Republic of the Philippines
Supreme Court
Manila

**FIRST DIVISION**

# NOTICE

Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated* **October 12, 2020** *which reads as follows:*

**"G.R. No. 251927 – SPOUSES RUFUS B. RODRIGUEZ AND FENINA T. RODRIGUEZ vs. REPUBLIC OF THE PHILIPPINES**

On September 28, 2006, petitioner Spouses Rufus Rodriguez and Fenina Rodriguez filed an application for land registration of title under Presidential Decree No. 1529 (PD 1529) otherwise known as the Property Registration Decree. The application covered Lot 2260, Cad-452-D, located in Balite II, Silang, Cavite with an assessed value of ₱9,010.00,[1] and an area of 1,755 square meters.[2] The case was raffled to the Municipal Circuit Trial Court (MCTC), Silang Cavite.[3]

Spouses Rodriguez essentially averred that in 1948, Urbano Descallar originally owned Lot 2260.[4] In 1960, Engracia Garcia bought the property from Descallar. Then in 1979, Engracia's son, Francisco Poblete purchased the property through a *Kasulatan ng Bilihan ng Lupa*.[5] On March 6, 1997, they purchased the property from Poblete as evidenced by a Deed of Absolute Sale of Unregistered Land.[6] They have since paid real property taxes thereon per Tax Declaration No. 1800600350.[7]

They derived their open, continuous, exclusive, and notorious possession of Lot 2260 from their predecessors-in-interest since

- over – nine (9) pages ...



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1 *Rollo*, p. 29.
2 *Id.* at 88.
3 *Id.*
4 *Id.* at 68.
5 *Id.*
6 *Id.* at 89.
7 *Id.*

1940.[8] Thus, under the principle of tacking of possession, they are deemed to be in possession of the subject property for more than 50 years.[9] They also planted fruit-bearing trees and several vegetations over the property.[10]

Further, they presented as evidence 11 tax declarations for years 1948, 1960, 1961, 1967, 1974, 1980, 1985, 1994, 1997, 1999, and 2003 covering the subject property.[11]

To prove the alienable and disposable character of Lot 2260, they submitted a Community Environment and Natural Resources Office (CENRO) Certification dated July 29, 2009, and Provincial Environment and Natural Resources (PENRO) Certification dated February 12, 2015. These certifications purportedly showed that Lot 2260 fell within the alienable and disposable area per Land Classification Map No. 3013 under Project 20-A which was approved on March 15, 1982.[12]

Since they had been in a public and adverse possession of Lot 2260 since 1940 or for more than five (5) decades already, their application for land registration over this alienable and disposable property should be granted.

By Order dated February 28, 2017, the trial court noted that the Republic, through the deputized Public Prosecutor of Silang Cavite, no longer presented evidence. Hence, the trial court, upon motion of Spouses Rodriguez, considered the case submitted for resolution.[13]

**The Municipal Circuit Trial Court's Ruling**

By Decision[14] dated April 25, 2017, the MCTC denied the application for land registration.[15]

While the trial court acknowledged that the CENRO and PENRO certifications that the applicants presented served to verify the alienable and disposable character of Lot 2260, consistent with



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8 *Id.*
9 *Id.* at 48.
10 *Id.* at 35.
11 *Id.* at 15.
12 *Id.* at 66.
13 *Id.* at 53.
14 Penned by Presiding Judge May Hazel M. Tagupa, *id.* at 46-74.
15 *Id.* at 74.

Land Classification Map 3013 which was approved on March 15, 1982,[16] it nonetheless found that they failed to meet the essential requirements under Section 14 (1),[17] PD 1529, *viz.*: a) they failed to prove that they or their predecessors-in-interest had been in open, continuous, exclusive, and notorious possession and occupation of Lot 2260;[18] and 2) they failed to sufficiently establish their *bona fide* claim of ownership since June 12, 1945 or earlier.[19] In fact, the earliest tax declaration they presented was issued only in 1948. Neither could they depend on Section 14 (2) of PD 1529.[20] For Lot 2260 had not been officially declared as a patrimonial property of the State, nor had it been withdrawn from public use, public service, or for the development of national wealth. Lot 2260 remained a property of public dominion, hence, outside the commerce of man.[21]

## The Court of Appeals' Ruling

In its assailed Decision[22] dated April 4, 2019, the Court of Appeals affirmed.

First, it held that the applicants merely invoked general statements of their alleged possession and occupation of Lot 2260. They did not specify how they or their predecessors-in-interest openly, continuously, exclusively, and notoriously possessed and occupied the property. Second, they failed to establish the period of possession required under Section 14 (1) of PD 1529.[23] Lastly, it concurred with the trial court that applicants cannot acquire the property through acquisitive prescription under Section 14 (2) of PD 1529.[24]

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[16] *Id.* at 66-67.

[17] PD 1529, 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.

xxx xxx xxx

[18] *Rollo*, p. 69.

[19] *Id.* at 71.

[20] 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:

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(2) - Those who have acquired ownership of private lands by prescription under the provision of existing laws.

