



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, First Division, issued a Resolution dated July 4, 2022 which reads as follows:

“G.R. Nos. 255691 and 255704 (*Science Park of the Philippines, Inc., herein represented by its Executive Vice-President and General Manager, Mr. Richard Albert I. Osmond, petitioner vs. Republic of the Philippines, respondent*). – This Appeal by *Certiorari*¹ seeks to reverse and set aside the June 5, 2020 Consolidated Decision² and the January 5, 2021 Resolution³ of the Court of Appeals (CA) in CA-G.R. CV No. 109574 and CA-G.R. CV No. 110812. The CA reversed and set aside the April 19, 2017⁴ and November 17, 2017⁵ Decisions of the Municipal Circuit Trial Court, Malvar-Balete, Batangas (*MCTC*), acting as a Land Registration Court, in Land Reg. Case (*LRC*) Nos. N-139 and N-147, respectively, by dismissing the application for original registration of titles of Science Park of the Philippines, Inc., represented by its Executive Vice-President and General Manager, Richard Albert I. Osmond (*petitioner*).

Antecedents

On September 3, 2015, petitioner filed with the MCTC an application for original registration of title covering Lot No. 5791, Psc-47, Malvar Cadastre, Ap-04-016398, located in *Barangay Luta*

- over – seventeen (17) pages ...

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¹ *Rollo*, pp. 31-65.

² *Id.* at 10-25; penned by Associate Justice Gabriel T. Robeniol, with Associate Justices Edwin D. Sorongon and Bonifacio S. Pascua, concurring.

³ *Id.* at 26-27.

⁴ *Id.* at 66-74; penned by Presiding Judge Charito M. Macalintal-Sawali.

⁵ *Id.* at 75-84; penned by Presiding Judge Charito M. Macalintal-Sawali.

Sur, Malvar, Batangas, with an area of 2,148 square meters⁶ (*sq. m.; first property*), praying that the said property be brought under the operation of Presidential Decree (*P.D.*) No. 1529,⁷ otherwise known as the “Property Registration Decree,” to have the title registered and confirmed in petitioner’s name. Similarly, on March 30, 2016, petitioner filed another application for original registration of title, this time covering Lot No. 1881-B, Psc-47, Malvar Cadastre, Csd-4A-001593-D, situated on the boundary of *Barangay* San Pedro and *Barangay* Bulihan, Malvar, Batangas, with an area of 20,577 sq. m.⁸ (*second property*).

Petitioner presented supporting evidence which included: (1) tax declaration issued in 1955 under the name of Fausta Kalaw (*Kalaw*) for the first property; (2) tax declaration issued in 1980 under the name of spouses Juanito and Magdalena Alvarez (*Spouses Alvarez*) for the second property; (3) testimonies of employees from the Department of Environment and Natural Resources-City Environment and Natural Resources Office (*DENR-CENRO*) and the Records Management and Documentation Division of DENR; (4) testimonies from Batangas and the National Mapping and Resource Information Authority (*NAMRIA*) confirming that the subject properties were alienable and disposable zones under Land Classification Map No. 3601; (5) testimonies of several witnesses, key of which were a certain Eliseo Garcia (*Garcia*), who testified on the ownership and possession of the predecessor-in-interest of the first property; and (6) Purificasion Tosino (*Tosino*), who testified on the second property.⁹

The MCTC Ruling

In its Decision dated April 19, 2017, the MCTC granted petitioner’s application for original registration of title in LRC No. N-139. The dispositive portion of the decision reads:

WHEREFORE, the foregoing considered and upon confirmation of the Order of General Default, this Court rules to adjudicate and decree Lot No. 5791, Psc-47, Malvar Cadastre, Ap-04-016398, containing an area of TWO THOUSAND ONE HUNDRED FORTY EIGHT (2,148) SQUARE METERS, located in Brgy. Luta Sur, Malvar, Batangas, in favor of and in the name of

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⁶ *Id.* at 68.

⁷ Amending and Codifying the Laws Relative to Registration of Property and For Other Purposes. Approved: June 11, 1978.

⁸ *Rollo*, p. 77.

⁹ *Id.* at 69-72 and 78-83.

