Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

N O T I C E

Sirs/Mesdames:

Please take notice that the Court, First Division, issued a Resolution dated **January 12, 2021** *which reads as follows:*

"G.R. No. 220607 – (SOLEDAD O. GREGORIO, ET AL., *petitioners* v. REPUBLIC OF THE PHILIPPINES, *respondent*). – Before this Court is a petition for review on *certiorari*[1] under Rule 45 of the Rules of Court assailing the Decision[2] dated January 30, 2015 and the Resolution[3] dated August 24, 2015 of the Court of Appeals (CA) in CA-G.R. CV No. 98837. The challenged Decision reversed and set aside the Decision[4] dated May 20, 2011 of the Regional Trial Court (RTC) of Pasig City, Branch 153 in LRC Case No. N-11295, while the Resolution denied petitioners' motion for reconsideration.

Facts

Stripped of non-essentials, the following are the antecedents:

On April 11, 1996, an application for land registration was filed by Soledad, Zenaida, Eladio, Joffre and Roberto, Jr., all surnamed Gregorio, (petitioners), with the RTC of Pasig City. The application covers three parcels of land situated in Brgy. Hagonoy, Taguig City, Metro Manila and described as follows: (a) Lot 1 of Plan Psu-248506 (Lot 1), with an area of 5,086 square meters (sq. m.); Lot 2 of Plan Psu-248506 (Lot 2), with an area of 6,022 sq. m.; and (c) a parcel of land as shown on Plan Psu-248507 (Lot 3), with an area of 13,515 sq. m.[5] Said parcels of land are covered by Tax Declaration Nos. D-008-00545, D-008-00492, and D-009-01855, respectively.[6]

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1 *Rollo*, pp. 11-44.

2 Id. at 45-64; penned by Associate Justice Carmelita Salandanan Manahan, with Associate Justices Isaias P. Dicdican and Elihu A. Ybañez, concurring.

3 Id. at 65-69; penned by Associate Justice Carmelita Salandanan Manahan, with Associate Justices Elihu A. Ybañez and Franchito N. Diamante, concurring.

4 Id. at 70-77; penned by Judge Briccio C. Ygaña.

5 Id. at 46-47.

6 Id. at 48.

On January 20, 1997, petitioners amended their application, which was granted by the RTC through an Order dated February 18, 1997, admitting petitioners' amended application.[7]

Petitioners claimed that: (a) they are the real and true owners in fee simple of those certain parcels of land stated and described in the application; (b) they obtained title to the said properties by intestate succession from their father Roberto Gregorio, Sr. (Roberto Sr.), who died intestate on February 16, 1951; (c) Roberto Sr., in turn, acquired the subject lands through legitimate mode of conveyance from his predecessors-in-interest; (d) they are the only heirs of Roberto Sr.; (e) they had executed an Extra-Judicial Settlement of Estate under Section 1, Rule 74 of the Rules of Court; and (f) said parcels of land are occupied by no one except by them and their duly authorized representatives.[8] Petitioners had caused the survey of the subject lands, which were approved by the Director of the Bureau of Lands on January 4, 1972 and May 25, 1972.[9]

In compliance with the order of the RTC, the Department of Environment and Natural Resources (DENR), through its Chief of Legal Division, Manuelita C. Jatulan, submitted the Investigation Reports, dated May 20, 1998 and September 14, 1998, prepared by the DENR South Community Environment and Natural Resources Office (CENRO).[10]

The Investigation Reports of the DENR South CENRO stated, among others, that: (a) the areas covered by Plan Psu-248506 and Plan Psu-248507 are within the alienable and disposable zone, as classified under Project No. 27-B, LC Map No. 2623; (b) said areas are outside or not within any civil or military reservation; (c) there is no title/patent issued over the subject land; (d) there is no public land application filed for the same land by the applicant or other persons; (e) the subject land does not encroach public use;[11] and (f) the lands subject of the application were first declared for tax purposes in 1939 by Gregorio Sr.[12]

Roberta Santos (Santos) and the Laguna Lake Development Authority (LLDA) opposed petitioners' application as regards Lot 2 and Lot 3, respectively.[13]

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7 Id. at 47-48.
8 Id. at 48.
9 Id.
10 Id. at 48-49.
11 Id. at 49.
12 Id. at 17-18, 89-91.
13 Id. at 49.

