



Republic of the Philippines
 Supreme Court
 Baguio City

FIRST DIVISION

ARLO ALUMINUM CO., INC.,
 Petitioner,

G.R. No. 254433

Present:

-versus-

GESMUNDO, C.J.,
 Chairperson,
 HERNANDO,
 ZALAMEDA,
 ROSARIO, and
 MARQUEZ, JJ.

REPUBLIC OF THE
 PHILIPPINES,
 Respondent.

Promulgated:

APR 17 2024

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DECISION

HERNANDO, J.:

Before this Court is a Petition for Review on *Certiorari*¹ under Rule 45 of the Rules of Court, seeking to set aside the Decision² and the Resolution³ of the Court of Appeals (CA) in CA-G.R. CV No. 112019.

The Factual Antecedents

Arlo Aluminum Co., Inc. (Arlo), a domestic corporation duly organized and existing under the laws of the Philippines,⁴ filed an Application⁵ dated June

¹ *Rollo*, pp. 11–23.

² *CA rollo*, pp. 74–86. The February 7, 2020 Decision in CA-G.R. CV No. 112019 was penned by Associate Justice Walter S. Ong and concurred in by Associate Justices Mariflor P. Punzalan Castillo and Victoria Isabel A. Paredes of the Fifth Division, Court of Appeals, Manila.

³ *Id.* at 105–112. The November 20, 2020 Resolution in CA-G.R. CV No. 112019 was penned by Associate Justice Walter S. Ong and concurred in by Associate Justices Mariflor P. Punzalan Castillo and Victoria Isabel A. Paredes of the Former Fifth Division, Court of Appeals, Manila.

⁴ RTC records, p. 2.

⁵ *Id.* at 2–5.

21, 2012 for the registration of title over Lot Nos. 7948 and 7947 located in Barangay Caniogan, Pasig City. Arlo claimed to have acquired Lot No. 7948, a parcel of land measuring about 62.50 square meters, sometime in 1996 from Melvin Atienza (Atienza). Atienza bought the said lot from Esmeraldo Tambongco (Tambongco), who had been in continuous, uninterrupted, open, public, and adverse possession, and in the concept of an owner since June 12, 1945, or possibly earlier. Arlo further alleged that it acquired the adjacent land, Lot No. 7947, measuring approximately 146.94 square meters, from Dalisay Crisostomo (Crisostomo). Crisostomo likewise acquired the same from Tambongco, who had been in continuous, uninterrupted, open, public, and adverse possession, and in the concept of an owner since June 12, 1945, or possibly earlier. Arlo claimed that Lot Nos. 7948 and 7947 have been declared for taxation purposes, and the realty taxes thereon have been paid.⁶

The Office of Solicitor General (OSG) filed a Notice of Appearance⁷ dated January 23, 2013 and a letter⁸ deputizing the Office of the City Prosecutor of Pasig City to appear in the case before the trial court.

During the course of the proceedings, Arlo submitted the following documents: (1) Notice of Initial Hearing;⁹ (2) Affidavit of Publication;¹⁰ (3) Official Gazette;¹¹ (4) Technical Description of Lot No. 7948;¹² (5) Tax Declaration No. 007-07150 for Lot No. 7948;¹³ (6) Real Property Tax Clearance No. A-3 1269 for Lot No. 7948;¹⁴ (7) Tax Declaration No. 007-05478 for Lot No. 7947;¹⁵ (8) Real Property Tax Clearance No. A-3 1268 for Lot No. 7947;¹⁶ (9) Technical Description of Lot No. 7947;¹⁷ (10) Survey Plan for Lot No. 7948;¹⁸ and (11) Survey Plan for Lot No. 7947.¹⁹

Arlo also submitted two Certifications dated September 27, 2013 issued by the Department of Environment and Natural Resources-National Capital Region (DENR-NCR), which were signed by Regional Executive Director Neria A. Andin, Ces0 III (Andin), indicating that Lot Nos. 7948 and 7947, containing an area of 47 square meters and 165 square meters, respectively, as surveyed by Geodetic Engineer Florante S. Abad, were verified to be within the alienable or disposable land under Project No. 21 of Pasig per Land

⁶ *Id.* at 2-3.

⁷ *Id.* at 23.

⁸ *Id.* at 24.

⁹ *Id.* at 105-106.

¹⁰ *Id.* at 107.

¹¹ *Id.* at 111.

¹² *Id.* at 8.

¹³ *Id.* at 9-10.

¹⁴ *Id.* at 11.

¹⁵ *Id.* at 12-13.

¹⁶ *Id.* at 14.

¹⁷ *Id.* at 15.

¹⁸ *Id.* at 62-63.

¹⁹ *Id.* at 64-65.