SCIENCE PARK OF THE PHILIPPINES, INC., with office address at 17th Floor, [Robinson's] Summit Center, 6783 Ayala Ave., Makati, Metro Manila, in accordance with Presidential Decree No. 1529 otherwise known as the Property Registration Decree.

However, a 20-meter strip of land along the creek bounding on the northwestern and southwestern portions shall be maintained for bank protection.

SO ORDERED.¹⁰

In its Decision dated November 17, 2017, the same court granted petitioner's application for original registration of title in LRC No. N-147, the dispositive portion of which reads:

WHEREFORE, proceeding from the above discussion and upon the confirmation of the Order of General Default, this Court resolves to adjudicate Lot 1881-B, Psc-47, Malvar Cadastre, containing an area of TWENTY THOUSAND FIVE HUNDRED SEVENTY SEVEN (20,577) square meters, situated in Barangay Bulihan, Malvar, Batangas, in favor of and in the name of SCIENCE PARK OF THE PHILIPPINES, INC., with office address at 17th Floor, Robinson's Summit Center, 6783 Ayala Avenue, Makati, Metro Manila in accordance with the Property Registration Decree.

However, a 20-meter strip of land along the creek bounding on the southwestern and northwestern portions shall be maintained for bank protection.

SO ORDERED.¹¹

The Republic of the Philippines (*respondent*), through the Office of the Solicitor General, appealed both cases with the CA.

The CA Ruling

In its June 5, 2020 Consolidated Decision, the CA granted the appeals of respondent, and reversed and set aside the decisions of the MCTC. The dispositive portion of the decision reads:

WHEREFORE, the appeals are **GRANTED**. The *Decisions* dated April 19, 2017 and November 17, 2017 of the Municipal Circuit Trial Court, Malvar-Balete, Batangas, in [LRC Nos.] N-139 and N-147,

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¹⁰ Id. at 73.

¹¹ Id. at 83-84.

respectively, are hereby **REVERSED** and **SET ASIDE**. In lieu thereof, judgment is hereby rendered **DISMISSING** applicant-appellee Science Park of the Philippines, Inc.'s applications for registration of Lot Nos. 5791 and 1881-B, Psc-47, Malvar Cadastre, for lack of merit.

SO ORDERED.¹²

The CA held that petitioner was not able to provide clear, positive, and convincing evidence as to the nature and length of possession of the land, so as to grant the latter registration under Section 14 of P.D. No. 1529.¹³ The CA noted that the MCTC relied heavily on the issuance of the tax declarations despite the earliest being issued only in 1955 for the first property, and 1980 for the second property. Hence, the required period of possession did not suffice. Similarly, the quality of the testimonies were also weakened by the fact that the witnesses were testifying on circumstances when they were seven years of age and had to recall events that transpired 76 years prior. Hence, the CA held that the testimonies fall short of the required well-nigh incontrovertible evidence in land registration proceedings.¹⁴

The CA denied petitioner's motion for reconsideration in its January 5, 2021 Resolution. Hence, this appeal by *certiorari*.

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¹² Id. at 25.

¹³ 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.

(2) Those who have acquired ownership of private lands by prescription under the provision 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.

¹⁴ *Rollo*, pp. 21-24.

Issue

WHETHER THE CA GRAVELY ERRED IN DECLARING THAT PETITIONER FAILED TO PROVE OPEN, CONTINUOUS, EXCLUSIVE, AND NOTORIOUS POSSESSION AND OCCUPATION OF LOT NOS. 5791 AND 1881-B, UNDER *BONA FIDE* CLAIM OF OWNERSHIP SINCE JUNE 12, 1945, OR EARLIER.

Petitioner argues that the CA gravely erred in declaring that the witnesses were not credible enough as Garcia and Tosino were seven years of age back in 1940. They rely on the case of *Republic v. Court of Appeals*,¹⁵ wherein it was held that credibility of evidence is better appreciated with the lower court who is in a better position to pass judgment on the issue of having personally heard the witnesses testify.¹⁶ In the same case, it was also held that a person is a competent witness if he is capable of perceiving at the time of the occurrence of the fact and can make his perception known. Finally, petitioner cites several cases to support that while tax declarations may not be conclusive evidence of ownership, when coupled with actual possession and occupation, as well as positive and clear testimonies of witnesses, such evidence may be weighed in favor of the applicant.

