Republic of the Philippines
Supreme Court
Manila

EN BANC

FEDERATION OF CORON, BUSUANGA, PALAWAN FARMER'S ASSOCIATION, INC. (FCBPFAI), represented by its Chairman, RODOLFO CADAMPOG, SR.; SAMAHAN NG MAGSASAKA SA STO. NINO, BUSUANGA, PALAWAN (SAMMASA), represented by its Chairman, EDGARDO FRANCISCO; SANDIGAN NG MAMBUBUKID NG BINTUAN CORON, INC. (SAMBICO), represented by its Chairman, RODOLFO CADAMPOG, SR.; and RODOLFO CADAMPOG, SR., in his personal capacity as a Filipino Citizen, and in behalf of millions of Filipino occupants and settlers on public lands considered squatters in their own country,

Petitioners,

G.R. No. 247866

Present:

PERALTA, *C.J.*,
PERLAS-BERNABE,
LEONEN,
CAGUIOA,
GESMUNDO,
REYES, JR.,
HERNANDO,
CARANDANG,
LAZARO-JAVIER,
INTING,
ZALAMEDA,
LOPEZ,
DELOS SANTOS,
GAERLAN, and
BALTAZAR-PADILLA,* *JJ.*

- versus -

THE SECRETARY OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES (DENR) and THE DEPARTMENT OF AGRARIAN REFORM (DAR),

Respondents.

Promulgated:

September 15, 2020

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* On Leave.

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RESOLUTION

GESMUNDO, *J.*:

This is a petition for *certiorari* seeking to declare as unconstitutional Section 3(a) of Presidential Decree *(P.D.)* No. 705, or the Forestry Reform Code of the Philippines.

The Antecedents

Petitioners Federation of Coron, Busuanga, Palawan Farmer's Association, Inc., *(FCBPFAI)* and Sandigan ng Mambubukid ng Bintuan Coron, Inc., *(SAMBICO)* are federations consisting of farmers in Palawan. Sometime in 2002, the farm lands occupied by the members of SAMBICO in Sitio Dipangan and Langka, Brgy. Bintuan, Coron, Palawan were placed under the coverage of the Comprehensive Agrarian Reform Program *(CARP)* by the Department of Agrarian Reform *(DAR)*. The lands placed under CARP had titles in the name of Mercury Group of Companies, covering a total area of 1,752.4006 hectares.[1]

However, the implementation of the CARP over the subject lands was stopped because the said lands were unclassified forest land under Sec. 3(a) of P.D. No. 705 and thus, are inalienable and belong to the government. As these are forest lands, they are under the administration of the Department of Environment and Natural Resources *(DENR)* and not the DAR.[2]

In March 2014, a meeting was conducted at the office of the DAR, Coron, Palawan, attended by the Legal Division Region IV-B, where petitioner Rodolfo Cadampog, Sr. of FCBPFAI was formally informed that the CARP coverage will not push through because the lands were unclassified forest land.[3]

Similarly, members of the Samahan ng Magsasaka ng Sto. Nino *(SAMMASA)* alleged that they farmed the lands of Brgy. Sto. Nino, Busuanga, Palawan. Farming was their means of livelihood even before their barangay was established in the 1960s. Sometime in 1980, the farm lands they tilled were placed under the coverage of CARP. The land tilled by the farmers was originally titled under the name of a certain Jose Sandoval. However, the land

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[1] *Rollo*, p. 6.
[2] Id.
[3] Id.

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distribution was stopped under the CARP because the DENR stated that the said lands were unclassified forest land under Sec. 3(a) of P.D. No. 705 and these forest lands belong to the government.[4]

In April 3, 2014, petitioner Rodolfo Cadampog, Sr., of FCBPFAI received a letter from Provincial Agrarian Reform Program Officer *(PARPO)* Conrado S. Gueverra stating that the lands of Mercury Group of Companies and Josefa Sandoval Vda. De Perez are within the forest classification of the DENR under Sec. 3(a) of P.D. No. 705. Thus, the same cannot be covered by CARP.[5]

Hence, this petition to declare Sec. 3(a) of P.D. No. 705 unconstitutional.

Issue

WHETHER SECTION 3(a) OF PRESIDENTIAL DECREE NO. 705 IS UNCONSTITUTIONAL.

Petitioners argue that Sec. 3(a) of P.D. No. 705 violates the Philippine Bill of 1902 and the 1935, 1973 and 1987 Constitution; that under the Philippine Bill of 1902, when an unclassified land is not covered by trees and has not been reserved as a forest land, then it is considered as an agricultural land; that Sec. 3(a) retroactively changed the unclassified lands into forest lands; that the said law deprived millions of Filipinos, who possess land and informally settle on the land, with their vested right of ownership; that it unreasonably stated that unclassified land shall be forest land; instead, petitioners insist that unclassified land should be considered as alienable and disposable land of public domain; and that only those lands with trees and timber should be considered as forest land, and the rest should be considered as public agricultural land.

