

SECOND DIVISION

[G.R. No. 163757, November 23, 2007]

GORDOLAND DEVELOPMENT CORP., PETITIONER, VS. REPUBLIC OF THE PHILIPPINES, RESPONDENT.

D E C I S I O N

QUISUMBING, J.:

The instant petition assails the Decision^[1] dated January 13, 2003 and the Resolution^[2] dated May 20, 2004 of the Court of Appeals in CA-G.R. CV No. 62545 which reversed and set aside the Decision^[3] dated January 16, 1998 of the Regional Trial Court (RTC), Branch 55, Mandaue City and denied the corresponding motion for reconsideration, respectively.

Petitioner is engaged in the business of real property development. On November 18, 1996, it filed with the RTC, Branch 55, Mandaue City, an application docketed as LRC Case No. N-547^[4] for original registration of title over eight parcels of land totaling 86,298 square meters located in different *barangays* within the Municipality of Lilo-an, Cebu.

Petitioner avers it obtained title over said parcels in 1995 by virtue of several deeds of sale and assignments of appurtenant rights from the alleged owner-possessors whom petitioner claims had been in open, continuous, exclusive, and notorious possession and occupation as would entitle them to acquire title by acquisitive prescription, under Commonwealth Act No. 141,^[5] or the Public Land Act, in relation to Republic Act No. 496^[6] and Presidential Decree No. 1529.^[7]

The petitioner presented (1) testimonies of its predecessors-in-interest with respect to the eight parcels of land and (2) documentary exhibits; among them: tax declarations, certifications from the Register of Deeds that there are no subsisting titles over the subject properties, and certifications from the Community Environment and Natural Resources Office (CENRO) of the Department of Environment and Natural Resources, declaring that there are no subsisting public land applications with respect to the same.

After submitting its formal offer of exhibits and resting its case, the petitioner filed a Manifestation^[8] dated November 14, 1997 with an attached photocopy of a Certification^[9] dated January 10, 1996 from the Cebu CENRO declaring that,

...per projection and ground verification...a tract of land **with list of lot numbers attached herewith** containing an area of ONE HUNDRED THIRTY EIGHT POINT FOUR SIX FIVE SEVEN (138.4657) hectares, more or less, situated in the Barangay at Sta. Cruz, San Vicente and Lataban

Lilo[-]an, Cebu. As shown and described in the Sketch Plan at the back hereof...The same was found to be:

- A. Within the Alienable and Disposable Block-1, land classification project no. 29 per LC Map no. 1391 of Lilo[-]an, Cebu. Certified under Forestry Administrative Order No. 4-537 dated July 31, 1940; and

x x x x

(signed)
EDUARDO M. INTING
Community Environment and
Natural Resources Officer
(Emphasis supplied.)

(signed)
ATTY. ROGELIO C. LAGAT
Provincial Environment and
Natural Resources Officer

However, the list of lot numbers referred to in the certification was not included in the certification, nor was it attached to the Manifestation. The list was never submitted to the trial court. The petitioner's Manifestation merely informed the court that it had failed to include the said certification in its formal offer of exhibits, and that it was "submitting" the same "in compliance with the requirements of the application." Petitioner did not move to re-open the proceedings to present the certification in evidence, have it authenticated and subjected to cross-examination, or have it marked as an exhibit and formally offered in evidence. The original was never submitted.

The State, through the Director of Lands, entered its formal opposition to the application, asserting that registration should be denied on the following grounds:

1. [T]hat neither the applicant/nor his/her/their predecessors-in-interest have been in open[,] continuous[,] ex[c]lusive[,] and notorious possession and occupation of the land in question since June 12, 1945 or prior thereto...[;]
2. [T]hat the muniment/s of title and/or tax declaration/s and tax payment/s receipt/s of applicant/s if any, attached to or alleged in the application, do/es not constitute competent and sufficient evidence of a bona-fide acquisition of the lands applied for or of his/her/their open, continuous, exclusive[,] and notorious possession and occupation...[;]
3. [T]hat the claim of ownership in fee simple on the basis of Spanish Title or grant can no longer be availed of by the applicant/s who have failed to file an appropriate application for registration within the period of six (6) months from February 16, 1976 as required by Presidential Decree No. 892.^[10] From the records, it appears that the instant application was filed on November 18, 1996[;]

That the applicant is a private corporation disqualified under the [N]ew Philippine Constitution to hold alienable lands of the public domain...

4. [T]hat the parcel/s applied for in/are portions of the public domain belonging to the Republic of the Philippines not subject to private appropriation.^[11]

On January 16, 1998, the trial court rendered its decision granting the application, and directed the issuance of the respective decrees of registration for each of the eight parcels of land, all in petitioner's name.

WHEREFORE, premises con[s]idered, judgment is hereby rendered ordering the issuance of title to the lands designated as follows:

