

FIRST DIVISION

[G.R. NO. 146874, July 20, 2006]

REPUBLIC OF THE PHILIPPINES, PETITIONER, VS. SOCORRO P. JACOB, RESPONDENT.

DECISION

CALLEJO, SR., J.:

Before this Court is a Petition for Review on *Certiorari* filed by the Republic of the Philippines assailing the Decision^[1] of the Court of Appeals (CA) in CA-G.R. CV No. 53606, which affirmed the ruling of the Regional Trial Court (RTC), Branch 17, Tabaco, Albay, in Land Registration Case No. T-210. In the said case, the RTC granted the application of private respondent Socorro P. Jacob for confirmation of her title to Lot No. 4094, Cad-249, Malinao Cadastre of Plan AP-05-002078 in *Barangay* Balading, Malinao, Albay.

The antecedents follow:

On August 14, 1970, then President Ferdinand E. Marcos issued Proclamation No. 739, "Establishing as Reservation for the Purpose of the Exploration, Development, Exploitation and Utilization of Geothermal Energy, Natural Gas and Methane Gas a Parcel of Land in the Province of Albay, Island of Luzon, Philippines." Lot No. 4094 of the Malinao Cadastre, consisting of 15,520 square meters, is covered by the said proclamation.

Nevertheless, on May 6, 1994, private respondent, a retired public school teacher, filed an application with the RTC of Albay for the confirmation and registration of her alleged title over Lot No. 4094.

The Republic of the Philippines, through the Office of the Solicitor General (OSG), opposed the application for the following reasons:

3. That 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 P.D. No. 892. From the records, it appears that the instant application was filed on May 6, 1994.
4. That the parcel/s applied for is/are portions of the public domain belonging to the Republic of the Philippines not subject to private appropriation.^[2]

Private respondent appended to her application the tracing cloth plan of the property under the name of Sotero Bondal. The blue print,^[3] dated February 27, 1991, was

prepared and signed by Geodetic Engineer Bonifacio C. del Valle and approved by Ernesto L. Llave, Chief, Regional Surveys Division of the Lands Management Service. Per Report^[4] of the Land Registration Authority dated September 27, 1994, the property was the subject of an application for registration (Cadastral Case No. 42, GLRO Cadastral Record No. 1324), but "no decision has been rendered thereon, or if there had been any, no copy of the same was furnished to the [Land Registration Authority]." The report also states that the property is covered by Free Patent No. V-13062 dated May 21, 1955.^[5] Private respondent had also applied for a free patent over the property, but withdrew her application in a Letter^[6] dated October 27, 1994 addressed to the Department of Environment and Natural Resources, Region V, Legaspi City.

Private respondent adduced the following evidence and factual allegations to support her application before the RTC:

The previous owner of Lot No. 4094, Sotero Bondal, sold the property to Macario Monjardin,^[7] a brother of private respondent's mother, Josefa Monjardin Patricio. Macario declared the property in his name under Tax Declaration (T.D.) No. 18854^[8] in 1930, superseding T.D. No. 15956, and again in 1949 under T.D. No. 7117.^[9] Since Macario was residing in Manila and was unable to cultivate the property, he asked his sister, Josefa to be his *encargado*. By then, private respondent was already a 17-year old substitute teacher who then accompanied her mother in supervising the planting and harvesting of *palay* and the improvement of the lot.

Sometime in 1946, Macario decided to marry. On January 31, 1946, he sold the property and executed a deed of sale^[10] in favor of the spouses Igmedio A. Patricio and Josefa Monjardin-Patricio, as vendees, for P400.00. The spouses thereafter received their share of the produce as owners, but failed to declare the property for taxation purposes under their names.

In 1947, Josefa Patricio died intestate and was survived by her husband Igmedio and private respondent. T. D. No. 7117 was cancelled effective 1960 by T.D. No. 11602^[11] under the name of "Egmidio A. Patricio." The realty taxes due on the property from 1949 to 1959 were paid on April 16, 1959.^[12] Igmedio died intestate in 1968, and on May 8, 1971, private respondent executed an Affidavit of Extrajudicial Adjudication^[13] where she declared that as sole heir of the spouses Igmedio Patricio, she was the sole owner of the property.

