

THIRD DIVISION

[G.R. NO. 166865, March 02, 2007]

**ANGELITA F. BUENAVENTURA AND PRECIOSA F.
BUENAVENTURA, PETITIONERS, VS. REPUBLIC OF THE
PHILIPPINES, RESPONDENT.**

D E C I S I O N

CHICO-NAZARIO, J.:

The case before this Court is a Petition for Review on *Certiorari* under Rule 45 of the 1997 Revised Rules of Civil Procedure seeking to annul and set aside the Decision^[1] and Resolution^[2] of the Court of Appeals in CA-G.R. CV No. 72925 entitled, *Angelita F. Buenaventura and Preciosa F. Buenaventura vs. Republic of the Philippines*, dated 23 August 2004 and 25 January 2005, respectively, which granted the appeal filed by the Republic of the Philippines (Republic) and declared the parcel of land subject matter of this Petition as public land, thus, reversing the Order^[3] of the Regional Trial Court (RTC) of Parañaque City dated 29 October 2001, which recognized and confirmed the rights of herein petitioners Angelita F. Buenaventura (Angelita) and Preciosa F. Buenaventura (Preciosa), over the subject property, and issued a decree of registration of the same in their favor.

The antecedent facts of the case are as follows:

Petitioners Angelita and Preciosa are the applicants for registration of title over the subject property. They are the heirs of spouses Amado Buenaventura and Irene Flores (spouses Buenaventura) from whom they acquired the subject property.

The facts reveal that the subject property was acquired by the spouses Buenaventura from the Heirs of Lazaro de Leon, namely: Aurelio de Leon and his sister Rodencia Sta. Agueda even before World War II. However, it was only on 30 January 1948 that the corresponding Deed of Sale^[4] was executed in favor of the spouses Buenaventura. After the execution of the said Deed of Sale, the spouses Buenaventura transferred the tax declaration in their name. Consequently, Tax Declaration (T.D.) No. 5492 covering the subject property in the names of Aurelio and Rodencia was cancelled and T.D. No. 6103^[5] was issued in the name of spouses Buenaventura.

In 1978, the spouses Buenaventura transferred, by way of Deed of Sale,^[6] the subject property, together with the adjacent property, which they previously acquired from Mariano Pascual, to their children, among whom are herein petitioners. As a result thereof, a new tax declaration (T.D. No. A-004-05698)^[7] was issued in the name of the spouses Buenaventura's children.

Petitioners then filed an Application for Registration of Title on 5 June 2000 before

the RTC of Parañaque City of the subject property, more particularly described as Cadastral Lot No. 5001-B, Csd-007604-000176-D, Parañaque Cadastre, located in San Dionisio, Parañaque City, with an area of 3,520.92 square meters, more or less. Petitioners alleged that "they and their predecessors-in-interest acquired title to the said parcel of land thru inheritance, transfer, and possession as owners of the same since time immemorial and/or within the period provided for by law."^[8]

As the trial court found the application to be sufficient in form and substance, it thereby set the case for hearing, and directed the service and publication of the notice thereof pursuant to Section 23^[9] of the Property Registration Decree (Presidential Decree No. 1529).

On 27 September 2001, when the case was called for hearing, no interested party appeared before the trial court other than the petitioners. Consequently, petitioners proceeded to present several documents in order to establish compliance with the jurisdictional requirements. The same were marked and offered in evidence before the court *a quo*.

No formal opposition had been filed and no oppositor appeared in any of the previously set hearings of the case; hence, petitioners' counsel moved for the declaration of general default except for the Republic. The same was granted by the court *a quo*. The case was then referred to a commissioner, who directly received petitioners' evidence in chief.

