Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

N O T I C E

Sirs/Mesdames:

Please take notice that the Court, First Division, issued a Resolution dated **June 13, 2022** *which reads as follows:*

"G.R. No. 238066 ***(Kelly Grace L. Vizcarra [deceased], substituted by her heirs namely: Luis V. Vizcarra, in his own behalf and attorney-in-fact of Randolph Anthony L. Vizcarra,* Luis Ruperto L. Vizcarra, Jr.** and Kathleen Therese V. Villongco;*** Adelbert W. Antonino, and Marylen C. Mateo, petitioners vs. Five Sisters Emporium, respondent)***. – This is an Appeal by *Certiorari*[1] seeking to reverse and set aside the November 3, 2017 Decision[2] and March 20, 2018 Resolution[3] of the Court of Appeals *(CA)* in CA-G.R. CV No. 104888. The CA modified the February 25, 2015 Decision[4] of the Regional Trial Court of San Fernando City, La Union, Branch 27 *(RTC)*, in Land Registration Case *(LRC)* No. 2294, LRC Record No. N-63405, which granted the application for land registration filed by Five Sisters Emporium *(respondent)*.

The Antecedents

On March 31, 1993, respondent filed before the RTC an application for the issuance of a certificate of title over a 464-square meter *(sq. m.)* parcel of land located at Poblacion, San Fernando, La Union. The land registration case was docketed as LRC No. 2294.[5]

* Also referred to as "Randolf Anthony L. Vizcarra" in some parts of the *rollo* (see *rollo*, pp. 10 and 75).
** Also referred to as "Luis Ruperto L. Vizcarra" in some parts of the *rollo* (see *rollo*, p. 75).
*** Also referred to as "Kathleen Therese V. Villonco" in some parts of the *rollo* (see *rollo*, p. 75).
[1] *Rollo*, pp. 17-48.
[2] Id. at 75-90; penned by Associate Justice Sesinando E. Villon, with Associate Justices Manuel M. Barrios and Renato C. Francisco, concurring.
[3] Id. at 10-12.
[4] Id. at 64-73; penned by Presiding Judge Carlito A. Corpuz.
[5] Id. at 75-76.

Respondent alleged in its Petition[6] before the RTC that it was a registered partnership organized under Philippine laws. Respondent claimed to be the owner in fee simple of the 464-sq. m. lot, called Lot 2 under PSU-1-000015, by virtue of a deed of absolute sale it executed on June 6, 1973 with the previous lot owner, Nieves Pichay *(Pichay)*. According to respondent, it had been in open, peaceful, and continuous possession of the land for more than 30 years, tacking its possession with that of Pichay.[7]

In support of its application, respondent attached the survey plan, the technical description of the land, tracing cloth plan, blue print plan, surveyor's certificate, and certificate of assessment.[8]

On October 2, 1995, an Opposition[9] was filed by the heirs of George Welborn, through counsel.[10] According to the opposition, the area to be registered had encroached upon a 275-sq. m. portion of the land of said heirs. In a Manifestation[11] dated October 6, 2010, upon the death of oppositor Magnolia W. Antonino *(Magnolia)*, one of the daughters of George Welborn, herein petitioners entered their appearances as co-oppositors.[12]

During trial, respondent presented Atty. Rodolfo V. Yabes *(Atty. Yabes)*, Lilian J. Luis *(Luis)*, and Felicidad R. Huliganga *(Huliganga)* as witnesses.

Atty. Yabes testified that his family used to reside on Lot 2. His parents, Gregorio and Eufrosina[13] Yabes *(Spouses Yabes)*, conducted their furniture business after the war in a building which stood on Lot 2 since 1945. Spouses Yabes bought Lot 2 from Pichay, but later sold it to respondent. Thereafter, Spouses Yabes leased the area from respondent and continued to operate the furniture business out of the same location until the old building burned down in 1995. Spouses Yabes also purchased Lot 1 from Pichay, which was the vacant lot adjacent to Lot 2.[14]

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[6] Id. at 110-114.
[7] Id. at 111.
[8] Id. at 112-113; records, pp. 6-9.
[9] Records, p. 49.
[10] *Rollo*, pp. 60-61; the "heirs of George Welborn" were not individually identified in the Opposition, but in a Manifestation dated October 6, 2010, Magnolia Antonino was identified as the oppositor in the case.
[11] Id. at 60-61.
[12] Adelbert W. Antonino is the son of Magnolia and the executor of the latter's estate; Kelly Grace L. Vizcarra represented her mother Winnie W. Luzon; Marylen C. Mateo represented her mother Helen W. Castro. Magnolia, Winnie, and Helen were children of George Welborn and co-heirs to the latter's estate.
[13] Also referred to as "Eufracia/Eufrasia" in some parts of the *rollo* (see TSN dated December 8, 1997, pp. 1 and 3)
[14] *Rollo*, p. 67; TSN dated December 8, 1997, pp. 1-4 and 14.

