



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, Second Division, issued a Resolution dated February 22, 2023 which reads as follows:

“G.R. No. 206561 (REPUBLIC OF THE PHILIPPINES, petitioner, v. ALSONS CEMENT CORPORATION, respondent). – This resolves a Petition for Review on *Certiorari*¹ praying that the Court of Appeals’ Decision² be reversed and set aside, and that judgment be rendered denying Alsons Cement Corporation’s (Alsons) application for original registration of title. The Court of Appeals affirmed the Regional Trial Court’s Decision³ granting the application.

Alsons filed an application for registration and confirmation of title pursuant to Presidential Decree No. 1529.⁴ The subject of the application was Lot No. 4172 located at Mapalad, Dalipuga, Iligan City.⁵ After compliance with the publication requirements, trial ensued.⁶

As the application was unopposed, the trial court designated the branch clerk of court to receive Alsons’s evidence.⁷ The witnesses for Alsons were: (1) Engr. Nihil Panangit, Alsons civil engineer and real property administrator; (2) Abelardo Isidro, Local Assessment Operations Officer IV of the Assessor’s Office of Iligan City; (3) Alex Manaloto, vault keeper of the Register of Deeds of Iligan City; (4) Acquing Bulahog, municipal assessor of Lugait, Misamis Oriental; (5) Jesus Orong, Eugenio’s neighbor; (6) Zacarias Maghinay, resident of Iligan City; and (7) Nancy Rivera, Local Treasury Officer IV of the Assessor’s Office of Iligan City.⁸

¹ *Rollo*, pp. 18–35.

² *Id.* at 36–45. The March 26, 2013 Decision in CA-G.R. CV No. 01911-MIN was penned by Associate Justice Oscar V. Badelles and concurred in by Associate Justices Romulo V. Borja and Henri Jean Paul B. Inting (now a member of this Court) of the Special Twenty-First Division of the Court of Appeals, Cagayan de Oro City.

³ *Id.* at 46–51. The July 28, 2005 Decision in Land Registration Case No. 793 was penned by Presiding Judge Mamindiara P. Mangotara of the Regional Trial Court of Iligan City, Lanao del Norte, Branch 1.

⁴ Otherwise known as the Property Registration Decree.

⁵ *Rollo*, p. 36.

⁶ *Id.* at 37–38.

⁷ *Id.* at 46.

⁸ *Id.* at 46–49.

The Commissioner's Report stated that Alsons had clearly established its ownership and possession of Lot No. 4172⁹ citing the following facts from the testimonies and exhibits:

1. Leona Tingcang Sususco (Leona) and her predecessor-in-interest, Eugenio Tingcang, had been in open, exclusive, and notorious possession and occupation for more than 30 years;¹⁰
2. On July 1, 2000, Leona sold Lot No. 4172 to Alsons;¹¹
3. The Deed of Sale was registered with the Register of Deeds of Iligan City;¹²
4. There have been no other claimants of Lot No. 4172 with the Register of Deeds of Iligan City;¹³
5. Lot No. 4172 was declared before the Assessor's Office of the Municipality of Lugait until it was transferred to Iligan City pursuant to a tax mapping of Dalipuga in 1981;¹⁴
6. The Department of Environment and Natural Resources Community Environment and Natural Resources Office of Iligan City certified Lot No. 4172 as disposable land;¹⁵ and
7. Alsons had declared Lot No. 4172 before the Assessor's Office of Iligan City and paid the realty taxes due.¹⁶

The Regional Trial Court adopted the findings in the Commissioner's Report and granted Alsons's application for original registration of title. The dispositive portion of its Decision reads:

Finding the Commissioner's report to be sufficient and supported by the fact as shown in the various exhibits contained therein; and as recommended by the Commissioner designate, the application should be as it is hereby granted.

The Director of the Land Registration Authority, pursuant to the provisions of Presidential Decree No. 1529, otherwise known as the Property Registration Decree, is hereby ordered to issue Decree of Registration over Lot No. 4172 in favor of applicant ALSONS CEMENT

⁹ Id. at 50.

¹⁰ Id. at 47.