Petitioners presented five witnesses, namely: Aniceta C. Capiral, Engr. Teofilo R. La Guardia, Atty. Reginald L. Hernandez, Ricardo H. Lopez, and herein petitioner Angelita, in order to establish the fact that petitioners and their predecessors have acquired vested right over the subject property by their open, continuous, and exclusive possession under a *bona fide* claim of ownership for over 50 years completely unmolested by any adverse claim, meaning, their possession of the subject property was in the manner and for the period required by law; likewise, to prove the alienable and disposable character of the subject property.

Other than the respective testimonies of the above-named witnesses, they also presented and identified several documents^[10] offered in evidence, which tend to establish further the following: (1) petitioners' fee simple title over the subject property; (2) the nature of the possession and occupation of the property; (3) its classification as part of the alienable and disposable zone of the government; and (4) the improvements introduced thereon and the taxes paid on the subject property. Said documents were duly admitted by the trial court.

On 29 October 2001, based on the pieces of evidence presented by petitioners, the court *a quo* issued an Order granting the application for registration of title of the subject property, the decretal portion of which reads as follows:

WHEREFORE, finding the application of registration of title to the subject parcel of land, known as Lot 5001-B Cad 299, Parañaque Cadastre, and more particularly described in approved Survey Plan Csd 007604-000176 is hereby confirmed and ordered registered in the names of [petitioners] Preciosa, Angelita, [and in the names of their other siblings] Crisostomo, and Alfredo, all surnamed Buenaventura, free from all liens and

encumbrances.

ONCE THIS DECISION has become final, let another one issue directing the Land Registration Authority to issue the corresponding decree.

Let copies of this [D]ecision be furnished to the adjoining owners, Land Registration Authority, Land Management Bureau, Office of the Solicitor General, Sec. of Public Works and Highways, Department of Agrarian Reform, the Director, Forest Management Bureau, Chairman Metropolitan Manila Development Authority, DENR [Department of Environment and Natural Resources], South CENRO, Land Management Sector, City Mayor of Parañaque and Registry of Deeds, Parañaque City.^[11]

Feeling aggrieved with the aforementioned Order of the trial court, the Republic appealed to the Court of Appeals. According to the Republic, petitioners failed to prove continuous, open, exclusive and notorious possession by their predecessors-in-interest and by themselves; hence, the trial court erred in granting petitioners' application for registration of the subject property. The Republic prayed for the reversal of the Order of the trial court and for the dismissal of the application for registration filed by petitioners.

On 23 August 2004, the Court of Appeals rendered a Decision in favor of the Republic, thus, overturning the Order of the court a quo. The dispositive portion of the Decision reads as:

WHEREFORE, the appeal is **GRANTED** and the Decision of the Regional Trial Court, Branch 274, Parañaque City dated October 29, 2001 is **REVERSED** and **SET ASIDE** and the parcel of land subject matter of the application is declared public land.^[12]

Petitioners filed a Motion for Reconsideration of the aforesaid Decision on 20 September 2004. In a Resolution dated 25 January 2005 rendered by the appellate court, said Motion for Reconsideration was forthwith denied for lack of merit.

Hence, this Petition.

Petitioners raise the following issues for the resolution of this Court:

- I. Whether or not the Court of Appeals erred in nullifying the Decision of the trial court confirming petitioners' title over the subject property for not being allegedly supported by substantial evidence as required by law.
- II. Whether or not the Court of Appeals gravely erred in declaring the subject property as public land and ignoring petitioners' evidence of over 50 year possession in the concept of an owner and completely unmolested by any adverse claim.

In the Memorandum^[13] of the petitioners, they allege that the appellate court committed grave error when it nullified the trial court's Order dated 29 October 2001, which confirmed their title to the subject property. Petitioners claim that contrary to the findings of the Court of Appeals that the above-mentioned Order was not supported by evidence, the records of the case clearly speak of the existence,

not absence, of sufficient evidence to sustain the findings of the court *a quo* that petitioners have established possession of the subject property in the manner and for the period required by law, that is by open, continuous, exclusive, and notorious possession in the concept of an owner since 12 June 1945 or earlier, to warrant the registration of their title to the subject property.