On October 19, 2000, the Office of the Solicitor General (OSG) entered its appearance.[14]

On July 30, 2007, upon motion from the petitioners and without opposition from the LLDA, the RTC ordered the withdrawal of petitioners' application insofar as Lot 3.[15]

On May 13, 2009, oppositor Santos died. Thereafter, her daughter, Paz Gregoria Santos-Trinidad, filed with the RTC an urgent manifestation to the effect that she is not interested in further prosecuting the opposition of her mother.[16] Consequently, the RTC declared said oppositor as to have waived her right to contest petitioners' application. Further, upon petitioners' motion, the RTC directed that the testimony of Santos be stricken from the records.[17]

In support of their application, petitioners presented documentary and testimonial evidence. Petitioners' witnesses are: (1) petitioner Joffre, who is also the attorney-in-fact of the other petitioners; (2) Sabine Bunye, the widow of Maximo Bunye, who was a former tenant of the subject lands; (3) Eugenio Fernandez Castro, the person approached by petitioners to find a geodetic engineer/surveyor; (4) Ferdinand Encarnacion, a clerk and custodian of the Land Registration Authority (LRA); (5) Roehl Nicanor, cartographer from the LRA; (6) Vener Gregorio; and (7) Esmeraldo Ramos, then municipal assessor of Taguig.[18]

The RTC Ruling

On May 20, 2011, the RTC rendered a Decision, the dispositive portion of which reads:

> WHEREFORE, judgment is hereby rendered declaring Soledad O. Gregorio, Zenaida O. Gregorio, Eladio O. Gregorio, Joffre O. Gregorio and Roberto Gregorio, Jr., as the owners in fee simple of the parcels of land, to wit:
>
> A. Lot 1 – Psu-248506, Brgy. Hagonoy, Taguig, Metro Manila with an area of FIVE THOUSAND EIGHTY SIX (5,086) Square Meters, more or less; and
>
> B. Lot 2 – Psu-248506, Brgy. Hagonoy, Taguig, Metro Manila with an area of SIX THOUSAND AND TWENTY TWO (6022) Square Meters, more or less.
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14 Id. at 72.
15 Id. at 50.
16 Id. at 51.
17 Id.
18 Id. at 73-74.

> After the decision shall have bec[o]me final and executory, let the Land and Registration Authority issue a decree of registration in favor of Soledad O. Gregorio, Zenaida O. Gregorio, Eladio O. Gregorio, Joffre O. Gregorio and Roberto Gregorio, Jr.
>
> SO ORDERED.[19]

The RTC ruled that after compliance with the jurisdictional requirements, petitioners were able to prove their registrable title over Lots 1 and 2. To be precise, petitioners were able to prove, to the satisfaction of the trial court, that: their possession and occupation of the subject parcels of land, including that of their predecessors-in-interest, spans more than 60 years; such possession and occupation in the concept of an owner was open, notorious and exclusive; the subject properties were never encumbered nor mortgaged; and that since time immemorial, petitioners' possession and occupation were neither disturbed nor interrupted.[20]

On July 7, 2011, the Republic of the Philippines, through the Office of the Solicitor General (OSG), moved for reconsideration but was denied by the RTC in the Order[21] dated March 19, 2012.

The CA Ruling

On appeal by the OSG, the CA rendered the assailed Decision, reversing the RTC Decision. The CA held that the Investigation Reports of the DENR South CENRO are insufficient proof of the alienability and disposability of the lands subject of the application. First, said documents were not formally offered in evidence before the trial court. Second, the subject Investigation Reports do not have probative value for they are mere conclusions unsupported by adequate proof. Significantly, the CA also denied evidentiary weight to a certified copy of Forest Administrative Order No. 4-1441 dated January 3, 1968 that was signed by then Secretary of Agriculture and Natural Resources, Arturo Tanco (Tanco), and a certified copy of Land Classification Map No. LC-2623, which were submitted by the petitioners for the first time on appeal. Further, the CA found that petitioners failed to prove their claim of exclusive and notorious possession and occupation of Lots 1 and 2 in the concept of an owner.[22]

The dispositive portion of the CA Decision states:

19 Id. at 77.
20 Id. at 75-77.
21 Id. at 78-80; penned by Pairing Judge Leili Cruz Suarez.
22 Id. at 54-62.

> WHEREFORE, premises considered, the Appeal is GRANTED. The *Decision* dated 20 May 2011 and the *Order* dated 19 March 2012 of the Regional Trial Court of Pasig City, Branch 153, are hereby REVERSED and SET ASIDE. The application for registration filed by appellees Soledad O. Gregorio, Zenaida O. Gregorio, Eladio O. Gregorio, Joffre O. Gregorio and Roberto O. Gregorio, Jr. is DENIED.
>
> SO ORDERED.[23]

