5] dated December 31, 1962, and that he is currently in possession of the land. In support of his claim, he presented, among others, Tax Declaration No. 22206[6] for the year 1994 in his name, and Proof of Payment[7] of real property taxes beginning in 1952 up to the time of filing of the application.

On April 20, 2001, the Office of the Solicitor General (OSG) filed an Opposition alleging that neither respondent nor his predecessors-in-interest had been in open, continuous, exclusive and notorious possession and occupation of the subject property since June 12, 1945 or earlier and that the tax declarations and tax payment receipts did not constitute competent and sufficient evidence of ownership. The OSG also asserted that the subject property was a portion of public domain belonging to the Republic of the Philippines and hence not subject to private acquisition.

At the hearing of the application, no private oppositor came forth. Consequently, the trial court issued an Order of Special Default against the whole world except the Republic of the Philippines and entered the same in the records of the case.

At the trial, respondent testified that he acquired the subject property by purchase from his mother, Bibiana P. Rizalvo, as evidenced by a Deed of Transfer dated December 31, 1962.[8] He also testified that he was in adverse, open, exclusive and

notorious possession of the subject property; that no one was questioning his ownership over the land; and that he was the one paying the real property tax thereon, as evidenced by the bundle of official receipts covering the period of 1953 to 2000. He also stated that he was the one who had the property surveyed; that no one opposed the survey; and that during said survey, they placed concrete markers on the boundaries of the property. Further, he stated that he was not aware of any person or entity which questioned his mother's ownership and possession of the subject property.

Respondent's mother, Bibiana P. Rizalvo, was also presented during the trial. She stated that she purchased the lot from Eufrecina Navarro, as evidenced by the Absolute Deed of Sale[9] dated July 8, 1952. She confirmed that before she sold the property to her son, she was the absolute owner of the subject property and was in possession thereof, without anyone questioning her status as owner. She further stated that she was the one paying for the real property taxes at that time and that she even installed improvements on the subject property.

After conducting an investigation and verification of the records involving the subject land, Land Investigator/Inspector Dionisio L. Picar of the Community Environment and Natural Resources Office (CENRO) of San Fernando, La Union submitted a report[10] on July 17, 2001. Aside from the technical description of the land, the report certified that indeed the subject parcel of land was within the alienable and disposable zone and that the applicant was indeed in actual occupation and possession of the land.

On the part of the Republic, the OSG did not present any evidence.

As stated above, the MTC of Bauang, La Union, acting as a land registration court, rendered its Decision[11] on November 29, 2001, approving respondent's application. The dispositive portion of the trial court's decision reads--

> WHEREFORE, this Court, confirming the Order of Special Default, hereby approves the application and orders the adjudication and registration of the land described in Survey Plan No. PSU-200706 (Exh. "A") and the Technical Description of the land (Exh. "B") situated at Brgy. Taberna, Bauang, La Union containing an area of Eight Thousand Nine Hundred Fifty Seven (...8,957) square meters.
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> Once this decision becomes final and executory let the corresponding decree be issued.
>
> SO ORDERED.[12]

On December 21, 2001 the Republic of the Philippines through the OSG filed a Notice of Appeal. In its Brief,[13] the OSG argued that the trial court erred in ruling that the applicant proved a registrable title to the property. However, the CA found no merit in the appeal and promulgated the assailed Decision[14] on March 14, 2006, affirming the trial court's decision.

The Republic of the Philippines through the OSG now comes to this Court by way of petition for review on certiorari under Rule 45 of the 1997 Revised Rules of Civil Procedure, as amended, to seek relief.

In its petition, the OSG argues that the Republic of the Philippines has dominion over all lands of public domain and that the grant to private individuals of imperfect title by the Republic over its alienable and disposable lands is a mere privilege. Hence, judicial confirmation proceeding is strictly construed against the grantee/applicant.[15]

The OSG further contends that respondent failed to show indubitably that he has complied with all the requirements showing that the property, previously part of the public domain, has become private property by virtue of his acts of possession in the manner and length of time required by law. The OSG maintains that respondent and his predecessors-in-interest failed to show convincingly that he or they were in open, continuous, adverse, and public possession of the land of the public domain as required by law. The OSG points out that there is no evidence showing that the property has been fenced, walled, cultivated or otherwise improved. The OSG argues that without these indicators which demonstrate clear acts of possession and occupation, the application for registration cannot be allowed.[16]

On the other hand, respondent counters that he has presented sufficient proof that the subject property was indeed part of the alienable and disposable land of the public domain. He also asserts that his title over the land can be traced by documentary evidence wayback to 1948 and hence, the length of time required by law for acquisition of an imperfect title over alienable public land has been satisfied. [17]

Further, he argues that although not conclusive proof of ownership, tax declarations and official receipts of payment of real property taxes are at least proof of possession of real property. In addition, he highlights the fact that since the occupancy and possession of his predecessors-in-interest, there has been no question about their status as owners and possessors of the property from adjoining lot owners, neighbors, the community, or any other person. Because of this, he claims that his possession of the land is open, continuous, adverse, and public -- sufficient for allowing registration.

Verily, the main issue in this case is whether respondent and his predecessors-in-interest were in open, continuous, adverse, and public possession of the land in question in the manner and length of time required by law as to entitle respondent to judicial confirmation of imperfect title.

We answer in the negative.

Existing law and jurisprudence provides that an applicant for judicial confirmation of imperfect title must prove compliance with Section 14 of Presidential Decree (P.D.) No. 1529[18] or the Property Registration Decree. The pertinent portions of Section 14 provide:

> **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.
>
> (2) Those who have acquired ownership of private lands by prescription under the provisions of existing laws.
>
> x x x x

Under Section 14 (1), applicants forregistrationof title must sufficiently establish *first,* that the subject land forms part of the disposable and alienable lands of the public domain; *second*, that the applicant and his predecessors-in-interest have been in open, continuous, exclusive and notorious possession and occupation of the same; and *third,* that it is under a*bona fide*claim of ownership since June 12, 1945, or earlier.

The first requirement was satisfied in this case. The certification and report[19] dated July 17, 2001 submitted by Special Investigator I Dionisio L. Picar of the CENRO of San Fernando City, La Union, states that the entire land area in question is within the alienable and disposable zone, certified as such since January 21, 1987.

In *Limcoma Multi-Purpose Cooperative v. Republic*,[20] we have ruled that a certification and report from the DENR-CENRO enjoys the presumption of regularity and is sufficient proof to show the classification of the land described therein. We held:

> In the recent case of *Buenaventura v. Republic*,[21] we ruled that said Certification is sufficient to establish the true nature or character of the subject property as public and alienable land. We similarly ruled in *Republic v. Court of Appeals*[22] and intoned therein that the certification enjoys a presumption of regularity in the absence of contradictory evidence.
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> Both the DENR-CENRO Certification and Report constitute a positive government act, an administrative action, validly classifying the land in question. As adverted to by the petitioner, the classification or re-classification of public lands into alienable or disposable, mineral, or forest lands is now a prerogative of the Executive Department of the government. Clearly, the petitioner has overcome the burden of proving the alienability of the subject lot.

Respondent has likewise met the second requirement as to ownership and possession. The MTC and the CA both agreed that respondent has presented