¹¹ Id.

¹² Id. at 48.

¹³ Id.

¹⁴ Id.

¹⁵ Id. at 47.

¹⁶ Id.

CORPORATION.

SO ORDERED.¹⁷

The Republic of the Philippines, through the Office of the Solicitor General, appealed to the Court of Appeals arguing that the trial court erred in finding that Alsons had been in “open, continuous, exclusive and notorious possession and occupation, in the concept of an owner, of [Lot No. 4172] since June 12, 1945 or earlier.”¹⁸ Specifically, it averred that Alsons “failed to present evidence of its specific acts of ownership[.]”¹⁹ After evaluating the evidence, the Court of Appeals denied the appeal. The dispositive portion of its Decision reads:

WHEREFORE, premises considered, the instant appeal is **DENIED**. The Decision dated October 6, 2005 of the Regional Trial Court, Branch 1, Iligan City, in Land Registration Case No. 793 for Application for Original Registration under Presidential Decree No. 1529 is **AFFIRMED**.

SO ORDERED.²⁰ (Emphasis in the original)

Thus, the Republic filed a Petition for Review on Certiorari before this Court.²¹

Petitioner maintains that respondent “failed to present evidence of specific acts of ownership showing open, continuous, exclusive and notorious possession and occupation, in the concept of an owner, of [Lot No. 4172] since June 12, 1945 or earlier.”²²

Petitioner now also argues that respondent “failed to present sufficient evidence to prove that the subject lot forms part of the alienable and disposable land of the public domain.”²³

In its Comment,²⁴ respondent counters that the original document containing the declaration that Lot No. 4172 constituted alienable and disposable land was issued in 1925. Thus, the document or any copy thereof can no longer be found in the records of government agencies or courts. This led to respondent’s reliance on the Classification Map and a certification by the Community Environment and Natural Resources

¹⁷ Id. at 51.

¹⁸ Id. at 39.

¹⁹ Id.

²⁰ Id. at 45.

²¹ Id. at 18–35.

²² Id. at 26.

²³ Id. at 24.

²⁴ Id. at 61–65.

Office.²⁵

On the matter of proving specific acts of ownership since June 12, 1945 or earlier, respondent counters that such had been “fully and amply” addressed in the assailed Decision.²⁶ Citing *Republic v. Court of Appeals and Naguit*,²⁷ respondent argues that “even if possession of the alienable public land commenced on a date later than June 12, 1945 . . . the possessor may have the right to register the land by virtue of Section 14 (2) of the Property Registration Decree.”²⁸ Respondent claims that in default of the requirements in Section 14(1), it may also be considered to have acquired Lot No. 4172 under Section 14(2) of the Presidential Decree No. 1529.²⁹

The issue for this Court’s resolution is whether or not the Court of Appeals erred in upholding the Regional Trial Court’s grant of respondent Alsons Cement Corporation’s application for original registration.

Petitioner is essentially asking this Court to determine if respondent has adequately established its title by sufficient evidence. However, “[s]ufficiency of evidence is a question of fact which this Court cannot review in a Rule 45 petition.”³⁰

Only questions of law should be raised in Rule 45 petitions. *Medina v. Asistio, Jr.*³¹ lists the recognized exceptions to this rule:

(1) When the conclusion is a finding grounded entirely on speculation, surmises or conjectures[;] (2) When the inference made is manifestly mistaken, absurd or impossible[;] (3) Where there is a grave abuse of discretion[;] (4) When the judgment is based on a misapprehension of facts[;] (5) When the findings of fact are conflicting[;] (6) When the Court of Appeals, in making its findings, went beyond the issues of the case and the same is contrary to the admissions of both appellant and appellee[;] (7) The findings of the Court of Appeals are contrary to those of the trial court[;] (8) When the findings of fact are conclusions without citation of specific evidence on which they are based[;] (9) When the facts set forth in the petition as well as in the petitioner’s main and reply briefs are not disputed by the respondents[;] and (10) The finding of fact of the Court of Appeals is premised on the supposed absence of evidence and is contradicted by the evidence on record[.]³² (Citations omitted)

²⁵ Id. at 61–62.

