

FIFTEENTH DIVISION

[CA-G.R. CV NO. 86302, March 18, 2014]

**DIRECTOR OF LANDS, PETITIONER, REPUBLIC OF THE
PHILIPPINES, OPPOSITOR-APPELLANT, VS. NIÑA A. ORDANZA,
MOVANT-CLAIMANT-APPELLE.**

D E C I S I O N

CORALES, J.:

This is an appeal^[1] by the Republic of the Philippines through the Office of the Solicitor General (OSG) from the June 26, 2005 Decision^[2] of the Municipal Trial Court (MTC), 4th Judicial Region of Gumaca, Quezon in Cadastral Case No. 265, Land Registration Case Cad. Rec No. 1717 adjudicating Lot No. 6779-B in favor of movant-claimant-appelle Niña A. Ordanza (Ordanza).

The Antecedents

Cadastral Case No. 265 , Land Registration Case Cad. Rec No. 1717 is a cadastral proceeding for the Gumaca Cadastre filed by the petitioner Director of Lands before the MTC, Gumaca, Quezon pursuant to its delegated jurisdiction in land registration proceedings. On January 20, 2005, Ordanza filed a Petition and Motion to Admit Answer and To Set Case for Hearing^[3] relative to Lot No. 6779-B of *Barangay Camohaguin*, Gumaca, Quezon containing an an area of 2,358 square meters.

During the initial hearing, the court *a quo* was satisfied of the jurisdictional facts and nobody offered any opposition to Ordanza's claim; thus, a general default was issued against the whole world and Ordanza was allowed to present her evidence before the Clerk of Court.^[4]

According to Ordanza, Lot No. 6779-B was originally owned by Apolinario Eria (Apolinario) whose daughter, Segunda Eria (Segunda), sold the property to her through a "*Paghahati ng Ari-arian na may Bilihang Lampasan*"^[5] dated January 22, 2003. Thereafter, she also religiously paid the real property taxes for the lot. She also claimed that her predecessors-in-interest possessed the subject lot in peaceful, open, continuous, public and in the concept of ownership for 35 years.^[6] Miguel Morillo, Ordanza's neighbor, corroborated her testimony as to the fact of purchase and described the latter's possession over the lot as open, continuous, public and in the concept of ownership.^[7]

The OSG entered its appearance for the Republic of the Philippines and interposed its usual Opposition.^[8] It argued that neither Ordanza nor her predecessor-in-interest had been in open, notorious and exclusive possession of the land for at least 30 years and the land subject of Ordanza's claim is a public domain which belongs to the State.

The Ruling of MTC

In its June 26, 2005 Decision, the MTC gave credence to Ordanza's testimony as well as the tax declaration under her name. It confirmed Ordanza's title to Lot No. 6779-B based on its findings that the possession of the respective Heirs of Apolinario and Segunda together with their predecessors-in-interest have been in open, public, continuous, adverse, exclusive and in the concept of an owner for more than fifty (50) years and that no lien or encumbrance exists against said lot.^[9] It then disposed the case as follows:

Wherefore, confirming the order of General Default entered earlier in the record of this case which shows that this Lot No. 6779-B with an area of 2,358 sq. m., has never been adjudicated to any person or entity and that the movant-claimant having established her registrable title and they having complied with the requirements of Section 48(b) of the Public Land Act No. 1942, this Lot No. 6779-B is hereby adjudicated in favor of NIÑA A. ORDANZA, 28 years old, married to Jayson Ordanza, Filipino citizen and resident of Brgy. Camohaguin, Gumaca, Quezon as her community property, free from all liens and encumbrances except that may be imposed by existing law.

After this decision had become final, let the corresponding decree of registration issue as a matter of right and the certificate of title shall forthwith be issued after payment of fees as required by laws.

SO ORDERED.

On August 23, 2005, the MTC issued an Order^[10] giving due course to the appeal interposed by the OSG. However, the notice of appeal is conspicuously missing from the records. The records were eventually elevated to this Court and when We directed the OSG to furnish Us with a copy of its Notice of Appeal,^[11] it was discovered that the court *a quo* failed to furnish it with a copy of the June 26, 2005 Decision.^[12] To avoid further delay and for a more practical procedure, the Court directed the Division Clerk of Court to furnish the OSG a copy of the June 26, 2005 Decision and the latter, in turn, was directed to manifest whether it is appealing the decision or not and to submit the necessary pleading pursuant thereto.^[13]

The OSG filed its Notice of Appeal^[14] on January 30, 2009 and raised this lone error in its Appellant's Brief:

THE TRIAL COURT GRAVELY ERRED IN ADJUDUCATING IN FAVOR OF MOVANT-CLAIMANT-APPELLEE NIÑA ORDANZA SUBJECT LOT DESPITE LACK OF PROOF THAT SHE AND HER PREDECESSORS-IN-INTEREST POSSESSED THE SUBJECT LAND IN THE TIME AND MANNER REQUIRED BY LAW.

