



Republic of the Philippines
 Supreme Court
 Manila

SUPREME COURT OF THE PHILIPPINES
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FIRST DIVISION

REPUBLIC OF THE
 PHILIPPINES,

G.R. No. 211144

Petitioner,

Present:

SERENO, *C.J.*,
Chairperson,
 LEONARDO-DE CASTRO,
 PERALTA,**
 DEL CASTILLO, and
 TIJAM, *JJ.*

- versus -

MARGARITA C. MENDIOLA,
LUALHATI T. TALAVERA,
 married to Celso Talavera;
ZENAIDA M. ESTACIO,
 widow; **FRANCISCO C.**
MENDIOLA, JR., married to
 Corazon Marindo;
ESTRELLITA M. ESPIRITU,
 married to Danilo Espiritu;
MARIO C. MENDIOLA,
 married to Leticia Mendiola;
WILFREDO C. MENDIOLA,
 married to Teresita E. Mendiola;
LIWAYWAY C. MENDIOLA,
 single; **ORLANDO C.**
MENDIOLA, married to
 Melinda Mendiola; **SHERRY**
COMELING, married to
 Antonio Comeling; **MAMENCIA**
M. LACSA, married; **RACHEL***
LACSA, married to Ferdinand
 San Juan; **PARALUMAN M.**
CASINSINAN, married to
 Leonardo Casinsinan,

* Also referred to as Racquel Lacsá in the Order dated February 22, 2010 of the Regional Trial Court of Pasig City, Branch 266.

** Designated additional Member per Raffle dated November 20, 2017 *vice* Associate Justice Francis H. Jardeleza.

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**represented by their Attorney-
In-Fact, PARALUMAN M.
CASINSINAN,**
Respondents.

Promulgated:

DEC 13 2017

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DECISION**TIJAM, J.:**

This is a petition¹ for review on *certiorari* filed under Rule 45 of the Rules of Court assailing the Decision² dated September 30, 2013 and Resolution³ dated January 29, 2014 of the Court of Appeals (CA) in CA-G.R. CV No. 95382, which upheld the Order⁴ dated February 22, 2010 of the Regional Trial Court (RTC) of Pasig City, Branch 266, in Land Registration Case (LRC) No. N-11576 confirming the title of the applicants over a parcel of land covered by conversion survey plan, Swo-007607-000730-D, being a portion of Lot 2750, Mcadm-590-D, Taguig Cadastral Mapping, situated in Barangay Ibayo, Tipas, Taguig, Metro Manila (subject property).

The Facts of the Case

On July 27, 2007, respondents filed a verified application for registration of title to land under Presidential Decree (P.D.) No. 1529,⁵ as amended, otherwise known as the Property Registration Decree over the subject property before the RTC of Pasig City.⁶ They claimed that they inherited the subject property from their late parents and have been in physical and continuous possession thereof in the concept of an owner even before June 17, 1945.⁷

During the initial hearing, considering that no opposition to the application was registered, the RTC issued an order of general default except against herein petitioner.

Upon presentation of evidence, the respondents submitted the following: (i) Conversion Plan and Geodetic Engineer's Certificate of the subject property; (ii) Tax Declarations; and (iii) the Certification from the Department of Environment and Natural Resources (DENR)-National

¹ *Rollo*, pp. 13-38.

² Penned by Associate Justice Stephen C. Cruz, with Associate Justices Magdangal M. De Leon and Myra V. Garcia-Fernandez concurring; *id.* at 43-50.

³ *Id.* at 51-52.

⁴ Rendered by Presiding Judge Toribio E. Ilao, Jr.; *id.* at 53-57.

⁵ AMENDING AND CODIFYING THE LAWS RELATIVE TO REGISTRATION OF PROPERTY AND FOR OTHER PURPOSES. Approved on June 11, 1978.

⁶ *Rollo*, pp. 44 and 53.

⁷ *Id.* at 44.

