Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

REPUBLIC OF THE PHILIPPINES, *Petitioner,*	**G.R. No. 198277**
	Present:
-versus-	LEONEN, *J.*, *Chairperson,* HERNANDO, INTING, DELOS SANTOS, and LOPEZ, J. Y., *JJ.*
PHILIPPINE NATIONAL POLICE, represented by its Provincial Director, JAIME CALUNGSOD, JR., *Respondent.*	Promulgated: February 8, 2021

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DECISION

HERNANDO, *J.*:

Challenged in this appeal is the August 16, 2011 Decision[1] of the Court of Appeals (CA) in CA-GR CV No. 86848 which granted respondent Philippine National Police's (PNP's) application for land registration.

The Antecedents:

On May 6, 2003, the PNP filed an application for land title registration of Lot Nos. 713-A to 713-F (subject lots)[2] of the Iba Cadastre before the Regional Trial Court (RTC) of Iba, Zambales. In support of its application, it

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1 *Rollo*, pp. 30-37; penned by Associate Justice Stephen C. Cruz and concurred in by Associate Justices Isaias P. Dicdican and Agnes Reyes-Carpio.

2 The following are the area of each lot: Lot No. 713-A at 48,285 sq.m; Lot No. 713-B at 14,847 sq.m; Lot No. 713-C at 19,626 sq.m; Lot No. 713-D at 1,939 sq.m; Lot No. 713-E at 4,825 sq.m.; and Lot No. 713-F at 7,644 sq.m; *See Records*, p. 1.

submitted the tracing cloth plan of Lot No. 713, Cad 191, Iba Cadastre as subdivided, technical descriptions of the subject lots, the approved sketch plan and the respective tax declarations of said lots.[3]

The RTC set the case for initial hearing on September 25, 2003 and directed that the general public, through the Land Registration Authority (LRA), be notified of said initial hearing by publication, mailing and posting so that those who have interest in the subject lots will be able to appear and to submit evidence in support of their claims.[4]

In its January 23, 2004 Order, the RTC required the PNP to comply with the requirements for its application for land registration as per the LRA's recommendation. The initial hearing was then set on February 11, 2005.[5]

In support of its application for land registration, the PNP presented the following witnesses, namely:

(i) P/Supt. Romeo P. De Castro, who testified that as PNP's Deputy Provincial Director for Operation, he has custody of the documents in relation to the subject lots. He stated that the PNP has been in possession of the said lots for more than 30 years. The subject lots were formerly used as a military reservation of the then Philippine Constabulary and was transferred to the PNP in 1991 when the former office was dissolved. He identified the tax declarations corresponding to the subject lots, as well as the approved subdivision plan of Lot 713, Cad 191, Iba Cadastre;[6]

(ii) Santiago Paragas (Paragas), who testified that when he was transferred to the Philippine Constabulary, he was stationed in Camp Conrado D. Yap, Iba, Zambales in the year 1965, wherein he built a house in front of the camp. As per his knowledge, the camp belongs to the then Philippine Constabulary and was transferred to the PNP when the former was disbanded.[7]; and

(iii) Rodemio Salazar, who testified that as a retired member of the PNP, he resided inside Camp Conrado D. Yap from 1984 to the present. He stated that despite being a longtime resident of the camp, he does not intend to file an opposition to the PNP's application for title because he knows that the PNP owns the camp.[8]

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3 *Rollo*, p. 31.
4 Id.
5 Id. at 31-32.
6 Id. at 39.
7 Id.
8 Id. at 39-40.

