

## FIRST DIVISION

[ G.R. No. 107764, October 04, 2002 ]

**EDNA COLLADO, BERNARDINA TAWAS, JORETO C. TORRES, JOSE AMO, SERGIO L. MONTEALEGRE, VICENTE C. TORRES, JOSEPH L. NUÑEZ, GLORIA SERRANO, DANILO FABREGAS, FERNANDO T. TORRES, LUZ G. TUBUNGBANUA, CARIDAD T. TUTANA, JOSE C. TORRES, JR., IMELDA CAYLALUAD, ROSALIE TUTANA, NORMA ASTORIAS, MYRNA M. LANCION, NORBERTO CAMILOTE, CECILIA MACARANAS, PEDRO BRIONES, REMEDIOS BANTIGUE, DANTE L. MONTEALEGRE, AIDA T. GADON, ARMANDO T. TORRES AND FIDELITO ECO, PETITIONERS, VS. COURT OF APPEALS AND REPUBLIC OF THE PHILIPPINES, THRU THE DIRECTOR OF LANDS, RESPONDENTS, BOCKASANJO ISF AWARDEES ASSOCIATION, INC., LITA MENDOZA, MORADO PREFIDIGNO, TERESITA CRUZ AND CALOMA MOISES, RESPONDENTS/INTERVERNORS.**

### D E C I S I O N

**CARPIO, J.:**

#### The Case

This Petition<sup>[1]</sup> seeks to set aside the Decision of the Court of Appeals,<sup>[2]</sup> dated June 22, 1992, in CA-G.R. SP No. 25597, which declared null and void the Decision<sup>[3]</sup> dated January 30, 1991 of the Regional Trial Court of Antipolo, Rizal, Branch 71, in LRC No. 269-A, LRC Rec. No. N-59179, confirming the imperfect title of petitioners over a parcel of land.

#### The Facts

On April 25, 1985, petitioner Edna T. Collado filed with the land registration court an application for registration of a parcel of land with an approximate area of 1,200,766 square meters or 120.0766 hectares ("Lot" for brevity). The Lot is situated in Barangay San Isidro (formerly known as Boso-boso), Antipolo, Rizal, and covered by Survey Plan Psu-162620. Attached to the application was the technical description of the Lot as Lot Psu-162620 signed by Robert C. Pangyarihan, Officer-in-Charge of the Survey Division, Bureau of Lands, which stated, "**[t]his survey is inside IN-12 Mariquina Watershed.**" On March 24, 1986, petitioner Edna T. Collado filed an Amended Application to include additional co-applicants.<sup>[4]</sup> Subsequently, more applicants joined (collectively referred to as "petitioners" for brevity).<sup>[5]</sup>

The Republic of the Philippines, through the Solicitor General, and the Municipality of Antipolo, through its Municipal Attorney and the Provincial Fiscal of Rizal, filed oppositions to petitioners' application. In due course, the land registration court issued an order of general default against the whole world with the exception of the oppositors.

Petitioners alleged that they have occupied the Lot since time immemorial. Their possession has been open, public, notorious and in the concept of owners. The Lot was surveyed in the name of Seginando Leyva, one of their predecessors-in-interest, as early as March 22, 1902. Petitioners declared the Lot for taxation purposes and paid all the corresponding real estate taxes. According to them, there are now twenty-five co-owners in pro-indiviso shares of five hectares each. During the hearings, petitioners submitted evidence to prove that there have been nine transfers of rights among them and their predecessors-in-interest, as follows:

"1. **SEGINANDO LEYVA** was the earliest known predecessor-in-interest of the Applicants who was in actual, open, notorious and continuous possession of the property in the concept of owner. He had the **property surveyed** in his name on **22 March 1902** (Exhibit "W" and "W-1" testimonies of J. Torres on 16 December 1987 and Mariano Leyva on 29 December 1987).

2. **DIOSDADO LEYVA**, is the son of Seginando Leyva, who **inherited** the property. He had the **property resurveyed** in his name on **May 21-28, 1928** (Exhibit "X" and "X-1"; testimony of Mariano Leyva, a son of Diosdado Leyva).

3. **GREGORIO CAMANTIQUE** bought the property from Diosdado Leyva before the Japanese Occupation of the Philippines during World War II. He owned and **possessed** the property until **1958**. He declared the property for tax purposes, the latest of which was under **Tax Declaration No. 7182** issued on **3 February 1957** (Exhibit "I" and testimony of Mariano Leyva, supra).