Prior to the genesis of the instant case, Spouses Yabes applied for the titling of both lots.[15] Atty. Yabes represented respondent, as one of its partners was his brother's wife. Magnolia entered her opposition to the application and claimed that the lots subject of the application for registration encroached upon her land. This was the first time Atty. Yabes became aware of oppositors' Survey Plan PSU-179738.[16] However, in a Letter[17] dated June 22, 1977, Magnolia suggested that the opposition be withdrawn, after her counsel explained to her that upon investigation, there appears to be no actual encroachment.[18]

The applications for land registration were granted by the trial court and pertinent orders were issued for the registration of the lots under the names of Spouses Yabes and respondent, respectively. The Office of the Solicitor General *(OSG)*, however, moved for a reconsideration of the trial court's order with respect to respondent's application over Lot 2 raising as an issue respondent's legal personality. The OSG pointed out that respondent had no legal personality to own property because it purported to be a corporation, when in fact it was a partnership. Thus, the application with respect to Lot 2 was withdrawn.[19]

Atty. Yabes subsequently filed another petition, which was docketed as LRC No. 2294, the controversy subject matter of this case. Despite the withdrawal of her opposition in the earlier application, Magnolia renewed her opposition in LRC No. 2294, again on the alleged ground of encroachment.[20]

Luis, president and general manager of respondent, testified that respondent purchased Lot 2 from Pichay on June 6, 1973. By then, the Yabeses had resided and conducted their business on said lot for about 20 years. They continued leasing the portion where they conducted business even after respondent bought the lot.[21]

Upon respondent's acquisition of the lot, Pichay turned over some tax receipts from 1946 to 1951 paid by her aunts from whom she bought the property, tax receipts from 1964 to 1969, Tax Declaration No. 2727 from 1948 in the name of her aunts, and Tax

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[15] Records, p. 258; docketed as LRC No. 1629, LRC Record No. N-49594.
[16] *Rollo*, pp. 79-80.
[17] Records, p. 305.
[18] *Rollo*, p. 67; TSN dated December 8, 1997, pp. 6-8.
[19] TSN dated December 8, 1997, pp. 8-9; records, p. 243.
[20] *Rollo*, p. 67.
[21] TSN dated September 21, 2007, pp. 2-6.

Declaration Nos. 1124 dated 1987, and 93004 dated 1994 onwards. Respondent paid realty taxes on the parcel of land from 1999 to 2007 as shown by several tax receipts. Luis claimed that there was a concrete fence between the property of the oppositors and the properties of Pichay.[22] According to Luis, respondent's possession of the property, when tacked from the possession of Pichay's predecessors-in-interest from the 1920s, totalled 80 years or more.[23]

Huliganga, a 63-year old native of Poblacion, San Fernando, La Union, testified that she had been residing about 50 meters from Lot 2 since birth. Huliganga thus knew that Pichay was the original owner of Lot 2. Spouses Yabes bought Lot 2 from Pichay, but because they were unable to pay in full, they sold it to respondent.[24] She further testified that sometime in 2009, after Yabes Furniture burned down, MXY commercial building was constructed on the premises, owned by respondent.[25]

Petitioners, on the other hand, presented Milaflor Refuerzo *(Refuerzo)* and Kelly Grace L. Vizcarra *(Vizcarra)* as witnesses.