Ruling of the Regional Trial Court (RTC):

The RTC granted the PNP's application for land registration. It found that the PNP was able to prove that it possessed all the qualifications and none of the disqualification to have the subject lots registered in its name.[9] Thus, the dispositive portion of the RTC's January 20, 2006 Decision[10] reads:

> WHEREFORE, pursuant to the provisions of Section 29 of Presidential Decree No. 1529 in relation to Republic Act No. 496, as amended, judgment is hereby rendered ordering the Land Registration Authority, Diliman, Quezon City, upon payment of the corresponding legal fees, to register Lot No. 713-A, 713-B, 713-C, 713-D, 713-E, and 713-F of Iba Cadastre in the name of applicant, Philippine National Police (PNP), subject to all legal easements and reservations provided for under existing laws.
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> SO ORDERED.[11]

Ruling of the Court of Appeals:

Petitioner Republic of the Philippines, through the Office of the Solicitor General (OSG), appealed arguing that the PNP failed to prove that the subject lots are alienable and disposable lands of the public domain since as per the December 19, 2002 Report[12] issued by the Community Environment and Natural Resources Office (CENRO) of the Department of Environment and Natural Resources (DENR) (CENRO Report), the subject lots had been reserved for constabulary (military) purposes per Executive Order No. 87, dated November 6, 1915.

Thus, the OSG pointed out that the subject lots are unregistrable in the absence of a positive act from the government withdrawing the land from being reserved for military purposes.[13]

In its August 16, 2011 Decision, the appellate court dismissed the OSG's appeal. It found that the OSG erred in relying on the CENRO Report which was not even presented during the trial and was introduced only for the first time on appeal.[14] It held that the CENRO Report cannot be considered as a piece of evidence as its introduction would violate the right to due process of PNP which had no opportunity to examine it.[15]

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[9] Id. at 32.
[10] Id. at 38-40; penned by Presiding Judge Clodualdo M. Monta.
[11] Id. at 40.
[12] CA *rollo*, p. 37
[13] Id. at 32.
[14] *Rollo*, p. 34.
[15] Id.

The appellate court noted that the subdivision plan of the subject lots bore the annotation "[t]his survey falls within alienable and disposable land [xxx]" which served as substantial compliance with the requirement to prove the lots' classification as alienable and disposable.[16] Thus, the dispositive portion of the appellate court's Decision reads:

> **WHEREFORE**, premises considered, the assailed Decision dated January 20, 2006 of the Regional Trial Court (RTC), Branch 70, Iba, Zambales, is hereby **AFFIRMED**.
>
> **SO ORDERED.**[17]

Aggrieved, the OSG filed the instant Petition for Review on *Certiorari* under Rule 45 of the Rules of Court which raises the following lone assignment of error:

Issue

> The [CA] erred in affirming the [RTC's] Decision despite the unregistrable character of the subject lots being reserved for military purposes by virtue of Executive Order No. 87 dated November 6, 1915 since no evidence of a positive act from the government withdrawing the land from military purposes was ever presented.[18]

Thus, the primary issue is whether or not the PNP has proven that the subject lots are alienable and disposable lands of the public domain.

Our Ruling

The petition is impressed with merit.

An applicant for land registration must prove that the land is an alienable and disposable land of the public domain.

Presidential Decree No. 1529 (PD 1529), otherwise known as the Property Registration Decree, provides for the instances when a person may file for an application for registration of title over a parcel of land:

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[16] Id. at 35.
[17] Id. at 36.
[18] Id. at 15.

> 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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> (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.
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> (2) Those who have acquired ownership of private lands by prescription under the provision of existing laws.[19]

In *Republic v. Bautista,*[20] We explained the requisites as follows:

> For registration under Section 14(1) to prosper, the applicant for original registration of title to land must establish the following:
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> (1) **that the subject land forms part of the disposable and alienable lands of the public domain**; (2) that the applicants by themselves and their predecessors-in-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 since June 12, 1945, or earlier.
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> On the other hand, registration under Section 14(2) requires the applicant to establish the following requisites: (a) **the land is an alienable and disposable, and patrimonial property of the public domain**; (b) the applicant and its predecessors-in-interest have been in possession of the land for at least 10 years, in good faith and with just title, or for at least 30 years, regardless of good faith or just title; and (c) the land had already been converted to or declared as patrimonial property of the State at the beginning of the said 10-year or 30-year period of possession.
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> From their respective requisites, it is clear that the bases for registration under these two provisions of law differ from one another. Registration under Section 14(1) is based on possession; whereas registration under Section 14(2) is based on prescription. Thus, under Section 14(1), it is not necessary for the land applied for to be alienable and disposable at the beginning of the possession on or before June 12, 1945 — Section 14(1) only requires that the property sought to be registered is alienable and disposable at the time of the filing of the application for registration. However, in Section 14(2), the alienable and disposable character of the land, as well as its declaration as patrimonial property of the State, must exist at the beginning of the relevant period of possession.[21] *(Emphasis supplied)*