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Classification (LC) Map No. 639, approved on March 11, 1927.²⁰

Arlo presented the following witnesses:

First, Rosanna M. Santiago (Santiago) who testified²¹ that she was duly authorized by Arlo to file the present application, as shown by the Secretary's Certificate²² dated June 21, 2012. She attested that Arlo owned Lot Nos. 7948 and 7947 since 1996 and 1997, respectively, by purchasing the said lots from its predecessors-in-interest (Atienza and Crisostomo), who were in continuous, uninterrupted, open, public, and adverse possession, and in the concept of an owner since June 12, 1945 or earlier. She stated that the government had designated the subject lots as alienable and disposable, as supported by the Technical Description and Survey Plans as approved by the Director of Land and Certifications issued by the DENR regarding the subject lots. Additionally, she mentioned that Lot Nos. 7948 and Lot 7947 were associated with Tax Declaration Nos. E-007-07150 and E-007-05478, respectively, and that real property taxes had been duly paid, as indicated by the Real Property Tax Clearance from the Pasig City Treasurer's Office.²³

During her cross-examination, Santiago stated that she had been an employee of Arlo since November 12, 2004.²⁴ She was also present when a licensed geodetic engineer surveyed the subject lots.²⁵

Arlo's second witness was Ronilo B. Jubacon (Jubacon) who testified that he has been an employee of Arlo since 1980. He began working as a draftsman estimator and eventually became Vice President for Technical Services sometime in 2010. As such, he takes charge of all technical matters in all departments and looks after Arlo's properties.²⁶ He confirmed that the subject lots are located along Dr. Sixto Antonio Avenue, Pasig City, and Lot No. 7948 was previously owned by Crisostomo.²⁷ He also attested that Arlo acquired and is currently in possession of the subject lots.²⁸

The third witness, Caronia L. Murcia (Murcia), testified that she is the Records Officer of the Land Records Section, Surveys and Mapping Division of DENR. As the custodian of all approved subdivision plans and its supporting documents, Murcia came across Arlo's application. She further stated that the survey plans of Arlo were approved by the Assistant Director for Technical Services.²⁹

²⁰ *Id.* at 66-67.

²¹ *Id.* at 48-53.

²² *Id.* at 6-7.

²³ *Id.* at 49-51.

²⁴ TSN, Rosanna Santiago, April 13, 2015, pp. 2-3.

²⁵ *Id.* at 9.

²⁶ TSN, Ronilo B. Jubacon, October 5, 2015, pp. 3-8.

²⁷ *Id.* at 3-5.

²⁸ *Id.* at 8-10.

²⁹ TSN, Caronia L. Murcia, May 31, 2016, pp. 5-6.

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Arlo filed its Formal Offer of Evidence consisting of Exhibits “A” to “R”,³⁰ which were admitted by the trial court.³¹ After the public prosecutor manifested that the government would not present any evidence, the case was submitted for decision.³²

Ruling of the Regional Trial Court

In its Decision³³ dated July 30, 2018, the trial court granted Arlo’s application, viz.:

WHEREFORE, the judgment is hereby rendered GRANTING the present application for the registration of titles of Lots 7947 and 7948 and ORDERS the registration of titles over Lots 7947 and 7948. Accordingly, let a Decree of Registration be issued in the name of Arlo Aluminum Co., Inc.

SO ORDERED.³⁴

The RTC found that the evidence adduced by Arlo sufficiently showed that it and its predecessors-in-interest have been in open, continuous, and exclusive possession and occupation of the subject lots for more than 30 years since prior to 1945.³⁵

Aggrieved, the Republic of the Philippines, through the OSG, filed a Notice of Appeal.³⁶

Ruling of the Court of Appeals

In its Decision³⁷ dated February 7, 2020, the CA granted the appeal. The dispositive portion of the CA’s Decision reads:

The appeal is GRANTED. The *Decision* dated 30 July 2018 rendered by Branch 152 of the Regional Trial Court, National Capital Judicial Region, Pasig City in Land Registration Case No. N-11672-PSG, is REVERSED. The application of Arlo Aluminum Corp., Inc. for the registration of Lots 7947 and 7948 in Barangay Caniogan, Pasig City is DENIED.

IT IS SO ORDERED.³⁸

³⁰ RTC records, pp. 97–104.

³¹ *Id.* at 122.

³² *Id.* at 127.

³³ *Id.* at 128–131. The July 30, 2018 Decision was penned by Presiding Judge Danilo S. Cruz of Branch 152, Regional Trial Court, Pasig City.

³⁴ *Id.* at 131.

³⁵ *Id.* at 130.

³⁶ *Id.* at 132–133.

³⁷ *Rollo*, pp. 63–75.