Refuerzo was a Local Assessment Operations Officer 1 at the City Assessor's Office of San Fernando City, La Union. She identified tax declarations covering a 745.24-sq. m. lot and a 210-sq. m. lot, both located at Poblacion Sur, San Fernando City, La Union. The tax declarations were in the name of George Welborn beginning in 1953; and later in the names of Magnolia, Helen W. Castro *(Helen)*, and Winnie W. Luzon *(Winnie)*,[26] beginning in 1974. She also identified property indexes over both lots in the names of Magnolia, Helen, and Winnie beginning in 1980. While the total area covered was originally around 955 sq. m., the latest tax declarations presented showed a total area of 1,012 sq. m. This was purportedly revised to conform with the actual area as per approved Survey Plan PSU-179738.[27]

Vizcarra, who represented her mother Winnie as co-oppositor, testified that the total area of the land being claimed by the oppositors was 1,012 sq. m., based on the survey plan and technical description

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[22] *Rollo*, pp. 77-78.
[23] Id. at 67.
[24] Id. at 80.
[25] TSN dated March 22, 2011, pp. 5, 7 and 12.
[26] Magnolia, Helen, and Winnie are the children of George and Hipolita Welborn and co-oppositors before the RTC. They died during the pendency of the case and were substituted by their respective heirs in the proceedings before the RTC, CA, and this Court.
[27] *Rollo*, pp. 80-81; TSN dated January 9, 2014, pp. 4-5.

she found from the files of Magnolia. During her cross-examination, Vizcarra also admitted that she had no knowledge of how respondent acquired Lot 2. Her ancestors, however, told her that their family owned Lot 2. She also recalled that she used to frequent Lot 2 as a child.[28]

Respondent formally offered the following documents as its evidence:

Exh. "A"	-	Survey Plan PSU-1-000015
Exh. "A-1"	-	certificate from DENR that the land is alienable and disposable
Exh. "B"	-	technical description of the land
Exh. "C"	-	certification in lieu of surveyor's certificate
Exh. "D"	-	certificate of assessment
Exh. "E"	-	notice of initial hearing
Exh. "F"	-	certification of publication – LRA
Exh. "G"	-	certificate of publication – National Printing Office
Exh. "H"	-	sheriff's posting
Exh. "I"	-	notice to adjoining owners
Exh. "J"	-	affidavit of publication
Exh. "K"	-	newspaper dated Jan. 30, 1997
Exh. "L"	-	OSG notice of appearance
Exh. "M"	-	picture of the old Yabes building
Exh. "N"	-	Magnolia's letter dated June 22, 1977
Exh. "O"	-	survey plan of Welborn
Exh. "P"	-	pictures of the lot and surrounding area
Exh. "Q"	-	respondent's certificate of partnership, articles of partnership, and SEC certification
Exh. "R"	-	deed of absolute sale between respondent and Pichay dated June 6, 1973
Exh. "S"	-	various property tax receipts
Exh. "T"	-	Tax Declaration No. 2727 in the name of Pilar and Antonio Pichay
Exh. "U"	-	Escritura de corporation de Terrence con Pacto de Metro dated June 14, 1906

[28] Id. at 81.

Exh. "V"	-	pictures of a fence dividing the property of Yabeses and Welborns
Exh. "W"	-	various realty tax receipts and notices of assessment
Exh. "X"	-	Tax Declaration No. 008-01-004-02-002 in the name of Pichay
Exh. "Y"	-	sketch prepared by Huliganga
Exh. "Z"	-	records of LRC No. 1629[29]

Petitioners, on the other hand, offered the following documents as evidence: tax declarations, technical description of the survey plan, Refuerzo's judicial affidavit, and Vizcarra's judicial affidavit.[30]

Vizcarra died on December 29, 2014 and was subsequently substituted by her heirs.[31]

The RTC Ruling

In its February 25, 2015 Decision, the RTC granted respondent's application for the issuance of certificate of title albeit not for the entirety of Lot 2. It found respondent's claim of ownership over Lot 2 credible based on the acts of possession it exercised over the lot for more than 30 years, tacking on the possession of Pichay, respondent's predecessor-in-interest, who owned and possessed the lot since the 1940s.[32]

The RTC ordered the issuance of certificates of title in favor of respondent for a 209-sq. m. portion of the 464-sq. m. area it applied for. Giving credence to the opposition, it awarded a 255-sq. m. portion of Lot 2 to petitioners. The RTC considered the 1960 survey plan of the lot submitted by petitioners, which was issued earlier than the 1973 survey plan respondent submitted in evidence. According to the RTC, earlier issued surveys are given preference because they signify a clear right over the property. Moreover, respondent recognized the existence of the survey plan, which implied that it was aware of petitioners' claim over Lot 2. Thus, the RTC held that petitioners had a right over the 255-sq. m. portion of Lot 2 since it had been in their possession for more than 30 years based on the survey plan and technical description submitted in evidence.[33]

[29] Records, pp. 378-383.
[30] Id. at 439-443.
[31] Id. at 475.
[32] *Rollo*, p. 69.
[33] Id. at 69-73.

