

THIRTEENTH DIVISION

[CA-G.R. CV NO. 84804, September 26, 2006]

**IN RE: APPLICATION FOR ORIGINAL REGISTRATION OF TITLE
SPS. RUBEN RICASIO AND VALENTINA RICASIO, APPLICANT-
APPELLEE, VS. REPUBLIC OF THE PHILIPPINES, OPPOSITOR-
APPELLANT.**

D E C I S I O N

CRUZ, J.:

Before the Municipal Trial Court in Cities (or "MTCC"), San Pablo City, was an application for registration, by way of confirmation of imperfect title, involving a parcel of land designated as Lot 1 (or "subject lot") of the consolidation/subdivision plan Ccs-04-004749-D, San Pedro Cadastre, consisting of 5,740 square meters and situated at Brgy. San Lucas II, San Pablo City.

Filed by spouses Ruben Ricasio (or "Ruben") and Valentina Ricasio (or "appellees", when collectively) on May 22, 2003, the application was predicated on the averments that appellees are the true and absolute owners of the subject lot, having purchased it from spouses Simeon and Teresita Gutierrez (or "Gutierrez spouses") per Deed of Absolute Sale dated January 7, 2002; that appellees and their predecessors-in-interest have been religiously paying the realty taxes on the subject lot since time immemorial; that there is no mortgage or encumbrance on the subject lot and appellees have no knowledge of any person in possession or having interest therein; that the adjoining owners are Eugenio Galope, Cecilia Alcantara, Mercy Azucena, Nita Tanalega, Malarion Gutierrez and Malinao Creek; and that appellees and their predecessors-in-interest have been in continuous, open, peaceful, uninterrupted and adverse possession of the subject lot in the concept of an owner since 1937.

The Republic of the Philippines (or "appellant"), represented by the Office of the Solicitor General (or "OSG"), filed an opposition to the application. No other opposition having been presented, the MTCC proceeded to receive appellees' evidence.

After trial, the lower court rendered a decision dated March 11, 2005, the decretal portion of which reads:

"Wherefore, title to the parcel of land subject of this application is hereby granted and approved and the Register of Deeds of the City of San Pablo is hereby directed to cause the issuance of the certification over the property described in the Technical Descriptions as Lot 1 of the consolidation plan, Ccs-04-004749-D, being a consolidation of Lots 20207 and 20205 Cad-438-D, ARP No. 02-062-01804 situated in Brgy. San Lucas No. II, San Pablo City, upon payment of the fees in favor of the applicants-spouses Ruben Ricasio and Valentina Ricasio, of legal

ages, and residents of No. 11, Samar Street, Ayala Alabang, Muntinlupa City.

After this Decision shall have become final and executory, let an Order for the issuance of decree of title be issued in the name of the applicants.

SO ORDERED.”

Appealing the decision to this Court, appellant asserts that the trial court erred (i) “in finding that appellees and their predecessors-in-interest have been in continuous, exclusive and actual possession and occupation of the subject land in the manner and for the length of time required by law to justify confirmation of an imperfect title”; and (ii) “in granting the application for confirmation of title despite the absence of proof that the subject parcel of land forms part of the alienable and disposable portion of the public domain.”

The case was submitted for decision sans an appellees’ brief.

We sustain the appeal.

In land registration cases, the burden of proof is upon the applicant to show that he is the real and absolute owner in fee simple of the land applied for (Republic vs. Lee, 197 SCRA 13).

Under Sec. 14(1) of Pres. Decree No. 1529, an application for registration of title to land may be filed by –

“(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.”

On the other hand, Sec. 48(b) of Com. Act No. 141, as amended, authorizes confirmation of imperfect title in favor of –

“(b) Those who by themselves or through their predecessors-in-interest have been in open, continuous, exclusive and notorious possession and occupation of agricultural lands of the public domain, under a *bona fide* claim of acquisition of ownership, for at least thirty years immediately preceding the filing of the application for confirmation of title x x x.”

The phrase “for at least thirty years” in Sec. 48(b) of Com. Act No. 141, as amended, was substituted by the phrase “since June 12, 1945, or earlier” pursuant to Pres. Decree No. 1073 which became effective on January 25, 1977, while the date “June 12, 1945” was reiterated in Sec. 14(1) of Pres. Decree No. 1529 (Republic vs. Kalaw, 431 SCRA 401). Moreover, said Sec. 14(1) requires that the land applied for must be part of the “alienable and disposable lands of the public domain” and not merely “agricultural lands of the public domain”.

The phrase “adverse, continuous, open, public, peaceful and in concept of an owner” is a mere conclusion of law which requires evidentiary support and substantiation (Director, Lands Management Bureau vs. Court of Appeals, 324 SCRA 757). The