

THIRD DIVISION

[G.R. No. 174633, August 26, 2008]

REPUBLIC OF THE PHILIPPINES, PETITIONER, VS. GREGORIA L. DILOY, RESPONDENT.

DECISION

CHICO-NAZARIO, J.:

Before this Court is a Petition for Review on *Certiorari* under Rule 45 of the 1997 Revised Rules of Civil Procedure seeking to set aside the Decision^[1] dated 7 February 2006 and Resolution^[2] dated 30 August 2006 of the Court of Appeals in CA-G.R. CV No. 75028. The Court of Appeals Decision denied the appeal filed before it by the Republic of the Philippines (Republic) and affirmed the Decision^[3] of the 2nd Municipal Circuit Trial Court (MCTC) of Silang-Amadeo, Silang, Cavite, dated 5 May 1999 in LRC Case No. 97-063, granting the application for registration of title filed before it by the herein respondent Gregoria L. Diloy over a parcel of land located in Barangay Dagatan, Municipality of Amadeo, Province of Cavite, covering an area of 22,249 square meters. The Resolution denied the Motion for Reconsideration filed by the Republic.

The antecedent facts of this case are as follows:

As early as 1948, Crispin Leaban had already declared the subject property for taxation purposes under his name, as evidenced by Tax Declaration (T.D.) No. 2708.^[4] He was then succeeded by his son, Eusebio Leaban, who filed the following T.D. Nos.^[5] 4501, 3710 and 2855 in his name from the period covering the years 1951-1969. Thereafter, in 1974, the subject property was transferred to Eusebio Leaban's daughter, Pacencia Leaban, who, in turn, declared the same for taxation purposes under her name. It was evidenced by T.D. Nos. 8672, 7282 and 6231.^[6] On 15 June 1979, the subject property was then conveyed by Pacencia Leaban to her daughter, herein respondent Gregoria L. Diloy, by virtue of a Deed of Absolute Sale.^[7]

In 1997, respondent Gregoria L. Diloy, now married to Joselito C. Espiritu, filed an Application^[8] for Registration of Title over the subject property under Section 14 of Presidential Decree No. 1529^[9] before the 2nd MCTC of Silang-Amadeo, Silang, Cavite. The subject property was particularly described as Lot No. 2280, Cad-482-D, Amadeo Cadastre, Ap-04-010073, with an area of 22,249 square meters located in Barangay Dagatan, Amadeo, Cavite.

To establish the jurisdictional requirements required by the aforesaid law, the respondent submitted and marked the following documents, to wit: (1) **Application for Registration** as Exhibits "A"; "A-1" to "A-4";^[10] (2) **Notice of Initial Hearing** dated 17 July 1997 as Exhibits "B" and "B-1";^[11] (3) **Certificate of**

Publication^[12] by the Land Registration Authority (LRA) as Exhibit "C" **and Certificate of Notification**^[13] by the LRA as Exhibit "C-1"; (4) **Certificate of Publication issued by the National Printing Office (NPO)** as Exhibit "D"^[14] **and a copy of the Official Gazette (O.G.)**, Volume 93, No. 39, 29 September 1997^[15] as Exhibits "D-1" to "D-3"; (5) **Affidavit of Publication**^[16] issued by the *We Forum* newspaper^[17] as Exhibits "E", "E-1" and "E-1-A"; (6) **Registry Receipts sent to the government agencies concerned as well as to the adjoining owners** as Exhibits "F," "F-1" to "F-16," inclusive; and (7) **Certificate of Posting**^[18] as Exhibit "G."

Since the Public Prosecutor did not interpose any objection, the court *a quo* admitted the aforementioned Exhibits.^[19]

The Office of the Solicitor General (OSG), however, on behalf of the Republic, filed an Opposition^[20] to the aforesaid Application for Registration of Title. It filed a Notice of Appearance,^[21] but in a letter^[22] dated 18 November 1997, deputized the Provincial Prosecutor of Silang, Cavite, to represent its interest therein.

During the hearing of the Application for Registration of Title, respondent presented her father, Rustico Diloy, and Armando Ramos as witnesses to strengthen her claim that her predecessors-in-interest had been in actual, continuous, open, notorious and adverse possession of the subject property.

Rustico Diloy testified that the first time he came to know of the subject property was in 1952 when he was twenty years old, because he used to work on the said property. When he married Pacencia Leaban, the owner of the subject property was Eusebio Leaban, the father of Pacencia Leaban. Said property was inherited by his wife from her father. It then came to the possession of the respondent by virtue of a Deed of Absolute Sale executed between her and her mother, Pacencia Leaban. According to him, from the time he came to know of the subject property up to the present, it was continuously declared for taxation purposes. He also affirmed that the subject property has an area of 22,249 square meters, and it is located in Barangay Dagatan, Amadeo, Cavite. He came to know of said information because he was the one who had it surveyed. The survey of the land was made and approved by the Director of Lands and reapproved by the Bureau of Lands. The subject property was fenced with barbed wire and shrubs.^[23]

