



Republic of the Philippines
Supreme Court
 Manila

SECOND DIVISION

**REPUBLIC OF THE
 PHILIPPINES,**

G.R. No. 248306

Members:

Petitioner,

**PERLAS-BERNABE, Chairperson,
 LAZARO-JAVIER,
 LOPEZ, M.,
 ROSARIO, and
 LOPEZ, J.,* JJ.**

-versus-

**SCIENCE PARK OF THE
 PHILIPPINES, INC., rep. by its
 Executive Vice-President and Gen.
 Manager, MR. RICHARD ALBERT
 I. OSMOND,**

Promulgated:

JUN 28 2021

Respondents.

X-----X

DECISION

LAZARO-JAVIER, J.:

The Case

This petition¹ seeks to reverse the following dispositions of the Court of Appeals in CA-G.R. CV No. 109103, entitled *In Re: Application for Registration of Original Title; 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*:

1. **Decision**² dated March 28, 2019 affirming the Decision dated April 12, 2017 of the Municipal Circuit Trial Court (MCTC) of Malvar-

* Designated as additional member per S.O. No. 2822 dated April 7, 2021.

¹ *Rollo*, pp. 16-36.

² Penned by Associate Justice Germano Francisco D. Legaspi, with Associate Justices Sesinando E. Villon and Edwin D. Sorongon, concurring; *id.* at 37-44.

Balete, Batangas in Land Registration Case No. N-138 which granted respondent's application for original registration of title; and

2. **Resolution**³ dated July 9, 2019, denying petitioner's motion for reconsideration.

Antecedents

On September 3, 2015, respondent Science Park of the Philippines, Inc. filed an application for original registration of title with the Regional Trial Court (RTC) of Tanauan City, Batangas under Section 14(1) of Presidential Decree No. 1529 (PD 1529).⁴ In its Order dated September 10, 2015, the RTC delegated the hearing and disposition of the application to the MCTC, Malvar-Balete.⁵

Respondent essentially alleged that it is the owner in fee simple of a 5,255-square meter parcel of land designated as Lot No. 3394, Psc-47, Malvar Cadastre,⁶ situated in Brgy. Luta Sur, Malvar, Batangas.⁷ It acquired the property from one Antonio Aranda through a Deed of Absolute Sale dated January 6, 2014. It has been, by itself or through its predecessors-in-interest, in open, continuous, exclusive, and notorious possession of the property since June 12, 1945 or earlier. Finally, the property is within the alienable and disposable portion of the public domain.

On the other hand, petitioner Republic of the Philippines entered its appearance through the Office of the Solicitor General (OSG). The MCTC, however, issued an Order of general default dated April 26, 2016 as no oppositor allegedly objected to respondent's application.⁸

During the trial, respondent sought to establish the history of the ownership of the land, *viz*:

January 29, 1944:	Segunda Kalaw sold the land to her sister Micaela Kalaw
November 5, 1953:	After Micaela passed, her heirs sold the land to Crisanto Laydia and his wife Agrifina Arcillas

³ *Id.* at 45-46.

⁴ 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.

⁵ Pursuant to Administrative Circular No. 6-93-A dated November 15, 1995; *rollo*, p. 38.

⁶ *Id.*

⁷ *Id.* at 59.

⁸ *Id.* at 38.

through a *Kasulatan ng Bilihang Patuluyan ng Lupa*

June 26, 1996: Antonio A. Aranda bought the land from Crisanto through a deed of absolute sale.

January 6, 2014: Respondent bought the land form Antonio A. Aranda⁹

A **representative of the Office of Municipal Assessor** of Malvar confirmed this sequence based on the tax declarations issued in relation to the property. The oldest tax declaration on file was dated 1955 in the name of Segunda Kalaw.