The dispositive portion of the RTC Decision reads:

WHEREFORE, premises considered, this Court hereby orders:

1. That Original Certificate of Title be issued to applicants for two lots as follows:

   a. A parcel of land (Lot 2 portion) with the technical description stated in survey plan for PSU-179738 and Lot 1 & 2 PSU-1-000015, for Hipolita Wilbourn [*sic*] Et Al in relation to Exhibit "O-1" or survey plan of PSU 179738 and PSU-1-000015 for lots 1 and 2 for Hipolita Wilbourn [*sic*] and Gregorio Yabes with an area of 107 square meters;

   b. A parcel of land (Lot 2 portion) with the technical description stated in survey plan for PSU-179738 and Lot 1 and 2, PSU-1-000015 for Hipolita Wilbourn [*sic*] Et Al in relation to Exhibit "O" or survey plan of PSU-179738 and PSU-1-000015 for lots 1 and 2 for Hipolita Wilbourn [*sic*] and Gregorio Yabes, with an area of 102 square meters.

2. That the encroachment by applicants on the lot of oppositors be removed from the lot applied for by applicants, with an area of 255 square meters and described as follows:

   a. a parcel of land, (formerly lot 2 portion), now portion of PSU-1797338 or Lot 3 of survey of oppositors with the technical description found in survey plan or Annex "1" for oppositor in relation to Exhibit "O" of applicants, more clearly stated as follows:

LOT 3

1-2 N 81° 27'W 3.07 m
2-3 N 12° 28'W 2.02 m
3-4 S 66° 37'E 16.33 m
4-5 S 11° 31'W 7.71 m
5-1 S 62° 31'W 17.40 m

and be registered in the name of oppositors as Original Certificate of Title in accordance with the Property Registration Decree or CA 141.

SO ORDERED.[34]

[34] Id. at 72-73.

Undeterred, respondent appealed to the CA.

The CA Ruling

In its November 3, 2017 Decision, the CA granted respondent's appeal and modified the RTC decision. The CA ruled in this wise:

> **WHEREFORE**, premises considered, the instant appeal is **GRANTED**. The assailed Decision dated February 25, 2015 rendered by the Regional Trial Court, Branch 27, San Fernando City, La Union, in LRC Case No. 2294 is **MODIFIED**, in that appellant is hereby declared as owner in fee simple of the entire lot, subject of its application for registration. It is hereby decreed that the disputed portion of Lot 3 with an area of 225 [*sic*] square meters, which is particularly described hereinbelow, be included in the land to be registered in the name of appellant.
>
> "a parcel of land, (formerly lot 2 portion, now portion of PSU-1797338 or Lot 3 of survey of oppositors with the technical description found in survey plan or Annex '1' for oppositor in relation to Exhibit 'O' of appellant, more clearly stated as follows:
>
> LOT 3
>
> 1-2 N 81° 27'W 3.07 m
> 2-3 N 12° 28'W 2.02 m
> 3-4 S 66° 37'E 16.33 m
> 4-5 S 11° 31'W 7.71 m
> 5-1 S 62° 31'W 17.40 m"
>
> **SO ORDERED.**[35]

In overturning the RTC decision, the CA held that there was no evidence of petitioners' specific acts of occupation, development, cultivation, or maintenance on Lot 2 or the circumstances evidencing their alleged ownership and possession thereof. Petitioners also failed to offer evidence proving their predecessors-in-interest's alleged ownership, how their predecessors-in-interest acquired Lot 2, and when their predecessors-in-interest began exercising their alleged right of possession over the lot. The tax declarations that petitioners submitted in evidence were found inconclusive as evidence of ownership or of their right to possess the lot by the CA since these could not, on their own, prove that petitioners owned the lot. The survey plan, which was the basis of the RTC in awarding the 255-sq. m. portion to petitioners, was also held as insufficient to prove right of

[35] Id. at 89.

ownership over Lot 2. According to the CA, a survey plan merely identifies and delineates the extent of the land and is not proof of one's right of ownership over a land. Even Vizcarra's testimony was held incompetent by the CA since it was based merely on her supposed discovery of certain documents from Magnolia's files that showed their kin's ownership of a land having an area of 1,012 sq. m.[36]

Aggrieved, petitioners filed a motion for reconsideration, which the CA denied in its March 20, 2018 Resolution.