³⁸ *CA rollo*, pp. 74–86.

The CA found that Arlo failed to establish that Lot Nos. 7947 and 7948 were alienable and disposable lands of the public domain since it failed to present a certified true copy of the DENR's original classification of the said land. It also held that Arlo failed to discharge its burden of proving that its predecessors-in-interest had occupied and possessed the property in an open, continuous, exclusive, and notorious manner since June 12, 1945 or earlier.

Arlo filed a Motion for Reconsideration,³⁹ which was later denied.⁴⁰ Hence, the present Petition for Review on *Certiorari*.⁴¹

Arlo contends that the CA committed grave abuse of discretion when it ruled that Arlo failed to: (1) establish that the subject lots are alienable and disposable lands of public domain; and (2) prove its possession and occupation over the said lots. It argues that all the requirements under Section 14 (1) of Presidential Decree No. 1529 have been complied with since the survey plans of the subject lots and DENR certifications proved the alienable and disposable nature of the said properties.⁴² Citing *Spouses Tan v. Republic of the Philippines*,⁴³ Arlo claims that the certification issued by the DENR-CENRO, if not opposed or disproved, is sufficient to establish the true nature and character of the property as alienable and disposable.⁴⁴

Additionally, Arlo maintains that the possession of the subject lots by its predecessors-in-interest was proven by testimonial and documentary evidence. It points out that witnesses Santiago and Jubaco testified that the previous owners of the properties were Atienza and Crisostomo, who both acquired them from Tambongco, and the latter had been in continuous, uninterrupted, open, public, and adverse possession of the lots in the concept of an owner prior to June 12, 1945. Further, the subject lots had long been converted into private land since they were declared "commercial" lots in their corresponding tax declarations.⁴⁵

Issue

Did Arlo sufficiently prove that it is entitled to a decree of registration over the subject lots?

³⁹ *Id.* at 90-98.

⁴⁰ *Id.* at 105-112.

⁴¹ *Rollo*, pp. 11-23.

⁴² *Id.* at 19-22.

⁴³ 593 Phil. 493, 503 (2008) [Per J. Chico-Nazario, Third Division].

⁴⁴ *Rollo*, p. 20.

⁴⁵ *Id.* at 21.

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Our Ruling

In view of new legal and jurisprudential developments during the pendency of this case, the Court resolves to remand the matter to the appellate court for the reception of new evidence.

Generally, the Supreme Court does not review the factual findings of the CA since this Court is not a trier of facts. It will not rule on questions of fact, as the factual findings of the appellate courts are deemed final, binding, and conclusive on the parties and upon the Court, provided they are supported by substantial evidence.⁴⁶ However, there are exceptional circumstances when the Court is called to deal with questions of fact in resolving a petition for review on *certiorari*, such as:

(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) when there is 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 [CA], in making its findings, went beyond the issues of the case and the same is contrary to the admissions of both [parties]; (7) **when the findings of the [CA] 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) when the finding of fact of the [CA] is premised on the absence of evidence and are contradicted by the evidence on record.

These exceptions similarly apply in petitions for review filed before this court involving civil, labor, tax, or criminal cases.

A question of fact requires this court to review the truthfulness or falsity of the allegations of the parties. This review includes assessment of the "probative value of the evidence presented." There is also a question of fact when the issue presented before this court is the correctness of the lower courts' appreciation of the evidence presented by the parties.⁴⁷ (Emphasis supplied)

In this case, the determination of whether Arlo sufficiently established that the subject lots are alienable and disposable lands of the public domain, as well as its possession and occupation of the said lots under a bona fide claim of ownership, is a factual question that requires a review of the evidence on record. Since the findings of the CA are contrary to those of the trial court, the instant case falls under the well-recognized exceptions.

⁴⁶ *Securities and Exchange Commission v. College Assurance Plan Philippines, Inc.*, 883 Phil. 134, 172-173 (2020) [Per J. Leonen, Third Division].

⁴⁷ *Id.* at 173, citing *Pascual v. Burgos*, 776 Phil. 167, 182 (2016) [Per J. Leonen, Second Division].

Legal and jurisprudential developments during the pendency of the case

Section 14 of Presidential Decree No. 1529, otherwise known as the Property Registration Decree, governs who may apply for registration of title to land. It 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.**
- (2) Those who have acquired ownership of private lands by prescription under the provision of existing laws.
- (3) Those who have acquired ownership of private lands or abandoned river beds by right of accession or accretion under the existing laws.
- (4) Those who have acquired ownership of land in any other manner provided for by law.

Where the land is owned in common, all the co-owners shall file the application jointly.