In their Comment,[6] respondents Secretary of the DENR and DAR, as represented by the Office of the Solicitor General *(OSG),* countered that petitioners failed to overcome the presumption of constitutionality of the law; that petitioners have no *locus standi* to file the petition; that the Philippine Bill of 1902 simply gave the State the power to classify lands; that pursuant to the Regalian Doctrine, all lands belong to the State and there must be a positive act from the State before the land can be alienable and disposable; that Sec.

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[4] Id. at 6-7.
[5] Id. at 7.
[6] Id. at 85-101.

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3(a) of P.D. No. 705 is in accordance with the Regalian Doctrine; and that there is no violation of the rights of petitioners because unclassified lands, which are forest lands, belong to the State, hence, petitioners have no property rights to be violated.

In their Reply,[7] petitioners argued that they have the *locus standi* to file this petition; that prior to Sec. 3(a) of P.D. No. 705, there was no requirement that land must first be declared alienable and disposable before it could subject to private ownership; that informal settlement or material occupancy of vacant crown lands were allowed; that there is a presumption that land is agricultural unless the contrary is shown; and that Sec. 3(a) of P.D. No. 705 renders the implementation of the land reform under CARP impossible because the biggest landowner is the government.

The Court's Ruling

The petition lacks merit.

Presumption of constitutionality; locus standi

Every statute has in its favor the presumption of constitutionality. This presumption is rooted in the doctrine of separation of powers which enjoins upon the three (3) coordinate departments of the government a becoming courtesy for each other's acts. The theory is that every law, being the joint act of the Legislature and the Executive, has passed careful scrutiny to ensure that it is in accord with the fundamental law. This Court, however, may declare a law, or portions thereof, unconstitutional, where a petitioner has shown a clear and unequivocal breach of the Constitution, not merely a doubtful or argumentative one. In other words, the grounds for nullity must be beyond reasonable doubt, for to doubt is to sustain.[8]

The presumption of constitutionality, in its most basic sense, only means that courts, in passing upon the validity of a law, will afford some deference to the statute and charge the party assailing it with the burden of showing that the act is incompatible with the Constitution. The doctrine comes into operation when a party comes to court praying that a law be set aside for being unconstitutional. In effect, it places a heavy burden on the act's assailant to prove invalidity beyond reasonable doubt; it commands the clearest showing of a constitutional infraction. Thus, before a law may be struck down

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[7] Id. at 104-154.

[8] *Cawaling, Jr. v. Commission on Elections*, 420 Phil. 524, 530-531 (2001); citations omitted.

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as unconstitutional, courts must be certain that there exists a clear and unequivocal breach of the constitution, and not one that is speculative or argumentative.[9]

The fundamental criterion is that all reasonable doubts should be resolved in favor of the constitutionality of a statute. Every law has in its favor the presumption of constitutionality. For a law to be nullified, it must be shown that there is a clear and unequivocal breach of the Constitution. The ground for nullity must be clear and beyond reasonable doubt. Those who seek to declare the law, or parts thereof, unconstitutional, must clearly establish the basis therefore. Otherwise, the arguments fall short.[10]

In this case, petitioners assail Sec. 3(a) of P.D. No. 705. However, the Court finds that petitioners failed to discharge the heavy burden in assailing the constitutionality of the law. As will be discussed later, Sec. 3(a) is consistent with the Constitution, which adapted the Regalian Doctrine that all lands of public domain belong to the State.

Further, petitioners failed to prove that they have the *locus standi* to raise a constitutional question. Legal standing or *locus standi* is defined as a "personal and substantial interest in the case such that the party has sustained or will sustain direct injury as a result of the governmental act that is being challenged." For a citizen to have standing, he must establish that he has suffered some actual or threatened injury as a result of the allegedly illegal conduct of the government; the injury is fairly traceable to the challenged action; and the injury is likely to be redressed by a favorable action.[11]

A party is allowed to "raise a constitutional question" when (1) he can show that he will personally suffer some actual or threatened injury because of the allegedly illegal conduct of the government; (2) the injury is fairly traceable to the challenged action; and (3) the injury is likely to be redressed by a favorable action. Jurisprudence defines interest as "material interest, an interest in issue and to be affected by the decree, as distinguished from mere interest in the question involved, or a mere incidental interest. By real interest is meant a present substantial interest, as distinguished from a mere expectancy or a future, contingent, subordinate, or consequential interest."[12]

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[9] *City of Cagayan De Oro v. Cagayan Electric Power & Light Co., Inc.*, G.R. No. 224825, October 17, 2018.
[10] *Mayor Rama v. Judge Moises,* 802 Phil. 29, 48 (2016); citation omitted.
[11] *Automotive Industry Workers Alliance v. Hon. Romulo,* 489 Phil. 710, 718 (2005); citations omitted.
[12] *Galicto v. H.E. President Aquino III,* 683 Phil. 141, 170-171 (2012).