Petitioners sought reconsideration but was denied by the CA.[24]

Hence, this petition imputing the following errors to the CA:

> I.
> THE [CA] COMMITTED A GRAVE AND REVERSIBLE ERROR IN RULING THAT [PETITIONERS] FAILED TO ESTABLISH THAT THE LAND SUBJECT OF THE APPLICATION IS ALIENABLE AND DISPOSABLE.
>
> II.
> THE [CA] COMMITTED A GRAVE AND REVERSIBLE ERROR IN NOT APPLYING THE DOCTRINES LAID DOWN BY THIS HONORABLE COURT IN TWO (2) PREVIOUS CASES VERY SIMILAR TO THE INSTANT CASE.[25]
>
> III.
> THE [CA] COMMITTED A GRAVE AND REVERSIBLE ERROR IN RULING THAT [PETITIONERS] FAILED TO PROVE THEIR POSSESSION AND OCCUPATION OF THE PARCELS OF LAND.[26]

Court's Ruling

The petition lacks merit.

The well-entrenched rule is that all lands not appearing to be clearly of private dominion presumably belong to the State. The *onus* to overturn, by **incontrovertible evidence**, the presumption that the land subject of an application for registration is alienable and disposable rests with the applicant.[27]

Petitioners anchor their application on Section 14(1) of Presidential Decree (PD) No. 1529, or the Property Registration Decree.

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23 Id. at 64.
24 Id. at 65-69.
25 Id. at 23.
26 Id. at 34.
27 *Rep. of the Phils. v. T.A.N. Properties, Inc.*, 578 Phil. 441, 450 (2008).

Under the said provision, the applicants for registration of title must sufficiently establish that: (a) the land or 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) they and their predecessors-in-interest have been in open, continuous, exclusive, and notorious possession and occupation of the same; and (c) the possession is under a *bona fide* claim of ownership since June 12, 1945, or earlier.[28]

To prove the alienability and disposability of the land sought to be registered, an application for original registration must be accompanied by two documents: (1) a copy of the original classification approved by the DENR Secretary and certified as a true copy by the legal custodian of the DENR's official records; and (2) a certificate of land classification status issued by the CENRO or the Provincial Environment and Natural Resources Office (PENRO) of the DENR based on the land classification approved by the DENR Secretary.[29]

Indubitably here, petitioners failed to present the aforesaid required documents before the RTC.

Petitioners nonetheless point out that the DENR, through its Chief of Legal Division, had submitted to the RTC Investigation Reports of the agency's South CENRO in compliance with the order of the trial court. Said Reports categorically stated that Lots 1 and 2 are within the alienable and disposable zone under Project 27-B and L.C. Map No. 2623. This fact, according to petitioners, was confirmed when they submitted to the CA the required certified copy of Forestry Administrative Order No. 4-1141, signed by Secretary of Agriculture and Natural Resources Tanco on January 3, 1968, and certified copy of Land Classification Map No. LC-2623. It is petitioners' stance that the CA committed a reversible error in refusing to consider these documents on appeal. Also, petitioners insist that at the time they filed their application in 1996, mere certification from the DENR that the land applied for is alienable and disposable would suffice. It was only in the case of *Rep. of the Phils. v. T.A.N. Properties, Inc.* (*T.A.N. Properties*)[30] that submission of a copy of the original land classification as approved by the DENR Secretary was required by this Court.[31] Invoking substantial justice, petitioners cite the cases of *Sta. Ana Victoria v. Rep.*

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28 *Republic v. Science Park of the Philippines, Inc., etc.*, G.R. No. 237714, November 12, 2018, 885 SCRA 352, 360-361.

29 Id. at 361.

30 *Rep. of the Phils. v. T.A.N. Properties, Inc,* supra note 27.

31 Id. at 452-453.

of the Phils. (*Victoria*)[32] and *Sps. Llanes v. Rep. of the Phils.* (*Llanes*)[33] for the reinstatement of the RTC Decision granting their action for judicial confirmation of title.[34]

The Court is not persuaded.

