



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated **March 29, 2023** which reads as follows:*

“G.R. No. 254933 (Science Park of the Philippines, Inc., herein represented by its Executive Vice President and General Manager, Mr. Richard Albert I. Osmond v. Republic of the Philippines).—This Petition for Review on *Certiorari*¹ under Rule 45 of the Rules of Court seeks to set aside the February 14, 2020 Decision² and the October 28, 2020 Resolution³ of the Court of Appeals (CA) in CA-G.R. CV. No. 110178. The CA reversed and set aside the October 6, 2017 Decision⁴ of the Municipal Circuit Trial Court (MCTC) of Malvar-Balete, Batangas in Land Registration Case (LRC) No. N-145, Land Registration Authority (LRA) Record No. E-ORD-2016000030, which granted petitioner Science Park of the Philippines, Inc.’s (SPPI) application for original registration of title over the subject land in accordance with Presidential Decree No. (PD) 1529,⁵ otherwise known as the Property Registration Decree.

Antecedents

On March 4, 2016, petitioner SPPI filed an application⁶ for original registration of a 2,191-square meter (sq.m.) parcel of land denominated as Lot 3044, Psc-47, Malvar Cadastre located in Barangay Bulihan, Malvar, Batangas (subject land).

¹ *Rollo*, pp. 31-53.

² *Id.* at 11-25. Penned by Associate Justice Marie Christine Azcarraga-Jacob and concurred in by Associate Justices Marlene B. Gonzales-Sison and Louis P. Acosta.

³ *Id.* at 26-28. Penned by Associate Justice Marie Christine Azcarraga-Jacob and concurred in by Associate Justices Marlene B. Gonzales-Sison and Louis P. Acosta.

⁴ *Id.* at 57-65. Penned by Presiding Judge Charito M. Macalintal-Sawali.

⁵ Entitled “AMENDING AND CODIFYING THE LAWS RELATIVE TO REGISTRATION OF PROPERTY AND FOR OTHER PURPOSES.” Approved: June 11, 1978.

⁶ *Rollo*, p. 12.

The Regional Trial Court, in its Order⁷ dated March 9, 2016, ordered the transmission of the case to the MCTC pursuant to Administrative Circular No. 6-93-A and Section 34 of Batas Pambansa Blg. 129,⁸ as amended.

Thereafter, the MCTC, in its Order⁹ dated March 28, 2016, directed the issuance of an order setting the case for initial hearing, as it found that petitioner's application was within its jurisdiction. On July 26, 2016, the MCTC issued an Order of General Default¹⁰ and commenced the reception of evidence.

Petitioner SPPI is a corporation duly organized and existing under and by virtue of Philippine laws. It maintained that: a) the subject land formed part of the alienable and disposable land of the public domain; b) it and its predecessors-in-interest acquired the subject land through open, continuous, exclusive, and notorious possession and occupation thereof under a bona fide claim of ownership since June 12, 1945; c) the subject land is not mortgaged or encumbered, nor claimed or possessed by any person other than itself; and d) it bought the land from Jemar A. Lat as evidenced by a Deed of Absolute Sale¹¹ dated October 17, 2013.¹²

On the other hand, the Republic averred that the pieces of evidence presented by petitioner are insufficient to prove that the latter, by itself or through its predecessors-in-interest, have been in open, continuous, exclusive and notorious possession and occupation of the subject land since June 12, 1945 or earlier.¹³

The incidents surrounding the case which gave rise to the abovementioned Petition is summarized by the CA and the MCTC in the following manner, *viz.*:

[Petitioner] is the owner in fee simple of the subject land, more particularly described in the Technical Description verified and found correct by Edgar S. Barraca, Chief Surveys and Mapping Division, Regional Office No. IV-A, CALABARZON, DENR. The subject land is now covered by Plan Ap-04-016389. A Certification dated March 22, 2016 was likewise issued by the DENR, Regional Office No. IV-A, Halang, Calamba City attesting that the subject land is not a portion of nor identical to any previously approved isolated survey.

The subject land, which is nearby a creek, was acquired through inheritance by the first known owner Rafaela Lat, [spouses Rafaela and

⁷ Records, p. 21. Penned by Judge Arcadio I. Manigbas.