Where the land has been sold under *pacto de retro*, the vendor *a retro* may file an application for the original registration of the land, *provided, however*, that should the period for redemption expire during the pendency of the registration proceedings and ownership to the property consolidated in the vendee *a retro*, the latter shall be substituted for the applicant and may continue the proceedings.

A trustee on behalf of his principal may apply for original registration of any land held in trust by him, unless prohibited by the instrument creating the trust.⁴⁸ (Emphasis supplied)

Applying the foregoing, applicants whose circumstances fall under Section 14 (1) must establish the following: (1) that the land sought to be registered is alienable and disposable land of the public domain; and (2) that the applicant and its predecessors-in-interest have been in open, continuous, exclusive, and notorious possession and occupation of the land under a *bona fide* claim of ownership since June 12, 1945 or earlier.⁴⁹

⁴⁸ Presidential Decree No. 1529 (1978), sec. 14 (1).

⁴⁹ *Dumo v. Republic*, 832 Phil. 656, 669, 688 (2018) [Per J. Carpio, Second Division].

Notably, Republic Act No. 11573⁵⁰ took effect on September 1, 2021, which amended certain provisions of Presidential Decree No. 1529 and Commonwealth Act No. 141. Section 14 of Presidential Decree No. 1529, as amended by Section 6 of Republic Act No. 11573, now reads:

SECTION 14. *Who may apply.* — The following persons may file at any time, in the proper Regional Trial Court in the province where the land is located, an application for registration of title to land, not exceeding twelve (12) hectares, whether personally or through their duly authorized representatives:

(1) **Those who by themselves or through their predecessors-in-interest have been in open, continuous, exclusive and notorious possession and occupation of alienable and disposable lands of the public domain not covered by existing certificates of title or patents under a bona fide claim of ownership for at least twenty (20) years immediately preceding the filing of the application for confirmation of title except when prevented by war or *force majeure*. They shall be conclusively presumed to have performed all the conditions essential to a Government grant and shall be entitled to a certificate of title under this section.**

(2) Those who have acquired ownership of private lands or abandoned riverbeds by right of accession or accretion under the provisions of existing laws.

(3) Those who have acquired ownership of land in any other manner provided for by law.

Where the land is owned in common, all the co-owners shall file the application jointly.

Where the land has been sold under *pacto de retro*, the vendor *a retro* may file an application for the original registration of the land: *Provided, however*, That should the period for redemption expire during the pendency of the registration proceedings and ownership to the property consolidated in the vendee *a retro*, the latter shall be substituted for the applicant and may continue the proceedings.

A trustee on behalf of the principal may apply for original registration of any land held in trust by the trustee, unless prohibited by the instrument creating the trust.⁵¹ (Emphasis supplied)

Under the amended provision, an applicant for original registration of title to land must establish the following: (1) that the subject land, which does not exceed 12 hectares, forms part of disposable and alienable lands of the public domain; (2) that the applicants, by themselves or through their predecessors-in-

⁵⁰ Republic Act No. 11573 (2021), An Act Improving the Confirmation Process for Imperfect Land Titles, Amending for the Purpose Commonwealth Act No. 141, As Amended, Otherwise Known As “The Public Land Act,” and Presidential Decree No. 1529, As Amended, Otherwise Known As the “Property Registration Decree”.

⁵¹ Presidential Decree No. 1529 (1978), sec. 14 (1), as amended by Republic Act No. 11573 (2021).

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interest, have been in open, continuous, exclusive, and notorious possession and occupation thereof; and (3) that the possession is under a *bona fide* claim of ownership. Thus, the time period during which the applicant must have possessed the subject land under a bona fide claim of ownership has been changed from “since June 12, 1945 or earlier” to 20 years immediately before the filing of the application for confirmation of title.

Further, Section 7 of Republic Act No. 11573 prescribes the required proof to establish the alienable and disposable character of the land. It states:

Section 7. Proof that the Land is Alienable and Disposable. — For purposes of judicial confirmation of imperfect titles filed under Presidential Decree No. 1529, **a duly signed certification by a duly designated DENR geodetic engineer that the land is part of alienable and disposable agricultural lands of the public domain is sufficient proof that the land is alienable. Said certification shall be imprinted in the approved survey plan submitted by the applicant in the land registration court. The imprinted certification in the plan shall contain a sworn statement** by the geodetic engineer that the land is within the alienable and disposable lands of the public domain and shall state the applicable Forestry Administrative Order, DENR Administrative Order, Executive Order, Proclamations and the Land Classification Project Map Number covering the subject land.