1. Lot No. 4221 described in the Technical [D]escription (Exhibit "L"), situated at San Vicente, Lilo-an, Cebu[,] containing an area of Ten Thousand Two Hundred [F]orty[-][E]ight (10,248) square meters, more or less;
2. Lot No. 4222 described in the Technical Description (Exhibit "T"), situated at Lataban, Lilo-an, Cebu[,] containing an area of Two Thousand [F]our [H]undred [T]wenty-[O]ne square meters (2,421), more or less;
3. Lot No. 4242 described in the Technical Description (Exhibit "AA"), situated at San Vicente, Lilo-an, Cebu, containing an area of Three Thousand Four Hundred Twenty-Eight (3,428) square meters, more or less;
4. Lot No. 7250 described in the Technical Description (Exhibit "MM"), situated at Lataban, Lilo-an, Cebu, containing an area of Forty-Six Thousand Four Hundred Eighty-Seven (46,487) square meters, more or less;
5. Lot No. 7252 described in the Technical Description (Exhibit "XX"), situated at Lataban, Lilo-an, Cebu, containing an area of Seven Thousand Nine Hundred Thirty-Two (7,932) square meters, more or less;
6. Lot No. 7260 described in the Technical Description (Exhibit "QQQ"), situated at Lataban, Lilo-an, Cebu, containing an area of Two Thousand Nine Hundred Twenty (2,920) square meters, more or less;
7. Lot No. 7264 described in the Technical Description (Exhibit "CCC"), situated at Lataban, Lilo-an, Cebu, containing an area of Two Thousand Seven Hundred Eighty-Seven (2,787) square meters, more or less;
8. Lot No. 7269 described in the Technical Description (Exhibit "III"), situated at Barangay Lataban, Lilo-an, Cebu, containing an area of Nine Thousand Nine Hundred Seventy-Eight (9,978) square meters, more or less;

All in [f]avor and in the name of Gordoland Development Corporation, a corporation duly organized and existing under and by virtue of Philippine Laws with address at Suite 801, Ermita Center Building, Roxas Blvd., Manila.

Upon finality of this decision, let the corresponding decree of registration be issued in favor of applicants in accordance with Section 39, P.D. 1529.

SO ORDERED.^[12]

The State filed its notice of appeal.

Meanwhile, on February 23, 1998, the trial court received a Report^[13] from the Land Registration Authority (LRA), Office of the Director, Department on Registration, which declared that LRA was not in a position to verify whether or not the subject lands were covered by land patents, or within the area classified as alienable and disposable. It recommended that the Land Management Bureau (LMB) in Manila, the CENRO and the Forest Management Bureau (FMB) in Cebu be ordered to determine and make a finding if the lots were alienable and disposable.

Thereafter, the trial court, acting upon the LRA report, directed the LMB, Cebu CENRO and FMB to report on the true status of the lands.^[14] It did not, however, recall or suspend its judgment in the main.

On appeal, the Court of Appeals reversed the trial court's decision, upon the following grounds:

WHEREFORE, finding merit to the appeal of [respondent] Republic of the Philippines, the Decision rendered by the Regional Trial Court of Mandaue City, Branch 55 dated January 16, 1998 is hereby REVERSED and SET ASIDE.

No pronouncement as to costs.

SO ORDERED.^[15]

The petitioner moved for reconsideration, but the same was denied. Hence, the instant petition, raising the following issues:

I.

WHETHER OR NOT THE COURT OF APPEALS ERRED IN DECLARING THAT THE APPLICATION FOR LAND REGISTRATION AND THE CERTIFICATION OF NON-FORUM SHOPPING WERE DEFECTIVE FOR LACK OF AUTHORITY FROM THE CORPORATION'S BOARD OF DIRECTORS.

II.

WHETHER OR NOT THE COURT OF APPEALS ERRED IN FINDING THAT PETITIONER FAILED TO PROVE THAT THE SUBJECT PROPERTIES WERE ALIENABLE AND DISPOSABLE PUBLIC LAND.

III.

WHETHER OR NOT THE COURT OF APPEALS ERRED IN FINDING THAT PETITIONER AND ITS PREDECESSOR[S]-IN-INTEREST FAILED TO COMPLY WITH THE 30-YEAR POSSESSION REQUIRED BY LAW.^[16]

Stated simply, the petitioner raises the following issues, to wit: (1) whether or not its petition for registration is defective; (2) whether or not the subject parcels of land are alienable and disposable; and (3) whether or not petitioner's predecessors-in-interest were in open, continuous, exclusive and notorious possession of the properties for a period of at least 30 years.

Petitioner contends that its petition for registration is not defective because the Rules of Court is not applicable in land registration cases,^[17] the parcels of land are alienable and disposable as can be readily gleaned from the annexes to its application,^[18] and it presented more than enough documentary and testimonial evidence to show possession of the subject parcels of land in the nature and duration required by law, even going way back to World War II.^[19]

On the other hand, respondent contends that petitioner's petition for registration is defective because Atty. Goering G.C. Paderanga, petitioner's counsel, was not authorized by petitioner's board of directors to file the application and sign the certification on non-forum shopping.^[20] Respondent also contends that petitioner failed to prove that the subject lands were alienable and disposable public lands,^[21] and to present convincing proof that it and its predecessors-in-interest had been in open, continuous, exclusive and notorious possession of the subject lands in the concept of an owner for more than 30 years.^[22]

Anent the first issue, this Court has consistently held that the requirement regarding verification of a pleading is formal, not jurisdictional. Such requirement is a condition affecting the form of the pleading; non-compliance with this requirement does not necessarily render the pleading fatally defective. Verification is simply intended to secure an assurance that the allegations in the pleading are true and correct and not the product of the imagination or a matter of speculation, and that the pleading is filed in good faith.^[23] Further, the purpose of the aforesaid certification is to prohibit and penalize the evils of forum-shopping. Considering that later on Atty. Paderanga's authority to sign the verification and certificate of non-forum shopping was ratified^[24] by the board, there is no circumvention of the aforestated objectives.

We now go to the second issue. At the outset we note that this issue involves a question of fact. As a general rule, this Court does not resolve questions of fact in a petition for review under Rule 45 of the 1997 Rules of Civil Procedure. When supported by substantial evidence, the findings of fact of the Court of Appeals are conclusive and binding on the parties and are not reviewable by this Court, unless the case falls under any of the following recognized exceptions:

- (1) When the conclusion is a finding grounded entirely on speculation, surmises and conjectures;