²⁶ Id. at 62.

²⁷ 489 Phil. 405 (2005) [Per J. Tinga, Second Division].

²⁸ *Rollo*, p. 63 citing *Republic v. Court of Appeals and Naguit*, 489 Phil. 405 (2005) [Per J. Tinga, Second Division].

²⁹ Id.

³⁰ *Tsuneishi Heavy Industries (Cebu), Inc. v. MIS Maritime Corp.*, 829 Phil. 90, 106 (2018) [Per J. Jardeleza, First Division].

³¹ 269 Phil. 225 (1990) [Per J. Bidin, Third Division].

³² Id. at 232.

These “exceptions must be alleged, substantiated, and proved by the parties so this [C]ourt may evaluate and review the facts of the case.”³³ This, petitioner failed to do.

In any case, a review of the records shows that the Court of Appeals and the Regional Trial Court did not err in their appreciation of the facts.

For reasons which will be discussed below, this Court resolves to remand the Petition to the Regional Trial Court.

The application for registration was made under Section 14 of Presidential Decree No. 1529 or the Property Registration Decree:

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. (Emphasis supplied)

The averments in the application encompass the requirements in both

³³ *Pascual v. Burgos*, 776 Phil. 167, 169 (2016) [Per J. Leonen, Second Division].

Section 14 (1) and (2) of the Property Registration Decree.³⁴ The Regional Trial Court did not state whether it relied on Section 14 (1) or (2), but the quoted findings of the commissioner appear to satisfy the requirements in Section 14 (2).³⁵ The Court of Appeals specifically used Section 14 (1).³⁶ Meanwhile, respondent's Comment claims to satisfy the requirements in both Section 14 (1) and (2).³⁷

Considering that the Commissioner's and the Regional Trial Court's findings of fact do not mention that possession was proven prior to June 12, 1945, we apply Section 14 (2) of the Property Registration Decree.

The resolution of this Petition calls for the application of the recent case of *Republic v. Pasig Rizal Co. Inc.*³⁸ which clarified the misapplied doctrine in *Heirs of Malabanan v. Republic*³⁹ vis-à-vis Republic Act No. 11573.⁴⁰

To recall, *Heirs of Malabanan* established the following rules in applications for judicial confirmation of title:

(1) In connection with Section 14 (1) of the Property Registration Decree, Section 48 (b) of the Public Land Act recognizes and confirms that "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 acquisition of ownership, since June 12, 1945" have acquired ownership of, and registrable title to, such lands based on the length and quality of their possession.

(a) Since Section 48 (b) merely requires possession since 12 June 1945 and does not require that the lands should have been alienable and disposable during the entire period of possession, the possessor is entitled to secure judicial confirmation of his title thereto as soon as it is declared alienable and disposable, subject to the timeframe imposed by Section 47 of the Public Land Act.

(b) The right to register granted under Section 48 (b) of the Public Land Act is further confirmed by Section 14 (1) of the Property Registration Decree.

(2) In complying with Section 14 (2) of the Property Registration

³⁴ *Rollo*, p. 37.

³⁵ *Id.* at 50–51.

³⁶ *Id.* at 40–41.

³⁷ *Id.* at 62–63.

³⁸ G.R. No. 213207, February 15, 2022 [Per J. Caguioa, En Banc].

³⁹ 605 Phil. 244 (2009) [Per J. Tinga, En Banc].

⁴⁰ 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, September 1, 2021.

Decree, consider that under the Civil Code, prescription is recognized as a mode of acquiring ownership of patrimonial property. *However, public domain lands become only patrimonial property not only with a declaration that these are alienable or disposable. There must also be an express government manifestation that the property is already patrimonial or no longer retained for public service or the development of national wealth, under Article 422 of the Civil Code.* And only when the property has become patrimonial can the prescriptive period for the acquisition of property of the public dominion begin to run.