⁸ Entitled "AN ACT REORGANIZING THE JUDICIARY, APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES." Approved: August 14, 1981.

⁹ Records, p. 27. Penned by Presiding Judge Charito M. Macalintal-Sawali.

¹⁰ Id. at 102. Penned by Presiding Judge Charito M. Macalintal-Sawali.

¹¹ *Rollo*, p. 12.

¹² Id.

¹³ Id. at 119-131.

Bonifacio (Sps. Lat)] supervised the cultivation of the said property and caused the harvesting of rice planted on the plane portion constituting just a small part of the land. The [Sps. Lat] were also the ones who caused the reaping of the fruits of the coconuts and lanzones trees planted on the sloping area, which comprises the bigger portion of the lot. Only madre de cacao trees delineated this lot from the adjacent properties.

Out of the four children of the [Sps. Lat], it was Dante Lat (Dante) who succeeded in the ownership and possession of the subject land. Dante enjoyed ownership and possession of the subject lot to the exclusion of everyone. All acts of ownership were likewise exercised by Dante as he was the one who attended to and took care of the said property and benefited from the harvests of the land. For a long period of time, Dante solely owned and possessed the lot. No one made an adverse claim on Dante's ownership and possession of the subject land. Even Dante's siblings did not contest his ownership and possession of the subject land because they were given their own respective inheritance as their parents, [Sps. Lat], owned several parcels of land. Thereafter, [Dante] sold the subject land to [Jemar], who maintained it as an agricultural land. Not long after, Jemar, in turn, sold the [subject land] to [petitioner].

Now that the subject land is already declared for taxation purposes in the name of [petitioner], it has not encountered any problem relating to unlawful claims. Likewise, there has been no record of any adverse claimant of the said land. To ensure that [petitioner] dealt and entered with the true, correct and lawful owners of the subject land, it made a careful trace back of the history of the subject land together with its rightful owners, as well as the trace back of all the tax declarations issued therefor. Thus, [petitioner] identified the lawful transfers of ownership from the original owner to the successors-in-interest. It has been publicly known that [petitioner], along with its predecessors-in-interest, has been in open, continuous, exclusive, and adverse possession of the subject land.

Based on the records of the Office of the Municipal Assessor of Malvar, Batangas, the oldest tax declaration issued for the subject land, which exists in the files of the said office, is Tax Declaration No. 6466 under the name of Rafaela Lat in the year 1955. Although there is nothing in the records of the Assessor's office that will show how Rafaela Lat became the declared owner of the subject land, the said office is certain that Tax Declaration No. 6466, already canceled Tax Declaration No. 5046, which covered the same property. It only means that there was a tax declaration issued for the same property prior to the year 1955. Unfortunately, the said tax declaration no longer exists in the Assessor's files. However, the word "same" opposite the number 5046 appears on the upper left margin of Tax Declaration No. 6466 which means that Tax Declaration No. 5046 was also in the name of the same owner Rafaela Lat the declared property owner in Tax Declaration No. 6466. Thus, based on such notation, Rafaela Lat had been the declared owner of the subject land prior to 1955.

Likewise kept intact in the Assessor's Office are the documents showing the transfer of ownership of the subject land from the first known owner, [Sps. Lat], to their successors-in-interest, to wit:

(1) Deed of Absolute Sale dated August 10, 1979 executed by [Sps. Lat] in favor of Dante, married to Bella Villegas;

(2) Deed of Absolute Sale dated August 24, 2012 executed by spouses Dante Lat and Bella Villegas in favor of Jemar Lat;

(3) Deed of Absolute Sale dated October 17, 2013 executed by Jemar Lat in favor of Science Park of the Philippines, Inc., through his Attorney-in-fact, Cenen D. Torizo.

The Department of Environment and Natural Resources-Community Environment and Natural Resources Office (DENR-CENRO), Batangas City through its Ecosystem Management Specialist II, Ms. Loida Y Maglinao (Maglinao), and Land Management Officer I, Ben Hur U. Hernandez (Hernandez), conducted an ocular inspection over the subject property on September 6, 2016. Maglinao issued a Certification dated March 7, 2017, which attests that the parcel of land identified as Lot No. 3044, Ap-04-016389, has been verified to be within the alienable and disposable zone under Project No. 39, Land Classification Map No. 3601 certified on December 22, 1997. It only means that the subject land may well be the subject of an application for original registration of title, thus, after due publication and hearing, the title over the subject land may be confirmed and registered in the name of [petitioner]. Maglinao arrived at the said finding, after they were furnished, among others, of [petitioner's] technical description and approved plan of the subject land and thereafter, consulted the Land Classification Map on file with their office. Afterwards, Maglinao made a projection and true enough, she was able to verify that the subject land is indeed within the alienable and disposable zone.

