

SECOND DIVISION

[G.R. No. 175846, July 06, 2010]

REPUBLIC OF THE PHILIPPINES, PETITIONER, VS. ROSILA ROCHE, RESPONDENT.

DECISION

ABAD, J.:

This case is about the need for applicant for original registration of title to prove that the land applied for is alienable or disposable land of the public domain.

The Facts and the Case

On December 5, 1996 Rosila Roche applied for registration of title^[1] of her 15,353-square-meter land in Barrio Napindan, Taguig, Metro Manila,^[2] denominated as Lot 8698, before the Regional Trial Court (RTC) of Pasig City, Branch 155. Roche alleged that she inherited the land in 1960 from her father, Miguel, who in turn had held the land in the concept of an owner when Roche was only about six years old. She was born on that land on January 10, 1938 and had helped her father cultivate it.^[3] Roche had also paid the realty taxes on the land, which had an assessed value of P490,000.00.

To support her application for registration, Roche presented, among others, a certified true copy of the survey plan of the land,^[4] its technical description,^[5] a Certification from the Department of Environment and Natural Resources (DENR) in lieu of the Geodetic Engineer's Certificate,^[6] tax declarations,^[7] and real property tax receipts.^[8] She also presented certifications that the Land Registration Authority (LRA) and the National Printing Office issued to show compliance with requirements of service of notice to adjoining owners and publication of notice of initial hearing.^[9]

As proof of her open, continuous, and uninterrupted possession of the land, Roche presented Manuel Adriano, a former resident of Napindan who owned an unregistered property adjoining Lot 8698. Adriano testified that he had been a resident of the place where the land was located from 1949 to 1996 when he moved to Pampanga.^[10] He drew a sketch showing the location of Lot 8698 in relation to his own and identified the owners of the other adjoining lots.^[11] He claimed to have known Roche's father since the latter had been cultivating vegetables and rice on the land.^[12]

The Republic of the Philippines (the Government), through the Office of the Solicitor General (OSG), opposed the application on the grounds a) that neither Roche nor her predecessor-in-interest had occupied the land for the required period; and b) that the land belonged to the State and is not subject to private acquisition.^[13] The

Laguna Lake Development Authority (LLDA) also opposed^[14] Roche's application on the ground that, based on technical descriptions, her land was located below the reglementary lake elevation of 12.50 meters and, therefore, may be deemed part of the Laguna Lake bed under Section 41^[15] of Republic Act (R.A.) 4850.

On September 7, 1999 the OSG filed a manifestation that, since Roche failed to prove that the land was part of the alienable land of the public domain, the Government did not need to present evidence in the case. It also adopted LLDA's opposition.^[16]

On September 30, 1999 the RTC rendered judgment,^[17] granting Roche's application. The RTC held that Roche had proved continued adverse possession of the land in the concept of an owner since June 12, 1945 or earlier, pursuant to Presidential Decree (P.D.) 1529. Assuming that the land was part of the public domain, Roche and her predecessor's occupation and cultivation of more than 30 years vested title on her, effectively segregating it from the mass of public land.^[18] Moreover, the LLDA did not prove by substantial evidence that the land was inalienable and part of the Laguna Lake bed.

On appeal by the Government,^[19] the Court of Appeals (CA) affirmed the decision of the RTC.^[20] The OSG filed a motion for reconsideration but the CA denied the same, prompting the Government to file the present petition.

The Issue Presented

The sole issue the petition presents is whether or not the land subject of Roche's application is alienable or disposable land of the public domain.

The Ruling of the Court

The Government insists that the subject land forms part of the lake bed and that it has not been released into the mass of alienable and disposable land of the public domain. As such, Roche cannot register title to it in her name.^[21]

Roche points out, on the other hand, that the lot could not possibly be part of the Laguna Lake's bed since it has always been planted to crops and is not covered by water. R.A. 4850 provides that the Lake is that area covered with water when it is at the average maximum lake level of 12.50 meters. This presupposed that the lake extends only to lakeshore lands. The land in this case does not adjoin the Laguna Lake.^[22]

An application for registration of title must, under Section 14(1), P.D. 1529, meet three requirements: a) that the property 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 of the land; and c) that such possession is under a *bona fide* claim of ownership since June 12, 1945 or earlier.^[23]

Under the Regalian doctrine, all lands of the public domain belong to the State and the latter is the source of any asserted right to ownership in land. Thus, the State