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[21] *Rollo*, p. 73.

[22] Penned by Associate Justice Eduardo B. Peralta, Jr. and concurred in by Associate Justices Ramon R. Garcia and Gabriel T. Robeniol, all members of the Tenth Division, *id.* at 10-18.

[23] *Id.* at 14.

[24] *Id.* at 16-17.

Spouses Rodriguez' Motion for Reconsideration was denied under Resolution dated February 10, 2020.[25]

**The Present Petition**

Spouses Rodriguez now seek affirmative relief from the Court *via* Rule 45 of the Rules of Court. They reiterate that: a) Lot 2260 formed part of the alienable and disposable land of the public domain; b) they and their predecessors-in-interest have been in open, continuous, exclusive, and notorious possession and occupation of Lot 2260; c) they have a *bona fide* claim of ownership over Lot 2260 since 1940; and c) they have been in possession of the property for more than 50 years.

**Issue**

Is Lot 2260 an alienable and disposable property of the public domain?

**Ruling**

Section 14, PD 1529 provides, *viz.*:

> SEC. 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-ininterest 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.
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> xxx xxx xxx

Registration under Section 14 (1), PD 1529 refers to the judicial confirmation of imperfect or incomplete titles to public land acquired under Section 48 (b) of Commonwealth Act No. 141, or the Public



[25] *Id.* at 19-22.

Land Act, as amended by PD No 1073.[26] Applicants need to prove that: (1) the land forms part of the alienable and disposable land of the public domain; and (2) by themselves or through their predecessors-in-interest, have been in an open, continuous, exclusive, and notorious possession and occupation of the land under a *bona fide* claim of ownership from June 12, 1945, or earlier.[27]

Anent the first requirement, Spouses Rodriguez presented CENRO Certification dated July 29, 2009 and PENRO Certification dated February 12, 2015. These certifications purportedly attest to the alienable and disposable character of Lot 2260 consistent with Land Classification Map No. 3013 under Project 20-A which was approved on March 15, 1982.

To sufficiently prove the alienable and disposable status of a property, an applicant must present two (2) essential documents: 1) a copy of the **original classification** approved by the DENR Secretary, or as proclaimed by the President and certified as true copy by the legal custodian of the official records; **and** 2) a CENRO or PENRO certification pertaining to the alienable and disposable classification of the land sought to be registered.[28]

In ***Rep. of the Phils. v. T.A.N. Properties, Inc.***,[29] the Court explicitly ruled:

> Further, **it is not enough for the PENRO or CENRO to certify that a land is alienable and disposable. The applicant for land registration must prove that the DENR Secretary** had approved the land classification and released the land of the public domain as alienable and disposable, and that the land subject of the application for registration falls within the approved area per verification through survey by the PENRO or CENRO. **In**



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[26] Sec. 48 (b) of the Public Land Act, as amended by P.D. No. 1073, provides that:
Sec. 48. The following described citizens of the Philippines, occupying lands of the public domain or claiming to own any such lands or an interest therein, but whose titles have not been perfected or completed, may apply to the Court of First Instance of the province where the land is located for confirmation of their claims and the issuance of a certificate of title therefor, under the Land Registration Act, to wit:
xxx xxx xxx
(b) 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 or ownership, since June 12, 1945, or earlier, immediately preceding the filing of the application for confirmation of title except when prevented by war or *force majeure*. These 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 the provisions of this chapter.

[27] *Rep. of the Phils. v. Sps. Tomasa Estacio & Eulalio Ocol,* 799 Phil. 514, 530 (2016).

[28] *Republic v. Science Park of the Philippines, Inc.,* G.R. No. 237714, November 12, 2018.

[29] 578 Phil. 441, 452-453 (2008).

> **addition, the applicant for land registration must present a copy of the original classification approved by the DENR Secretary and certified as a true copy by the legal custodian of the official records. These facts must be established to prove that the land is alienable and disposable.** Respondent failed to do so because the certifications presented by respondent **do not, by themselves,** prove that the land is alienable and disposable. (Emphasis supplied)

***Rep. of the Phils. v. Bantigue Point Dev't. Corp.***,[30] reiterated the ruling in *T.A.N. Properties, viz.*:

> The *Regalian* doctrine dictates that all lands of the public domain belong to the State. The applicant for land registration has the burden of overcoming the presumption of State ownership by establishing through incontrovertible evidence that the land sought to be registered is alienable or disposable **based on a positive act of the government**. We held in *Republic v. T.A.N. Properties, Inc.* that a **CENRO certification is insufficient** to prove the alienable and disposable character of the land sought to be registered. The applicant must also show sufficient proof that the DENR Secretary has approved the land classification and released the land in question as alienable and disposable.
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> Thus, the present rule is that an application for original registration must be accompanied by **(1) a CENRO or PENRO Certification; and (2) a copy of the original classification approved by the DENR Secretary and certified as a true copy by the legal custodian of the official records.**
>
> Here, respondent Corporation **only presented** a CENRO certification in support of its application. Clearly, this **falls short** of the requirements for original registration. (Emphasis and underscoring supplied)

In ***Rep. of the Phils. v. Sps. Tomasa Estacio & Eulalio Ocol***,[31] the Court decreed that DENR certifications were insufficient evidence to prove that the subject properties applied for registration are indeed classified as alienable and disposable. The Heirs of Spouses Ocol still needed to present a copy of the original classification of the properties involved duly approved by the DENR Secretary and certified as true copy by the legal custodian thereof. Thus, the Court ruled that respondents failed to establish the alienable and disposable nature of the properties sought to be registered.