On the other hand, Hernandez prepared a Report dated March 17, 2017, containing the findings obtained in the ocular inspection conducted. As stated in the said report, in the investigation and verification of the pertinent records involving the land applied, it was found out, among others, that the subject land identified as Lot 3044, Psc-47, Malvar Cadastre, is within the alienable and disposable zone as classified under Project No. 39, L. C. Map No. 3601 released and certified as such on December 22, 1997; that it is not inside a forest zone or forest reserve or unclassified public forest, existing civil or military reservation or watershed or other established reservation; that it is neither within a previously issued patent nor title; that there is no public land application filed for the same land by the applicant or any other person; that the subject land is not covered or affected by any previous or on-going DENR project; that the subject land does not encroach upon an established watershed, river bed, or river bank protection, creek, right of way or park site or any area devoted to general public use or devoted to public service, and that the subject land does not form part of a bed of navigable river, stream, or creek.

A Certification dated March 22, 2016 signed by Remunda A. Andal, is also issued by the DENR-CENRO, which attests that the subject land is not covered by any public land application or patent.

The office of the National Mapping and Resource Information Authority (NAMRIA), as the legal custodian of the land classification maps, keeps the original copy of the Land Classification Map No. 3601. It is the best obtainable evidence to prove that the subject land is within the alienable and disposable

zone for it is the legal basis for determining which lands of the public domain falls within the forest zone on the one hand, and within the alienable and disposable on the other. To obtain its legal effect, the said LC Map No. 3601 was supported by DENR Administrative Order No. 97-37 (DAO), which declared certain portions of the public forest as forestland for permanent forest services and as alienable or disposable for cropland and other purposes, under LC Project No. 39, Malvar and LC Project No. 40, Balete, both of Batangas Province. The said Order originated from the DENR, which actually keeps it and was issued and signed by Secretary Victor O. Ramos on December 22, 1997. A certified true copy of both the LC Map No. 3601 and DAO No. 97-37 were issued to [petitioner].

The Department of Agrarian Reform Provincial Office, Brgy. Marauoy, Lipa City, issued a Manifestation dated August 19, 2016, signed by James Arsenio O. Ponce, CESO VI, Provincial Agrarian Reform Program Officer II, which states that the landholding subject of the instant registration case is not involved in any agrarian dispute and that no notice of coverage under Presidential Decree No. 27 and Republic Act No. 6657, as amended by Republic Act No. 9700, was issued in connection with the subject land.¹⁴

Ruling of the Municipal Circuit Trial Court

The MCTC, in its Decision¹⁵ dated October 6, 2017, granted petitioner's application for original registration of the subject land, holding that the latter acquired a title on the same worthy of judicial confirmation. Petitioner was able to establish the following, to wit: a) it has been in open, continuous, exclusive, and notorious possession and occupation of the subject land in the concept of an owner since June 12, 1945, tacked to the possession of its predecessors-in-interest; and b) the land is alienable and disposable per Project No. 39, Land Classification Map No. 3601, issued on December 22, 1997.

The dispositive portion of the MCTC Decision reads:

WHEREFORE, upon confirmation of the Order of General Default, the Court adjudicates and decrees Lot No. 3044, Psc-47, Malvar Cadastre, situated in Barangay Bulihan, Malvar, Batangas, containing an area of TWO THOUSAND ONE HUNDRED NINETY ONE (2,191) SQUARE METERS, in favor of and in the name of SCIENCE PARK OF THE PHILIPPINES, INC., herein represented by its Executive Vice President and General Manager, Mr. Richard Albert I. Osmond, with office address at 17th Floor, Robinsons 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 portion shall be maintained for bank protection.

SO ORDERED.¹⁶

¹⁴ Id. at 13-17.

¹⁵ Id. at 57-65.