Should there be no available copy of the Forestry Administrative Order, Executive Order or Proclamation, it is sufficient that the Land Classification (LC) Map Number, Project Number, and date of release indicated in the land classification map be stated in the sworn statement declaring that said land classification map is existing in the inventory of LC Map records of the National Mapping and Resource Information Authority (NAMRIA) and is being used by the DENR as land classification map.⁵² (Emphasis supplied)

Section 7 now deems it sufficient for an applicant to provide a duly signed certification from a duly designated geodetic engineer from the DENR. This certification must attest that the land in question is classified as alienable and disposable agricultural land of the public domain. It should also include the relevant issuance and the Land Classification Project Map Number. Due to this amendment, an applicant is no longer required to show that the DENR Secretary has given approval for the land classification or provide a copy of the land’s original classification.⁵³

In *Republic v. Pasig Rizal Co., Inc.*,⁵⁴ the Court laid down the definitive guidelines on the application of Republic Act No. 11573, *viz.*:

⁵² Republic Act No. 11573 (2021), sec. 7.

⁵³ *Superiora Locale Dell’ Istituto Delle Suore Di San Giuseppe Del Caburlotto, Inc. v. Republic*, G.R. No. 242781, June 21, 2022 [Per J. J. Lopez, *En Banc*] at 11. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.

⁵⁴ G.R. No. 213207, February 15, 2022, [Per J. Caguioa, *En Banc*].

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1. [Republic Act No.] 11573 shall apply retroactively to all applications for judicial confirmation of title which remain pending as of September 1, 2021, or the date when Republic Act No. 11573 took effect. These include all applications pending resolution at the first instance before all Regional Trial Courts, and applications pending appeal before the Court of Appeals.

2. Applications for judicial confirmation of title filed on the basis of the old Section 14 (1) and 14 (2) of [Presidential Decree No.] 1529 and which remain pending before the Regional Trial Court or Court of Appeals as of September 1, 2021 shall be resolved following the period and manner of possession required under the new Section 14 (1). Thus, beginning September 1, 2021, proof of “open, continuous, exclusive and notorious possession and occupation of alienable and disposable lands of the public domain not covered by existing certificates of title or patents under a *bona fide* claim of ownership for at least twenty (20) years immediately preceding the filing of the application for confirmation” shall be sufficient for purposes of judicial confirmation of title, and shall entitle the applicant to a decree of registration.

3. In the interest of substantial justice, the Regional Trial Courts and Court of Appeals are hereby directed, upon proper motion or *motu proprio*, to permit the presentation of additional evidence on land classification status based on the parameters set forth in Section 7 of [Republic Act No.] 11573.

- a. Such additional evidence shall consist of a certification issued by the DENR geodetic engineer which (i) states that the land subject of the application for registration has been classified as alienable and disposable land of the public domain; (ii) bears reference to the applicable Forestry Administrative Order, DENR Administrative Order, Executive Order, or proclamation classifying the land as such; and (iii) indicates the number of the LC Map covering the land.
- b. In the absence of a copy of the relevant issuance classifying the land as alienable and disposable, the certification must additionally state (i) the release date of the LC Map; and (ii) the Project Number. Further, the certification must confirm that the LC Map forms part of the records of NAMRIA and is precisely being used by the DENR as a land classification map.
- c. The DENR geodetic engineer must be presented as witness for proper authentication of the certification in accordance with the Rules of Court.⁵⁵

Application of Republic Act No. 11573 and Pasig Rizal to the case at bar

Given that Arlo’s application was still pending on September 1, 2021, the guidelines in *Pasig Rizal* are applied retroactively. Therefore, it is necessary to remand the case to the CA so that the application may be resolved under the new parameters set forth in Republic Act No. 11573. This will give Arlo the

⁵⁵ *Id.* at 32–33. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.

opportunity to adduce evidence to conclusively prove that the subject lots were already available for sale at the time of their application, i.e., on June 21, 2012, as stated in Section 7 of Republic Act No. 11573.⁵⁶

This Court notes that Arlo submitted two Certifications issued by the DENR-NCR dated September 30, 2013 containing the following:

For Lot No. 7948:

This is to certify that the track of land as shown and described at the reverse side hereof, Lot 7948. MCad. 579. Pasig Multi-Purpose Cadastre (Ap-00-000592) **containing an area of forty seven (47) square meters**, as surveyed by Geodetic Engineer Florante S. Abad for Arlo Aluminum Co. Inc. was verified to be within the Alienable or Disposable Land, under Project No. 21 of Pasig per Land Classification (LC) Map No. 639, approved on March 11, 1927.⁵⁷ (Emphasis supplied)

For Lot No. 7947:

This is to certify that the track of land as shown and described at the reverse side hereof, Lot 7947. MCad. 579. Pasig Multi-Purpose Cadastre (Ap-00-000593) **containing an area of one hundred sixty four (164) square meters**, as surveyed by Geodetic Engineer Florante S. Abad for Arlo Aluminum Co. Inc. was verified to be within the Alienable or Disposable Land, under Project No. 21 of Pasig per Land Classification (LC) Map No. 639, approved on March 11, 1927.⁵⁸ (Emphasis supplied)

As earlier mentioned, the amendments brought about by Republic Act No. 11573 now deem it as sufficient proof that the land is alienable and disposable if there is a certification signed by the designated DENR geodetic engineer to that effect. Additionally, the DENR geodetic engineer must be presented as a witness for proper authentication of the sworn certification. These twin requirements must be met in order to prove that the subject lots are alienable and disposable.