Meanwhile, witnesses from the **Department of Environment and Natural Resources (DENR), DENR-City Environment and Natural Resources (DENR-CENRO), Batangas City and the National Mapping and Resource Information Authority (NAMRIA)** all testified that the property was within the alienable and disposable portion of the public domain based on Land Classification Map No. 3601 and DENR Administrative Order No. 97-37 issued by then Secretary Victor O. Ramos on December 22, 1997.¹⁰

Finally, respondent's immediate predecessor-in-interest **Antonio Aranda** and one **Eliseo Garcia** (born on June 4, 1933), both residents of Malvar, Batangas, gave their personal accounts relating to the property.¹¹

Eliseo Garcia testified that as a resident of Brgy. Luta Sur since birth, he had sufficient knowledge of the property.¹² In fact, he lived just one (1) kilometer away from Lot No. 3394 and three (3) houses from the house of Segunda's sister Micaela.¹³ When he was about seven (7) years old, he and his friends used to play and gather fruits from the property and its surroundings as children of his age casually did at that time. It was of public knowledge that the Kalaws owned several parcels of land adjoining each other, including Lot No. 3394. Segunda, in particular, was the owner of Lot No. 3394 until she sold it to her sister Micaela before the Second World War erupted.¹⁴ Not long after, Micaela sold the subject property in favor of Agrifina Arcillas and Crisanto Laydia who occupied and exercised all acts of possession and ownership thereon. Subsequently, the property got sold to Antonio Aranda who also cultivated the same. No one made an adverse claim of ownership over the property.¹⁵

⁹ *Id.*

¹⁰ *Id.* at 63-64.

¹¹ *Id.* at 63.

¹² *Id.* at 116-117.

¹³ *Id.* at 117.

¹⁴ *Id.* at 63 and 117.

¹⁵ *Id.* at 117.

Antonio Aranda admitted that he bought Lot No. 3394 from Crisanto Laydia and later sold it to respondent via Deed of Absolute Sale,¹⁶ dated January 6, 2014. While he was still owner of the property, he cultivated it with agricultural plants, harvested its fruits, and also paid realty taxes thereon.

Respondent offered the following documentary evidence: Technical Description for Lot 3394;¹⁷ Sepia copy of Plan, Lot No. 3394, Psc-47, Malvar Cadastre;¹⁸ Land Classification Map No. 3601,¹⁹ and tax declarations, among others. The Sepia copy of Plan of Lot No. 3394²⁰ bears the technical description and sketch of the boundaries of Lot No. 3394 and an annotation indicating, thus:

X X X X

Lot 3394, Psc-47, Malvar Cadastre **is inside alienable and disposable zone** as per Project No. 39, L.C. Map No. 3601 certified on December 22, 1007 as per CERTIFICATION approved by Laudemir S. Salac, OIC, CENR Officer of Batangas City on Jul 21, 2014.

X X X X

The Ruling of the Municipal Circuit Trial Court

By Decision²¹ dated April 12, 2017, the MCTC granted respondent's application, *viz.*:²²

WHEREFORE, the foregoing discussion considered, upon confirmation of the Order of General Default, this Court resolves to adjudicate and decree Lot No. 3394, Psc-47, Malvar Cadastre, Ap-04-016437 with an area of FIVE THOUSAND TWO HUNDRED FIFTY FIVE (5,255) SQUARE METERS in favor of and in the name of SCIENCE PARK OF THE PHILIPPINES, INC, with office address at 17th Floor, Robinsons Summit Center, 6783 Ayala Avenue, Makati, Metro Manila, in accordance with Presidential Decree No. 1529 otherwise known as the Property Registration Decree.

SO ORDERED.

It found respondent's evidence to have sufficiently proved that it has been in open, continuous, exclusive and notorious possession and occupation of a parcel of land classified to be within the alienable and disposable zone of the public domain since June 12, 1945 or earlier.²³

¹⁶ *Id.* at 117-118.

¹⁷ Marked Exhibit "L"; Original Record, p. 106.

¹⁸ Marked Exhibit "O", *id.* at 108.

¹⁹ Marked Exhibit "II"; *id.* at 324.

²⁰ Approved by Chief of Regional Surveys Division Edgar S. Barraca of the DENR Land Management Services, Calabarzon Region and Atty. Marlou Pelayo Alutaya, OIC, Regional Technical Director For Lands.