Meanwhile, in a separate case, docketed as G.R. No. 240372, entitled *Science Park of the Philippines, Inc. v. Republic*,¹⁷ which involves the same issues arising from a separate land sought to be judicially registered by petitioner, the Court issued a Resolution dated March 3, 2021 denying the registration of petitioner. It was stated therein that petitioner failed to prove its *bona fide* claim of ownership since the testimonies of its witnesses were unsubstantiated and not credible.

The Court's Ruling

The petition lacks merit.

It must be noted that the MCTC decision failed to indicate the statutory provision invoked as basis for petitioner's application for registration. However, based on the MCTC discussion, the CA discussion, as well as petitioner's own admission in this petition, the

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¹⁵ 402 Phil. 498 (2001).

¹⁶ *Id.* at 508.

¹⁷ G.R. No. 240372, March 3, 2021.

application clearly indicates that it falls under the requisites of Sec. 14(1) of P.D. No. 1529, or that petitioner's predecessors-in-interest have been in open, continuous, exclusive, and notorious possession of the properties since June 12, 1945, or earlier.

Sec. 14(1) of P.D. No. 1529 refers to the judicial confirmation of imperfect or incomplete titles to public land. It outlines the conditions required for the registration of titles over alienable and disposable lands of the public domain, to wit:

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.**¹⁸ (emphasis supplied)

*Republic Act No. 11573 and
Republic v. Pasig Rizal Co.,
Inc.*

Recently, Sec. 14(1) of P.D. No. 1529 was amended by Republic Act (R.A.) No. 11573,¹⁹ which took effect on September 1, 2021, and it provides:

Section 6. Section 14 of [P.D. 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**

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¹⁸ See Section 14(1) of P.D. No. 1529.

¹⁹ 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.

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.²⁰ (emphases supplied)

R.A. No. 11573 was passed with the intention of improving the confirmation process for imperfect land titles.²¹ In relation to this, the recent ruling in *Republic v. Pasig Rizal Co., Inc.*,²² (*Pasig Rizal*) explained the significant amendments under R.A. No. 11573. Notably, the law amended Sec. 14(1) of P.D. No. 1529 by shortening the period required of petitioner to prove possession from “June 12, 1945, or earlier” to “at least twenty (20) years immediately preceding the filing of the application for confirmation of title except when prevented by war or *force majeure*.” With the shortened period, the old Sec. 14(2) referring to confirmation of title of land acquired through prescription has been deleted. For those who have been in adverse possession of alienable and disposable land for at least 20 years, they may resort to immediately file for registration on the basis of the new amendments rather than waiting for prescription to set in.

Further, the final *proviso* of the new Sec. 14(1), as amended by R.A. No. 11573, states that upon proof of possession of alienable and disposable lands of the public domain for the period and in the manner

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²⁰ See Republic Act No. 11573, Sec. 6.

²¹ See Republic Act No. 11573, Sec. 1 which provides:

Section 1. *Declaration of Policy.* – It is the declared policy of the State to simplify, update and harmonize similar and related provisions of land laws in order to simplify and remove ambiguity in its interpretation and implementation. It is also the policy of the State to provide land tenure security by continuing judicial and administrative titling processes.

²² G.R. No. 213207, February 15, 2022.

required under said provision, the applicants “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.” Thus, *Pasig Rizal* clarified that this final *proviso* confirms that the classification of the land as alienable and disposable immediately places it within the commerce of man, and renders it susceptible to private acquisition through adverse possession. No further express government manifestation that said land will not be retained by the State for public use, public service, or the development of national wealth shall be required.

In addition, R.A. No. 11573 also prescribed the nature of proof sufficient to establish the status of the land as alienable and disposable under Sec. 7, to wit:

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.²³

This provision simplifies the proof necessary to establish the status of land as alienable and disposable by requiring: (1) a duly signed certification by a duly designated DENR geodetic engineer that

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²³ See Republic Act No. 11573, Sec. 7.

the land is part of alienable and disposable agricultural lands of the public domain, and (2) such DENR geodetic engineer must be presented as witness for proper authentication of the certification. The authentication requirement being necessary as the abovementioned certification does not fall within the class of public documents under Sec. 23 of Rule 132²⁴ of the Rules of Court.

