440 Phil. 697

FIRST DIVISION

[G.R. No. 127060, November 19, 2002]

REPUBLIC OF THE PHILIPPINES, PETITIONER, VS. COURT OF APPEALS, FLORENTINO CENIZA, SANTIAGO CENIZA, ESTANISLAO CENIZA, ROMEO SIMBAJON, PABLO RAMOS, ATILANO BONGO, EDGAR ADOLFO, EMMA ADOLFO, JERRY ADOLFO, GLENN ADOLFO, GINA ADOLFO, LORNA ADOLFO, CHONA ADOLFO, EVELYN ADOLFO, IN HER OWN BEHALF AND AS GUARDIAN OF THE MINORS HUBERT AND AMIEL ADOLFO, AND ELNITA ADOLFO IN HER OWN BEHALF AND AS GUARDIAN OF MINORS DAVID AND PRESTINE MAY ADOLFO, RESPONDENTS.

D E C I S I O N

YNARES-SANTIAGO, J.:

This is a petition for review on certiorari of the decision[1] dated September 28, 1994, of the Court of Appeals in CA-G.R. CV No. 31728, affirming the decision[2] in LRC Case No. N-46 of the Regional Trial Court in Mandaue City, Branch XXVIII, which declared private respondents as the owners entitled to the registration of the lots in question.

The antecedent facts of the case are as follows:

Apolinar Ceniza was the declared owner in 1948 of Lot No. 1104, located at Cabancalan, Mandaue City, under Tax Declaration No. 01686. When he died, his heirs took possession of the property and in 1960 partitioned the same through a deed of extrajudicial partition. Apolinar's children, namely, Santiago, Estanislao, Florencia, Manuela, Mercedes and Florentino, all surnamed Ceniza, each got 1/8 share of the property. His grandchildren, namely, the siblings Remedios Adolfo, Melecio Ceniza, and Constancia Zanoria, each got 1/24 share, while Apolinar's other grandchildren, namely, the siblings Concepcion Suico, Benjamin Ceniza, Lilia Ceniza and Delfin Ceniza, each got 1/32 share.

Private respondent Florentino Ceniza purchased the shares of his sisters Manuela and Mercedes and the share pertaining to the siblings Jesusa,[3] Benjamin and Delfin. Together with his share, Florentino became the owner of Lot Nos. 1104-A&C and had them tax declared in his name.

Florencia's share, a portion of Lot No. 1104-B, was purchased by Mercedes who in turn bartered the same with the share acquired by Santiago, another private respondent in this case.

A portion of Santiago's property was bought by his daughter, Asuncion Ceniza, married to private respondent Atillano Bongo and who successfully obtained a tax declaration therefor.

From the portion purchased by Asuncion Ceniza, another private respondent, Romeo Simbajon, purchased an area of 270 square meters. Romeo also acquired a tax declaration in his name. He was the husband of Felicitas Ceniza, another daughter of Santiago.

The share acquired by Estanislao, another child of Apolinar, was also a portion of Lot No. 1104-B. He also caused the tax declaration pertaining to the said lot transferred in his name.

The siblings Remedios Adolfo and Constancia Zanoria, married to private respondent Pablo Ramos, bought the share of their brother, Melecio Ceniza. Remedios' share, in turn, was transferred to her heirs, private respondents Edgar, Emma, Jerry, Glenn, Gina, Lorna, Chona, Evelyn, Hubert, Amiel, all surnamed Adolfo, and the heirs of their brother Leoncio Adolfo, namely, his wife Elenita Adolfo, and children David and Prestine May Adolfo.

> On November 4, 1986, private respondents applied for registration of their respective titles over the property they inherited from Apolinar Ceniza, with the Regional Trial Court of Mandaue City, Branch 28. Petitioner Republic of the Philippines, represented by the Office of the Solicitor General opposed the application on the following grounds:
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> 1. That neither the applicant/s nor their precedessors-in-interest have been in open continuous exclusive and notorious possession and occupation of the land in question since June 12, 1945 or prior thereto (Sec. 48 [b], C.A. 141, as amended by P.D. 1073).
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> 2. That the muniment/s or title and/or the 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 their open, continuous, exclusive and notorious possession and occupation thereof in the concept of owner, since June 12, 1945, or prior thereto. Said muniment/s of title do/es not appear to be genuine and the tax declaration/s and/or tax payment receipts indicate pretended possession of applicants to be of recent vintage.
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> 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 applicants 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. From the records, it appears that the instant application was filed on October 25, 1996.
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> 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.

In a decision dated February 28, 1990, the Regional Trial Court of Mandaue City granted the application.[4] It held that since the applicants' possession of the land for more than thirty (30) years was continuous, peaceful, adverse, public and to the exclusion of everybody, the same was "in the concept of owners." Since the land was neither encumbered nor subject to any other application for registration, the trial

court ordered that, upon the finality of its decision, the decrees of registration should be issued in favor of the applicants.

The Solicitor General interposed an appeal for petitioner Republic of the Philippines before the Court of Appeals.

