

SECOND DIVISION

[G.R. No. 179673, June 08, 2011]

NATIVIDAD STA. ANA VICTORIA, PETITIONER, VS. REPUBLIC OF THE PHILIPPINES, RESPONDENT.

DECISION

ABAD, J.:

This case is about the need for an applicant for registration of title to land to prove that the same has been officially declared alienable and disposable land of the public domain.

The Facts and the Case

On November 2, 2004 petitioner Natividad Sta. Ana Victoria applied for registration under the law^[1] of a 1,729-square meter lot in Bambang, City of Taguig, before the Metropolitan Trial Court (MeTC) of that city. The Office of the Solicitor General (OSG), representing the respondent Republic of the Philippines, opposed the application in the usual form.

Victoria testified and offered documentary evidence to show that the subject lot, known as Lot 5176-D, Mcadm-590-D of the Taguig Cadastral Mapping is a portion of a parcel of land with an area of 17,507 sq m originally owned by Victoria's father Genaro Sta. Ana and previously declared in his name for tax purposes. Upon Genaro's death, Victoria and her siblings inherited the land and divided it among themselves *via* a deed of partition.

The Conversion/Subdivision Plan Victoria presented in evidence showed that the land is inside the alienable and disposable area under Project 27-B as per L.C. Map 2623, as certified by the Bureau of Forest Development on January 3, 1968. Victoria testified that she and her predecessors-in-interest have been in possession of the property continuously, uninterruptedly, openly, publicly, adversely and in the concept of owners since the early 1940s or for more than 30 years and have been declared as owners for taxation purposes for the last 30 years. The Republic did not present any evidence in support of its opposition.

On January 25, 2006 the MeTC rendered a decision,^[2] granting the application for registration and finding that Victoria sufficiently established her claim and right under the land registration law to have the subject property registered in her name.

The Republic appealed the MeTC decision to the Court of Appeals (CA), pointing out in its brief that Victoria failed to present evidence that the subject property is alienable and disposable land of the public domain and that she failed to establish the kind of possession required for registration.

In her brief, Victoria replied that the Conversion/Subdivision Plan she submitted carried a notation that the subject property is within alienable and disposable area. Further, she attached to her brief a Certification^[3] dated November 6, 2006 issued by the Department of Environment and Natural Resources (DENR), verifying the subject property as within the alienable and disposable land of the public domain.

On June 19, 2007 the CA rendered judgment, reversing and setting aside the MeTC decision because Victoria failed to prove that the subject lot is alienable and disposable land of the public domain. She could not, said the CA, rely on the notation in the Conversion/Subdivision Plan she submitted before the MeTC, although it carried a notation that the land is alienable and disposable as certified by the Chief of Survey of the Land Management Services of the DENR on January 3, 1968, because such notation was made only in connection with the approval of the plan.

On the other hand, the CA could not take cognizance of the DENR Certification of November 6, 2006 that she submitted together with her appellee's brief even if it were to the same effect since she did not offer it in evidence during the hearing before the trial court. The CA found it unnecessary to pass upon the evidence of Victoria's possession and occupation of the subject property. It denied Victoria's motion for reconsideration on September 11, 2007.

Issues Presented

The issues in this case are:

1. Whether or not Victoria amply proved that the subject lot is alienable and disposable land of the public domain; and
2. Whether or not she has amply proved her claim of ownership of the property.

Court's Ruling

Section 14(1)^[4] of the Property Registration Decree has three requisites for registration of title: (a) that the property in question is alienable and disposable land of the public domain; (b) that the applicants by themselves or through their predecessors-in-interest have been in open, continuous, exclusive and notorious possession and occupation; and (c) that such possession is under a *bona fide* claim of ownership since June 12, 1945 or earlier.^[5]

A similar right is granted under Sec. 48(b) of the Public Land Act.^[6] There are no material differences between Sec. 14(1) of the Property Registration Decree and Sec. 48(b) of the Public Land Act.^[7] Sec. 14(1) operationalizes the registration of such lands of the public domain.^[8]

Here, the only reason the CA gave in reversing the decision of the MeTC is that Victoria failed to submit the November 6, 2006 Certification issued by the DENR, verifying the subject property as within the alienable and disposable land of the

public domain, during the hearing before the MeTC. She belatedly submitted it on appeal.

To prove that the land subject of the application for registration is alienable, an applicant 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 statute.^[9] The applicant may secure a certification from the government that the lands applied for are alienable and disposable, but the certification must show that the DENR Secretary had approved the land classification and released the land of the public domain as alienable and disposable, and that the land subject of the application for registration falls within the approved area per verification through survey by the PENRO or CENRO.^[10] The applicant must also present a copy of the original classification of the land into alienable and disposable, as declared by the DENR Secretary or as proclaimed by the President.^[11]

The DENR Certification submitted by Victoria reads:

This is to certify that the tract of land as shown and described at the reverse side of this Conversion/Subdivision Plan of Lot 5176 MCadm 590-D, Taguig Cadastral Mapping, Csd-00-000648, containing an area of 17,507 square meters, situated at Bambang, Taguig City, Metro Manila, as surveyed by Geodetic Engineer Justa M. de las Alas for Marissa S. Estopalla, et al., was verified to be within the Alienable or Disposable Land, under Project No. 27-B, Taguig City, Metro Manila as per LC Map 2623, approved on January 3, 1968.^[12]

On July 28, 2010 the Court issued a resolution requiring the OSG to verify from the DENR whether the Senior Forest Management Specialist of its National Capital Region, Office of the Regional Technical Director for Forest Management Services, who issued the Certification in this case, is authorized to issue certifications on the status of public lands as alienable and disposable, and to submit a copy of the administrative order or proclamation that declares as alienable and disposable the area where the property involved in this case is located, if any there be.^[13]

In compliance, the OSG submitted a certification from the DENR stating that Senior Forest Management Specialist Corazon D. Calamno, who signed Victoria's DENR Certification, is authorized to issue certifications regarding status of public land as alienable and disposable land.^[14] The OSG also submitted a certified true copy of Forestry Administrative Order 4-1141 dated January 3, 1968,^[15] signed by then Secretary of Agriculture and Natural Resources Arturo R. Tanco, Jr., which declared portions of the public domain covered by Bureau of Forestry Map LC-2623, approved on January 3, 1968, as alienable and disposable.

Since the OSG does not contest the authenticity of the DENR Certification, it seems too hasty for the CA to altogether disregard the same simply because it was not formally offered in evidence before the court below. More so when even the OSG failed to present any evidence in support of its opposition to the application for