Finally, as mentioned, R.A. No. 11573 took effect on September 1, 2021, or 15 days after its publication on August 16, 2021. While R.A. No. 11573 did not expressly provide for its retroactive application, *Pasig Rizal* categorically declared that the new law is an exception to the rule on prospectivity as the statute is curative or remedial in nature and that it created new rights.²⁵ This is because the law's declared purpose is "to simplify, update and harmonize similar and related provisions of land laws in order to simplify and remove ambiguity in its interpretation and implementation"²⁶ and is clearly one meant to be curative. The shortening of the period of adverse possession in Sec. 6 of R.A. No. 11573 also created new rights without any prejudice or impairment to any vested rights.²⁷

Hence, *Pasig Rizal* stated that R.A. No. 11573, particularly Sec. 6 (amending Sec. 14 of P.D. No. 1529) and Sec. 7 (prescribing the required proof of land classification status), may operate retroactively to cover applications for land registration pending as of the date when R.A. No. 11573 took effect. In this case, since the application for land registration was still pending on the date R.A. No. 11573 took effect, and following the recent ruling in *Pasig Rizal*, the new law may then be applied.

Nevertheless, it must be emphasized that while R.A. No. 11573 and *Pasig Rizal* discussed the evidence to establish land classification, these did not modify the required evidence or proof to establish that the applicant and his predecessor-in-interest have been in open, continuous, exclusive, and notorious possession and occupation of the land subject of the application, under a *bona fide* claim of ownership. Accordingly, the jurisprudential doctrines regarding this requirement of establishing possession and occupation must still be applied.

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²⁴ Section 23. *Public documents as evidence.* – Documents consisting of entries in public records made in the performance of a duty by a public officer are *prima facie* evidence of the facts therein stated. All other public documents are evidence, even against a third person, of the fact which gave rise to their execution and of the date of the latter.

²⁵ *Republic v. Pasig Rizal Co., Inc.*, supra note 22.

²⁶ Republic Act No. 11573, Sec. 1.

²⁷ *Nunga, Jr. v. Nunga III*, 595 Phil. 426, 446 (2008).

Requirement of open, continuous, exclusive, and notorious possession and occupation of land under a bona fide claim of ownership

Accordingly, under Sec. 14(1) of P.D. No. 1529, as amended by R.A. No. 11573, applicants for registration of title must sufficiently establish: (1) that the subject land forms part of the disposable and alienable lands of the public domain; (2) that the applicant and his predecessor-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;²⁸ and (3) that it is under a *bona fide* claim of ownership for at least 20 years immediately preceding the filing of the application for confirmation of title except when prevented by war or *force majeure*.²⁹

In this case, the first requirement under Sec. 14(1) of P.D. No. 1529, as amended, is no longer in contention – that the subject land forms part of the disposable and alienable lands of the public domain – having clearly been discussed and established by the courts *a quo* since petitioner was able to prove that the properties formed part of the disposable and alienable lands of the public domain.

Instead, the issue in this case focuses mainly on the nature of petitioner's possession and occupation, and its alleged failure to prove that it was in open, continuous, exclusive, and notorious possession and occupation of alienable and disposable lands for at least 20 years immediately preceding the filing of the application for confirmation of title.

Again, it must be emphasized that R.A. No. 11573 and *Pasig Rizal* did not change the evidentiary requirement laid down by jurisprudence to establish that the applicant and his predecessor-in-interest have been in open, continuous, exclusive, and notorious possession and occupation of the land subject of the application, under a *bona fide* claim of ownership. Instead, R.A. No. 11573 only

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²⁸ *Republic v. Cortez*, 726 Phil. 212, 221 (2014).