In this case, aside from their bare assertion that they are recipients of the distribution of the lands in Sitio Dipangan and Langka, Brgy. Bintuan, Coron, and Brgy. Sto. Nino, Busuanga, Palawan under the CARP, petitioners failed to substantiate their claim of ownership and possession over the same. As properly pointed out by respondents, petitioners have not presented any evidence to prove that they actually occupy the lands much less that the lands are alienable and disposable.[13] Further, petitioners have not even alleged that they attempted to file an application to have the subjects lands re-classified from forest lands to alienable and disposable lands of public domain with the proper government agency and that their application was denied. Hence, no actual or threatened injury can be attributed to petitioners.

In any case, even on the substantive aspect, the petition fails.

Sec. 3(a) is constitutional;
Regalian Doctrine

Sec. 3(a) of P.D. No. 705 states:

> (a) Public forest is the mass of lands of the public domain which has not been the subject of the present system of classification for the determination of which lands are needed for forest purposes and which are not.

According to petitioner, it is against the Constitution to declare that unclassified lands should be treated as forest lands because it deprives the actual possessors of the land to claim ownership over it; and that under the Philippine Bill of 1902, lands of public domain are presumed to be agricultural lands.

The argument, however, of petitioner is not of first impression; rather, this issue has already been settled in several decisions of the Court, particularly, in *Heirs of the late Spouses Vda. de Palanca v. Republic (Vda. De Palanca)*[14] and *The Secretary of the Department of Environment and Natural Resources v. Yap (Yap).*[15] It is already well-settled that unclassified land cannot be considered as alienable and disposable land of public domain pursuant to the Regalian Doctrine.

Pursuant to the Regalian Doctrine *(Jura Regalia),* a legal concept first introduced into the country from the West by Spain through the Laws of the

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[13] *Rollo,* pp. 90-91.
[14] 531 Phil. 602 (2006).
[15] 589 Phil. 156 (2008).

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Indies and the Royal Cedulas, all lands of the public domain belong to the State. This means that the State is the source of any asserted right to ownership of land, and is charged with the conservation of such patrimony. All lands not appearing to be clearly under private ownership are presumed to belong to the State. Also, public lands remain part of the inalienable land of the public domain unless the State is shown to have reclassified or alienated them to private persons.[16]

To further understand the Regalian Doctrine, a review of the previous Constitutions and laws is warranted. The Regalian Doctrine was embodied as early as in the Philippine Bill of 1902. Under Section 12 thereof, it was stated that all properties of the Philippine Islands that were acquired by the United States through the treaty with Spain shall be under the control of the Government of the Philippine Islands, to wit:

> SECTION 12. That all the property and rights which may have been acquired in the Philippine Islands by the United States under the treaty of peace with Spain, signed December tenth, eighteen hundred and ninety-eight, except such land or other property as shall be designated by the President of the United States for military and other reservations of the Government of the United States, are hereby placed under the control of the Government of said Islands, to be administered for the benefit of the inhabitants thereof, except as provided in this Act.

The only exception in the Regalian Doctrine is native title to land, or ownership of land by Filipinos by virtue of a claim of ownership since time immemorial and independent of any grant from the Spanish Crown.[17] In *Cariño v. Insular Government,*[18] the United States Supreme Court at that time held that:

> It might, perhaps, be proper and sufficient to say that when, as far back as testimony or memory goes, the land has been held by individuals under a claim of private ownership, it will be presumed to have been held in the same way from before the Spanish conquest, and never to have been public land.[19]

As pointed out in the case of *Republic v. Cosalan:*[20]

> Ancestral lands are covered by the concept of native title that "refers to pre-conquest rights to lands and domains which, as far back as memory reaches, have been held under a claim of private ownership by ICCs/IPs,

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[16] *Heirs of Malabanan v. Republic*, 717 Phil. 141, 160 (2013); citations omitted.
[17] See Agcaoili, Oswaldo D., Property Registration Decree and Related Laws, 2015 edition, p. 7.
[18] 212 U.S. 449 (1909).
[19] Id.
[20] G.R. No. 216999, July 4, 2018, 870 SCRA 575; citations omitted.

> have never been public lands and are thus indisputably presumed to have been held that way since before the Spanish Conquest." To reiterate, they are considered to have never been public lands and are thus indisputably presumed to have been held that way.
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> The CA has correctly relied on the case of *Cruz v. Secretary of DENR,* which institutionalized the concept of native title. Thus:
>
> > Every presumption is and ought to be taken against the Government in a case like the present. It might, perhaps, be proper and sufficient to say that **when, as far back as testimony or memory goes, the land has been held by individuals under a claim of private ownership, it will be presumed to have been held in the same way before the Spanish conquest, and never to have been public land.**
>
> From the foregoing, it appears that lands covered by the concept of native title are considered an exception to the *Regalian Doctrine* embodied in Article XII, Section 2 of the Constitution which provides that all lands of the public domain belong to the State which is the source of any asserted right to any ownership of land.[21]

On the other hand, Section 13 of the Philippine Bill of 1902 states that the Government of the Philippine Islands could classify the lands of public domain either as agricultural, timber or mineral land. Contrary to petitioners' assertion, the law does not provide any presumption that a land of public domain is agricultural. Notably, it merely gave the said government the prerogative to classify land; nothing therein states that unclassified lands are *ipso facto* treated as agricultural land, which are alienable and disposable, to wit:

> SEC. 13. That the Government of the Philippine Islands, subject to the provisions of this Act and except as herein provided, shall classify according to its agricultural character and productiveness, and shall immediately make rules and regulations for the lease, sale, or other disposition of the public lands other than timber or mineral lands, but such rules and regulations shall not go into effect or have the force of law until they have received the approval of the President, and when approved by the President they shall be submitted by him to Congress at the beginning of the next ensuing session thereof and unless disapproved or amended by Congress at said session they shall at the close of such period have the force and effect of law in the Philippine Islands: Provided, That a single homestead entry shall not exceed sixteen hectares in extent.