In this case, the certifications issued by the DENR-NCR are not signed by the designated geodetic engineer but by Regional Executive Director Andin. In any case, Regional Executive Director Andin was not presented as a witness to authenticate the certification, nor was there any geodetic engineer presented during trial. Records only reveal that a certain Geodetic Engineer Florante S. Abad certified the correctness of the survey plans, but nowhere does it indicate that the subject lots are alienable and disposable.⁵⁹ Thus, Arlo's evidence on record is not sufficient to prove that Lot Nos. 7948 and 7947 are alienable and disposable.

⁵⁶ *Republic v. Spouses Tan*, G.R. No. 232778, August 23, 2023 [Per J. Gaerlan, Third Division] at 20. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.

⁵⁷ Records, p. 66.

⁵⁸ *Id.* at 67.

⁵⁹ *Id.* at 62-65.

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Additionally, the areas covered by Lot Nos. 7948 and 7947 under the certifications issued by the DENR-NCR are patently different from Arlo's application for registration of title. The application alleges that Lot Nos. 7948 and 7947 contain an area of 62.50 square meters and 146.94 square meters, respectively. On the other hand, the certifications and survey plans indicate that Lot Nos. 7948 and 7947 contain an area of 47 square meters and 164 square meters, respectively. This is another matter that must be established upon remand of the case to the CA.

As to whether Arlo sufficiently proved possession and occupation of Lot Nos. 7948 and 7947 by themselves or their predecessors-in-interest in accordance with Section 6 of Republic Act No. 11573, We deem the evidence at hand insufficient to prove the same.

In *Spouses Tan*⁶⁰ citing *Pasig Rizal*, the Court discussed what constitutes as sufficient evidence to establish an applicant's possession and occupation as required by law:

A telling reference that assists the Court at present is the evidence presented by the applicant in *Pasig Rizal*, which, to recall, the Court had affirmed as sufficient to establish therein respondent's possession and occupation as required by law:

The evidence presented by PRCI was summarized by the CA, as follows:

[. . .] [PRCI] appended the following documents, to wit: a) the Approved Survey Plan, Technical Description and Surveyor's Certification of [the Subject Property] showing its area and boundaries; b) Tax Declarations and Tax Receipts proving that since 1956, [the Subject Property] was already declared for tax purposes and the corresponding realty taxes were paid; c) Affidavit of Esperanza Gerona establishing the transfer of ownership and possession of the subject realty to [PRCI]; d) Certification of the Regional Technical Director of [the] Forest Management Service of the Department of Environment and Natural Resources (DENR) proving that the subject lot is within the alienable and disposable land of [the] public domain, as verified under Project No. 21 of Pasig pursuant to [Land Classification] Map 639 which was approved on [March 11, 1928 and] per ocular inspection on the ground on [September 12, 2011]; and e) Affidavit of Bernarda Lu, a friend and neighbor of the Dee Ham family, attesting to [PRCI's] ownership of the [Subject Property] and its uninterrupted possession as well as the payment of land taxes thereon.⁶¹

⁶⁰ G.R. No. 232778, August 23, 2023 [Per J. Gaerlan, Third Division].

⁶¹ *Id.* at 23. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.

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In *Spouses Tan*, the Court held that the testimony alone of the respondents' neighbor lacks sufficient details in order to establish their claim of possession and occupation by themselves or their predecessors-in-interest. We explained:

However, as to respondents' other overt acts of possession and occupation, the only remaining bone of contention would be the weight of the testimony of the neighbor Lumanglas, as her testimony alone is the only other evidence that respondents could rely upon to bolster their claim of possession and occupation by themselves and their predecessors-in-interest 20 years prior to March 11, 2009. To the Court, and for present purposes, her testimony lacks sufficient details in order to establish the possession and occupation of respondents' predecessors-in-interest.