In a decision dated September 28, 1994, the Court of Appeals affirmed the decision of the trial court. It held that the ruling in *Director of Lands v. Court of Appeals*,[5] that before public land could be registered in the name of a private individual, it must first be established that the land had been classified alienable and disposable, "refers to public lands and not to those which have acquired the nature of a private property in view of the continuous possession thereof by its claimants." The Court of Appeals held:

> In this case, it was sufficiently established by appellees that they have been in open, continuous, exclusive and notorious possession of the subject lots even before the year 1927, or fifty nine (59) years before the application was filed (TSN, April 13, 1989, pp. 3-4; February 6, 1989, p. 7-11; June 2, 1988, pp. 3, 8-9). This period more than sufficiently satisfies the 30 years requirement of the Public Land Act for property to be considered as private land. Significantly, Section 4, Presidential Decree No. 1073 provides:

Sec. 4. The provisions of Section 48(b) and Section 4(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 *bonafide* claim of ownership, since June 12, 1945.

> Appellant was thus no longer required to prove that the property in question is classified as alienable and disposable land of the public domain. Clearly, the property no longer forms part of the public domain. The long and continuous possession thereof by appellees converted said property to a private one. This finds support in the ruling in Director of Lands vs. Bengzon, 152 SCRA 369, to wit:

"x x x alienable public land held by a possessor, personally or through his predecessor-in-interest, openly, continuously and exclusively for the prescribed statutory period (30) years under the Public Land Act, as amended is converted to private property by the mere lapse or completion of said period, *ipso jure*." The above is a reaffirmation of the principle established in the earlier cases of Cariño v. Insular Government, Suzi v. Razon, and Herico v. Dar, that open exclusive and undisputed possession of alienable public land for the period prescribed by law creates the legal fiction whereby the land, upon completion of the requisite period *ipso jure* and without the need of judicial or other sanction, ceases to be public land and becomes private property. x x x In interpreting the provisions of Section 48 (b) of Commonwealth Act No. 141, this Court said in Herico v. Dar, "x x x when the conditions as specified in the foregoing provision are complied with, the possessor is deemed to have acquired, by operation of law, a right to a grant, a government grant, without the necessity of a certificate of title being issued. The land, therefore, ceases to be of the public domain, and beyond the authority of the Director of Lands to dispose of. The application for confirmation is a mere formality, the lack of which

does not affect the legal sufficiency of the title as would be evidenced by the patent and the torrens title to be issued upon the strength of the patent."

The Court of Appeals then cited *Director of Lands v. Intermediate Appellate Court*.[6] In that case, this Court ruled that "alienable public land held by a possessor, personally or through his predecessors-in-interest, openly, continuously and exclusively for the prescribed statutory period (30 years under the Public Land Act, as amended) is converted to private property by the mere lapse or completion of said period, *ipso jure*." Moreover, appellant Republic's claim that the property in question remains to be "public land" under the Constitution, is "refuted" by this Court's pronouncement in *Director of Lands v. Intermediate Appellate Court* that "the Constitution cannot impair vested rights."

The Court of Appeals concluded its decision with the following observations:

> Finally, we note that no opposition was filed by the Bureaus of Lands and Forestry to contest the application of appellees on the ground that the property still forms part of the public domain. Nor is there any showing that the lots in question are forestal land, unlike the case of Director of Lands vs. Court of Appeals, 133 SCRA 701, wherein the Director of Lands questioned the petition for registration filed by the applicant therein on the claim that the property applied for registration in his favor was classified and proven to be forestal land.

Petitioner filed a motion for reconsideration, which was denied in a resolution dated October 29, 1996. Traversing petitioner's argument that under Section 2, Article XII of the Constitution, all lands of the public domain are owned by the State, the Court of Appeals stated that said provision "further states that agricultural lands are excluded from those lands that may not be alienated." It further ruled:

> In the instant case, among the documents presented by appellees are Real Estate tax receipts that sufficiently show that the subject land is mainly utilized for agricultural purposes devoted to the planting of coconut, corn x x x and sugar cane x x x aside from using the same for residential purposes x x x.
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> It is noticeable that appellant failed to present any proof to establish its claim that the land in question is not alienable. Although on July 10, 1989, the court *a quo* issued an order "directing the Bureau of Forest Development [BFD] to submit xx within thirty (30) days from its receipt of [said order] a report on the status of the land xx to determine whether said land or any portion thereof is within the forest zone xxx" (Record, p. 63), the BFD failed to comply. Moreover, appellant never contested appellees' application nor did it may (sic) any manifestation that the land in question is not alienable. Likewise, the prosecutor representing the Republic of the Philippines during the trial did not even contest the classification of the land as stated in the evidence of appellees. Their belated objection should therefore not prejudice appellees who openly and in good faith presented all the documents pertinent to their claims.
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> Presidential Decree No. 1073 extended the period within which a qualified person may apply for confirmation of an imperfect or incomplete title by judicial legalization to December 31, 1987. The filing of this case in October, 1986 was therefore seasonable. Under the decree, this right is