- (a) Patrimonial property is private property of the government. The person acquires ownership of patrimonial property by prescription under the Civil Code is entitled to secure registration thereof under Section 14 (2) of the Property Registration Decree.
- (b) There are two kinds of prescription by which patrimonial property may be acquired, one ordinary and other extraordinary. Under ordinary acquisitive prescription, a person acquires ownership of a patrimonial property through possession for at least ten (10) years, in good faith and with just title. Under extraordinary acquisitive prescription, a person's uninterrupted adverse possession of patrimonial property for at least thirty (30) years, regardless of good faith or just title, ripens into ownership.⁴¹ (Emphasis supplied, citation omitted)

These rules were summarized in *Republic v. Science Park of the Philippines, Inc.*,⁴² thus:

In fine, an applicant invoking Section 14 (1) of PD 1529 needs to prove the following elements: (a) the property forms part of the disposable and alienable lands of the public domain at the time of the filing of the application for registration; (b) it has been, by itself or through its predecessors-in-interest, in open, continuous, exclusive, and notorious possession and occupation of the property; and (c) the possession is under a bona fide claim of ownership since June 12, 1945, or earlier.

*On the other hand, an application for registration based on Section 14 (2) of PD 1529 must establish the following requisites: (a) the land is an alienable and disposable, and patrimonial property of the public domain; (b) the applicant and its predecessors-in-interest have been in possession of the land for at least 10 years, in good faith and with just title, or for at least 30 years, regardless of good faith or just title; and (c) the land had already been converted to or declared as patrimonial property of the State at the beginning of the said 10-year or 30-year period of possession.*⁴³ (Emphasis supplied, citations omitted)

Heirs of Malabanan required an "express declaration by the State that the public dominion property is no longer intended for public service or the

⁴¹ *Heirs of Malabanan v. Republic*, 605 Phil. 244, 285–286 (2009) [Per J. Tinga, En Banc].

⁴² G.R. No. 248306, June 28, 2021 [Per J. Lazaro-Javier, Second Division].

⁴³ *Id.*

development of the national wealth or that the property has been converted into patrimonial.”⁴⁴

However, *Republic v. Pasig Rizal Co. Inc.*⁴⁵ clarified that the requirement for an express government declaration that a land is patrimonial property is necessary only for lands previously used by the State:

Once property of public dominion is classified by the State as alienable and disposable land of the public domain, it immediately becomes open to private acquisition, since “[a]lienable lands of the public domain . . . [form] part of the patrimonial [property] of the State.” *The operative act which converts property of public dominion to patrimonial property is its classification as alienable and disposable land of the public domain, as this classification precisely serves as the manifestation of the State’s lack of intent to retain the same for some public use or purpose.*

. . . [T]he need for an express government manifestation confirming that the property in question is “no longer retained” by the State for public use, public service, or the development of national wealth, stems from the principle that abandonment of property of public dominion under Article 420 cannot be inferred solely from non-use. In turn, the determination of whether property has in fact been abandoned by the State is necessary only in cases where there has been prior state-use. *To repeat, there is no abandonment to speak of in the absence of prior state-use.*

The application of the second *Malabanan* requirement in cases where there has been no prior state-use, in addition to the requirement of proof that the property in question had been declared alienable and disposable, is thus improper.⁴⁶ (Emphasis in the original, citation omitted)

There is no allegation here that there was prior State use of the land subject of the registration proceedings. Thus, respondent need not present proof that the land is no longer intended for public service or the development of the national wealth or that the property has been converted into patrimonial. The classification of land as alienable and disposable land of the public domain is the operative act which converts property of public dominion to patrimonial property.⁴⁷

Thus, we must determine whether the land subject of registration in this case has been classified as alienable and disposable. *Republic v. T.A.N. Properties, Inc.*⁴⁸ established the following requirements to prove that the land sought to be registered is alienable and disposable:

⁴⁴ *Heirs of Malabanan v. Republic*, 605 Phil. 244, 279 (2009) [Per J. Tinga, En Banc].

⁴⁵ G.R. No. 213207, February 15, 2022 [Per J. Caguioa, En Banc].

⁴⁶ *Id.* at 22–25. This pinpoint citation refers to a copy of the decision uploaded to the Supreme Court website.

⁴⁷ *Id.*

⁴⁸ 578 Phil. 441 (2008) [Per J. Carpio, First Division].