Further, Sec. 13 referred to the President of the United States, who had the power to classify public land, subject to the disapproval or amendment of the Congress of the United States. At that time, the Philippine Islands only

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[21] Id. at 587-588; citations omitted; emphasis in the original.

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had a Philippine Commission, which exercised the powers of the government,[22] but did not have the power to classify lands.

As the Executive and Legislative Branch in the Philippine Islands had no power to classify lands of public domain then, the Judiciary had the jurisdiction to determine for itself the classification of a particular parcel of land in justiciable cases. In *Ramos v. The Director of Lands (Ramos)*,[23] and *Ankron v. The Government of the Philippine Islands (Ankron)*,[24] which were decided under the Philippine Bill of 1902, the courts had a right to presume, in the absence of evidence to the contrary, that in each case the lands are agricultural lands. At that moment, since there was no central authority in the Philippine Islands to classify lands, the courts had to rely on their own judicial discretion with respect to the classification of land.

However, the power to classify the lands by the Philippine courts was finally removed in 1919 when Act No. 2874,[25] or the Public Land Act, was enacted, which stated that the Governor-General in the Philippines had the power to classify land:

> SECTION 6. The Governor-General, upon the recommendation of the Secretary of Agriculture and Natural Resources, shall from time to time classify the lands of the public domain into —
>
> (a) Alienable or disposable
> (b) Timber, and
> (c) Mineral lands,
>
> and may at any time and in a like manner, transfer such lands from one class to another, for the purposes of their government and disposition.

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[22] SECTION 1. That the action of the President of the United States in creating the Philippine Commission and authorizing said Commission to exercise the powers of government to the extent and in the manner and form and subject to the regulation and control set forth in the instructions of the President to the Philippine Commission, dated April seventh, nineteen hundred, and in creating the offices of Civil Governor and Vice-Governor of the Philippine Islands, and authorizing said Civil Governor and Vice-Governor to exercise the powers of government to the extent and in the manner and form set forth in the Executive Order dated June twenty-first, nineteen hundred and one, and in establishing four Executive Departments of government in said Islands as set forth in the Act of the Philippine Commission, entitled "An Act providing an organization for the Departments of the Interior, of Commerce and Police, of Finance and Justice, and of Public Instruction," enacted September sixth, nineteen hundred and one, is hereby approved, ratified, and confirmed, and until otherwise provided by law the said Islands shall continue to be governed as thereby and herein provided, and all laws passed hereafter by the Philippine Commission shall have an enacting clause as follows. "By authority of the United States, be it enacted by the Philippine Commission." The provisions of section eighteen hundred and ninety-one of the Revised Statutes of eighteen hundred and seventy-eight shall not apply to the Philippine Islands. Future appointments of Civil Governor, Vice-Governor, members of said Commission and heads of Executive Departments shall be made by the President, by and with the advice and consent of the Senate.

[23] 39 Phil. 175 (1918).

[24] 40 Phil. 10 (1919).

[25] Enacted on November 29, 1919.

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Then, under the 1935 Constitution, Commonwealth Act *(C.A.)* No. 141 or the present Public Land Act, was enacted. It retained the provision that the President of the Philippines had the power to classify lands of public domain, to wit:

> SECTION 6. **The President, upon the recommendation of the Secretary of Agriculture and Commerce, shall from time to time classify the lands of the public domain into —**
>
> (a) Alienable or disposable;
> (b) Timber, and
> (c) Mineral lands,
>
> and may at any time and in a like manner transfer such lands from one class to another, for the purposes of their administration and disposition. (emphasis supplied)

Thus, the State, through the legislature enacting Act No. 2874 and C.A. No. 141, delegated to the Executive Branch the power to classify lands of public domain and finally removed from the courts the power to classify such. Accordingly, the presumption of agricultural classification under *Ankron* and *Ramos* applied by the courts was also set aside. The removal of the court's presumption that a public land was agricultural was succinctly discussed in *Yap,* citing *Vda. De Planca:*