Lot No. No. 4094 was declared for taxation purposes under the name of Socorro under T. D. No. 00530^[14] effective 1985. On July 7, 1983, she paid the realty taxes over the property from 1960 to 1983, and from 1983 to 1995.^[15]

When cross-examined, private respondent admitted that she had no copy of the deed of sale executed by Sotero Bondal in favor of Macario Monjardin.^[16]

The Republic of the Philippines did not offer any evidence to support its opposition to the application.

On January 30, 1996, the trial court rendered judgment in favor of the applicant. The *fallo* of the decision reads:

WHEREFORE, Lot No. 4094 of Plan Ap-05-002078, Cad-249, Malinao Cadastre, more particularly in the corresponding plan and technical description (Exhibits "O" and "N"), is hereby ordered REGISTERED and CONFIRMED in the name of Socorro Jacob, of legal age, married to Elias Jacob, and a resident of Barangay 7, Balintawak Street, Albay District, Legazpi City pursuant to paragraph (1), Section 14 of the Presidential Decree No. 1529, otherwise known as the Property Registration Decree.

Once this decision becomes final, let the corresponding decree and Original Certificate of Title be issued in favor of said applicant.

SO ORDERED.^[17]

The Republic of the Philippines, through the Office of the Solicitor General, appealed the decision to the CA on the following ground:

THE HONORABLE COURT ERRED IN FINDING THAT APPELLEE HAS A REGISTRABLE RIGHT OVER LOT NO. 4049 OF THE MALINAO CADASTRE AND THAT HER POSSESSION AND THAT OF HER PREDECESSORS-IN-INTEREST OVER THE SAID LOT FOR MORE THAN TWENTY SEVEN (27) YEARS WAS IN THE CONCEPT OF OWNER.^[18]

The OSG averred that private respondent failed to prove her claim that the original owner of the property, Sotero Bondal, sold the property to her uncle Macario Monjardin. It was likewise pointed out that private respondent admitted that she had no copy of any such deed of sale. The fact that the property was declared under the name of Sotero Bondal in 1991 (as shown by the tracing cloth plan approved by the Land Registration Authority on February 27, 1991) negates private respondent's claim that the property was sold to Monjardin. Even assuming the existence of such sale, the OSG claimed that private respondent still failed to prove that her predecessors-in-interest had exclusive, open and adverse occupation under a *bona fide* claim of ownership over the property since June 12, 1945 or earlier, up to August 14, 1970 when the property was declared as a reservation under Proclamation No. 739.^[19]

Private respondent opted not to file any brief.

On January 20, 2001, the CA rendered judgment affirming the appealed decision. It declared that although private respondent failed to adduce in evidence the deed of sale executed by Sotero Bondal in favor of Macario Monjardin, her testimony that the sale took place was enough. Her claims were likewise buttressed by her documentary evidence, and thus she was able to muster the requisite quantum of evidence to prove exclusive, open, and continuous possession under a *bona fide* claim of ownership for the requisite period of time before August 14, 1970. According to the appellate court, the bare fact that private respondent failed to present any evidence to corroborate such testimony did not render it self-serving.

The Republic of the Philippines, now petitioner, filed the instant petition, assailing the decision of the CA on the following grounds:

A

THE COURT OF APPEALS GRAVELY ERRED IN RULING THAT RESPONDENT HAS ESTABLISHED BY CLEAR AND CONVINCING EVIDENCE HER POSSESSION AND THAT OF HER PREDECESSOR-IN-INTEREST WITHIN THE PERIOD AND IN THE CONCEPT REQUIRED BY LAW.

