



Republic of the Philippines  
Supreme Court  
Manila

SECOND DIVISION

REPUBLIC OF THE PHILIPPINES,  
Petitioner,

G.R. No. 193305

Present:

CARPIO, J.,  
Chairperson,  
PERALTA,  
PERLAS-BERNABE,  
CAGUIOA, and  
REYES, JR., JJ.

- versus -

BANAL NA PAG-AARAL, INC.,  
Respondent.

Promulgated:

05 FEB 2018  
*[Signature]*

X-----X

RESOLUTION

REYES, JR., J.:

In its Decision<sup>1</sup> dated July 6, 2009, the Court of Appeals (CA) dismissed Banal na Pag-aaral, Inc.'s (Banal na Pag-aaral) application for land registration on the ground of its failure to prove that the land sought to be registered is alienable and disposable.<sup>2</sup> Subsequently, Banal na Pag-aaral filed a motion for reconsideration and submitted a Certification<sup>3</sup> issued by the Department of Environment and Natural Resources, declaring the subject land alienable and disposable. Considering that the Office of the Solicitor General posed no objection to such belated submission of document, the CA

<sup>1</sup> Penned by Associate Justice Arcangelita M. Romilla-Lontok, with Associate Justices Josefina Guevara-Salonga and Romeo F. Barza, concurring; *rollo*, pp. 116-126.

<sup>2</sup> *Id.* at 123.

<sup>3</sup> CA *rollo*; *id.* at 143-144.

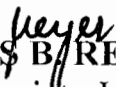
*Reyes*

admitted the same. Thereafter, the CA, through its Amended Decision<sup>4</sup> dated January 8, 2010, reversed its previous ruling, thus, allowing registration of the subject land.

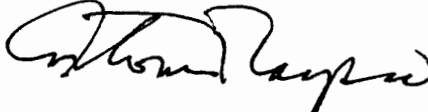
Under Section 9 of Batas Blg. 129, as amended by R.A. No. 7902, the CA has the power to receive evidence and perform any and all acts necessary to resolve factual issues. However, in case of appeals, this authority is limited to instances where the CA has granted a new trial.<sup>5</sup> In other words, the CA cannot unqualifiedly admit evidence on appeal, as it did with the document in question. The rule is that, evidence which has not been formally offered shall not be considered.<sup>6</sup> Nevertheless, the Court, in the interest of justice and only for the most meritorious of reasons, has allowed the submission of certification in petitions of this kind, after the parties were granted the opportunity to verify the authenticity and due execution of such document.

In view of the foregoing, the case is **REMANDED** to the Court of Appeals for further proceedings in order to determine the authenticity and due execution of the aforementioned document. The Court of Appeals is directed to hear and receive evidence from the parties in furtherance of this purpose and to forthwith submit its resolution to the Court for appropriate action.

**SO ORDERED.**

  
**ANDRES B. REYES, JR.**  
Associate Justice

**WE CONCUR:**

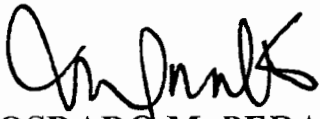
  
**ANTONIO T. CAPIO**  
Senior Associate Justice  
Chairperson

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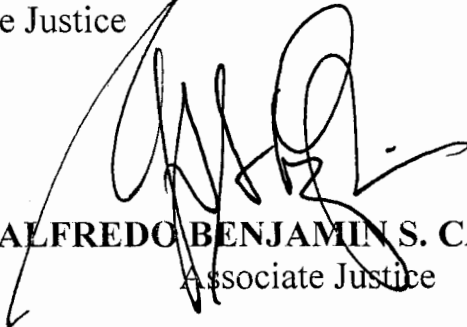
<sup>4</sup> Id. at 36-40.

<sup>5</sup> *Crispino et al. v. Tansay*, G.R. No. 184466, December 05, 2016.

<sup>6</sup> REVISED RULES ON EVIDENCE, Section 34, Rule 132.


  
**DIOSDADO M. PERALTA**  
Associate Justice

  
**ESTELA M. PERLAS-BERNABE**  
Associate Justice

  
**ALFREDO BENJAMIN S. CAGUIOA**  
Associate Justice


### ATTESTATION

I attest that the conclusions in the above Resolution had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.

  
**ANTONIO T. CARPIO**  
Senior Associate Justice  
Chairperson

### CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution and the Division Chairperson's Attestation, I certify that the conclusions in the above Resolution had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.

  
**MARIA LOURDES P. A. SERENO**  
Chief Justice