

SECOND DIVISION

[G.R. No. 180218, December 18, 2009]

**REPUBLIC OF THE PHILIPPINES, PETITIONER, VS.
DEVELOPMENT RESOURCES CORPORATION, REPRESENTED BY
CARLOS CHUA AND THE REGISTER OF DEEDS OF DAVAO CITY,
RESPONDENTS.**

D E C I S I O N

ABAD, J.:

This case is about the probative weight of a Land Classification (LC) Map which the Republic of the Philippines (Republic) presented to prove that the land was not alienable and disposable at the time it was adjudicated to the original owner.

The Facts and the Case

Eighty-seven years ago on October 14, 1922 the Court of First Instance of Davao, sitting as cadastral court, adjudicated Lot 544 of Cad-102 in Davao City, consisting of 260,818 square meters, in favor of Antonio Matute. Three years later, or on December 15, 1925 the Register of Deeds issued Original Certificate of Title (OCT) 493 to him by virtue of Decree 195328. Since then, several transfer certificates of title (TCTs) derived from OCT 493 were issued, including TCT 44671, covering **Lot 1** of Pcs-16678, with an area of 36,485 sq m and TCT 44675, covering **Lot 5** also of Pcs-16678 with an area of 33,415 sq m, both in the name of respondent Development Resources Corporation (DRC).^[1]

On April 5, 1993 petitioner Republic, acting through the Office of the Solicitor General, filed a complaint before the Regional Trial Court (RTC) of Davao City^[2] for cancellation of TCT 44671 and TCT 44675 and for the reversion of Lots 1 and 5 of Pcs-16678 to the public domain. The Republic claimed that no valid title vested in 1922 on Antonio Matute, respondent DRC's predecessor, because all of Lot 544 from which the two lots came was still a public forest and inalienable on October 14, 1922.^[3] The Republic asserted that only on August 6, 1923 was Lot 544 declared alienable based on LC Map 47.^[4] The Republic presented a certification to this effect from the Department of Environment and Natural Resources (DENR).^[5] DRC, on the other hand, contended that its two lots could no longer be reverted to the public domain because they are now private properties held by purchasers in good faith.^[6]

On October 25, 2001 the RTC dismissed the complaint, holding that the Republic failed to prove that the subject lots were still part of the public domain when the same were adjudicated to Antonio Matute.^[7] The RTC ruled that LC Map 47 has no probative value because: (1) the copy presented in court was a reproduction and not the original or certified copy; and (2) it does not show that the land was declared alienable and disposable only as of August 6, 1923; rather that it was

certified on that date.^[8]

On appeal, the Court of Appeals affirmed the decision of the trial court,^[9] holding that there is nothing in LC Map 47 which states that prior to August 6, 1923, Lot 544 was not yet alienable and disposable and not open to private ownership,^[10] hence, this recourse by the Republic.

Question Presented

The only question the petition presents is whether or not respondent DRC's titles over Lots 1 and 5 of Pcs-16678 of the Davao Cadastre can be cancelled, having been supposedly issued when, based on LC Map 47, these lots were still inalienable lands of the public domain.

The Court's Ruling

Since a complaint for reversion can upset the stability of registered titles through the cancellation of the original title and the others that emanate from it, the State bears a heavy burden of proving the ground for its action.^[11] Here, the Republic fails to discharge such burden. For one, it failed to present the original or a certified true copy of LC Map 47 but only its electronic reproduction,^[12] which has no probative value.^[13]

The Court held in *SAAD Agro-Industries, Inc. v. Republic of the Philippines*^[14] that a mere photocopy of an LC Map is not a competent evidence of the existence of such map. While evidence is admissible when the original of a document is in the custody of a public officer or is recorded in a public office, as in this case, there is a need to present a certified copy of it issued by the public officer having custody of the document to prove its contents.

The Republic of course claims that its version of LC Map 47 should be regarded as the original itself because it was the official copy of the region furnished by the National Mapping and Resources Inventory Authority where the original is kept.^[15] But, as admitted by Crisanto Galo, the Land Evaluation Coordinator for DENR Region XI, the copy they presented was neither marked nor certified as a reproduction of the original.^[16] Hence, it cannot be considered as an official copy, more so an original copy.

For another, the courts below correctly held that LC Map 47 does not state on its face that Lot 544 became alienable and disposable only on the date appearing on that Map, namely, on August 6, 1923, about 10 months after Lots 1 and 5 of Pcs-16678 of the Davao Cadastre were adjudicated to Antonio Matute. The DENR certification^[17] has no additional value since it was just based on the same map.

In *Sta. Monica Industrial and Development Corporation v. Court of Appeals*,^[18] the Republic offered in evidence LC Map 2427 to prove that at the time the land was decreed to the original owner, it had not yet been released and still fell within the forest zone. The Court did not, however, give credence to the map because it did not conclusively state the actual classification of the land at the time it was adjudicated to the original owner. It does not help the Republic's case that the subject lots were