[I]t is not enough for the PENRO or CENRO to certify that a land is alienable and disposable. The applicant for land registration must prove that the DENR Secretary had approved the land classification and released the land of the public domain as alienable and disposable, and that the land subject of the application for registration falls within the approved area per verification through survey by the PENRO or CENRO. In addition, the applicant for land registration must present 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. These facts must be established to prove that the land is alienable and disposable.⁴⁹

Petitioner invokes *Republic v. Bantigue Point Development Corp.*⁵⁰ and *Republic v. Medida*⁵¹ which cite *T.A.N. Properties, Inc.* to argue that respondent should have presented “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[,]”⁵² in addition to the certification by the Community Environment and Natural Resources Office to establish that Lot No. 4172 forms part of the alienable and disposable land of the public domain.

However, *Pasig Rizal Co. Inc.*⁵³ states that the requirements to prove the alienable and disposable character of land in *T.A.N. Properties, Inc.* have been superseded by the enactment of Republic Act No. 11573. Section 7 of the law declares that a certification by a duly designated geodetic engineer of the Department of Environment and Natural Resources that the land is part of alienable and disposable agricultural lands of the public domain sufficiently proves that it is alienable:

[Republic Act No.] 11573 also prescribes the nature of proof sufficient to establish the status of land as alienable and disposable, hence:

SEC. 7. *Proof that the Land is Alienable and Disposable.* — For purposes of judicial confirmation of imperfect titles filed under [PD 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.

⁴⁹ Id. at 452–453.

⁵⁰ 684 Phil. 192 (2012) [Per C.J. Sereno, Second Division].

⁵¹ 692 Phil. 454 (2012) [Per J. Reyes, Second Division].

⁵² *Rollo*, p. 26.

⁵³ G.R. No. 213207, February 15, 2022 [Per J. Caguioa, En Banc].

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.

In effect, Section 7 supersedes the requirements in *T.A.N. Properties* and *Hanover*.

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 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 Resource Information Authority (NAMRIA) and is therefore being used by DENR as such.

In addition, the DENR geodetic engineer must be presented as witness for proper authentication of the certification so presented.⁵⁴ (Citations omitted)

Thus, petitioner's argument as regards the presentation of "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"⁵⁵ must fail.

*Pasig Rizal Co. Inc.*⁵⁶ instructs that Republic Act No. 11573 applies retroactively to all applications for judicial confirmation of title pending as of September 1, 2021, when it took effect:

1. RA 11573 shall apply retroactively to all applications for judicial confirmation of title which remain pending as of September 1, 2021, or the date when RA 11573 took effect. These include all applications pending resolution at the first instance before all Regional Trial Courts, and applications pending appeal before the Court of Appeals.

⁵⁴ Id. at 27–28.

⁵⁵ *Rollo*, p. 26.

⁵⁶ *Republic v. Pasig Rizal Co. Inc.*, G.R. No. 213207, February 15, 2022 [Per J. Caguioa, En Banc].

2. Applications for judicial confirmation of title filed on the basis of the old Section 14 (1) and 14 (2) of PD 1529 and which remain pending before the Regional Trial Court or Court of Appeals as of September 1, 2021 shall be resolved following the period and manner of possession required under the new Section 14 (1). Thus, beginning September 1, 2021, proof of “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” shall be sufficient for purposes of judicial confirmation of title, and shall entitle the applicant to a decree of registration.
3. In the interest of substantial justice, the Regional Trial Courts and Court of Appeals are hereby directed, upon proper motion or *motu proprio*, to permit the presentation of additional evidence on land classification status based on the parameters set forth in Section 7 of RA 11573.
 - a. Such additional evidence shall consist of a certification issued by the DENR geodetic engineer which (i) states that the land subject of the application for registration has been classified as alienable and disposable land of the public domain; (ii) bears reference to the applicable Forestry Administrative Order, DENR Administrative Order, Executive Order, or proclamation classifying the land as such; and (iii) indicates the number of the LC Map covering the land.
 - b. In the absence of a copy of the relevant issuance classifying the land as alienable and disposable, the certification must additionally state (i) the release date of the LC Map; and (ii) the Project Number. Further, the certification must confirm that the LC Map forms part of the records of NAMRIA and is precisely being used by the DENR as a land classification map.
 - c. The DENR geodetic engineer must be presented as witness for proper authentication of the certification in accordance with the Rules of Court.⁵⁷

As with *Pasig Rizal Co. Inc.*, this Court deems it proper to remand the case for reception of evidence that Lot No. 4172 is alienable and disposable in accordance with Section 7 of Republic Act No. 11573.