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Capital Region (NCR) verifying the subject property as alienable and disposable.⁸

The Ruling of the RTC

On February 22, 2010, the RTC rendered its Order⁹ wherein it ruled that the respondents herein have sufficient title deemed proper for registration under P.D. No. 1529. The dispositive portion thereof reads:

WHEREFORE, judgment is hereby rendered thus: the title of Margarita C. Mendiola, widow; Lualhati M. Talavera, married to Celso Talavera; Zenaida M. Estacio, widow; Francisco C. Mendiola, Jr., married to Corazon Marindo; Estrellita M. Espiritu, married to Danilo Espiritu; Mario C. Mendiola, married to Leticia Mendiola; Wilfredo C. Mendiola, married to Teresita E. Mendiola; Liwayway C. Mendiola, single; Orlando C. Mendiola, married to Melinda Mendiola; Sherry Comeling, married to Antonio Comeling; Mamencia M. Lacsá, married; Racquel Lacsá, married to Ferdinand San Juan; Paraluman M. Casinsinan, married to Leonardo Casinsinan, to that parcel of land (as described on conversion survey plan, Swo-007607-000730-D, being a portion of Lot 2750, Mcadm-590-D, Taguig Cadastral Mapping), situated in Brgy. Ibayo, Tipas, Taguig, Metro Manila consisting of more or less 1,256 square meters with the aforementioned technical descriptions, is hereby CONFIRMED.

Upon the finality of the judgment, let the proper Decree of Registration and Certificate of Title be issued to the applicants pursuant to Section 39 of P.D. [No.] 1529.

Let two (2) copies of this Order be furnished [to] the Land Registration Authority Administrator Benedicto B. Julep, thru Salvador L. Oriel, the Chief of the Docket Division of said Office, East Avenue, Quezon City.

SO ORDERED.¹⁰

The RTC held that the subject property was determined to be alienable and disposable as per Certification issued by the DENR-NCR dated January 3, 1968. Also, it held that the respondents had acquired title to the subject property after finding that they have been in continued possession thereof for more than 30 years.¹¹

Thus, petitioner, represented by the Office of the Solicitor General (OSG), filed an appeal under Rule 41 before the CA.

⁸ Id. at 55-56.

⁹ Id. at 53-57.

¹⁰ Id. at 57.

¹¹ Id. at 56.

The Ruling of the CA

On September 20, 2013, the CA issued its Decision¹² wherein it denied the appeal of the OSG and accordingly affirmed the Order dated February 22, 2010 of the RTC. The dispositive portion thereof states:

WHEREFORE, premises considered, the instant appeal is hereby **DENIED** for lack of merit. Accordingly, the assailed Order of Branch 266 of the [RTC] of Pasig City dated February 22, 2010 is **AFFIRMED**.

SO ORDERED.¹³

In denying the appeal, the CA asseverated that respondents sufficiently established their entitlement over the property by presenting evidence relevant to their possession and occupation of the property. Moreover, the CA based its ruling on the declaration in *Rep. of the Phils. v. Serrano, et al.*¹⁴ which allowed the registration application even without the submission of the certification from the DENR Secretary classifying the land as alienable and disposable:

While Cayetano failed to submit any certification which would formally attest to the alienable and disposable character of the land applied for, the Certification by DENR Regional Technical Director Celso V. Loriga, Jr., as annotated on the subdivision plan submitted in evidence by Paulita, constitutes substantial compliance with the legal requirement. It clearly indicates that lot 249 had been verified as belonging to the alienable and disposable area as early as July 18, 1925.

The DENR certification enjoys the presumption of regularity absent any evidence to the contrary. It bears noting that no opposition was filed or registered by the Land Registration Authority or the DENR to contest respondents' applications on the ground that their respective shares of the lot are inalienable. There being no substantive rights which stand to be prejudiced, the benefit of the Certification may thus be equitably extended in favor of respondents.¹⁵ (Emphasis and underscoring deleted)

Consequently, petitioner filed a petition for review on *certiorari* under Rule 45.

The Issue

Essentially, the main issue in the present case is whether or not the CA erred in affirming the findings of the trial court that herein respondents are entitled to their application for registration of title over the subject property.