²¹ Penned by Presiding Judge Charito M. Macalintal-Sawali.

²² *Rollo*, pp. 57-65.

²³ *Id.* at 63.

Proceedings before the Court of Appeals

On appeal²⁴ the OSG faulted the MCTC for granting the application despite respondent's alleged failure to prove a registrable title under Section 14, PD 1529.²⁵

For one, respondent did not adduce evidence that it has been in open, continuous, exclusive, and notorious possession of the property since June 12, 1945 or earlier.²⁶ Although respondent's claim of ownership dates back to the 1940s, the earliest tax declaration presented was dated 1955.²⁷

For another, respondent could not have acquired the property through prescription.²⁸ For there had been no manifestation from the government that the property was already declared patrimonial or no longer retained for public service or for the development of national wealth pursuant to Article 422 of the New Civil Code.²⁹

Respondent riposted³⁰ that it had successfully proven its registrable title over the property. Curiously, the OSG anchored its opposition on its purported failure to comply with Section 14(2), PD 1529. As it was, however, its application was based on Section 14(1), PD 1529. The two provisions have two different sets of requirements.³¹

At any rate, it complied with Section 14(1), thus: *first*, Land Classification Map No. 3601 and DENR Administrative Order No. 97-37 proved the alienable and disposable character of Lot No. 3394; *second*, Eliseo Garcia, an octogenarian resident of Malvar, Batangas, testified on how respondent's predecessors-in-interest enjoyed open, exclusive, adverse, continuous and notorious possession of the property; *finally*, the transfer of

²⁴ *Id.* at 20.

²⁵ 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.

X X X X

²⁶ *CA rollo*, p. 40, citing *Buenaventura v. Republic*, 546 Phil. 101 (2007):

"From the aforesaid provisions of the Property Registration Decree, we can deduce that there are three requisites for the filing of an application for registration of title under the first category, to wit: (1) that the property in question is alienable and disposable land of the public domain; (2) that the applicants by themselves or through their predecessors-in-interest have been in open, continuous, exclusive and notorious possession and occupation; and (3) that such possession is under a bona fide claim of ownership since 12 June 1945 or earlier. The second classification relates to the acquisition of private lands by prescription."

²⁷ *CA Decision*, p. 4.

²⁸ *CA rollo*, pp. 43-44.

²⁹ ART. 422. Property of public dominion, when no longer intended for public use or for public service, shall form part of the patrimonial property of the State.

³⁰ *CA rollo*, pp. 67-86.

³¹ *Id.* at 77-79.

ownership of the property from Segunda Kalaw in 1944 to the present was traced through documents kept intact at the Assessor's Office of Malvar, Batangas.³²

The Ruling of the Court of Appeals

By Decision³³ dated March 28, 2019, the Court of Appeals affirmed. It noted that contrary to the submission of the OSG, the requirements under Article 422 of the New Civil Code³⁴ are inapplicable here. For the provision comes into play only when the applicant invokes Section 14(2) of PD 1529³⁵ to support its application for registration of title.³⁶

As for respondent's compliance with the requirements of Section 14(1) of PD 1529, the Court of Appeals held that the totality of respondent's evidence sufficiently established its continuous, exclusive, and notorious possession and occupation of the property since June 12, 1945 or earlier.³⁷

The Court of Appeals denied reconsideration on July 9, 2019.

The Present Petition

The Republic, through the OSG now asks the Court to exercise its discretionary appellate jurisdiction to review and reverse the assailed issuances of the Court of Appeals.³⁸

It brings to fore the two (2) ways by which to acquire and register property under PD 1529, viz.: through (1) 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 under Section 14(1) of PD 1529; and, (2) acquisition of private lands by prescription under Section 14(2) of the same law. Regardless of the ground invoked, however, respondent failed to comply with the requirements of law for registration of property.

Respondent failed to establish that it has been, by itself or through its predecessors-in-interest, in open, continuous, exclusive, and notorious

³² *Id.* at 79-81.