Another significant change introduced in Section 6⁵⁸ of Republic Act

⁵⁷ Id. at 32–33.

⁵⁸ 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

No. 11573 is the shortening of the required period of possession:

Notably, Section 6 of RA 11573 shortens the period of possession required under the old Section 14 (1). Instead of requiring applicants to establish their possession from “June 12, 1945, or earlier,” the new Section 14 (1) only requires proof of possession “at least twenty (20) years immediately preceding the filing of the application for confirmation of title except when prevented by war or *force majeure*.”⁵⁹

Under the new law, it is no longer material whether respondent possessed Lot No. 4172 since June 12, 1945. Thus, petitioner’s argument that respondent “failed to present evidence of specific acts of ownership showing open, continuous, exclusive and notorious possession and occupation, in the concept of an owner, of [Lot No. 4172] since June 12, 1945 or earlier”⁶⁰ must likewise fail.

Both the Court of Appeals⁶¹ and the Regional Trial Court⁶² found that respondent, by itself and through its predecessors-in-interest, had possessed and occupied Lot No. 4172 for at least 30 years. This more than satisfies the requirement of open, continuous, exclusive, and notorious possession and occupation under a bona fide claim of ownership for at least 20 years immediately preceding the filing of the application for confirmation of title.

Save for the new evidence required under Section 7 of Republic Act No. 11573, respondent has adequately established its sufficient title proper for registration.

FOR THESE REASONS, the Petition is **DENIED IN PART**. The March 26, 2013 Decision of the Court of Appeals in CA-G.R. CV No. 01911-MIN is **AFFIRMED** insofar as it holds that respondent Alsons Cement Corporation, by itself and through its predecessors-in-interest, has been in open, continuous, exclusive, and notorious possession and occupation of Lot No. 4172 since 1945.

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.”

⁵⁹ *Republic v. Pasig Rizal Co. Inc.*, G.R. No. 213207, February 15, 2022 [Per J. Caguioa, En Banc].

⁶⁰ *Rollo*, p. 26.

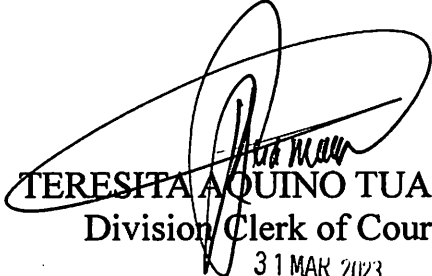
⁶¹ *Id.* at 41–44.

⁶² *Id.* at 50.

The case is **REMANDED** to the Regional Trial Court for reception of evidence on the classification of Lot No. 4172 as alienable and disposable based on the parameters set forth in Section 7 of Republic Act No. 11573. Thereafter, the Regional Trial Court is directed to resolve the case in accordance with this Resolution with utmost dispatch.

SO ORDERED.”

By authority of the Court:


TERESITA AQUINO TUAZON
Division Clerk of Court
31 MAR 2023

OFFICE OF THE SOLICITOR GENERAL (reg)
134 Amorsolo Street
1229 Legaspi Village
Makati City

ATTY. GERARDO D. PAGUIO (reg)
Counsel for Respondent
A. Bonifacio Avenue cor. Pinesville Street
San Miguel, Iligan City

HON. PRESIDING JUDGE (reg)
Regional Trial Court, Branch 1
9200 Iligan City
(LRC Case No. 793)

COURT OF APPEALS (reg)
Mindanao Station
Cagayan de Oro City
CA-G.R. CV No. 01911-MIN

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