¹² Id. at 43-50.

¹³ Id. at 49.

¹⁴ 627 Phil. 350 (2010).

¹⁵ Id. at 360.

The Ruling of the Court

The petition is meritorious.

The conversion plan, technical descriptions of the property, and the Certification issued by the DENR-NCR are insufficient proof of the alienable and disposable character of the subject property. Clearly, respondents failed to prove their entitlement thereto under Chapter III, Section 14 of P.D. No. 1529, which states:

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-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.

x x x x

Thus, it is imperative for an applicant for registration of title over a parcel of land to establish the following: (i) possession of the parcel of land under a *bona fide* claim of ownership, by himself and/or through his predecessors-in-interest since June 12, 1945, or earlier; and (ii) that the property sought to be registered is already declared alienable and disposable at the time of the application.

In the present case, respondents submitted DENR-NCR's Certification dated May 22, 2009, wherein it stated that the subject property was alienable and disposable.¹⁶

The Court, however, finds respondents' reliance on the Certification issued by the DENR-NCR misplaced.

In *Rep. of the Phils. v. Lualhati*,¹⁷ the Court ruled that the applicant for land registration must prove that the DENR Secretary had approved the subject property as alienable and disposable, to wit:

Accordingly, in a number of subsequent rulings, this Court consistently deemed it appropriate to reiterate the pronouncements in *T.A.N. Properties* in denying applications for registration on the ground of failure to prove the alienable and disposable nature of the land subject therein. In said cases, it has been repeatedly ruled that certifications issued by the CENRO, or specialists of the DENR, as well as Survey Plans prepared by the DENR containing annotations that the subject lots are

¹⁶ *Rollo*, pp. 45 and 47.

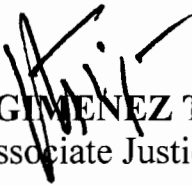
¹⁷ 757 Phil. 119 (2015).

alienable, do not constitute incontrovertible evidence to overcome the presumption that the property sought to be registered belongs to the inalienable public domain. **Rather, this Court stressed the importance of proving alienability by presenting a copy of the original classification of the land approved by the DENR Secretary and certified as true copy by the legal custodian of the official records.**¹⁸ (Citations omitted and emphasis ours)


Verily, as shown by the records of the instant case, respondents failed to present any evidence showing that the DENR Secretary had indeed released the subject property as alienable and disposable. Thus, the Court is constrained to reverse the Decision dated September 30, 2013 of the CA and deny the application for registration filed by herein respondents for failure to observe the rules and requirements on land registration.

WHEREFORE, the petition is **GRANTED**. The Decision dated September 30, 2013 and Resolution dated January 29, 2014 of the Court of Appeals in CA-G.R. CV No. 95382 are **REVERSED and SET ASIDE**. The application for registration filed by respondents Margarita C. Mendiola, Lualhati T. Talavera, Zenaida M. Estacio, Francisco C. Mendiola, Jr., Estrellita M. Espiritu, Mario C. Mendiola, Wilfredo C. Mendiola, Liwayway C. Mendiola, Orlando C. Mendiola, Sherry Comeling, Mamencia M. Lacsá, Rachel Lacsá, and Paraluman M. Casinsinan is **DISMISSED**.

SO ORDERED.


NOEL GIMENEZ TIJAM
Associate Justice

WE CONCUR:


MARIA LOURDES P. A. SERENO
Chief Justice
Chairperson

¹⁸ Id. at 131.

TERESITA J. LEONARDO-DE CASTRO
TERESITA J. LEONARDO-DE CASTRO
Associate Justice

DIOSDADO M. PERALTA
DIOSDADO M. PERALTA
Associate Justice

MARIANO C. DEL CASTILLO
MARIANO C. DEL CASTILLO
Associate Justice

CERTIFICATION

Pursuant to Section 13, Article VIII 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.

MARIA LOURDES P. A. SERENO
MARIA LOURDES P. A. SERENO
Chief Justice