Firstly, she could not immediately recall when exactly respondents became her neighbors. Inevitably, due to the fact that the proceedings were before the enactment of R.A. No. 11573, the focus of the testimony centered on the critical date of June 12, 1945. However, there is no explicit mention as to who exactly were the immediate owners who had transferred their interests in the subject property to respondents. She merely noted that a previous owner (of which portion it is not specified) was "Adela Garcia," and she did not even bother to either confirm that this was also "Adela Marasigan," *i.e.*, one of respondents' predecessors-in-interest *vis-à-vis* the portion of the subject property covered by Tax Declaration No. 049-01240. She basically gave a general assertion that respondents' predecessors-in-interest had resided there, but with no specifics as to when and whose residencies began, and particularly when the small residential house was built. The critical fact that she was present at the said house when Adela Garcia died also has no reference to any particular date, and this simply causes more confusion as to who exactly were respondents' predecessors-in-interest, since Adela Garcia is an heir of Simeon Garcia. Moreover, the mere fact that she knew that the house thereon was demolished/removed from the property upon the possession and occupation of respondents does not help in establishing when exactly was the said house built prior to the new possession and occupation.

Verily, Lumanglas' testimony is therefore insufficient to establish the critical fact of the possession and occupation of the subject property by respondents' predecessors-in-interest before the transfer to respondents. There needs to be proof of the possession and occupation by the said predecessors-in-interest covering the timeframe of March 11, 1989 up to the time when the transfer of the subject property and its constitutive portions were made to respondents, such as definitive proof that the small residential house and other improvements thereon were built or set up prior to March 11, 1989. Regrettably, due to the focus of the trial court on the now-defunct critical date of June 12, 1945, there exists no other evidence to prove the house's construction — not even the testimony of respondent Rolly D. Tan himself, who did not even mention any knowledge of when the small residential house and small hut thereon were constructed.⁶² (Citations omitted)

⁶² *Id.* at 24–25. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.

This Court finds Arlo in a similar predicament. The testimonies of its employees, Santiago and Jubacon, are insufficient to prove Arlo's claim of possession and occupation by themselves or their predecessors-in-interest. As correctly pointed out by the appellate court, neither of the two were privy to the sale nor witnesses in the execution of the sale.⁶³ In fact, Santiago has no personal knowledge of the purchase of the lots,⁶⁴ and Jubacon only knew of the acquisition of the said lots through Arlo's Human Resources department.⁶⁵ Notably, Santiago testified that her knowledge of Arlo's acquisition of Lot Nos. 7948 and 7947 is based on an alleged deed of sale,⁶⁶ which was never presented as evidence. Neither Santiago nor Jubacon sufficiently proved that Arlo's predecessors-in-interest occupied and possessed the subject lots at least 20 years before the filing of the application for confirmation of title.

On this note, We echo the findings of the CA:

Both of them failed to establish that Arlo's predecessors-in-interest, Dalisay Crisostomo ("Crisostomo") and Melvin Atienza ("Atienza"), were the previous owners of the subject properties and exercised acts of dominion [over] the property. Jubacon merely stated that Crisostomo and Atienza were the former owners because they were well-known in the area whereas Santiago merely stated that Atienza and Crisostomo acquired Lots 7948 and 7947, respectively from Esmeraldo Tambongco, who possessed the subject properties in a continuous, uninterrupted, open, public, adverse manner and in the concept of an owner prior to 12 June 1945. Clearly, neither of the witnesses sufficiently testified as to the acts of dominion exercised by Arlo's predecessors-in-interest.

Arlo may have presented its tax declarations to prove its occupation and possession of the subject properties. However, these are limited only to the years 2009 and 2011.⁶⁷ (Citations omitted)

Nonetheless, in the interest of substantial justice, the Court deems it proper to remand the case to the CA. Consistent with the recent rulings in *Republic v. Buenaventura*,⁶⁸ *Superiora Locale Dell' Istituto Delle Suore Di San Giuseppe Del Caburlotto v. Republic*,⁶⁹ and *Spouses Tan*,⁷⁰ all adopting the guidelines laid down in *Pasig Rizal*, it is just and equitable to remand the instant case to the CA for reception of additional evidence to comply with requirements under Sections 6 and 7 of Republic Act No. 11573.

To emphasize, under the present law, Arlo must prove that: 1) the claimed lots are within the alienable and disposable portion of the public domain; and 2) they, by themselves or their predecessors-in-interest have been in open,

⁶³ *Rollo*, p. 84.

⁶⁴ TSN, Rosanna Santiago, April 13, 2015, pp. 5-6.

⁶⁵ TSN, Ronilo B. Jubacon, October 5, 2015, p. 9.

⁶⁶ *Id.* at 13.

⁶⁷ *CA rollo*, p. 84.

⁶⁸ G.R. No. 198629, April 5, 2022 [Per J. Gaerlan, First Division].

⁶⁹ G.R. No. 242781, June 21, 2022 [Per J. J. Lopez, *En Banc*].