To corroborate the testimony of Rustico Diloy, Armando Ramos, 81 years old and presently residing in Barangay Dagatan, Amadeo, Cavite, stated that he was the owner of the land adjoining the subject property, and that he knew the previous owners of the same. He disclosed that he knew the subject property even before the Japanese Occupation because he became the husband of one of the heirs of the owner thereof. Prior to the Japanese Occupation, he said the owner of the subject property was his father-in-law, Narciso Leaban. Then, in 1948, Crispin Leaban came into the possession of said land. From Crispin Leaban, he confirmed that the subject property was inherited by Eusebio Leaban, the son of Crispin Leaban. Eusebio Leaban, in turn, transferred the same to his daughter, Pacencia Leaban. Then, in 1979, Pacencia Leaban conveyed the subject property to her daughter, the respondent, who is the present owner of the subject property where she plants coffee.^[24]

The MCTC rendered a Decision dated 5 May 1999 in favor of the respondent, thereby granting her application for registration over the subject property. The dispositive portion reads as follows:

WHEREFORE, this Court hereby APPROVES the Application for Registration filed by [respondent], married to Joselito C. Espiritu. Thus, Lot 2280, Amadeo Cadastre, Ap-04-010073 is placed under the operation of Act. 141, Act 495 and/or P.D. 1529, otherwise known as Property Registration Law. Which property is situated in Barangay Dagatan, Municipality of Amadeo, Cavite, with an area of 22,249 square meters, and the same is covered by an approved Technical Description and Subdivision Plan AP-04-010073. These documents form part of the records of the case, in addition to other proofs adduced by herein [respondent].

Once this Decision becomes final and executory, the corresponding decree of registration shall forthwith issue.

Furnish a copy of this Decision to the Office of the Solicitor General, the [LRA], the Land Management Sector, Regional (sic) IV, Manila, the Register of Deeds of Cavite, the [Community Environment and Natural Resources Office] CENRO, Trece Martires City, Department of Agrarian Reform and the Department of Public Works and Highways, as well as the party and counsel.^[25]

From the aforesaid Decision, the Republic filed a Motion for Reconsideration^[26] arguing that the respondent failed to prove her possession as required under Presidential Decree No. 1529. In an Order^[27] dated 27 March 2001, the said Motion for Reconsideration was denied.

As a result thereof, the Republic appealed the Decision of the MCTC to the Court of Appeals assigning the following error:

THE TRIAL COURT ERRED IN RULING THAT THE APPLICANT PROVED A REGISTRABLE TITLE TO THE PROPERTY.^[28]

On 7 February 2006, the Court of Appeals denied the appeal of the Republic and affirmed the Decision of the MCTC granting the application for registration of the subject property.

Aggrieved, the Republic filed a motion for the reconsideration of the aforesaid Decision which was likewise denied in a Resolution dated 30 August 2006.

Hence, this Petition.

The Republic now comes before this Court with the sole issue of: *whether or not the respondent has acquired a registrable title.*^[29]

The Republic persistently argues that the respondent's Application for Registration of Title should have been denied because the latter failed to comply with the period of possession required by law, *i.e.*, Section 14 of Presidential Decree No. 1529.^[30] The

Republic reveals that the subject property was only declared alienable and disposable on 15 March 1982 per Forestry Administration Office (FAO) No. 4-1650. From 1982 when the property was declared alienable and disposable to 1997, the respondent had only been in adverse possession of the subject property for a period of 15 years. Thus, there was no compliance with Section 14, Presidential Decree No. 1529 because the subject property was not yet alienable and disposable on 12 June 1945, and respondent's possession lacked the required number of years (30 years) for her to acquire the same through prescription. Hence, respondent did not acquire an imperfect title, which may be confirmed through a judicial proceeding.

In her Comment, respondent firmly holds that the MCTC and the Court of Appeals did not commit any error or grave abuse of discretion in rendering their Decisions granting her Application for Registration of Title over the subject property. She avows that she has satisfactorily established that she and her predecessors-in-interest have been in actual, continuous, open, notorious and adverse possession and occupation of an alienable and disposable land under a *bona fide* claim of ownership over the subject property for more than 30 years. To prove the same, she tacked her own possession, commencing on 15 June 1979 up to the time of the filing of her Application for Registration of Title, onto the prior possession of her predecessors-in-interest of 31 years. Adding these periods, respondents and her predecessors-in-interest have been in possession of the land for more than 50 years now in the concept of an owner. Moreover, the realty taxes thereon have been religiously paid, and there is no tax delinquency incurred by her. The subject property has also been devoted to agriculture, particularly, coffee plantation. Similarly, she presented her father and one Armando Ramos as witnesses to prove that she, indeed, was able to satisfy the manner and length of possession required by law so as to grant her Application for Registration of Title over the subject property.

The Petition is meritorious.

Section 14 of the Property Registration Decree speaks of who may apply for registration of land. The said provisions of law refer to an original registration through ordinary registration proceedings.^[31] It specifically provides:

SEC. 14. *Who may apply.* - The following persons may file in the proper Court of First Instance [now Regional Trial Court] 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.** (Emphasis supplied.)

Based on the aforesaid provisions, the **three requisites for the filing of an application for registration of title under the first category** are: (1) that the **property in question is alienable and disposable land of the public domain**; (2) that the **applicants by themselves or through their predecessors-in-interest have been in open, continuous, exclusive and notorious possession**