4. **ANGELINA REYNOSO**, bought the property from Gregorio Camantique by virtue of a **Deed of Sale** on **3 February 1958** (Exhibit "H"). During the ownership of the property by Angelina Reynoso, **Mariano Leyva** the grandson of Seginando Leyva, the previous owner, attended to the farm. (Testimony of Mariano Leyva, supra). Angelina Reynoso declared the property in her name under **Tax Declaration No. 7189** in **4 February 1958**, under **Tax Declaration No. 8775** on **3 August 1965**, under **Tax Declaration No. 16945** on **15 December 1975**, and under **Tax Declaration No. 03-06145** on **25 June 1978**.

5. **MYRNA TORRES** bought the property from Angelina Reynoso on **16 October 1982** through a **Deed of Sale** (Exhibit "G").

6. **EDNA COLLADO** bought the property from Myrna Torres in a **Deed of Sale** dated **28 April 1984** (Exhibit "P-1" to "P-3").

7. Additional owners **BERNARDINA TAWAS, JORETO TORRES, JOSE AMO, VICENTE TORRES** and **SERGIO MONTEALEGRE** who bought **portions** of the **property** from Edna Collado through a **Deed of Sale** on **6 November 1985** (Exhibit "Q" to "Q-3").

8. And **more additional Owners JOSEPH NUNEZ, DIOSDADO ARENOS, DANILO FABREGAS, FERNANDO TORRES, LUZ TUBUNGBANUA, CARIDAD TUTANA, JOSE TORRES JR., RODRIGO TUTANA, ROSALIE TUTANA, NORMA ASTORIAS, MYRNA LANCION, CHONA MARCIANO, CECILIA MACARANAS, PEDRO BRIONES, REMEDIOS BANTIQUE, DANTE**

MONTEALEGRE, ARMANDO TORRES, AIDA GADON and AMELIA M. MALAPAD bought **portions** of the property in a **Deed of Sale** on **12 May 1986** (Exhibit "S" to "S-3").

9. Co-owners DIOSDADO ARENOS, RODRIGO TUTANA, CHONA MARCIANO and AMELIA MALAPAD jointly sold their shares to new OWNERS GLORIA R. SERRANO, IMELDA CAYLALUAD, NORBERTO CAMILOTE and FIDELITO ECO through a **Deed of Sale** dated 18 January 1987 (Exhibit "T" to "T-9")."<sup>[6]</sup>

During the hearing on January 9, 1991, only the assistant provincial prosecutor appeared without the Solicitor General. For failure of the oppositors to present their evidence, the land registration court issued an order considering the case submitted for decision based on the evidence of the petitioners. The court later set aside the order and reset the hearing to January 14, 1991 for the presentation of the evidence of the oppositors. On this date, counsel for oppositors failed to appear again despite due notice. Hence, the court again issued an order submitting the case for decision based on the evidence of the petitioners.

### **The Trial Court's Ruling**

After appraisal of the evidence submitted by petitioners, the land registration court held that petitioners had adduced sufficient evidence to establish their registrable rights over the Lot. Accordingly, the court rendered a decision confirming the imperfect title of petitioners. We quote the pertinent portions of the court's decision, as follows:

"From the evidence presented, the Court finds that from the testimony of the witnesses presented by the Applicants, the property applied for is in actual, open, public and notorious possession by the applicants and their predecessor-in-interest since time immemorial and said possession had been testified to by witnesses Jimmy Torres, Mariano Leyva, Sergio Montealegre, Jose Amo and one Chona who were all cross-examined by Counsel for Oppositor Republic of the Philippines.

Evidence was likewise presented that said property was declared for taxation purposes in the names of the previous owners and the corresponding taxes were paid by the Applicants and the previous owners and said property was planted to fruit bearing trees; portions to palay and portions used for grazing purposes.

To the mind of the Court, Applicants have presented sufficient evidence to establish registrable title over said property applied for by them.

On the claim that the property applied for is within the Marikina Watershed, the Court can only add that all Presidential Proclamations like the Proclamation setting aside the Marikina Watershed are subject to "private rights."

In the case of Municipality of Santiago vs. Court of Appeals, 120 SCRA 734, 1983 "private rights" is proof of acquisition through (sic) among means of acquisition of public lands.

In the case of Director of Lands vs. Reyes, 68 SCRA 193-195, by "private rights" means that applicant should show clear and convincing evidence that the property in question was acquired by applicants or their ancestors either by composition title from the Spanish government or by Possessory Information title, or any other means for the acquisition of public lands xxx" (underscoring supplied).

The Court believes that from the evidence presented as above stated, Applicants have acquired private rights to which the Presidential Proclamation setting aside the Marikina Watershed should be subject to such private rights.