⁷⁰ G.R. No. 232778, August 23, 2023 [Per J. Gaerlan, Third Division].

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continuous, exclusive, and notorious possession and occupation of the claimed lots under *bona fide* claim of ownership for at least 20 years immediately preceding the filing of its application.⁷¹ To prove the land classification status of Lot Nos. 7948 and 7947, it is sufficient that a duly signed certification by a duly designated DENR geodetic engineer is submitted, attesting that the land is part of alienable and disposable agricultural lands of the public domain, *provided*, that the sworn certification bears references to: (1) the relevant issuance (e.g., Forestry Administrative Order, DENR Administrative Order, Executive Order, or Proclamation); and (2) the LC Map number covering the subject lots.

In addition, Arlo may present other competent witnesses or documentary or object evidence to prove overt acts of possession and occupation by them and their predecessors-in-interest as held in the case of *Spouses Tan*:

Accordingly, respondents may present anew other competent witnesses or other documentary or object evidence that show the overt acts of possession and occupation by their predecessors-in-interest, such as duly authenticated photographs of structures on the subject property built or erected by the said predecessors-in-interest predating March 11, 1989, but to speculate or suggest f[u]rther would be to preempt the action of the CA in its reception and consideration of future evidence that may come before as a result of the remand of the instant petition.⁷²

In sum, there is a need for Arlo to comply with the new parameters under Republic Act No. 11573 for the judicial confirmation of their imperfect title to the subject lots.

ACCORDINGLY, the present petition is **DENIED** in part. The Decision dated February 7, 2020 and the Resolution dated November 20, 2020 of the Court of Appeals in CA-G.R. CV No. 112019 are hereby **SET ASIDE**. The case is **REMANDED** to the Court of Appeals, for reception of evidence on the following matters based on the parameters set forth in Sections 6 and 7 of Republic Act No. 11573:

1. The area covered by Lot Nos. 7948 and 7947;
2. The nature, period and circumstances of the possession and occupation of Arlo Aluminum Co., Inc. and its predecessors-in-interest over Lot Nos. 7948 and 7947; and
3. The land classification status of Lot Nos. 7948 and 7947.

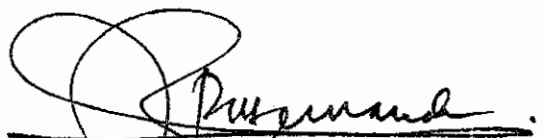
Thereafter, the Court of Appeals is **DIRECTED** to **RESOLVE** the present case in accordance with this Decision with utmost dispatch.

⁷¹ *Superior General of the Religious of the Virgin Mary v. Republic*, G.R. No. 205641, October 5, 2022 [Per J. Gaerlan, Third Division] at 10. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.

⁷² G.R. No. 232778, August 23, 2023 [Per J. Gaerlan, Third Division] at 25. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.

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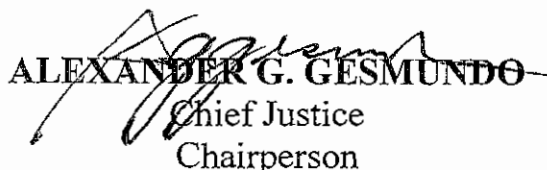
SO ORDERED.



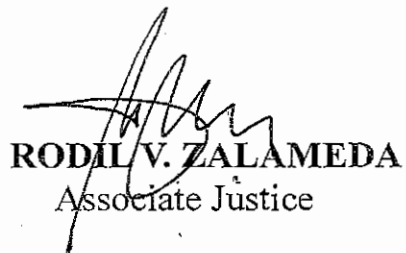
RAMON PAUL L. HERNANDO

Associate Justice
Working Chairperson

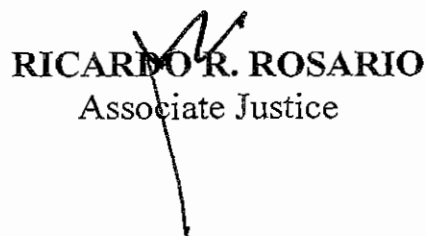
WE CONCUR:



ALEXANDER G. GESMUNDO
Chief Justice
Chairperson



RODIL V. ZALAMEDA
Associate Justice



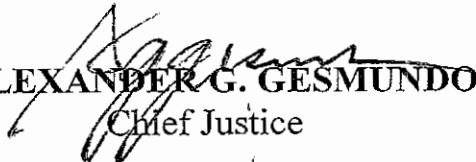
RICARDO R. ROSARIO
Associate Justice



JOSE MIDAS P. MARQUEZ
Associate Justice

CERTIFICATION

Pursuant to Article VIII, Section 13 of the Constitution, 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