[30] 684 Phil. 192, 205-206 (2012).
[31] Supra note 27.

Similarly, ***Dumo v. Republic***[32] specified that a CENRO or PENRO certification was not enough to show an incontrovertible evidence of the alienable and disposable nature of a land. More, a land classification map is **not the required certified true copy of the original proclamation or order classifying the public land as alienable and disposable.** The Court clarifies, *viz.*:

> To repeat, there are two (2) documents which must be presented: ***first*, a copy of the original classification approved by the Secretary of the DENR and certified as a true copy by the legal custodian of the official records, and *second*, a certificate of land classification status issued by the CENRO or the PENRO based on the land classification approved by the DENR Secretary.** The requirement set by this Court in *Republic of the Philippines v. T.A.N. Properties, Inc.* that both these documents be based on the land classification approved by the DENR Secretary is not a mere superfluity. **This requirement stems from the fact that the alienable and disposable classification of agricultural land may be made by the President or DENR Secretary.** And while the DENR Secretary may perform this act in the regular course of business, **this does not extend to the CENRO or PENRO** xxx.
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> Moreover, we have repeatedly stated that a CENRO or PENRO certification **is not enough to prove the alienable and disposable nature** of the property sought to be registered because the only way to prove the classification of the land is through the original classification approved by the DENR Secretary or the President himself. This Court has clearly held:
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> > Further, it is not enough for the PENRO or CENRO to certify that a land is alienable and disposable. The applicant for land registration must prove that the DENR Secretary had approved the land classification and releases the land of the public domain as alienable and disposable, and that the land subject of the application for registration falls within the approved area per verification through survey by the PENRO of CENRO. In addition, the applicant for land registration must present a copy of the original classification approved by the DENR Secretary and certified as a true copy by the legal custodian of the official records. These facts must be established to prove that the land is alienable and disposable. **Respondent failed to do so because the certifications presented by respondent do not, by themselves, prove that the land is alienable and disposable.**

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[32] G.R. No. 218269, June 6, 2018, 865 SCRA 119, 161.

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> That the certifications of the CENRO or PENRO contain references to the original classification approved by the DENR Secretary is not enough to prove that the land is alienable and disposable. **Mere references made in the certifications to the classification of land as approved by the DENR Secretary are simply insufficient.** The trial court must be given a certified true copy of the classification made by the DENR Secretary or the President because it is the only acceptable and sufficient proof of the alienable and disposable character of the land. **In *Republic of the Philippines v. T.A.N. Properties, Inc.*, the Court required the submission of the certified true copy of the land classification approved by the DENR Secretary precisely because mere references made by the CENRO and PENRO to the land classification were deemed insufficient.** For instance, CENRO and PENRO may inadvertently make references to an original classification approved by the DENR Secretary which does not cover the land sought to be registered, or worse, to a non-existent original classification. **This is the very evil that the ruling in *Republic of the Philippines v. T.A.N. Properties, Inc.* seeks to avoid.**
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> While the CENRO may issue certified true copies of these land classification maps, **these maps are not the required certified true copy of the original proclamation or order classifying the public land as alienable and disposable.** Moreover, these maps are not in the possession of the officials who have custody of the original proclamation or order classifying the public land as alienable and disposable. xxx (Emphasis and citations supplied)

Clearly, the CENRO and PENRO certifications which Spouses Rodriguez presented are not enough evidence to prove the alienable and disposable nature of Lot 2260.[33] Apart from these twin certifications, Spouses Rodriguez should have also presented a copy of the original classification of Lot 2260 duly approved by DENR Secretary, or as proclaimed by the President and certified as a true copy by the legal custodian thereof. But they did not.

In light of the foregoing considerations, therefore, subject property remains to be part of the inalienable and indisposable lands of the public domain, hence, incapable of registration or titling in the name of Spouses Rodriguez or any private person or entity. For this reason, a discussion of the other issues raised herein is no longer necessary.



[33] *Id.*

**WHEREFORE**, the petition is **DENIED** for lack of sufficient showing that the Court of Appeals committed reversible error in rendering its Decision dated April 4, 2019 in CA-G.R. CV No. 108935.

**SO ORDERED."** ***Rosario, J.,*** *designated Member per Special Order No. 2794 dated October 9, 2020.*

**By authority of the Court:**

**LIBRADA C. BUENA**
Division Clerk of Court

by:

**MARIA TERESA B. SIBULO**
Deputy Division Clerk of Court
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