Hence, this appeal.

Issues

Petitioners raise the following errors:

A. That the Honorable Court of Appeals erred in MODIFYING the DECISION of the Regional Trial Court.

B. That the Honorable Court of Appeals erred by not GIVING CREDENCE to the evidence of the Petitioners (Oppositors).

C. The Honorable Court of Appeals erred in its Decision as it is not in CONSONANCE WITH EXISTING LAW AND JURISPRIDENCE, BASED ON THE DOCUMENTS.[37]

Petitioners argue that respondent failed to show the transfer of ownership of Lot 2 from Pichay to respondent. They question respondent and Pichay's compliance with the registration of the sale, payment of taxes incidental to the sale, and respondent's juridical personality in filing the application for land registration. Petitioners claim ownership over Lot 2 on the basis of the survey plan they had over said lot, which they allege was issued and approved earlier than respondent's survey plan covering the same lot. They also assert that only 19 years had elapsed from the time respondent bought Lot 2 from Pichay until it filed the application for registration of the land, thus the CA erred when it ruled that respondent had been in possession thereof for more than 30 years.[38]

[36] Id. at 83-89.
[37] Id. at 26.
[38] Id. at 26-46.

Respondent, in its Comment[39] dated August 24, 2018, opposed the inclusion of Marylen C. Mateo *(Marylen)* and Adelbert W. Antonino *(Adelbert)* as petitioners herein because only the heirs of Vizcarra appealed to the CA. Respondent also points out that some of the issues raised in the instant petition were not raised during trial and were raised only before the Court.[40]

Petitioners reiterated their arguments in the instant petition in their Reply[41] dated June 10, 2019.

The Court's Ruling

Before proceeding with the merits of the petition, the Court will address respondent's contention that Marylen and Adelbert should be prohibited from joining as petitioners for their failure to participate in the proceedings before the CA.

In a *Manifestation (To Join the Late Magnolia Antonino as Oppositor in the Above Case)*[42] dated October 6, 2010 filed before the RTC, Adelbert and Marylen expressed their intent to formally enter as oppositors to respondent's application in their capacities as executor of Magnolia's estate and authorized representative of Helen, respectively. However, on appeal by respondent, only the heirs of Vizcarra participated in the proceedings before the CA. Thus, respondent argues that Adelbert and Marylen should not be allowed to join the heirs of Vizcarra in the instant petition.

It is settled that a land registration case is a proceeding *in rem* and is thus conclusive against all persons, irrespective of whether they were personally notified of the application for registration and whether they filed an answer to said application.[43] The *in rem* nature of a land registration case does not cease after the conclusion of the proceedings before the trial court, since the proceedings before appellate courts is a mere continuation of the original case.

Hence, Adelbert and Marylen, who are both representatives of the oppositors, are not precluded from filing an appeal or from joining the petitioners in their appeal; they are not barred from participating in the proceedings before the appellate court, especially because they were parties in the proceedings before the RTC.

[39] Id. at 124-134.
[40] Id. at 124-127.
[41] Id. at 141-145.
[42] Id. at 60-61.
[43] *Spouses Laburada v. Land Registration Authority*, 350 Phil. 779, 789 (1998).

Petitioners' claim of ownership

Moving on to the substantive merits of the case, the Court upholds the finding of the CA that petitioners failed to establish exclusive and continuous possession or occupation over any portion of Lot 2. As pointed out by the CA, Vizcarra's testimony that her family owned a piece of land with an area of 1,012 sq. m., and that she used to go where the land is situated during her childhood, is insufficient in proving possession and occupation under a claim of ownership.

Vizcarra testified that when she used to go to the area, she was still young, her grandparents, her mother and her aunties all told her that "this is their land."[44] Thus her testimony regarding the ownership of the land appears to be mere hearsay and cannot be given much evidentiary weight. She failed to give any details other than such generic conclusions of law. On cross-examination she admitted that she had no personal knowledge as to how the property was acquired.