At the onset, the rule on strict compliance enunciated in *T.A.N. Properties* remains to be the governing rule in land registration case.[35] While there have been instances when this Court applied the doctrine of substantial compliance in land registration cases,[36] We nonetheless clarified that the ruling on substantial compliance applies *pro hac vice* and did not, in any way, detract from this Court's ruling in *T.A.N. Properties* and similar cases which impose a strict requirement to prove that the land applied for registration is alienable and disposable.[37] We further elaborated on the reason behind the rule on substantial compliance, *i.e.*, lack of opportunity for the applicant to comply with the requirements provided in *T.A.N. Properties*. We explained:

> In *Vega*, the Court was mindful of the fact that the trial court rendered its decision on November 13, 2003, way before the rule on strict compliance was laid down in T.A.N. Properties on June 26, 2008. Thus, the trial court was merely applying the rule prevailing at the time, which was substantial compliance. Thus, even if the case reached the Supreme Court after the promulgation of T.A.N. Properties, the Court allowed the application of substantial compliance, because there was no opportunity for the registrant to comply with the Court's ruling in T.A.N. Properties, the trial court and the CA already having decided the case prior to the promulgation of T.A.N. Properties.[38]

Here, the RTC Decision was rendered almost three years after the promulgation of *T.A.N. Properties*. In fact, the requirements laid down in *T.A.N. Properties* were already raised by the OSG in its motion for reconsideration filed with the RTC. Opposing the OSG's motion, petitioners insisted that *T.A.N. Properties* was inapplicable to their case because the applicant in said case was a corporation and the land applied

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32 666 Phil. 519 (2011).
33 592 Phil. 623 (2008).
34 *Rollo*, pp. 23-34.
35 *Espiritu, Jr., et al. v. Rep. of the Phils.*, 811 Phil. 506, 519 (2017).
36 See *Rep. of the Phils. v. Vega, et al.*, 654 Phil. 511, 524 (2011) and *Republic v. Serrano, et al.*, 627 Phil. 350, 360 (2010).
37 *Espiritu, Jr., et al. v. Republic,* supra note 35 at 519-520 citing *Rep. of the Phils. v. Vega, et al.*, supra note 36 at 522.
38 *Republic v. Bautista*, G.R. No. 211664, November 12, 2018, 885 SCRA 227, 241-242 citing *Republic v. San Mateo, et al.*, 746 Phil. 394, 405 (2014).

for registration therein is 59.61 hectares.[39] When the case was elevated by the OSG to the CA, petitioners stood firm on their assertion that *T.A.N. Properties* would not apply to them.[40] Playing safe or maybe realizing the weakness of their argument, petitioners attached certified copies of Forest Administrative Order No. 4-1441 dated January 3, 1968 and Land Classification Map No. LC-2623 to their Brief filed with the CA.[41] Such belated submission will not save the day for petitioners. Having had the opportunity to submit these documents in the RTC, petitioners cannot now plead substantial justice after the CA disregarded said documents when petitioners presented them for the first time on appeal. *In the conduct of review proceedings, an appellate court cannot rightly appreciate firsthand the genuineness of an unverified and unidentified document; much less, accord it evidentiary value.*[42]

Moreover, petitioners' reliance on the cases of *Victoria* and *Llanes* is utterly misplaced. In said cases, both the lower courts and CA Decisions were rendered **before** *T.A.N. Properties*; hence, presentation of the required certification from the DENR was sufficient to prove the alienable and disposable character of land subject of the application.

Significantly, in *Victoria*, the required DENR Certification was also belatedly submitted by Victoria on appeal. **It must be noted, however, that during the proceedings in the Metropolitan Trial Court, Victoria was able to present a Conversion/Subdivision Plan showing that the land subject of her application is inside the alienable and disposable area under Project 27-B as per L.C. Map 2623, as certified by the Bureau of Forest Development on January 3, 1968. Said Conversion/Subdivision Plan also carried a notation that the subject property is within alienable and disposable area.** Further, the OSG, upon directive from this Court, submitted a certification from the DENR stating that Senior Forest Management Specialist Corazon D. Calamno, who signed Victoria's DENR Certification, is authorized to issue certifications regarding status of public land as alienable and disposable land. The OSG also submitted a certified true copy of Forestry Administrative Order 4-1141 dated January 3, 1968, signed by then Secretary of Agriculture and Natural Resources Arturo R. Tanco, Jr., which declared portions of the public domain covered by Bureau of Forestry Map LC-2623, approved on January 3, 1968, as alienable and disposable.[43]

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39 *Rollo*, p. 79.
40 Id. at 107-111.
41 Id. at 123-124.
42 *Republic v. Alaminos Ice Plant and Cold Storage, Inc., etc.*, G.R. No. 189723, July 11, 2018, 115 OG No. 9, 2093 (March 4, 2019).
43 *Sta. Ana Victoria v. Republic*, supra note 32 at 525-526.