³³ Penned by Associate Justice Germano Francisco D. Legaspi, with Associate Justices Sesinando E. Villon and Edwin D. Sorongon, concurring.

³⁴ Article 422. Property of public dominion, when no longer intended for public use or for public service, shall form part of the patrimonial property of the State. (341a).

³⁵ 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. x x x

³⁶ *Rollo*, p. 43.

³⁷ *Id.* at 40-42.

³⁸ *Id.* at 16-36.

1

possession of the property since June 12, 1945 or earlier. Based on its own declarations, respondent and its predecessors-in-interest could only trace its ownership of Lot No. 3394 beginning 1940s – a timeframe too ambiguous to even deserve any credibility.³⁹

Further, under the second mode, it is not sufficient for respondent to offer various certifications from appropriate government agencies describing the property as alienable and disposable. Before lands in the public domain are converted to patrimonial property, there must also be an express government manifestation that the property is no longer retained for public service or the development of national wealth under Article 422 of the New Civil Code. It is only upon such declaration that a property has become patrimonial can the prescriptive period for the acquisition of such property of the public dominion begin to run.⁴⁰ Here, respondent offered no proof of such government declaration.

In its *Comment*,⁴¹ respondent counters that the OSG has merely reiterated its arguments in its petition which the Court of Appeals had already passed upon in full. In any event, it anchors its application for original registration of title on Section 14(1), PD 1529. Thus, it is only required to prove that: (1) the land forms part of the disposable and alienable lands of the public domain; (2) the applicant by itself and its predecessors-in-interest have been in open, continuous, exclusive, and notorious possession and occupation thereof; and (3) it has been in possession of the property under a bona fide claim of ownership since June 12, 1945 or earlier.⁴² Notably, it was able to duly establish these requirements through competent evidence, among them the Land Classification Map No. 3601 issued by the NAMRIA; DENR Administrative Order No. 97-37; CENRO Certification which verified the classification of the property as within alienable and disposable zone of the public domain; and the testimonies of its witnesses.⁴³

As for the OSG's argument that it was only able to produce tax declarations for 1949, 1966, 1974, 1980, 1985, 1994-1999 and 2004, respondent argues that tax declarations are not conclusive evidence of ownership. Hence, other pieces of evidence may be presented to establish actual possession and occupation, as it did here. Any prior irregularity in the payment of real property taxes should not be taken against its cause.⁴⁴ Respondent, thus, maintains that the Court of Appeals correctly ruled in its favor.

Issues

Under which framework in Section 14 of PD 1529 should the Court

³⁹ *Id.* at 23-25.

⁴⁰ *Id.* at 26-29.

⁴¹ *Id.* at 144-155.

⁴² *Id.* at 148.

⁴³ *Id.* at 148-149.

⁴⁴ *Id.* at 151-154.

2

evaluate respondent's application for registration of title?

Did respondent sufficiently establish the requisites for land registration under the governing provision?

Ruling

We reverse.

Respondent applied for registration of title under Section 14(1) of PD 1529

Section 14, PD 1529 enumerates the valid grounds for registration of title to land, viz.:

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. (emphases added)

Heirs of Mario Malabanan v. Republic of the Philippines⁴⁵ aptly drew the distinctions between the first and the second grounds, thus:

(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

⁴⁵ 605 Phil. 244, 284-286 (2009).

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 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. (emphases and underscoring added)

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.⁴⁶

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.**⁴⁷

⁴⁶ See *Espiritu, Jr. v. Republic*, 811 Phil. 506, 517 (2017); and *Republic v. Estate of Santos*, 802 Phil. 800, 811-812 (2016).

⁴⁷ *Republic v. Zurbaran Realty and Development Corporation*, 730 Phil. 263, 275 (2014).

Here, the OSG claims that respondent failed to offer proof of an express government manifestation that the subject property is no longer retained for public service or the development of national wealth in accordance with Article 422 of the New Civil Code. Notably though, this is required for applications under **Section 14(2) of PD 1529** only.