The Republic claims that Ordanza failed to establish the possession and occupation of Lot No. 6779-B in the manner and for the period required by law. It insists that Ordanza simply made a general statement that their possession and that of their predecessors-in-interest have been adverse, continuous, open, public, peaceful and in the concept of an owner for the required number of years but Apolinario's tax declaration was only for the year 2005.

This Court's Ruling

The appeal is meritorious.

Under the cadastral system, the government initiates the proceedings for the compulsory registration of lands within a stated area by filing a petition in court against the holder, claimants, possessors or occupants of such lands. All claimants are compelled to act and present their answers otherwise, they lose their right to own their property. The purpose is to serve public interest by requiring that the titles to the lands be settled and adjudicated.^[15] Thus, the filing of an answer or claim with the cadastral court is equivalent to an application for registration of title to real property.^[16]

Corrolary thereto, the applicant for land registration must be able to prove any of the registrable title provided in Section 14 of Presidential Decree No. 1529,^[17] viz.:

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.
- (2) Those who have acquired ownership of private lands by prescription under the provisions of existing laws.
- (3) Those who have acquired ownership of private lands or abandoned river beds by right of accession or accretion under the existing laws.
- (4) Those who have acquired ownership of land in any other manner provided for by law.

In the recent pronouncement of the Supreme Court in *Heirs of Malabanan v. Republic*,^[18] it summarizes the evidence that should be adduced by the applicant to prove registrable title under Section 14 (1) of P.D. No. 1529 in relation to Section 48 (b) of the Public Land Act as well as Section 14 (2) of P.D. No. 1529, to wit:

- (1) As a general rule and pursuant to the Regalian Doctrine, all lands of the public domain belong to the State and are inalienable. Lands that are not clearly under private ownership are also presumed to belong to the State and, therefore, may not be alienated or disposed;
- (2) The following are excepted from the general rule, to wit:
 - (a) Agricultural lands of the public domain are rendered alienable and disposable through any of the exclusive modes enumerated under Section 11 of the Public Land Act. If the mode is judicial confirmation of imperfect title under Section 48(b) of the Public Land Act, the agricultural land subject of

the application needs only to be classified as alienable and disposable as of the time of the application, provided the applicant's possession and occupation of the land dated back to June 12, 1945, or earlier. Thereby, a conclusive presumption that the applicant has performed all the conditions essential to a government grant arises, and the applicant becomes the owner of the land by virtue of an imperfect or incomplete title. By legal fiction, the land has already ceased to be part of the public domain and has become private property.

(b) Lands of the public domain subsequently classified or declared as no longer intended for public use or for the development of national wealth are removed from the sphere of public dominion and are considered converted into patrimonial lands or lands of private ownership that may be alienated or disposed through any of the modes of acquiring ownership under the Civil Code. If the mode of acquisition is prescription, whether ordinary or extraordinary, proof that the land has been already converted to private ownership prior to the requisite acquisitive prescriptive period is a condition sine qua non in observance of the law (Article 1113, Civil Code) that property of the State not patrimonial in character shall not be the object of prescription.

After a careful perusal of the records, We are convinced that Ordanza failed to prove any registrable title over Lot No. 6779-B. Ordanza's evidence only shows that she bought the subject property from Segunda on January 22, 2003 as evidenced by the document entitled "*Paghahati ng Ari-arian na may Bilihang Lampasan*".^[19] Her claim that Segunda and the latter's predecessors-in-interest, Apolinario, have been in open, continuous, exclusive and notorious possession of the land for 50 years prior to the filing of her Answer is a mere general statement that would not suffice as proof of actual possession.^[20] Notably, Ordanza did not give specific details on the actual occupancy of Apolinario and Segunda in the subject land. The circumstances of how her predecessors-in-interest have acquired the subject properties were not explained and the proof of acquisition of the same was not offered in evidence. It also appears from the records that the earliest evidence of Apolinario's possession over Lot No. 6779-B could be traced back to the tax declaration for the year 2005.^[21] As aptly observed by the OSG, this tax declaration is of recent vintage and We do not find any iota of evidence showing that Apolinario had been in possession of the land since June 12, 1945 or earlier.

Morillo's testimony is also an unsubstantiated general statement that deserves scant consideration from this Court. For clarity, We quote the full Transcript of Stenographic Notes^[22] of Morillo's testimony, thus:

A: I am MIGUEL MORILLO, 57 years old, married, vendor in the Gumaca Public Market and residing at Barangay Camohaguin, Gumaca, Quezon.

Court:

Q: Do you know Nina Ordanza?