In *Llanes*, on the one hand, what was submitted on appeal was a **corrected** CENRO Certification to rectify the discrepancy between the Certifications issued by the DENR IV Forest Management Bureau (FMB) and by the CENRO, Batangas City, as to the date when the subject property became alienable and disposable. Apparenty, the discrepancy was only noticed by the applicants when the case was already on appeal with the CA. Upon verification, it was discovered that the CENRO committed a mistake; hence, the issuance of the corrected CENRO Certification. **Note that while the corrected CENRO Certification was only presented on appeal, both the DENR IV FMB Certification and Batangas City CENRO Certification were nevertheless submitted in evidence before the Municipal Circuit Trial Court.**[44]

Clearly, in *Victoria* and *Llanes*, apart from the DENR Certifications submitted on appeal, documentary evidence, *i.e.*, Conversion/Subdivision Plan (*Victoria*) and Certifications from the DENR FMB and CENRO (*Llanes*), were adduced by the applicants in the lower courts to prove the alienability and disposability of the lands subject of their applications. The same cannot be said of petitioners' case.

The CA aptly ruled that the Investigation Reports submitted by the DENR South CENRO have no probative value in establishing the character of Lots 1 and 2. For one, petitioners failed to establish the due execution or issuance of said documents and formally offer them in evidence before RTC. For another, assuming that the Investigation Reports of the DENR South CENRO were duly issued, said Investigation Reports, by themselves, are insufficient to prove the alienability and disposability of the subject lands.

Again, We explain.

Under Section 19(a), Rule 132 of the Revised Rules on Evidence, "[t]he written official acts, or records of the official acts of the sovereign authority, official bodies and tribunals, and public officers, whether of the Philippines, or of a foreign country[,]" are considered public documents.

Applying Section 24 of Rule 132, the record of public documents referred to in Section 19 (a), when admissible for any purpose, may be evidenced by an official publication thereof or by a copy attested by the officer having legal custody of the record, or by his or her deputy. The

44 *Sps. Llanes v. Rep. of the Phils.*, supra note 33 at 633-634.

CENRO is not the official repository or legal custodian of the issuances of the DENR Secretary declaring public lands as alienable and disposable. The CENRO should have attached an official publication of the DENR Secretary's issuance declaring the land alienable and disposable.[45]

Further, Section 23, Rule 132 of the Revised Rules on Evidence provides:

> Sec. 23. *Public documents as evidence.* — Documents consisting of entries in public records made in the performance of a duty by a public officer are *prima facie* evidence of the facts stated therein. All other public documents are evidence, even against a third person, of the fact which gave rise to their execution and of the date of the latter.[46]

CENRO certifications do not fall within the class of public documents contemplated in the first sentence of Section 23 of Rule 132. The certifications do not reflect "entries in public records made in the performance of a duty by a public officer," such as entries made by the Civil Registrar in the books of registries, or by a ship captain in the ship's logbook. The certifications are not the certified copies or authenticated reproductions of original official records in the legal custody of a government office. The certifications are not even records of public documents.[47]

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.[48] For instance, the 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 *T.A.N. Properties* seeks to avoid.[49]

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45 *Rep. of the Phils. v. Medida*, 692 Phil. 454, 465-466 (2012), citing *Republic v. T.A.N. Properties*, supra note 27 at 454.

46 Id. at 466.

47 Id.

48 *Dumo v. Republic*, G.R. No. 218269, June 6, 2018, 865 SCRA 119, 168.

49 Id. at 164-165.

From the foregoing, petitioners failed to prove by incontrovertible evidence that the lands subject of their application are alienable and disposable.

Albeit already immaterial and unnecessary, We nonetheless agree with the CA that petitioners also failed to prove open, continuous, exclusive, and notorious possession and occupation of Lots 1 and 2 under a *bona fide* claim of ownership since June 12, 1945, or earlier.

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.[50]

Notably here, the RTC Decision dated May 20, 2011 is bereft of any discussion on specific acts of ownership and dominion on the part of petitioners and their predecessors-in-interest. Tax declarations and unsubstantiated claim of cultivation[51] are inadequate to prove possession and occupation of the lands applied for registration. 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 required by law.[52]

In fine, the dismissal of petitioners' land registration application is inevitable.

WHEREFORE, the petition is **DENIED**. The Decision dated January 30, 2015 and the Resolution dated August 24, 2015 of the Court of Appeals in CA-G.R. CV No. 98837 are **AFFIRMED**.

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50 *Republic v. Science Park of the Philippines, Inc., etc.*, supra note 28 at 364-365.
51 *Rollo*, pp. 34-39.
52 *Republic v. Science Park of the Philippines, Inc., etc.*, supra at 365-366.

SO ORDERED."

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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