As stated, respondent filed its application under **Section 14(1) of PD 1529**. It consistently claimed that by itself or through its predecessors-in-interest, it had been in open, continuous, exclusive, and notorious possession and occupation of the subject property since June 12, 1945 or even earlier. It never alleged acquiring the subject property through acquisitive prescription. Thus, Article 422 of the Civil Code does not come into play here.

Respondent failed to establish that it has been, by itself or through its predecessors-in-interest, in open, continuous, exclusive, and notorious possession of the property since June 12, 1945 or earlier

To reiterate, respondent is tasked to establish three requisites: (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.

Here, the OSG essentially asserts that respondent failed to establish the second and third requisites in the present case.

We agree.

Preliminarily, the OSG's main argument -- that respondent's documentary and testimonial evidence failed to establish its supposed right to a registrable title, involves a purely factual issue requiring recalibration of evidence which is generally beyond the purview of the Court. This rule, however, admits of exceptions⁴⁸ which obtain here. Specifically, the assailed dispositions of the Court of Appeals were based on misapprehension of facts, if not contrary to law and prevailing jurisprudence.

⁴⁸ The general rule for petitions filed under Rule 45 admits exceptions, to wit: (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; *Miano v. Manila Electric Co.*, 800 Phil. 118, 123 (2016).

The case is by no means novel. In fact, it is on all fours with *Republic v. Science Park of the Philippines, Inc.*, G.R. No. 237714 dated November 12, 2018.⁴⁹ That case involved the same parties, issues, attendant circumstances, and pieces of documentary and testimonial evidence. The only distinction between the two cases hinges on the identity of the subject properties which nevertheless are both situated in Malvar, Batangas, and the persons from whom respondent bought these properties.

The predecessors-in-interest here and in G.R. No. 237714 were armed with tax declarations from the Municipal Assessor's Office in Malvar, Batangas. In both cases, the earliest tax declaration presented pertained to year **1955**. Too, for the purpose of proving possession of the subject property in the concept of owner since June 12, 1945 or earlier, respondent offered the testimony of octogenarian Nelia Linatoc-Cabalda in G.R. 237714, just as how he presented the testimony of octogenarian Eliseo Garcia in the present case. Both Nelia and Eliseo gave similar testimonies: they personally knew of the subject properties and their respective owners; and when they were about seven (7) years old, they played and gathered fruits from the subject properties together with their friends.

In evaluating these pieces of evidence in G.R. No. 237714, the Court ruled:

For purposes of land registration under Section 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. Actual possession consists in the manifestation of acts of dominion over it of such a nature as a party would actually exercise over his own property. Possession is: (a) *open* when it is patent, visible, apparent, notorious, and not clandestine; (b) *continuous* when uninterrupted, unbroken, and not intermittent or occasional; (c) *exclusive* when the adverse possessor can show exclusive dominion over the land and an appropriation of it to his own use and benefit; and (d) *notorious* when it is so conspicuous that it is generally known and talked of by the public or the people in the neighborhood.

To prove that it and its predecessors-in-interest have been in possession and occupation of the subject land since June 12, 1945 or earlier, SPPI presented, among others, **the testimony of Nelia Linatoc-Cabalda (Nelia). Nelia, who was born in 1936, claimed to have known of Gervacio's ownership and cultivation of the subject land when she was about seven (7) years old**, xxx However, such testimony was **insufficient to establish possession in the nature and character required by law that would give right to ownership**. 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**

⁴⁹ G.R. No. 237714, November 12, 2018 [Per Second Division, (now SAJ) Perlas-Bernabe].

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.