> **Petitioner's reliance upon *Ramos v. Director of Lands* and *Ankron v. Government* is misplaced. These cases were decided under the Philippine Bill of 1902 and the first Public Land Act No. 926 enacted by the Philippine Commission on October 7, 1926, under which there was no legal provision vesting in the Chief Executive or President of the Philippines the power to classify lands of the public domain into mineral, timber and agricultural so that the courts then were free to make corresponding classifications in justiciable cases, or were vested with implicit power to do so, depending upon the preponderance of the evidence.**
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> To aid the courts in resolving land registration cases under Act No. 926, it was then necessary to devise a presumption on land classification. Thus, evolved the dictum in *Ankron* that "the courts have a right to presume, in the absence of evidence to the contrary, that in each case the lands are agricultural lands until the contrary is shown."
>
> **But We cannot unduly expand the presumption in *Ankron* and *De Aldecoa* to an argument that all lands of the public domain had been automatically reclassified as disposable and alienable agricultural lands. By no stretch of imagination did the presumption convert all lands of the public domain into agricultural lands.**

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> If We accept the position of private claimants, the Philippine Bill of 1902 and Act No. 926 would have automatically made all lands in the Philippines, except those already classified as timber or mineral land, alienable and disposable lands. That would take these lands out of State ownership and worse, would be utterly inconsistent with and totally repugnant to the long-entrenched Regalian Doctrine.
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> x x x x
>
> Since 1919, courts were no longer free to determine the classification of lands from the facts of each case, except those that have already became private lands. Act No. 2874, promulgated in 1919 and reproduced in [Sec.] 6 of [C.A.] No. 141, gave the Executive Department, through the President, the exclusive prerogative to classify or reclassify public lands into alienable or disposable, mineral or forest. Since then, courts no longer had the authority, whether express or implied, to determine the classification of lands of the public domain.[26]

The 1935 Constitution embodied the Regalian Doctrine, to wit:

> ARTICLE XII.
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> Conservation and Utilization of Natural Resources
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> SECTION 1. **All agricultural timber, and mineral lands of the public domain, waters, minerals, coal, petroleum, and other mineral oils, all forces of potential energy and other natural resources of the Philippines belong to the State**, and their disposition, exploitation, development, or utilization shall be limited to citizens of the Philippines or to corporations or associations at least sixty *per centum* of the capital of which is owned by such citizens, subject to any existing right, grant, lease, or concession at the time of the inauguration of the Government established under this Constitution. Natural resources, with the exception of public agricultural land, shall not be alienated, and no license, concession, or lease for the exploitation, development, or utilization of any of the natural resources shall be granted for a period exceeding twenty-five years, renewable for another twenty-five years, except as to water rights for irrigation, water supply, fisheries, or industrial uses other than the development of water power, in which cases beneficial use may be the measure and limit of the grant.[27] (emphasis supplied)

Similarly, the 1973 Constitution reiterated the Regalian Doctrine that all lands of public domain belong to the State:

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[26] Supra note 15 at 185-187; citations omitted; emphases supplied.
[27] Section 1, Article XII, 1935 Constitution.

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ARTICLE XIV

The National Economy and the Patrimony of the Nation

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SECTION 8. **All lands of the public domain, waters, minerals, coal, petroleum and other mineral oils, all forces of potential energy, fisheries, wildlife, and other natural resources of the Philippines belong to the State.** With the exception of agricultural, industrial or commercial, residential, and resettlement lands of the public domain, natural resources shall not be alienated, and no license, concession, or lease for the exploration, development, exploitation, or utilization of any of the natural resources shall be granted for a period exceeding twenty-five years, renewable for not more than twenty-five years, except as to water rights for irrigation, water supply, fisheries, or industrial uses other than the development of water power, in which cases, beneficial use may be the measure and the limit of the grant.[28] (emphasis supplied)

The 1987 Constitution also stated the Regalian Doctrine:

SECTION 2. All lands of the public domain, waters, minerals, coal, petroleum, and other mineral oils, all forces of potential energy, fisheries, forests or timber, wildlife, flora and fauna, and other natural resources are owned by the State. With the exception of agricultural lands, all other natural resources shall not be alienated. x x x[29]

In 1975, P.D. No. 705 was enacted and Sec. 3(a) thereof essentially stated that lands of the public domain which have not been the subject of the present system of classification are considered as forest land. Verily, this provision is consistent with the Regalian Doctrine. Lands of public domain are, by default, owned by the State. The only classification of land that may be subject to private ownership would be agricultural lands that are classified as alienable and disposable lands. Forest and mineral lands cannot be the subject of private ownership. **Thus, Sec. 3(a) merely reiterates that unclassified lands are in the same footing as forest lands because these belong to the State; these are not alienable and disposable land of public domain; and these are not subject to private ownership.**

However, it must be emphasized that even without Sec. 3(a), which declared that unclassified lands are considered as forest lands, the exact same result shall apply – unclassified lands are still not subject to private ownership

[28] Section 8, Article XIV, 1973 Constitution.
[29] Section 2, Article XII, 1987 Constitution.

because they belong to the State and are not alienable and disposable lands of public domain.