Even survey plan PSU-179738, formally offered by petitioners as evidence, does not clearly support their claim of ownership. The survey was conducted by a private land surveyor on behalf of Hipolita Wilbourn [*sic*], and the certification made therein by the Director of Lands approving the survey specifically qualifies that the survey "has nothing to do whatsoever with the ownership of the land."[45]

While petitioners' evidence sought to establish the metes and bounds of the land area that they claim, none of the evidence shows any actual use, occupation, or possession, by them or their predecessors-in-interest, other than tax declarations issued in their names. Tax declarations are not conclusive evidence of ownership or of the right to possess land when not supported by any other evidence showing actual, public and adverse possession.[46]

As the CA noted, there was no evidence to show when petitioners' predecessors-in-interest started occupying Lot 2. Indeed, they have not shown any specific acts of occupation, development, cultivation, or maintenance over Lot 2. Vizcarra's testimony was limited to a conclusion of ownership. She did not allege any acts of possession or use of any portion of the lot by her family.

[44] TSN dated May 22, 2014, p. 5.
[45] Records, p. 435.
[46] *Roman Catholic Archbishop of Manila v. Ramos*, 721 Phil. 305, 321 (2013).

In contrast, respondent was able to trace its ownership through a deed of sale from Pichay as its predecessor-in-interest. Its use of and occupation over Lot 2 was established by the existence of buildings and improvements that took up almost the entirety of Lot 2. As testified to by respondent's witnesses and corroborated by photographs, there was an old building in use that housed the Yabeses and their furniture business since after the Second World War, until it was destroyed in a fire in 1995. Afterwards, respondent constructed a commercial building thereon. Respondent also established that there was an old concrete fence that delineated the border of its property from that of the Welborns. The existence of these improvements and the fence was not disputed by petitioners, and Vizcarra even admitted knowledge of the fact that there used to be an old building which housed a furniture store on the land in question, and that a three-storey concrete building was constructed in its stead.

Registrability of Lot 2

Nevertheless, despite the foregoing, the Court cannot affirm the registration of the land subject of this case. While the general rule is that an assignment of error is essential to appellate review, and only errors assigned will be considered, the Court has considered exceptions to this rule. One exception where the Court can consider grounds not raised or assigned as errors, is when the consideration of such matter is necessary in arriving at a just decision and complete resolution of the case, or to serve the interest of justice, or to avoid dispensing piecemeal justice.[47]

At the time respondent filed its petition before the RTC, Section 14 of Presidential Decree *(P.D.)* No. 1529 was the governing provision regarding applications for registration of title. The provision reads:

> SECTION 14. *Who May Apply.* — The following persons may file in the proper Court of First Instance 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.

[47] See *Spouses Campos v. Republic*, 728 Phil. 450, 456 (2014).

> (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.
>
> Where the land is owned in common, all the co-owners shall file the application jointly.
>
> Where the land has been sold under *pacto de retro*, the vendor *a retro* may file an application for the original registration of the land, provided, however, that should the period for redemption expire during the pendency of the registration proceedings and ownership to the property consolidated in the vendee *a retro*, the latter shall be substituted for the applicant and may continue the proceedings.
>
> A trustee on behalf of his principal may apply for original registration of any land held in trust by him, unless prohibited by the instrument creating the trust.

Sec. 14 refers to distinct types of application for land registration. Each type has particular requisites which the applicant must establish in the application.[48] Respondent alleged in its petition that it had been, by itself and through its predecessors-in-interest, in open, peaceful, and continuous possession of Lot 2 for more than 30 years. Thus, the petition was premised on Sec. 14(2), following the laws on prescription under the Civil Code.[49]

Accordingly, an applicant for land registration must primarily show that the land sought to be registered is alienable and disposable. By virtue of the Regalian Doctrine, lands which do not clearly appear to be within private ownership are presumed to belong to the State. To overcome such presumption, the applicant must prove by clear and incontrovertible evidence that the land has been classified as alienable and disposable land of the public domain.[50]

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[48] See *Republic v. Nicolas*, 819 Phil. 31, 41 (2017).

[49] Article 1137. Ownership and other real rights over immovables also prescribe through uninterrupted adverse possession thereof for thirty years, without need of title or of good faith.

[50] *Republic v. San Lorenzo Development Corporation (SLDC)*, G.R. No. 220902, February 17, 2020.

To this end, the Court in *Republic v. T.A.N. Properties, Inc.*[51] *(T.A.N. Properties)* held that an applicant must submit a certification from the City Environment and Natural Resources Offices *(CENRO)* or Provincial Environment and Natural Resources Offices *(PENRO)* that the land is alienable and disposable. In addition, an applicant must also prove that the Secretary of the Department of Environment and Natural Resources *(DENR)* had approved the land classification and released the land of the public domain as alienable and disposable by presenting a copy of the original classification approved by the DENR Secretary and certified as a true copy by the legal custodian of the official records.