¹⁶ Id. AT 64-65.

The Republic, through the Office of the Solicitor General (OSG), filed its appeal before the CA.

Ruling of the Court of Appeals

In its assailed February 14, 2020 Decision,¹⁷ the CA reversed and set aside the trial court's decision. It found that petitioner failed to establish compliance with the second and third requisites under Section 14(1) of PD 1529. It further held that the general testimony of Jose Alido (Alido) that Rafaela Lat (Rafaela) owned and possessed the subject land remained unsubstantiated by other evidence. In addition, the tax declaration under Rafaela's name failed to substantiate Alido's testimony as no improvement or plantings on the subject land were noted therein. Lastly, petitioner's evidence was also insufficient to prove that its possession and occupation were for the duration required by law. The appellate court noted that the payment of realty taxes and declaration of the subject land in the name of Rafaela in 1955 give rise to the presumption that she claimed ownership and possession thereof in that year only.

The dispositive portion of the CA Decision reads:

WHEREFORE, premises considered, the appeal is GRANTED.

Accordingly, the assailed Decision dated October 6, 2017 of the Municipal Circuit Trial Court of Malvar-Balete, Batangas in Land Registration Case (LRC) No. N-145 Land Registration Authority (LRA) Record No. E-ORD-2016000030, granting Science Park of the Philippines, Inc.'s application for original registration of title over the subject land is hereby REVERSED and SET ASIDE and the said application is DISMISSED.

SO ORDERED.¹⁸

Hence, this Petition for Review on *Certiorari*¹⁹ under Rule 45 of the Rules of Court.

Issue

For resolution is whether the CA committed reversible error in declaring that petitioner failed to prove that it, by itself or through its predecessors-in-interest, has been in open, continuous, exclusive, and notorious possession and occupation of the subject land, under a bona fide claim of ownership since June 12, 1945 or earlier.

¹⁷ Id. at 11-25.

¹⁸ Id. at 24.

¹⁹ Id. at 31-55.

Our Ruling

The petition is unmeritorious.

In an application for land registration, it is elementary that the applicant has the burden of proving, by clear, positive, and convincing evidence, that its alleged possession and occupation were of the nature and duration required by law.²⁰

Here, petitioner argues that contrary to the pronouncement of the appellate court, it had substantially and fully complied with all the requirements of Sec. 14(1) of PD 1529 which provides:

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.

Petitioner, therefore, must establish the following, to wit: 1) that the land or property forms part of the alienable and disposable lands of the public domain; (2) that the applicant and his or her predecessors-in-interest have been in open, continuous, exclusive, and notorious possession and occupation of the same; and (3) that it is under a bona fide claim of ownership since June 12, 1945, or earlier.²¹

The first requisite under Sec. 14(1), which provides that the property sought to be registered must be part of the alienable and disposable lands of the public domain, has been sufficiently established through DENR Administrative Order No. 97-37 and Land Classification Map No. 3601 released and certified as such on December 22, 1997.

However, aside from establishing the alienable and disposable character of the subject land sought to be registered, an applicant for original registration of title must likewise prove that it and its predecessors-in-interest have been in possession and occupation of the subject land in the concept of an owner since June 12, 1945 or earlier. Petitioner utterly failed in this regard.

*Republic v. Science Park of the Philippines, Inc.*²² explained in this wise:

²⁰ *Dumo v. Republic*, 832 Phil. 656, 667 (2018).

²¹ *Id.* at 669, citing *Republic v. Estate of Santos*, 802 Phil. 800, 812 (2016).

²² 843 Phil. 123 (2018).

For purposes of land registration under Sec. 14 (1) of PD 1529, proof of specific acts of ownership must be presented to substantiate the claim of open, continuous, exclusive, and notorious possession and occupation of the land subject of the application.²³ Actual possession consists in the manifestation of acts of dominion over it of such a nature as a party would actually exercise over his or her own property.²⁴ 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 or her 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.²⁵

In its attempt to prove possession of the subject land in the concept of an owner since June 12, 1945 or earlier, petitioner presented the testimony of Alido and averred that Rafaela, petitioner's predecessors-in-interest, cultivated the subject land as early as 1941 or when she was 7 years old, by planting and harvesting different crops thereon. Notably, Alido's testimony remained unsubstantiated and does not necessarily confirm that the subject land had been possessed and occupied by Rafaela in the manner contemplated by law.