Petitioners likewise argue that the appellate court gravely erred when it declared as public land the subject property despite the fact that they were able to prove by clear and convincing evidence that their possession of the subject property was indeed in the manner and within the period required by law. Having been in possession of the subject property for more than 30 years, they have already acquired vested right or title over the subject property by operation of law based on the period provided for under the prevailing land registration and property laws; hence, the Decision of the Court of Appeals is inconsistent with the facts and the law.

The Petition is meritorious.

In resolving the issues involved in the present case, there is a need for this Court to re-examine the facts of the case for the proper determination of the issues raised herein.

As a rule, in the exercise of the Supreme Court's power of review, the Court is not a trier of facts and does not normally undertake the re-examination of the evidence presented by the contending parties during the trial of the case considering that the findings of fact of the Court of Appeals are conclusive and binding on the Court.^[14] However, the rule is not without exceptions. There are several recognized exceptions^[15] in which factual issues may be resolved by this Court and two of these exceptions find application in this present case, to wit: (1) when the findings of the appellate court are contrary to those of the trial court; and (2) when the findings of fact of the appellate court are premised on the supposed absence of evidence but contradicted by the evidence on record.

The issues presented by petitioners will be discussed concurrently, since they are interrelated.

In the assailed Decision of the Court of Appeals, it ruled that petitioners failed to show possession and occupation of the subject property under a *bona fide* claim of ownership since 12 June 1945 or earlier as provided for in Section 14(1) of the Property Registration Decree. It further said that the testimonial evidence presented by petitioners was not sufficient to prove petitioners' possession in the manner and within the period required by the aforesaid law because petitioners' witnesses merely testified on their familiarity with the subject property.

Section 14 of the Property Registration Decree speaks of who may apply for registration of land. The said provision of law refers to an original registration through ordinary registration proceedings.^[16] 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.

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

From the aforesaid provisions of the Property Registration Decree, we can deduce that there are three requisites for the filing of an application for registration of title under the first category, to wit: (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 and occupation; and (3) that such possession is under a *bona fide* claim of ownership since 12 June 1945 or earlier.^[17] The second classification relates to the acquisition of private lands by prescription.

In the case at bar, the Republic argues, through the Office of the Solicitor General, that petitioners' own evidence tends to show that the subject property is not alienable and disposable because it was a salt bed and a fishpond and under Section 2, Article XII of the Constitution, *except* for agricultural lands, all other natural resources shall not be alienated. Likewise, under the *Regalian Doctrine*, all lands not otherwise appearing to be clearly within private ownership are presumed to belong to the State.

It is true that under the *Regalian Doctrine* all lands of the public domain belong to the State and all lands not otherwise appearing to be clearly within private ownership are presumed to belong to the State.^[18] However, such presumption is not conclusive. It can be rebutted by the applicant's presentation of incontrovertible evidence showing that the land subject of the application for registration is alienable and disposable.^[19]

After a thorough examination of the records of this case, this Court found out that petitioners offered in evidence a certification^[20] from the Department of Environment and Natural Resources, National Capital Region dated 29 October 2001, to prove that the subject property was alienable and disposable land of the public domain. The said certification contains the following statements:

This is to certify that the parcel of land as shown and described on the reverse side of this plan- Lot 5001-B, Cad-299, Parañaque Cadastre situated at San Dionisio, Parañaque City, Metro Manila containing an area of 3,520.92 square meters as prepared by Geodetic Engineer Mariano V. Flotildes for Amado Buenaventura, et al., was verified to be within the **Alienable and Disposable Land** per L.C. Map 2623, Project No. 25 of Parañaque per Forestry Administrative Order No. 4-1141 dated January 3, 1968.^[21] (Emphasis supplied.)

To our minds, the said certification is sufficient to establish the true nature or character of the subject property. The certification enjoys a presumption of