Here, respondent's sole evidence to establish alienability and disposability is a certification issued by the DENR-CENRO (Exh. "A-1") printed at the back of their survey plan (Exh. "A") in the name of Gregorio and Antonio Yabes.[52] The pertinent portion of said certification reads:

> THIS IS TO CERTIFY that the parcel of land located at Barangay Poblacion, (Brgy. 1V), San Fernando City, La Union identified as lot no. 2-PSU-1-000015 was verified based from the tie line N 78° 11'W, 172.86 meters from BLLM No. 1 Municipality of San Fernando, La Union to corner 1 of the area and technical descriptions indicated on the sketch plan on the reverse side hereof. It was found out that said lot falls within the ALIENABLE and DISPOSABLE land of the Public Domain as per Project No. 13, L.C. Map No. 1395 of municipality of San Fernando City, La Union as certified on August 7, 1940.

Unfortunately for respondent, there is nothing in the records pertaining to any certification or document issued by the DENR Secretary approving the land classification. Thus, respondent's evidence to prove the alienability and disposability of Lot 2 falls short of the standards prescribed by prevailing jurisprudence at the time the instant action was pending before the trial court.

Significantly, during the pendency of this appeal, Republic Act *(R.A.)* No. 11573[53] took effect. Among its provisions was the amendment of Sec. 14 of P.D. No. 1529, thus:

[51] 578 Phil. 441 (2008).
[52] Records, p. 375.
[53] Entitled, "An Act Improving the Confirmation Process for Imperfect Land Titles, Amending for the Purpose Commonwealth Act No. 141, as amended, otherwise known as 'The Public Land Act,' and Presidential Decree No. 1529, as amended, otherwise known as the 'Property Registration Decree.'" (Approved July 16, 2021).

Section 6. Section 14 of Presidential Decree No. 1529 is hereby amended to read as follows:

> "SECTION 14. *Who may apply.* — The following persons may file at any time, in the proper Regional Trial Court in the province where the land is located, an application for registration of title to land, not exceeding twelve (12) hectares, 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 not covered by existing certificates of title or patents under a *bona fide* claim of ownership for at least twenty (20) years immediately preceding the filing of the application for confirmation of title except when prevented by war or *force majeure*. They shall be conclusively presumed to have performed all the conditions essential to a Government grant and shall be entitled to a certificate of title under this section.
>
> "(2) Those who have acquired ownership of private lands or abandoned riverbeds by right of accession or accretion under the provisions of existing laws.
>
> "(3) Those who have acquired ownership of land in any other manner provided for by law.
>
> "Where the land is owned in common, all the co-owners shall file the application jointly.
>
> "Where the land has been sold under *pacto de retro*, the vendor *a retro* may file an application for the original registration of the land: *Provided, however*, That should the period for redemption expire during the pendency of the registration proceedings and ownership to the property consolidated in the vendee *a retro*, the latter shall be substituted for the applicant and may continue the proceedings.
>
> "A trustee on behalf of the principal may apply for original registration of any land held in trust by the trustee, unless prohibited by the instrument creating the trust."

The amendment shortened the period of possession required under Sec. 14(1) from "June 12, 1945, or earlier," to "at least twenty (20) years immediately preceding the filing of the application." As We observed in the recently decided case of *Republic v. Pasig Rizal Co., Inc.*[54] *(Pasig Rizal)*, the logical consequence of this change is the deletion of the old Section 14(2), as a possessor can seek registration after a shorter period of 20 years, without having to wait for the 30-year period under the Civil Code.

In addition, Sec. 7 of R.A. No. 11573 also prescribed the manner of proving the status of a land as alienable and disposable:

> **Section 7.** *Proof that the Land is Alienable and Disposable.* — For purposes of judicial confirmation of imperfect titles filed under Presidential Decree No. 1529, a duly signed certification by a duly designated DENR geodetic engineer that the land is part of alienable and disposable agricultural lands of the public domain is sufficient proof that the land is alienable. Said certification shall be imprinted in the approved survey plan submitted by the applicant in the land registration court. The imprinted certification in the plan shall contain a sworn statement by the geodetic engineer that the land is within the alienable and disposable lands of the public domain and shall state the applicable Forestry Administrative Order, DENR Administrative Order, Executive Order, Proclamations and the Land Classification Project Map Number covering the subject land.
>
> Should there be no available copy of the Forestry Administrative Order, Executive Order or Proclamation, it is sufficient that the Land Classification (LC) Map Number, Project Number, and date of release indicated in the land classification map be stated in the sworn statement declaring that said land classification map is existing in the inventory of LC Map records of the National Mapping and Resource Information Authority (NAMRIA) and is being used by the DENR as land classification map.