²⁹ See Republic Act No. 11573, Sec. 6.

focused, among others, on the period of occupation required, which is now 20 years, and the evidence required to establish the alienable and disposable classification of the land; while *Pasig Rizal* discussed the retroactive application of the law. To emphasize, there is nothing in both R.A. No. 11573 and *Pasig Rizal* that altered the requirement that the applicant have been in open, continuous, exclusive, and notorious possession and occupation of the land subject of application, under a *bona fide* claim of ownership. The doctrines enunciated by jurisprudence and the evidence warranted regarding this requirement remain applicable and unaffected.

Therefore, for purposes of land registration under Sec. 14(1) of P.D. No. 1529, applicants must shoulder the burden of proving by **clear and convincing evidence proof of specific acts of ownership** to substantiate their claim of open, continuous, exclusive and notorious possession and occupation of the land subject of the application. Evidence is clear and convincing if it produces in the mind of the trier of fact a firm belief or conviction as to the allegation sought to be established.³⁰

Meanwhile, actual possession and occupation consists in the manifestation of acts of dominion over it of such a nature as a party would actually exercise over his own property.³¹ Possession is (a) open when it is patent, visible, apparent, notorious, and not clandestine; (b) continuous when uninterrupted, unbroken, and not intermittent or occasional; (c) exclusive when the adverse possessor can show exclusive dominion over the land and an appropriation of it to his own use and benefit; and (d) notorious when it is so conspicuous that it is generally known and talked of by the public or the people in the neighborhood.³² As explained by the Court in *Republic of the Philippines v. Alconaba*:³³

The law speaks of *possession and occupation*. Since these words are separated by the conjunction *and*, the clear intention of the law is not to make one synonymous with the other. Possession is broader than occupation because it includes constructive possession. When, therefore, the law adds the word *occupation*, it seeks to delimit the all encompassing effect of constructive possession. Taken together with the words open, continuous, exclusive and notorious, the word *occupation* serves to highlight the fact that for an applicant to qualify, his possession must not be a mere fiction.³⁴

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³⁰ *Republic v. Manansala*, G.R. No. 241890, May 3, 2021.

³¹ *Canlas v. Republic*, 746 Phil. 358, 375 (2014).

³² *Republic v. Banal na Pag-aaral, Phil., Inc.*, G.R. No. 193305, January 27, 2021.

³³ 471 Phil. 607 (2004).

³⁴ *Id.* at 620.

In *Canlas v. Republic*,³⁵ the applicant therein was able to prove that she acquired the property by inheritance and that she and her predecessors-in-interest had been in its continuous possession since 1900. She was also able to provide sufficient evidence to show that she and her predecessors-in-interest exercised specific acts of ownership such as: farming activities; allowing the excavation of land for “*pulang lupa*” to make claypots; paying realty taxes; declaring the property for tax purposes; employing a caretaker; causing corrections in entries in public documents with regard to the land; and demanding unlawful occupants to vacate the premises.³⁶

In other cases, this Court was also able to appreciate open, continuous, exclusive, and notorious possession and occupation of land, through: applicant’s payment of real estate tax,³⁷ details of subsequent transfers of the subject property,³⁸ construction of permanent buildings on the property, collection of rentals, collection of fruits planted on the land, and consultation on questions regarding boundaries of the property,³⁹ explanation as to the origin of the property and cultivation of the land by the owner’s descendants, and tenancy agreements with other farmers.⁴⁰

Conversely, in *Republic v. Estate of Santos*,⁴¹ the Court emphasized that unsubstantiated claims of cultivation of the land do not suffice to prove open, continuous, exclusive, and notorious possession and occupation of the public land applied for in the concept of an owner.⁴² Mere testimonies regarding casual cultivation without specificity as to the nature of the cultivation and the volume of crops planted and harvested on the property necessarily fail to satisfy the requisite exclusivity and notoriety of the possession and occupation of the property because exclusive dominion and conspicuous possession over the subject land were not established.⁴³

*Petitioner failed to establish
the required possession and
occupation of land*

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³⁵ *Supra*.

³⁶ *Id.* at 377.

³⁷ *Heirs of Restar v. Heirs of Cichon*, 512 Phil. 377, 388 (2005).

³⁸ *Id.*

³⁹ *Republic v. Gielczyk*, 720 Phil. 385, 404 (2013).

⁴⁰ *Republic v. Rayos Del Sol*, 785 Phil. 877, 890 (2016).