Furthermore, SPPI's evidence were **insufficient to prove that its possession and occupation were for the duration required by law.** The **earliest tax declaration** in Gervacio's name presented by SPPI, i.e., Tax Declaration (TD) No. 6243, dates back to **1955** only, short of the requirement that possession and occupation under a bona fide claim of ownership should be since June 12, 1945 or earlier. xxx The payment of realty taxes and declaration of the subject land in the name of Gervacio in 1955 gives rise to the presumption that **he claimed ownership and possession thereof only in that year.**

In sum, the Court finds that SPPI's **unsubstantiated and self-serving assertions of possession and occupation do not constitute the well-nigh incontrovertible evidence of possession and occupation of the subject land of the nature and duration required by Section 14 (1) of PD 1529.** Accordingly, the CA erred in affirming the MCTC's grant of SPPI's application for original registration of its imperfect title over the subject land. (Emphases supplied; citations omitted)

Verily, the Court deemed Nelia's testimony **insufficient** for purposes of establishing the nature and extent of possession required by law. For she testified on events which supposedly happened when she was only about seven (7) years old. At any rate, the planting and harvesting of crops she allegedly witnessed merely amounted to casual cultivation and did not rise to the level of exclusivity and notoriety of possession required by law. Notably, too, the earliest tax declarations offered by respondent in G.R. No. 237714 was dated **1955** – short of the reckoning point required under Section 14(1) of PD 1529.

Here, the same respondent also seeks to register another parcel of land in Malvar, Batangas. As in G.R. No. 237714, respondent presented an octogenarian witness, albeit a different one, in the person of Eliseo Garcia who nonetheless gave a strikingly similar story as Nelia's in G.R. No. 237714. Finally, respondent also offered intermittent tax declarations, the earliest of which was dated 1955, as in G.R. No. 237714.

In light of the foregoing considerations, the Court finds no reason to deviate from its ruling in G.R. No. 237714. ***Stare decisis et non quieta movere.*** When a court has laid down a principle of law applicable to a certain set of facts, it will adhere to that principle and apply it to all future cases in which the facts are substantially the same.⁵⁰ ***Commissioner of Internal Revenue v. The Insular Life Assurance Co Ltd.***⁵¹ elucidates:

Stare decisis simply means that for the sake of certainty, a

⁵⁰ *Commissioner of Internal Revenue v. Insular Life*, 735 Phil. 287, 291 (2014), citing *Chinese Young Men's Christian Association of the Philippine Islands v. Remington Steel Corporation*, 573 Phil. 320, 337 (2008), citing *Ty v. Banco Filipino Savings & Mortgage Bank*, 511 Phil. 510, 520-521 (2005).

⁵¹ *Id.*

conclusion reached in one case should be applied to those that follow if the facts are substantially the same, even though the parties may be different. It proceeds from the first principle of justice that, **absent any powerful countervailing considerations, like cases ought to be decided alike**. Thus, where the **same questions relating to the same event** have been put forward by the parties similarly situated as in a previous case litigated and decided by a competent court, **the rule of stare decisis is a bar to any attempt to relitigate the same issue**. (Emphases supplied)

In fine, the present application for land registration should also be dismissed.

ACCORDINGLY, the petition is **GRANTED**. The Decision⁵² dated March 28, 2019, and Resolution⁵³ dated July 9, 2019 in CA-G.R. CV No. 109103 are **REVERSED and SET ASIDE**, and Land Registration Case No. N-138, **DISMISSED**.

SO ORDERED.

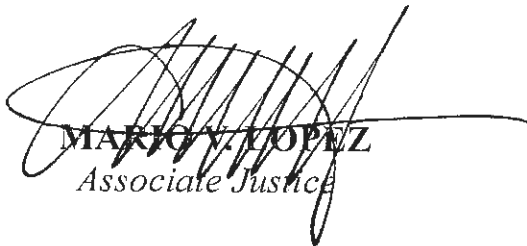

AMY C. LAZARO-JAVIER
Associate Justice

⁵² Penned by Associate Justice Germano Francisco D. Legaspi, with Associate Justices Sesinando E. Villon and Edwin D. Sorongon, concurring; *rollo*, pp. 37-44.

⁵³ *Id.* at 45-46.

WE CONCUR:


ESTELA M. PERLAS-BERNABE
Chairperson



MARIO V. LOPEZ
Associate Justice


RICARDO R. ROSARIO
Associate Justice


JHOSEP V. LOPEZ
Associate Justice

ATTESTATION

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


ESTELA M. PERLAS-BERNABE
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 Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.


ALEXANDER G. GESMUNDO
Chief Justice