At any rate, the Court notes that evidence was presented by the applicants that as per Certification issued by the Bureau of Forest Development dated March 18, 1980, the area applied for was verified to be within the area excluded from the operation of the Marikina Watershed Lands Executive Order No. 33 dated July 26, 1904 per Proclamation No. 1283 promulgated on June 21, 1974 which established the Boso-boso Town Site Reservation, amended by Proclamation No. 1637 dated April 18, 1977 known as the Lungsod Silangan Townsite Reservation. (Exhibit "K")."<sup>[7]</sup>

In a motion dated April 5, 1991, received by the Solicitor General on April 6, 1991, petitioners alleged that the decision dated January 30, 1991 confirming their title had become final after the Solicitor General received a copy of the decision on February 18, 1991. Petitioners prayed that the land registration court order the Land Registration Authority to issue the necessary decree in their favor over the Lot.

On April 11, 1991, the Solicitor General inquired from the Provincial Prosecutor of Rizal whether the land registration court had already rendered a decision and if so, whether the Provincial Prosecutor would recommend an appeal. However, the Provincial Prosecutor failed to answer the query.

According to the Solicitor General, he received on April 23, 1991 a copy of the land registration court's decision dated January 30, 1991, and not on February 18, 1991 as alleged by petitioners in their motion.

In the meantime, on May 7, 1991, the land registration court issued an order directing the Land Regulation Authority to issue the corresponding decree of registration in favor of the petitioners.

On August 6, 1991, the Solicitor General filed with the Court of Appeals a Petition for Annulment of Judgment pursuant to Section 9(2) of BP Blg. 129 on the ground that there had been no clear showing that the Lot had been previously classified as alienable and disposable making it subject to private appropriation.

On November 29, 1991, Bockasanjo ISF Awardees Association, Inc., an association of holders of certificates of stewardship issued by the Department of Environment and Natural Resources ("DENR" for brevity) under its Integrated Social Forestry Program ("ISF" for brevity), filed with the Court of Appeals a Motion for Leave to Intervene and to Admit Petition-In-Intervention. They likewise opposed the registration and asserted that the Lot, which is situated inside the Marikina Watershed Reservation, is inalienable. They claimed that they are the actual

occupants of the Lot pursuant to the certificates of stewardship issued by the DENR under the ISF for tree planting purposes.

The Court of Appeals granted the motion to intervene verbally during the preliminary conference held on April 6, 1992. During the preliminary conference, all the parties as represented by their respective counsels agreed that the only issue for resolution was whether the Lot in question is part of the public domain.<sup>[8]</sup>

### **The Court of Appeals' Ruling**

In a decision dated June 22, 1992, the Court of Appeals granted the petition and declared null and void the decision dated January 30, 1991 of the land registration court. The Court of Appeals explained thus:

"Under the Regalian Doctrine, which is enshrined in the 1935 (Art. XIII, Sec. 1), 1973 (Art. XIV, Sec. 8), and 1987 Constitution (Art. XII, Sec. 2), all lands of the public domain belong to the State. An applicant, like the private respondents herein, for registration of a parcel of land bears the burden of overcoming the presumption that the land sought to be registered forms part of the public domain (Director of Lands vs. Aquino, 192 SCRA 296).

A positive Act of government is needed to declassify a public land and to convert it into alienable or disposable land for agricultural or other purposes (Republic vs. Bacas, 176 SCRA 376).

In the case at bar, the private respondents failed to present any evidence whatsoever that the land applied for as described in Psu-162620 has been segregated from the bulk of the public domain and declared by competent authority to be alienable and disposable. Worse, the technical description of Psu-162620 signed by Robert C. Pangyarihan, Officer-in-Charge, Survey Division, Bureau of Lands, which was attached to the application of private respondents, categorically stated that "This survey is inside IN-12 Mariquina Watershed."

That the land in question is within the Marikina Watershed Reservation is confirmed by the Administrator of the National Land Titles and Deeds in a Report, dated March 2, 1988, submitted to the respondent Court in LR Case No. 269-A. These documents readily and effectively negate the allegation in private respondent Collado's application that "said parcel of land known as Psu-162620 is not covered by any form of title, nor any public land application and are not within any government reservation (Par. 8, Application; Emphasis supplied). The respondent court could not have missed the import of these vital documents which are binding upon the courts inasmuch as it is the exclusive prerogative of the Executive Department to classify public lands. They should have forewarned the respondent judge from assuming jurisdiction over the case.

"x x x inasmuch as the said properties applied for by petitioners are part of the public domain, it is the Director of Lands who has jurisdiction in the disposition of the same (subject to the approval of the Secretary of Natural Resources and Environment), and not the courts. x x x Even assuming that petitioners did have the said properties surveyed even