

## FIRST DIVISION

[ G.R. NO. 157466, June 21, 2007 ]

**REPUBLIC OF THE PHILIPPINES, PETITIONER, VS. CHERYL B. BIBONIA AND JOSELITO G. MANAHAN, RESPONDENTS.**

### D E C I S I O N

**SANDOVAL-GUTIERREZ, J.:**

For our resolution is the instant Petition for Review on Certiorari<sup>[1]</sup> seeking to reverse the Decision<sup>[2]</sup> of the Court of Appeals dated February 28, 2003 in CA-G.R. CV No. 54874 affirming *in toto* the Decision of the Regional Trial Court (RTC), Branch 39, Daet, Camarines Norte dated September 17, 1996 in Land Registration Case No. N-775 (LRA Record No. N-61762).

The facts are:

On September 1, 1994, Cheryl B. Bibonia, respondent, and Ricardo L. Fernandez, substituted by Joselito G. Manahan, also a respondent, filed with the RTC, Branch 39, Daet, Camarines Norte, an application for registration of two parcels of land, docketed as LRA Record No. N-61762.

Respondent Bibonia's application covers Lot 1, while that of respondent Manahan covers Lot 2. Both lots, included in Plan Psu-05-006012, are located in Vinzons, Camarines Norte.

Respondent Bibonia alleged in her application that she bought Lot 1 from Marita King as shown by a Deed of Absolute Sale dated September 29, 1992. Marita, in turn, received the property from her father, Mariano Morales, by virtue of a Deed of Donation Inter Vivos dated November 23, 1987. Morales, on the other hand, purchased the same lot from Sisenando Barco who, in turn, bought it from Restituto Paraon on September 10, 1955.

For his part, Ricardo L. Fernandez, substituted by respondent Manahan, alleged in the same application that he bought Lot 2 on September 29, 1992 from Remedios Cribé. It was donated to the latter by her father, Mariano Morales, on December 18, 1987, who purchased the same lot from Basilia Barco and the heirs of Liberato Salome on July 31, 1968.

In the course of the proceedings, or on August 3, 1995, the trial court ordered the substitution of Fernandez by respondent Manahan, the former having transferred his rights and interest over Lot 2 in favor of the latter by virtue of a Deed of Assignment dated May 25, 1995.

In its Decision,<sup>[3]</sup> dated September 17, 1996, the trial court granted respondents' application for registration, thus:

WHEREFORE, finding the applicants, Cheryl B. Bibonia, of legal age, single, Filipino [C]itizen, with address at 84 Esteban Abada cor. Gonzales Street, Loyola Heights, Quezon City, and Joselito G. Manahan, of legal age, single, Filipino citizen with address at 2501 CM Roxas St., Sta. Ana, Manila to have registrable titles over Lot 1 and Lot 2, respectively, of Plan PSU-05-006012 with their corresponding technical descriptions, judgment is hereby rendered confirming their respective titles thereto and ordering the registration thereof in their respective names.

SO ORDERED.

On appeal by the Republic of the Philippines, herein petitioner, the Court of Appeals, in a Decision<sup>[4]</sup> dated February 28, 2003, affirmed *in toto* the trial court's judgment.

Hence, the present petition.

Petitioner Republic contends, among others, that the Court of Appeals erred when it departed from settled jurisprudence by ruling that respondents have occupied the lots for thirty (30) years; and that they could not have maintained a *bona fide* claim of ownership because at the time of the filing of their application on September 1, 1994, the lots had been alienable for only eight (8) years, per Certification from the Community and Environment Natural Resources Office (CENRO) of the Department of Environment and Natural Resources (DENR).

For their part, respondents maintain that the petition should be denied for lack of merit.

In sum, the issues presented before us are: (a) whether respondents were able to prove that the lots subject of their application were then disposable and alienable land of the public domain; and (b) whether they were able to show that they have been in open, exclusive, continuous and notorious possession of the lots in the concept of owners.

Section 14 of Presidential Decree (P.D.) No. 1529, otherwise known as the Property Registration Decree, provides:

SEC. 14. Who may apply. – The following persons may file in the proper Court of First Instance an application for registration of title to land, whether personally or through their duly authorized representatives: 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**.

Accordingly, applicants for registration of land must prove: (a) that it forms part of the alienable lands of the public domain; and (b) that they have been in open, exclusive, continuous and notorious possession and occupation of the same under a *bona fide* claim of ownership either since time immemorial or since June 12, 1945.

<sup>[5]</sup>

Relative to the first requisite, it is undisputed that the subject lots have been declared as alienable and disposable by a positive government act. The evidence on