In *Director of Lands v. Intermediate Appellate Court*,[30] the Court explained that when a land of public domain is unclassified, it cannot be released and rendered open for private disposition pursuant to the Regalian Doctrine and that the private applicant in a land registration case has the burden of proof to overcome State ownership of the lands of public domain, to wit:

> Lands of the public domain are classified under three main categories, namely: Mineral, Forest and Disposable or Alienable Lands. Under the Commonwealth Constitution, only agricultural lands were allowed to be alienated. Their disposition was provided for under [C.A.] Act No. 141 (Secs. 6-7), which states that it is only the President, upon the recommendation of the proper department head, who has the authority to classify the lands of the public domain into alienable or disposable, timber and mineral lands. Mineral and Timber or forest lands are not subject to private ownership unless they are first reclassified as agricultural lands and so released for alienation. In the absence of such classification, the land remains as unclassified land until released therefrom and rendered open to disposition. Courts have no authority to do so.
>
> This is in consonance with the Regalian Doctrine that all lands of the public domain belong to the State, and that the State is the source of any asserted right to ownership in land and charged with the conservation of such patrimony. Under the Regalian Doctrine, all lands not otherwise appearing to be clearly within private ownership are presumed to belong to the State. Hence, a positive act of the government is needed to declassify a forest land into alienable or disposable land for agricultural or other purposes.
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> The burden of proof in overcoming the presumption of state ownership of the lands of the public domain is on the person applying for registration that the land subject of the application is alienable or disposable.[31]

Similarly, in *Manalo v. Intermediate Appellate Court*,[32] it was held that when the land is unclassified, it shall not be subject to disposition pursuant to the Regalian Doctrine that all lands of public domain belong to the State, *viz.*:

> In effect, what the Court *a quo* has done is to release the subject property from the unclassified category, which is beyond their competence and jurisdiction. The classification of public lands is an exclusive

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[30] 292 Phil. 341 (1993).
[31] Id. at 349-350; citations omitted.
[32] 254 Phil. 799 (1989), citing *Republic v. Intermediate Appellate Court,* 239 Phil. 393 (1987).

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> prerogative of the Executive Department of the Government and not of the Courts. In the absence of such classification, the land remains as unclassified land until it is released therefrom and rendered open to disposition (Sec. 8, [C.A.] No. 141, as amended: *Yngson v. Secretary of Agriculture and Natural Resources,* 123 SCRA 441 [193]; *Republic v. Court of Appeals,* 99 SCRA 742 [1980]. This should be so under time-honored Constitutional precepts. This is also in consonance with the Regalian Doctrine that all lands of the public domain belong to the State (Secs. 8 & 10, Art. XIV, 1973 Constitution), and that the State is the source of any asserted right to ownership in land and charged with the conservation of such patrimony *(Republic v. Court of Appeals*, 89 SCRA 648 [1979].[33]

Indeed, under the Regalian Doctrine, all lands of the public domain belong to the State, which is the source of any asserted right to any ownership of land. All lands not appearing to be clearly within private ownership are presumed to belong to the State. **Accordingly, public lands not shown to have been reclassified or released as alienable agricultural land or alienated to a private person by the State remain part of the inalienable public domain.**[34]

The argument of petitioners that Sec. 3(a) of P.D. 705 is unconstitutional because unclassified lands of public domain should instead be treated as agricultural land, subject to private disposition, is utterly baseless. The said provision is consistent with the Constitutional mandate of the Regalian Doctrine that lands of public domain, whether unclassified, forest, or mineral lands, remain within the ownership of the State and shall not be subject to alienation or disposition of private persons.[35] Absent any positive act of the government to classify a land of public domain into alienable or disposable land for agricultural or other purposes, it remains with the State.[36]

Forest lands; No private rights violated

Finally, petitioners argue that only those lands with trees and timber should be considered as forest land, and the rest should be considered as public agricultural land.

The argument fails.

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[33] Id. at 805-806.
[34] *Heirs of Gozo v. Philippine Union Mission Corp. of the Seventh Day Adventist Church*, 765 Phil. 829, 838 (2015); citation omitted.
[35] See *Republic v. Spouses Alonso*, G.R. No. 210738, August 14, 2019.
[36] See *Republic v. Heirs of Daquer*, G.R. No. 193657, September 4, 2018.

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Even if an island or a parcel of land has already been stripped of its forest cover, it does not negate its character as public forest. Forests, in the context of both the Public Land Act and the Constitution classifying lands of the public domain into "agricultural, forest or timber, mineral lands, and national parks", do not necessarily refer to large tracts of wooded land or expanses covered by dense growths of trees and underbrushes.[37]

A forested area classified as forest land of the public domain does not lose such classification simply because loggers or settlers may have stripped it of its forest cover. Parcels of land classified as forest land may actually be covered with grass or planted to crops by kaingin cultivators or other farmers. "Forest lands" do not have to be on mountains or in out of the way places. Swampy areas covered by mangrove trees, nipa palms, and other trees growing in brackish or sea water may also be classified as forest land. The classification is descriptive of its legal nature or status and does not have to be descriptive of what the land actually looks like. **Unless and until the land classified as "forest" is released in an official proclamation to that effect so that it may form part of the disposable agricultural lands of the public domain, the rules on confirmation of imperfect title do not apply.**[38]

To reiterate, even if the subject lands are unclassified, these are still not subject to private ownership. In *Republic v. Heirs of Daquer*,[39] the Court stated:

