

FIRST DIVISION

[G.R. No. 150413, July 01, 2003]

**REPUBLIC OF THE PHILIPPINES, PETITIONER, VS. ALEXANDRA
LAO, RESPONDENT.**

D E C I S I O N

YNARES-SANTIAGO, J.:

This petition for review assails the decision^[1] of the Court of Appeals in CA-G.R. CV No. 56230, which affirmed the judgment^[2] of the Regional Trial Court of Tagaytay City, Branch 18, in Land Registration Case No. TG-719.

On September 4, 1995, respondent Alexandra Lao filed with the Regional Trial Court of Tagaytay City, Branch 18, an application for the registration of title over a parcel of land designated as Lot No. 3951, Cad. 452-D, Silang Cadastre, Plan Ap-04-007770, consisting of nine thousand three hundred forty nine (9,349) square meters under Presidential Decree No. 1529, otherwise known as the Property Registration Decree. Respondent alleged that she acquired the land by purchase from the siblings Raymundo Noguera and Ma. Victoria A. Valenzuela, who inherited it from Generosa Medina. The latter, in turn, inherited the land from her father, Jose Medina, who acquired the same from Edilberto Perido by transfer.

In the alternative, respondent prayed that the land be awarded to her under the provisions of Commonwealth Act No. 141, as amended, also known as the Public Land Act, based on her and her predecessor's open, public, actual, continuous, exclusive, notorious and adverse possession and occupancy under bona fide claim of ownership for more than thirty (30) years.

At the hearing in the lower court, respondent presented the following witnesses: Candido Amoroso, who testified on the ownership of the land by Edilberto Perido in 1932; Vicente Laudato, who testified on respondent's purchase of the property from Raymundo and Ma. Victoria; and Fina Victoria So-Liwanag, who assisted respondent in her application for registration. Respondent likewise presented in evidence the Deed of Absolute Sale^[3] dated April 19, 1994 executed by Raymundo and Victoria in her favor, the survey plan and technical description of the property, and the tax declarations in the name of respondent as well as her predecessors-in-interest.

On June 28, 1996, the trial court made the following findings, to wit:

x x x the applicant acquired the subject parcel of land by purchase from Raymundo Noguera and Ma. Victoria A. Valenzuela in 1994, and that applicant and her predecessors-in-interest have been in continuous, uninterrupted, open, public, adverse and in the concept of an owner possession of the subject parcel of land for more than thirty (30) years now; and that the same parcel was declared for taxation purposes; that

the realty taxes due thereon have been duly paid; that the land involved in this case is not covered by any land patent. Likewise, this Court could well-discern from the survey plan covering the same property, as well as technical description and other documents presented, that the land sought to be registered is agricultural and not within any forest zone or public domain; and that tacking her predecessors-in-interest's possession to hers, applicant appears to be in continuous and public possession thereof for more than thirty (30) years.^[4]

The dispositive portion of the decision reads:

WHEREFORE, this Court hereby approves this application for registration and thus places under the operation of Act 141, Act 496 and/or P.D. 1529, otherwise known as Property Registration Law, the land described in Plan Ap-04-007770 and containing an area of nine thousand three hundred forty-nine (9,349) square meters as supported by its technical description now forming part of the record of this case, in addition to other proofs adduced in the name of ALEXANDRA A. LAO, of legal age, married to NELSON O. LAO, Filipino citizen, with residence at 1648 Yakal Street, Sta. Cruz, Manila.

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

SO ORDERED.^[5]

Petitioner Republic of the Philippines, represented by the Office of the Solicitor General, appealed to the Court of Appeals which was docketed as CA-G.R. CV No. 56230. On October 15, 2001, the appellate court affirmed the judgment of the trial court.^[6] Hence, this petition for review raising the following errors:

THERE IS NO SUFFICIENT EVIDENCE TO WARRANT THE ORIGINAL REGISTRATION OF TITLE OF SUBJECT PROPERTY IN THE NAME OF RESPONDENT.^[7]

- A. RESPONDENT FAILED TO COMPLY WITH THE LEGALLY REQUIRED PERIOD AND ACTS OF POSSESSION.^[8]
- B. THE TAX DECLARATIONS PRESENTED BY RESPONDENT DO NOT CORROBORATE HER CLAIM OF THE LEGALLY REQUIRED PERIOD OF POSSESSION.^[9]
- C. RESPONDENT FAILED TO PRESENT A CERTIFICATION FROM THE APPROPRIATE GOVERNMENT AGENCY THAT THE LAND SUBJECT OF HER APPLICATION FOR REGISTRATION IS ALIENABLE AND DISPOSABLE LAND OF THE PUBLIC DOMAIN.^[10]

In sum, the issues presented before us are (a) whether or not respondent was able to prove, by the quantum of evidence mandated by law, that she met the required period of open, exclusive, continuous and notorious possession, in the concept of an owner, of the subject parcel of land; and (b) whether or not respondent was able to show that the land subject of her application was disposable and alienable land of

the public domain.

Section 14 (1) of Presidential Decree No. 1529 states:

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:

(1) Those who by themselves or through their predecessor-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.

On the other hand, Section 48 (b) of Commonwealth Act No. 141, as amended by Section 4 of Presidential Decree No. 1073, provides:

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 thru his predecessor-in-interest, under a bona fide claim of acquisition of ownership, since June 12, 1945.

Thus, before one can register his title over a parcel of land, the applicant must show that (a) he, by himself or through his predecessors-in-interest, has been in open, continuous, exclusive and notorious possession and occupation of the subject land under a *bona fide* claim of ownership since June 12, 1945 or earlier; and (b) the land subject of the application is alienable and disposable land of the public domain.

Respondent submits that Section 48 (b) of CA 141 was amended by Republic Act No. 6940, which reduced the required period of possession to thirty years immediately prior to the filing of the application. Said law became effective on April 15, 1990. However, petitioner maintains that the required period of possession remained the same. RA 6940 explicitly states that its provisions amended sections 44, 45 and 47 of CA 141. Nothing in RA 6940 amends Section 48 (b). In other words, the requisites for judicial confirmation of imperfect or incomplete title set forth therein remains the same, namely, (1) possession of the subject land from June 12, 1945, and (2) the classification of the land as alienable and disposable land of the public domain. In *Public Estates Authority v. Court of Appeals*,^[11] we held that:

Under the public land act, judicial confirmation of imperfect title required possession *en concepto de dueño* since time immemorial, or since July 26, 1894. Under C.A. No. 141, this requirement was retained. However, on June 22, 1957, Republic Act No. 1942 was enacted amending C.A. No. 141. This later enactment required adverse possession for a period of only thirty (30) years. On January 25, 1977, the President enacted P.D. No. 1073, further amending C.A. No. 141, extending the period for filing applications for judicial confirmation of imperfect or incomplete titles to December 31, 1987. Under this decree, "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 land of the public domain which have been in open,