Article XII, Section 2 of the 1987 Constitution provides that all lands of the public domain belong to the State. Thus, the State is presumed to own all lands except those clearly proven as privately owned. To overcome this presumption, the applicant must show that the land subject of registration has

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[19] *See also Republic v. Vega*, 654 Phil. 511, 520 (2011).
[20] G.R. No. 211664, November 12, 2018.
[21] Id.; see *also Republic v. Roasa*, 752 Phil. 439 (2015).

been declassified and now belongs to the alienable and disposable portion of the public domain.[22]

Thus, in *Republic v. Ching*,[23] We emphasized that "before an applicant can adduce evidence of open, continuous, exclusive and notorious possession and occupation of the property in question, he must first prove that the land belongs to the alienable and disposable lands of the public domain." Whether an applicant is seeking registration under either Section 14(1) or 14(2) of P.D. No. 1529, it must satisfy the courts that the land applied for is alienable and disposable.[24]

The prevailing rule during the pendency of the PNP's application for registration of land title in the RTC was that a DENR certification stating that the land subject for registration is entirely within the alienable and disposable zone constitutes as substantial compliance, which the PNP failed to comply with.

The OSG argues that the subject lots are incapable of registration pursuant to the CENRO Report.[25] It asserts that the PNP's possession of the subject lots for more than 30 years is irrelevant because said lots are inalienable having been reserved for military purposes. Moreover, the PNP presented no evidence that the same had been released from their classification as a military reservation.[26] The OSG further contends that the annotation on the subdivision plan is insufficient to prove that they are alienable and disposable lands of the public domain.[27]

We agree.

This Court notes the following relevant dates: (i) the PNP's May 6, 2003 application for land title registration[28]; (ii) the RTC's January 20, 2006 Decision; and (iii) the appellate court's August 16, 2011 Decision.

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22 *Republic v. Ching*, 648 Phil. 617, 626 (2010).
23 Id.
24 *Republic v. Bautista,* supra note 20.
25 *Rollo*, p. 34.
26 Id. at 21 and 33-34.
27 Id. at 18.
28 *Records*, pp. 1-3; see also *rollo*, p. 17.

When the PNP filed its application for land title registration on May 6, 2003 and during the promulgation of the RTC Decision on January 20, 2006, the prevailing doctrine then was that a DENR certification that a land subject for registration is entirely within the alienable and disposable zone suffices to establish the nature of the property as alienable and disposable land of the public domain;[29] the said certification enjoyed the presumption of regularity in the absence of a contradictory evidence.[30]

However, during the pendency of the OSG's appeal with the appellate court and during the promulgation of its August 16, 2011 Decision, the doctrine enunciated in *Republic v. T.A.N. Properties, Inc. (T.A.N. Properties),*[31] which was promulgated on June 26, 2008, was the prevailing rule. *T.A.N. Properties* requires that "an application for original registration must be accompanied by (1) a CENRO or [Provincial Environment and Natural Resources Office (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."[32]

The general rule of strict compliance enunciated in *T.A.N. Properties* is subject to the exception subsequently pronounced in *Republic v. Vega (Vega),*[33] wherein this Court allowed the registration of land titles despite the absence of the twin certifications on the ground that *T.A.N. Properties* was promulgated only after the trial court's and appellate court's rendition of their respective rulings in *Vega.*

In the instant case, the PNP did not submit a DENR Certification to the effect that the subject lots are alienable and disposable lands of the public domain, which was the prevailing requirement when its application for land registration was pending with the RTC.[34] The PNP merely submitted a subdivision plan[35] of Lot No. 713, Cad 191, Iba Cadastre, which indicated that the subject lots are alienable and disposable. The annotation reads:

> This survey falls within **alienable and disposable land** under Proj. No. 1 as per BFLC Map No. 204 dated December 29, 1923, as checked by Marciano L. Lapuz, Chief Engineering Section dated February 24, 2003. (Emphasis supplied)

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29 *Republic v. Sps. Hubilla,* 491 Phil. 370, 373-374 (2005).
30 *Republic v. Vega,* supra note 19.
31 578 Phil. 441 (2008).
32 *Republic v. Sese,* 735 Phil. 108, 121 (2014).
33 Supra note 19.
34 *See Republic v. Sps. Hubilla,* supra note 29.
35 *Records,* p. 26; see also *rollo,* p. 35.

The foregoing annotation, however, is insufficient to prove the classification of the subject lots as alienable and disposable lands of the public domain. In a similar case of *Republic v. Sese*,[36] We held:

> Here, the only evidence presented by respondents to prove the disposable and alienable character of the subject land was **an annotation by a geodetic engineer in a survey plan. Although this was certified by the DENR, it clearly falls short of the requirements for original registration.** (Emphasis supplied)

We likewise pronounced in *Republic v. Mendiola,*[37] viz.:

> In *Rep. of the Phils. v. Lualhati*, 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:
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> > 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 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.[38] (*Citations omitted and emphasis supplied*)

Therefore, respondent's reliance on the subject lots' subdivision plan, without the corresponding DENR certification stating that they are entirely within the alienable and disposable zone, which was the prevailing rule during the pendency of its application with the RTC, proved fatal to its case. In short, respondent failed to substantially prove that the subject lots are alienable and disposable lands of the public domain.

The PNP failed to refute the CENRO Report by submitting the twin certifications as required in *T.A.N. Properties*. An applicant for land registration bears the burden of proving that the land applied for registration is

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[36] Supra note 32.
[37] *Republic v. Mendiola*, 822 Phil. 749 (2017).
[38] Id. at 756.

alienable and disposable.

While the instant case was pending with the CA, the strict compliance rule as enunciated in *T.A.N. Properties* was the prevailing doctrine. Thus, in *Republic v. Bautista*,[39] which reiterates *T.A.N. Properties*, We pronounced:

> In *T.A.N. Properties*, the Court ruled that it is not enough for the CENRO or the Provincial Environment and Natural Resources Office (PENRO) to certify that the land is alienable and disposable. The applicant for original registration must present a copy of the original land classification approved by the DENR Secretary and certified as a true copy by the legal custodian of the official records to establish that the land is alienable and disposable. In ruling in this wise, the Court explained that the CENRO or the PENRO are not the official repository or legal custodian of the issuances of the DENR Secretary declaring public lands as alienable and disposable. As such, the certifications they issue relating to the character of the land cannot be considered *prima facie* evidence of the facts stated therein.
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> Thus, as things stand, 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.** (Emphasis supplied)

However, despite this pronouncement in *T.A.N. Properties* during the pendency of the case in the appellate court, the PNP did not make any attempt to submit the required twin certifications in order to prove that the subject lots have been classified as alienable and disposable lands of the public domain.

Not even when the OSG presented the CENRO Report before the CA which indicated that the subject lots had been specifically reserved for constabulary (military) purposes did the PNP make any attempt to present the foregoing twin certifications to prove that the subject lots have been declassified as alienable and disposable lands of the public domain.

The fact that the OSG presented the CENRO Report for the first time on appeal and not during trial will not affect the outcome of this case. Settled is the rule that an applicant for land registration, such as the PNP, bears the burden of proving that the land applied for registration is alienable and disposable.[40] Thus, in *Republic v. Bautista*,[41] We stressed:

> In this case, it is undisputed that respondent failed to present a copy of the original land classification covering the subject land; and that she relied solely on the CENRO Certification dated May 7, 2002 to prove that the subject land is alienable and disposable. Clearly, the evidence presented by respondent would

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[39] *Supra* note 20.
[40] *Dumo v. Republic*, GR No. 218269, June 6, 2018.
[41] *Republic v. Bautista*, supra note 20.