B

THE COURT OF APPEALS GRAVELY ERRED IN RULING THAT RESPONDENT ACQUIRED A VESTED RIGHT OVER THE SUBJECT PARCEL OF LAND EVEN BEFORE THE EFFECTIVITY OF PROCLAMATION NO. 739 OF AUGUST 14, 1970.^[20]

The parties reiterated their arguments in the CA to support their respective claims in this Court.

The petition is meritorious.

Section 48(b) of Commonwealth Act No. 141, as amended by Republic Act No. 1942, reads:

Section 48. The following described citizens of the Philippines, occupying lands of the public domain or claiming to own any such lands or an interest therein, but whose titles have not been perfected or completed, may apply to the Court of First Instance of the province where the land is located for confirmation of their claims and the issuance of a certificate of title therefor, under the Land Registration Act, to wit:

(b) Those who by themselves or through their predecessors in-interest therein have been in open, continuous, exclusive, and notorious possession and occupation of agricultural lands of the public domain, under a *bona fide* claim of acquisition of ownership, for at least thirty years immediately preceding the filing of the application for confirmation of title except when prevented by war or *force majeure*. These shall be conclusively presumed to have performed all the conditions essential to a Government grant and shall be entitled to a certificate of title under the provisions of this chapter.

This provision was further amended by Presidential Decree (P.D.) No. 1903 by substituting the phrase "for at least thirty years" with "since June 12, 1945," thus:

Sec. 4. The provisions of Section 48(b) and Section 48(c), Chapter VIII, of the Public Land Act are hereby amended in the sense that these provisions shall apply only to alienable and disposable lands of the public domain which have been in open, continuous, exclusive and notorious possession, and occupation by the applicant himself or through his predecessor-in-interest, under a *bona fide* claim of acquisition of ownership, *since June 12, 1945* (emphasis supplied).

Section 14(1) of P.D. No. 1529, otherwise known as the Property Registration Decree, likewise 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).

Applicants for confirmation of imperfect title must, therefore, prove the following: (a) that the land forms part of the disposable and alienable agricultural lands of the public domain; and (b) that they have been in open, continuous, exclusive, and notorious possession and occupation of the same under a *bona fide* claim of ownership either since time immemorial or since June 12, 1945.^[21]

Under the Regalian doctrine, all lands not otherwise appearing to be clearly within private ownership are presumed to belong to the State. The presumption is that lands of whatever classification belong to the State.^[22] Unless public land is shown to have been reclassified as alienable or disposable to a private person by the State, it remains part of the inalienable public domain. Property of the public domain is beyond the commerce of man and not susceptible of private appropriation and acquisitive prescription. Occupation thereof in the concept of owner no matter how long cannot ripen into ownership and be registered as a title.^[23] The statute of limitations with regard to public agricultural lands does not operate against the State unless the occupant proves possession and occupation of the same after a claim of ownership for the required number of years to constitute a grant from the State.^[24]

No public land can be acquired by private persons without any grant from the government, whether express or implied. It is indispensable that there be a showing of a title from the State. The rationale for the period "since time immemorial or since June 12, 1945" lies in the presumption that the land applied for pertains to the State, and that the occupants or possessor claim an interest thereon only by virtue of their imperfect title as continuous, open and notorious possession.

In the case at bar, when private respondent filed her application with the RTC on May 6, 1994, Lot No. 4094 was no longer alienable and disposable property of the public domain, since as of August 14, 1970, by virtue of Proclamation No. 739, it was segregated from the public domain and declared part of the reservation for the development of geothermal energy.^[25] Private respondent filed her application for confirmation 24 years after the said proclamation was issued; thus, the period of her possession and occupancy after such proclamation can no longer be tacked in favor of the claimant.^[26]

The Court notes that on October 25, 1975, the Secretary of Justice issued an opinion^[27] stating that Proclamation No. 739 was without prejudice to the vested rights of individuals/applicants who had fully complied with all the requirements under the Public Land Law for the acquisition of ownership as alienable and disposable. It bears stressing, however, that one claiming private rights under the Public Land Act, as amended, must prove by clear and convincing evidence that *all the substantive requisites for acquisition of public lands (along with the procedural)*