> **While it is true that the land classification map does not categorically state that the islands are public forests, the fact that they were unclassified lands leads to the same result. In the absence of the classification as mineral or timber land, the land remains unclassified land until released and rendered open to disposition.** When the property is still unclassified, whatever possession applicants may have had, and however long, still cannot ripen into private ownership. This is because, pursuant to Constitutional precepts, all lands of the public domain belong to the State, and the State is the source of any asserted right to ownership in such lands and is charged with the conservation of such patrimony. Thus, the Court has emphasized the need to show in registration proceedings that the government, through a positive act, has declassified inalienable public land into disposable land for agricultural or other purposes.[40] (emphasis supplied)

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[37] Id.
[38] *Heirs of Amunategui v. Director of Forestry*, 211 Phil. 260, 265 (1983); emphasis supplied.
[39] Supra note 36.
[40] Id.

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To subscribe to the view of petitioners – that unclassified lands should be presumed as disposable land, and not a forest land – would run afoul to the Regalian Doctrine. Any person could simply declare that a parcel of land of public domain is alienable and disposable by the mere fact that it is not covered by trees. The recognized system of classification of lands by the State would be destroyed and conflicting classifications of lands of public domain would arise. Indeed, the better approach is to uphold Sec. 3(a) of P.D. No. 705 because it is consistent with the Regalian Doctrine that all lands of public domain belongs to the State.

In *Republic v. Heirs of Sin,*[41] the Court underscored that there must be a positive act from the Government before a land of public domain can be considered as alienable and disposable land of public domain:

> Under the Regalian Doctrine, which is embodied in our Constitution, all lands of the public domain belong to the State, which is the source of any asserted right to any ownership of land. All lands not appearing to be clearly within private ownership are presumed to belong to the State. Accordingly, public lands not shown to have been reclassified or released as alienable agricultural land or alienated to a private person by the State remain part of the inalienable public domain. Unless public land is shown to have been reclassified as alienable or disposable to a private person by the State, it remains part of the inalienable public domain. Property of the public domain is beyond the commerce of man and not susceptible of private appropriation and acquisitive prescription. Occupation thereof in the concept of owner no matter how long cannot ripen into ownership and be registered as a title. The burden of proof in overcoming the presumption of State ownership of the lands of the public domain is on the person applying for registration (or claiming ownership), who must prove that the land subject of the application is alienable or disposable. To overcome this presumption, incontrovertible evidence must be established that the land subject of the application (or claim) is alienable or disposable.
>
> **There must be a positive act declaring land of the public domain as alienable and disposable. To prove that the land subject of an application for registration is alienable, the applicant must establish the existence of a positive act of the government,** such as a presidential proclamation or an executive order; an administrative action; investigation reports of Bureau of Lands investigators; and a legislative act or a statute. The applicant may also secure a certification from the government that the land claimed to have been possessed for the required number of years is alienable and disposable.[42] (emphasis supplied)

In effect, as petitioners failed to assail Sec. 3(a) of P.D. No. 705, which is consistent with the Regalian Doctrine, wherein the subject lands remain within the ownership of the State. To repeat, the burden of proof in

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[41] 730 Phil. 414 (2014).
[42] Id. at 423-424.

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overcoming the presumption of state ownership of the lands of the public domain is on the person applying for registration that the land subject of the application is alienable or disposable. Unless public land is shown to have been reclassified as alienable or disposable to a private person by the State, it remains part of the inalienable public domain. Property of the public domain is beyond the commerce of man and not susceptible of private appropriation and acquisitive prescription. Occupation thereof in the concept of owner no matter how long cannot ripen into ownership and be registered as a title.[43] In other words, petitioners have no vested right over the subject lands because these unclassified lands belong to the State, hence, no private right was violated by the State.

Verily, Sec. 3(a) of P.D. No. 705 is not unconstitutional because it merely enforces the Regalian Doctrine in favor of the State. No amount of possession will expose the subject lands to private ownership. Petitioners should not seek to devoid the said statutory provision; instead, they should proceed to the Executive Department, through the Secretary of DENR, to establish that the subject unclassified forest lands must be re-classified to alienable and disposable lands of public domain.[44] Only when the lands of public domain are classified as alienable or disposable, may petitioners assert their property rights over the subject lands.

Remedy is beyond the courts

Assuming that petitioners have indeed been tilling the subject lands, which they eventually discovered to be unclassified forest lands of public domain, hence, non-registrable, the Court commiserates with their predicament. It is distressing for a farmer to physically possess and till a parcel of land for decades, or even generations, only to discover that it is not subject to disposition and alienation simply because it is an unclassified land or a forest land of public domain. However, as thoroughly discussed-above, the assailed provision Sec. 3(a) of P.D. No. 705 is constitutional because it is consistent with the Regalian Doctrine. In such a case, the farmer must undergo the tedious process for the reclassification of land to be alienable and disposable; the authority to reclassify is lodged with the central executive government. It is settled that the declaration of alienability must be through

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[43] *Republic v. Abarca*, G.R. No. 217703, October 9, 2019.