> not suffice to entitle her to a registration of the subject land. **This is true even if the Republic failed to refute the contents of the said certification during the trial of the case. After all, it is the applicant who bears the burden of proving that the land applied for registration is alienable and disposable.** (Emphasis supplied)

In any event, in accepting the CENRO Report as evidence, the PNP was not denied due process because as a public document, the CENRO Report can easily be verified and examined if they have doubts as to its authenticity.

The rule on substantial compliance as enunciated in *Vega* is inapplicable since the factual milieu is different; here, the PNP had ample time to comply with the twin certifications as enunciated under *T.A.N. Properties* in order to substantially refute the CENRO Report.

While the requirement of strict compliance in *T.A.N. Properties* is the prevailing rule, substantial compliance was allowed as an exception as pronounced in *Vega*. However, the case of respondent does not fall under the exception because unlike in *Vega,* respondent here had all the opportunity to comply with the requirements under *T.A.N. Properties* while its case was pending before the appellate court where the OSG brought forth the CENRO Report to its attention. To distinguish, the ruling in *T.A.N. Properties* was promulgated after the rendition of the appellate court's ruling in *Vega* whereas this case was still pending resolution with the appellate court. Our ruling in *Republic v. Bautista*[42] is instructive:

> In *Espiritu, Jr. v. Republic,* the Court stressed that the pronouncements in *Serrano* and *Vega* with respect to substantial compliance were mere *pro hac vice* which neither abandoned nor modified the strict compliance rule in *T.A.N. Properties*. This point was even expressly stated in *Vega* wherein the Court clarified that strict compliance with *T.A.N Properties* remains to be the general rule. Thus:
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> > It must be emphasized that the present ruling on substantial compliance applies *pro hac vice*. It does not in any way detract from our rulings in *Republic v. T.A.N. Properties, Inc.*, and similar cases which impose a strict requirement to prove that the public land is alienable and disposable, especially in this case when the Decisions of the lower court and the Court of Appeals were rendered prior to these rulings.[x x x x]

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[42] Id.

> The Court further elaborated on the reason behind the rule on substantial compliance in *Republic v. San Mateo*. In the said case, the Court explained that the rule on substantial compliance was allowed in *Vega* due to the lack of opportunity for the applicant to comply with the requirements provided in *T.A.N. Properties*. The Court explained:
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> > 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*.**
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> **Conversely, if there is an opportunity for the applicant to comply with the ruling in *T.A.N. Properties*** (*i.e.*, the case was still pending before the trial court after the promulgation of *T.A.N. Properties*), **the rule on strict compliance shall be applied.** From the foregoing, it is clear that substantial compliance may be applied, at the discretion of the courts, only if the trial court rendered its decision on the application prior to June 26, 2008, the date of the promulgation of *T.A.N. Properties*. (Citations omitted and emphasis supplied)

In fine, We find that the respondent's evidence does not suffice to entitle it to register the subject lots. The PNP failed to present any evidence showing that the DENR Secretary had indeed released the subject lots as alienable and disposable lands of the public domain.

In view of this, We find it unnecessary to determine whether the PNP has complied with the other requirements for original land registration under Section 14 of PD 1529. Thus, the Court is constrained to reverse the CA's August 16, 2011 Decision and deny the PNP's application for land title registration for failure to observe the rules and requirements on land registration.

WHEREFORE, the petition is **GRANTED**. The August 16, 2011 Decision of the Court of Appeals in CA-GR CV No. 86848 is **REVERSED and SET ASIDE.** The application for land title registration of respondent Philippine National Police is hereby **DISMISSED**.

SO ORDERED.

RAMON PAUL L. HERNANDO
Associate Justice

WE CONCUR:

MARVIC M. V. F. LEONEN
Associate Justice
Chairperson

HENRI JEAN PAUL B. INTING
Associate Justice

EDGARDO L. DELOS SANTOS
Associate Justice

JHOSEP Y. LOPEZ
Associate Justice

ATTESTATION

I attest 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.

MARVIC M. V. F. LEONEN
Associate Justice
Chairperson

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution and the Division Chairperson's Attestation, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.

DIOSDADO M. PERALTA
Chief Justice