⁴¹ 802 Phil. 800 (2016).

⁴² *Id.* at 815.

⁴³ *Id.* at 817.

In this case, the Court finds that petitioner was not able to provide clear, positive, and convincing evidence as to the nature of possession and occupation so as to grant the latter registration.⁴⁴

A. Tax declarations

Here, the earliest tax declarations petitioner provided was for the year 1955 for the first property, and the year 1980 for the second property.⁴⁵ It is doctrinally-settled that tax declarations are not conclusive evidence of ownership as they are merely *indicia* of ownership.⁴⁶ They gain substantial probative value only if coupled by proof of actual possession of property as they are considered only as a basis for inferring possession alongside substantive proof of possession and actual occupation.⁴⁷

In *Spouses Tan v. Republic*,⁴⁸ the Court stated that “[tax declarations] constitute mere *prima facie* proofs of ownership of the property for which taxes have been paid. [Hence,] **in the absence of actual, public and adverse possession, the declaration of the land for tax purposes does not prove ownership.** They may be good supporting or collaborating evidence together with other acts of possession and ownership; but by themselves, tax declarations are inadequate to establish possession of the property in the nature and for the period required by statute for acquiring imperfect or incomplete title to the land.”⁴⁹

Hence, other evidence should be appreciated to determine actual possession and occupation. For example, tax declarations, when coupled with positive and clear testimonies of the applicant and his or her witnesses, may be weighed in favor of the applicant.

*B. Absence of specific and
credible evidence of
possession and
occupation*

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⁴⁴ See *Reyes v. Republic*, 541 Phil. 210, 212-213 (2007).

⁴⁵ *Rollo*, pp. 98-99.

⁴⁶ *Republic v. Lualhati*, 757 Phil. 119, 133-134 (2015).

⁴⁷ *Cequeña v. Bolante*, 386 Phil. 419, 430 (2000).

⁴⁸ 593 Phil. 493 (2008).

⁴⁹ *Id.* at 507.

In this case, as to the requirement of possession and occupation, petitioner offered the testimony of its witnesses, Garcia and Tosino. However, their testimonies were not sufficient to discharge the burden of proof required in land registration cases as they did not testify as to specific acts of possession and occupation by petitioner's predecessors-in-interest. Their general claims are mere conclusions of law.

Of the first property, Garcia testified when he was 83 years of age, and would have been 7 years of age during his first knowledge of the possession and occupation of said property by Kalaw in 1940. He recounted playing on the subject property with other kids and he was also able to reach the property while he was tending their cows.⁵⁰ He also testified that the nieces and nephews of Kalaw would take turns in cultivating the land with *palay* and then later, with coffee trees. He further alleged that when Kalaw passed away, the first property was inherited by her nieces and nephews who subsequently sold the property to a certain Armi Giselle Aranda (*Aranda*). Garcia testified that Aranda planted the property with coconut and coffee trees and that Aranda's father's friends also offered to plant vegetables such as string beans, squash and *ampalaya*.⁵¹

Meanwhile, Tosino testified seeing her uncle cultivate the property by planting crops on the land. Tosino was 79 years of age when she testified and would have been 7 years of age at the time she testified about her knowledge of the second property. Additionally, in her judicial affidavit, she stated that she was only able to make observations of the possession of the property when her family changed residence in January 1945. They returned to *Barangay Bulihan, Malvar, Batangas* in 1948 and candidly admitted to having had little opportunity to make observations on the property.⁵² She was also not privy to the execution of the deeds of conveyance between petitioner and its predecessors-in-interest.

The Court finds that the testimonies of petitioner's witnesses fail to establish the required possession and occupation over the subject lands. First of all, these witnesses failed to provide information of how the predecessors-in-interest acquired ownership of the property. Second, both witnesses attested that they were at the tender age of 7 when they learned of the ownership of the properties,

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⁵⁰ *Rollo*, p. 18.

⁵¹ *Id.* at 68-69.