[44] Section 6 of Commonwealth Act No. 141 states that the President, upon the recommendation of the Secretary of Agriculture and Commerce, shall from time to time classify the lands of the public domain into —

(a) Alienable or disposable;
(b) Timber, and
(c) Mineral lands,

and may at any time and in a like manner transfer such lands from one class to another, for the purposes of their administration and disposition.

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executive fiat, as exercised by the Secretary of the DENR.[45] As the centralized process may be beyond the farmer's reach and means, the land ultimately remains untitled.

Notably, as the Court painstakingly discussed in *Heirs of Malabanan v. Republic*[46] the difficulty arising from the classification of land is attributable to the policy of the law itself:

> A final word. The Court is comfortable with the correctness of the legal doctrines established in this decision. Nonetheless, discomfiture over the implications of today's ruling cannot be discounted. For, every untitled property that is occupied in the country will be affected by this ruling. The social implications cannot be dismissed lightly, and the Court would be abdicating its social responsibility to the Filipino people if we simply levied the law without comment.
>
> The informal settlement of public lands, whether declared alienable or not, is a phenomenon tied to long-standing habit and cultural acquiescence, and is common among the so-called "Third World" countries. This paradigm powerfully evokes the disconnect between a legal system and the reality on the ground. The law so far has been unable to bridge that gap. Alternative means of acquisition of these public domain lands, such as through homestead or free patent, have proven unattractive due to limitations imposed on the grantee in the encumbrance or alienation of said properties. Judicial confirmation of imperfect title has emerged as the most viable, if not the most attractive means to regularize the informal settlement of alienable or disposable lands of the public domain, yet even that system, as revealed in this decision, has considerable limits.
>
> There are millions upon millions of Filipinos who have individually or exclusively held residential lands on which they have lived and raised their families. Many more have tilled and made productive idle lands of the State with their hands. They have been regarded for generation by their families and their communities as common law owners. There is much to be said about the virtues of according them legitimate states. Yet such virtues are not for the Court to translate into positive law, as the law itself considered such lands as property of the public dominion. It could only be up to Congress to set forth a new phase of land reform to sensibly regularize and formalize the settlement of such lands which in legal theory are lands of the public domain before the problem becomes insoluble. This could be accomplished, to cite two examples, by liberalizing the standards for judicial confirmation of imperfect title, or amending the Civil Code itself to ease the requisites for the conversion of public dominion property into patrimonial.

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[45] *Republic v. Spouses Noval*, 818 Phil. 298, 316 (2017).
[46] 605 Phil. 244 (2009).

> One's sense of security over land rights infuses into every aspect of well-being not only of that individual, but also to the person's family. Once that sense of security is deprived, life and livelihood are put on stasis. It is for the political branches to bring welcome closure to the long pestering problem.[47]

C.A. No. 141 could be improved with respect to manner and method of classifying land. Instead of giving the President, through his alter ego the Secretary of DENR, the sole power to classify lands of public domain, this authority could be decentralized and simplified so that the masses, especially the farmers of the far-flung provinces, would not have to rely on the central executive government in order to secure a title in their land. Of course, decentralization of the governmental functions has both positive and negative impact on State regulation, which must be thoroughly studied and deliberated by policy-makers.

In any case, the remedy that petitioners seek is definitely beyond the powers of the Court; Rather, it is matter of policy that must be addressed by the other branches of government. Indeed, the question of wisdom of the law is beyond the province of this Court to inquire. An inquiry of that sort amounts to a derogation of the principle of separation of powers.[48]

WHEREFORE, the petition is **DISMISSED.**

Let copies of this Resolution be furnished to the Senate President and the Speaker of the House of Representatives for possible consideration of the amendment of Commonwealth Act No. 141 and other related laws for the decentralization of the authority and simplification of the process to classify lands of public domain.

SO ORDERED.

ALEXANDER G. GESMUNDO
Associate Justice

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[47] Id. at 286-288; citation omitted.
[48] *Atitiw v. Zamora,* 508 Phil. 321, 341 (2005).

WE CONCUR:

DIOSDADO M. PERALTA
Chief Justice

I concur. See separate opinion

ESTELA M. PERLAS-BERNABE
Associate Justice

MARVIC M.V.F. LEONEN
Associate Justice

See concurring Opinion

ALFREDO BENJAMIN S. CAGUIOA
Associate Justice

JOSE C. REYES, JR.
Associate Justice

RAMON PAUL L. HERNANDO
Associate Justice

ROSMARI D. CARANDANG
Associate Justice

AMY C. LAZARO-JAVIER
Associate Justice

HENRI JEAN PAUL B. INTING
Associate Justice

RODIL V. ZALAMEDA
Associate Justice

MARIO V. LOPEZ
Associate Justice

EDGARDO L. DELOS SANTOS
Associate Justice

SAMUEL H. GAERLAN
Associate Justice

(On Leave)
PRISCILLA J. BALTAZAR-PADILLA
Associate Justice

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution, I hereby 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.

DIOSDADO M. PERALTA
Chief Justice

CERTIFIED TRUE COPY

EDGAR O. ARICHETA
Clerk of Court En Banc
Supreme Court