As held in *Pasig Rizal*, this supersedes the requirements established in *T.A.N. Properties*. The new provision does away with the requirement of submitting a true copy of the DENR Secretary-approved original classification.

> Hence, at present, the presentation of the approved survey plan bearing a certification signed by a duly designated DENR geodetic engineer stating that the land subject of the application for registration forms part of the alienable and disposable agricultural

[54] G.R. No. 213207, February 15, 2022.

> land of the public domain shall be sufficient proof of its classification as such, *provided* that the certification bears references to: (i) the relevant issuance (*e.g.*, Forestry Administrative Order, DENR Administrative Order, Executive Order, or Proclamation); and (ii) the LC Map number covering the subject land.
>
> In the absence of a copy of the relevant issuance classifying the subject land as alienable and disposable, the certification of the DENR geodetic engineer must state: (i) the LC Map number; (ii) the Project Number; and (iii) the date of release indicated in the LC Map; and (iv) the fact that the LC Map forms part of the records of the National Mapping and Resources Information Authority (NAMRIA) and is therefore being used by the DENR as such.[55]

Here, while the certification submitted by respondent indicates the land classification project map *(LC Map)* covering Lot 2, no reference was made therein on the relevant issuance classifying the lot as alienable and disposable. Neither can such absence be excused since the certification does not state the date of release indicated in the LC Map, or that said map forms part of the records of the National Mapping and Resources Information Authority and is being used by the DENR as such.

Furthermore, it cannot be determined with certainty whether the certification was issued by a "duly designated DENR geodetic engineer."[56] We stated in *Pasig Rizal* that the geodetic engineer must be presented as witness for the proper authentication of the certification, in accordance with Rule 132 of the Rules of Court. No such geodetic engineer testified on the certification herein.

While We held in *Pasig Rizal* that R.A. No. 11573, particularly Secs. 6 and 7 thereof, may operate retroactively to cover applications for land registration pending when the law took effect, respondent's evidence unfortunately still falls short of the standards required by the law. However, in the interest of substantial justice, considering how long this matter has dragged on, and considering that respondent has established its long period of possession of Lot 2, the Court deems it proper to remand the case to the CA for reception of evidence regarding the land classification status of Lot 2 in accordance with R.A. No. 11573.

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[55] Id.

[56] See records, p. 375. The certification was issued by Zenaida D. Meniano, For.III/Chief FMS and Raquel R. Abedania-Lopez, OIC-CENR Officer; verified by Antonio U. Castillo, For.I/Land Verification Officer and Francis N. Carvajal, Engr.I/Chief Engineering and Mapping Unit; projected by William F. Cabanban, Cartographer II.

WHEREFORE, the petition is **DENIED**. The Court decrees as follows:

1. The November 3, 2017 Decision and March 20, 2018 Resolution of the Court of Appeals, in CA-G.R. CV No. 104888, are **AFFIRMED** insofar as it deleted the registration of portions of Lot 2 of PSU-1-000015 in favor of petitioners. The opposition of petitioners to the application is hereby **DENIED** for lack of merit.

2. The same Decision and Resolution of the Court of Appeals, ordering the registration of Lot 2 of PSU-1-000015 in the name of respondent, are hereby **REVERSED and SET ASIDE**.

3. The case is hereby **REMANDED** to the Court of Appeals for reception of evidence of respondent with respect to the alienability and disposability of Lot 2 of PSU-1-000015, in accordance with Republic Act No. 11573. The Court of Appeals is **DIRECTED** to **RESOLVE** the matter with due and deliberate dispatch.

SO ORDERED."

By authority of the Court:

LIBRADA C. BUENA
Division Clerk of Court

by:

MARIA TERESA B. SIBULO
Deputy Division Clerk of Court

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- over -

The Hon. Presiding Judge
Regional Trial Court, Branch 27
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(LRC Case No. 2294)

The Clerk of Court (x)
Court of Appeals
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(CA-G.R. CV No. 104888)

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