⁵² *Id.* at 22.

and at the time of their testimony, had to recall events that transpired more than 76 years prior. Third, both testimonies' claims of the alleged owners' cultivation merely amounted to casual cultivation, for they were neither specific nor substantiated. In fact, both witnesses testified that it was not just the alleged owner or his predecessors-in-interest cultivating the property. The witnesses admitted that other relatives of Kalaw and the friends of Aranda's father were seen cultivating the land instead of the owners exclusively. Fourth, the witnesses were also not privy to the execution of the deeds of conveyance between their owners and their predecessors-in-interest.

The Court emphasized the importance of showing specific acts of dominion and the nature, extent, and kind of cultivation required in land registration cases in *Republic v. Candy Maker, Inc.*,⁵³ to wit:

The applicant is burdened to offer proof of specific acts of ownership to substantiate the claim over the land. Actual possession consists in the manifestation of acts of dominion over it of such a nature as a party would actually exercise over his own property. **A mere casual cultivation of portions of the land by the claimant does not constitute sufficient basis for a claim of ownership;** such possession is not exclusive and notorious as to give rise to a presumptive grant from the State.

x x x x

x x x When he testified on October 5, 2001, Antonio Cruz declared that he was "74 years old." He must have been born in 1927, and was thus merely 10 years old in 1937. It is incredible that, at that age, he was already cultivating the property with his father. **Moreover, no evidence was presented to prove how many cavans of palay were planted on the property, as well as the extent of such cultivation, in order to support the claim of possession with a bona fide claim of ownership.**⁵⁴ (emphases supplied.)

Hence, the existence of plants and trees and its unspecified numbers do not show that the subject properties were actively and regularly cultivated and maintained, but were merely casually or occasionally tended to.⁵⁵

This Court has also previously held that the submission of tax declarations and unsubstantiated claims of cultivation of land do not suffice to prove open, continuous, exclusive, and notorious possession

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⁵³ 525 Phil. 358 (2006).

⁵⁴ Id. at 376-377 and 380.

⁵⁵ See *Republic v. Heirs of Montoya*, 687 Phil. 542, 554 (2012).

and occupation of public land applied for in the concept of an owner.⁵⁶
As elucidated in the case of *Gregorio v. Republic*.⁵⁷

Tax declarations and unsubstantiated claim of cultivation are inadequate to prove possession and occupation of the lands applied for registration. **To prove open, continuous, exclusive, and notorious possession and occupation in the concept of owner, the claimant must show the nature and extent of cultivation on the subject land, or the number of crops planted or the volume of the produce harvested from the crops supposedly planted thereon;** failing in which, the supposed planting and harvesting of crops in the land being claimed only amounted to mere casual cultivation which is not the nature of possession and occupation required by law.⁵⁸ (emphasis supplied).

In conclusion, the evidence adduced by petitioner falls short of the required proof required in registration cases. These bare assertions and general statements are mere conclusions of law rather than factual evidence of possession.⁵⁹ More supportive evidence should have been provided as the testimonies fall short of the required clear, positive, and convincing evidence required in land registration proceedings. Thus, absent the required evidence by law, the Court is constrained to deny petitioner's application for registration of title.

The Court notes that in G.R. No. 240372, entitled *Science Park of the Philippines, Inc. v. Republic*,⁶⁰ which involves the same issues arising from a separate land sought to be judicially registered by petitioner, the Court issued a Resolution dated March 3, 2021 denying the registration of petitioner. **It was stated therein that petitioner failed to prove its bona fide claim of ownership since the testimonies of the witnesses were unsubstantiated and not credible.** Accordingly, the denial of the present petition is consistent with the Court's Resolution in G.R. No. 240372.

WHEREFORE, the petition is **DENIED**. The June 5, 2020 Consolidated Decision and the January 5, 2021 Resolution of the Court of Appeals in CA-G.R. CV No. 109574 and CA-G.R. CV No. 110812 are **AFFIRMED in toto**.

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⁵⁶ *Republic v. Estate of Santos*, supra note 41 at 815.

⁵⁷ G.R. No. 220607, January 12, 2021.

⁵⁸ *Id.*

⁵⁹ *Republic v. Carrasco*, 539 Phil. 205, 216 (2006).

⁶⁰ Supra note 17.

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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JUL 20 2022

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The Hon. Presiding Judge
Municipal Circuit Trial Court
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(Land Reg. Case No. N-139)

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