

FIRST DIVISION

[G.R. No. 107427, January 25, 2000]

JAMES R. BRACEWELL, PETITIONER, VS. HONORABLE COURT OF APPEALS AND REPUBLIC OF THE PHILIPPINES, RESPONDENTS.

D E C I S I O N

YNARES-SANTIAGO, J.:

Before us is a petition to affirm the Order of the Regional Trial Court of Makati, Branch 58, in LRC Case No. M-77,^[1] which was reversed by respondent Court of Appeals in its Decision dated June 29, 1992 in CA-G.R. CV No. 26122.^[2] Petitioner's Motion for Reconsideration was denied by respondent court on September 30, 1992.^[3]

The controversy involves a total of nine thousand six hundred fifty-seven (9,657) square meters of land located in Las Piñas, Metro Manila. The facts show that sometime in 1908, Maria Cailles, married to James Bracewell, Sr., acquired the said parcels of land from the Dalandan and Jimenez families of Las Piñas; after which corresponding Tax Declarations were issued in the name of Maria Cailles. On January 16, 1961, Maria Cailles sold the said parcels of land to her son, the petitioner, by virtue of a Deed of Sale which was duly annotated and registered with the Registry of Deeds of Pasig, Rizal. Tax Declarations were thereafter issued in the name of petitioner, cancelling the previous Tax Declarations issued to Maria Cailles.

On September 19, 1963, petitioner filed before the then Court of First Instance of Pasig, Rizal an action for confirmation of imperfect title under Section 48 of Commonwealth Act No. 141.^[4] The case was docketed as L.R.C. Case No.4328. On February 21, 1964, the Director of Lands, represented by the Solicitor General, opposed petitioner's application on the grounds that neither he nor his predecessors-in-interest possessed sufficient title to the subject land nor have they been in open, continuous, exclusive and notorious possession and occupation of the same for at least thirty (30) years prior to the application, and that the subject land is part of the public domain.^[5]

The registration proceedings were meanwhile suspended on account of an action filed by Crescencio Leonardo against Maria Cailles before the then Court of First Instance of Pasig, Rizal. The case was finally disposed of by this Court in G.R. No. 5263 where the rights of Maria Cailles were upheld over those of the oppositor Leonardo.^[6]

On March 26, 1985, the entire records of the registration case were forwarded to the Makati Regional Trial Court^[7] where it was docketed as Land Registration Case No. M-77. The Solicitor General resubmitted his opposition to the application on July 22, 1985,^[8] this time alleging the following additional grounds: (1) the failure of

petitioner to prosecute his action for an unreasonable length of time; and (2) that the tax declarations attached to the complaint do not constitute acquisition of the lands applied for.

On May 3, 1989, the lower court issued an Order granting the application of petitioner.^[9] The Solicitor General promptly appealed to respondent Court which, on June 29, 1992, reversed and set aside the lower court's Order.^[10] It also denied petitioner's Motion for Reconsideration in its Resolution of September 30, 1992.^[11]

Hence, the instant Petition anchored upon the following grounds -

I. The Honorable Court of Appeals ERRED in finding that the commencement of thirty (30) year period mandated under Sec. 48 (b) shall commence only on March 27, 1972 in accordance with the classification made by the Bureau of Forestry in First (1st) Indorsement dated August 20, 1986.

II. The Honorable Court of Appeals committed an ERROR in DRAWING conclusion and inference that prior to the declaration by the Bureau of Forestry in March 27, 1972, the parcels of land sought to be registered by Applicant was part of the forest land or forest reserves.

III. The Honorable Court of Appeals ERRED and failed to consider VESTED RIGHTS of the applicant-appellant and his predecessors-in-interest land occupied from 1908."^[12]

The controversy is simple. On one hand, petitioner asserts his right of title to the subject land under Section 48 (b) of Commonwealth Act No. 141, having by himself and through his predecessors-in-interest been in open, continuous, exclusive and notorious possession and occupation of the subject parcels of land, under a bona fide claim of acquisition or ownership, since 1908. On the other hand it is the respondents' position that since the subject parcels of land were only classified as alienable or disposable on March 27, 1972,^[13] petitioner did not have any title to confirm when he filed his application in 1963. Neither was the requisite thirty years possession met.

We agree with respondents.

In ***Republic vs. Doldol***,^[14] the requisites to acquire title to public land were laid down, as follows --

"x x x. The original Section 48(b) of C.A. No. 141 provided for possession and occupation of lands of the public domain since July 26, 1894. This was superseded by R.A. No. 1942 which provided for a simple thirty-year prescriptive period of occupation by an applicant for judicial confirmation of imperfect title. The same, however, has already been amended by Presidential Decree No. 1073, approved on January 25, 1977. As amended, Section 48(b) now reads:

'(b) Those who by themselves or through their predecessors-in-interest have been in open, continuous, exclusive and notorious possession and