In *Republic v. Estate of Santos*,²⁶ the Court has held that mere casual cultivation of the land does not amount to exclusive and notorious possession that would give rise to ownership. Specific acts of dominion must be clearly shown by the applicant.²⁷ Moreover, the Court has repeatedly held that unsubstantiated claims of cultivation of 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.²⁸ Applicants for land registration cannot just offer general statements which are mere conclusions of law rather than factual evidence of possession.²⁹ Thus, Alido's general statements as to Rafaela's cultivation of the subject land, without stating the extent of the said cultivation, would not establish possession in the concept of an owner.

Aside from the testimonial evidence of Alido, petitioner likewise presented the earliest tax declaration in the name of Rafaela to prove the latter's possession and occupation of the subject land. It must be noted, however, that the said tax declaration presented by the petitioner dates back to 1955, which is short of the requirement provided under the law. As correctly pointed out by the appellate court, Tax Declaration (TD) No. 6466³⁰ dates back to 1955, which give rise to the presumption that she claimed ownership

²³ Id. at 134.

²⁴ Id., citing *Republic v. Remman Enterprises, Inc.*, 727 Phil. 608, 625 (2014).

²⁵ Id., citing *Republic v. Estate of Santos*, supra at 814.

²⁶ Supra at 816, citing *Aranda v. Republic*, 671 Phil. 651, 660-661 (2011).

²⁷ Id.

²⁸ Id. at 815.

²⁹ Id., citing *Republic v. Remman Enterprises, Inc.*, supra.

³⁰ Records, p. 226.

and possession in that year only. Moreover, TD No. 6466 revealed no indication of any improvement that will prove that Rafaela exercised acts of dominion over the subject land. Although a tax declaration by itself is not adequate to prove ownership, it may serve as sufficient basis for inferring possession.³¹ However, petitioner failed to present sufficient evidence as to why it was only in 1955 that the said subject land was declared for tax purposes if its predecessors-in-interest were indeed the possessors of the same since 1945 or earlier. In fine, neither will the tax declaration under the name of Rafaela will substantiate Alido's testimony and prove her possession and occupation of the subject land in the concept of an owner since June 12, 1945.

Similarly, in the recent case of *Republic v. Science Park of the Philippines, Inc.*³² which involved the same parties, issues, and attendant circumstances, the Court declared that:

In a number of cases, the Court has repeatedly held that 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. Consequently, SPPI failed to satisfy the requisite exclusivity and notoriety of its claimed possession and occupation of the subject land because exclusive dominion and conspicuous possession thereof were not established.³³

Thus, this Court subscribes to the CA's disquisition that petitioner utterly failed to establish, through clear and convincing evidence, that it and its predecessors-in-interest have been in open, continuous, exclusive, and notorious possession and occupation under a bona fide claim of ownership since June 12, 1945 or earlier.

Considering that no definitive piece of evidence was presented to support a claim of possession that is open, continuous, exclusive, and notorious, and attended by positive acts of dominion, SPPI failed to discharge its burden of proving compliance with the requirements under Sec. 14(1) of PD 1529. Petitioner's application for registration of the subject land should be denied as it evidently failed to comply with the first and second requisites of Sec. 14(1) of PD 1529.

WHEREFORE, the petition is **DENIED**. The February 14, 2020 Decision and the October 28, 2020 Resolution of the Court of Appeals in CA-G.R. CV. No. 110178 are **AFFIRMED**.

³¹ *Republic v. Rayos Del Sol*, 785 Phil. 877, 888 (2016).

³² G.R. No. 248306, June 28, 2021, citing *Republic v. Science Park of the Philippines, Inc.*, supra at 135.

³³ Id.




Petitioner’s Reply (To The Oppositor’s Comment on the Petition for Review on Certiorari) is **NOTED**.

Petitioner is **REQUIRED** to submit verified declaration of the reply to the oppositor’s comment on the petition for review pursuant to the Resolution dated February 22, 2022 in A.M. Nos. 10-3-7-SC and 11-9-4-SC within five (5) days from receipt of this Resolution.

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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APR 11 2023

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(LRC Case No. N-145)

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