Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

REPUBLIC OF THE PHILIPPINES, *Petitioner,*	**G.R. No. 198629**
	Present:
	GESMUNDO, *C.J.*, *Chairperson*,
- versus -	CAGUIOA,
	INTING,
	GAERLAN, *and*
	DIMAAMPAO, *JJ.*
EFREN S. BUENAVENTURA, *Respondent.*	Promulgated: APR 05 2022

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DECISION

GAERLAN, *J.*:

Before the Court is a Petition for Review on *Certiorari*[1] dated October 24, 2011 filed by the Republic of the Philippines (Republic), through the Office of the Solicitor General (OSG), assailing the Decision[2] dated September 13, 2011 of the Court of Appeals (CA) in CA-G.R. CV No. 93753, which affirmed the Decision[3] dated June 29, 2009 of the Regional Trial Court (RTC) of San Mateo, Rizal, Branch 77, granting respondent Efren S. Buenaventura's (Buenaventura) application for land registration.

The facts are as follows:

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1 *Rollo*, pp. 6-24.

2 Id. at 25-39. Penned by Associate Justice Remedios A. Salazar-Fernando with Associate Justices Estela M. Perlas-Bernabe (now a Member of the Court) and Elihu A. Ybañez concurring.

3 Id. at 49-54; promulgated by Pairing Judge Josephine Zarate-Fernandez.

On January 11, 2008, Buenaventura filed a Petition[4] before the RTC of San Mateo, Rizal, applying for the original registration of title of Lot No. 1788, Cad. 674 (the subject property). In his petition, Buenaventura alleged that:

1. He purchased the subject property from Lorenzo Habagat as evinced by a Deed of Absolute Sale dated August 4, 1993 (Deed of Sale);

2. The subject property is situated on P. Sandoval St., Burgos, Rodriguez, Rizal;

3. The subject property has a market value of ₱229,900.00 per the Declaration of Real Property under Property Index No. 021-08-002;

4. The subject property is declared for assessment under his name;

5. To his knowledge, the subject property is not mortgaged nor encumbered;

6. The subject property is exclusively occupied by him;

7. The subject property is alienable and disposable; and

8. He has been religiously paying the real property taxes thereon.[5]

On June 16, 2008, the Republic, through the OSG, filed an Opposition,[6] praying for the denial of Buenaventura's application for original registration of title.

During trial, Buenaventura presented himself and the following witnesses: (1) Ferdinand Encarnacion (Encarnacion) from the Docket Section of the Land Registration Authority (LRA); (2) Loriza Aldeano (Aldeano), an employee of the Department of Environment and Natural Resources (DENR)-Region IV-A City Environment and Natural Resources Office (CENRO); and (3) Engr. Marilou Daga (Engr. Daga) from the Projection Section of the LRA.[7]

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4 Id. at 42-45.
5 Id.
6 Id. at 46-48.
7 Id. at 51-52.

Buenaventura testified that he is the owner of the subject property which he bought from Lorenzo Habagat in 1993 by virtue of the Deed of Absolute Sale.[8] He also stated that the subject property consists of 209 square meters, and is surveyed and classified as a residential lot. Buenaventura explained that previously, the subject property measured 220 square meters, but the same was reduced because of a road widening project. Further, Buenaventura testified that he constructed a house thereon and lived there, but the house is now being rented out. Finally, Buenaventura averred that as early as 1949, or even before the execution of the Deed of Absolute Sale, he has been paying real property taxes on the subject property.[9]

Encarnacion testified that as an employee of the Docket Section of the LRA, he is in charge of safekeeping of records in their office. He then verified that a survey plan of the subject property has been submitted to their office, and that the same is not covered by any cadastral record or title.[10]

Meanwhile, Aldeano stated that she is the Records Officer of the CENRO of the DENR-Region IV-A, and as part of her duties, she is responsible to keep on file the records of their office. She likewise identified a Certification dated January 18, 2008 signed by Flordelino M. Rey, Officer-In-Charge-CENRO, which states that the subject property is within the alienable and disposable zone and is not covered by any other application for registration of title.[11]

Lastly, Engr. Daga testified that she is the Chief of the Projection Section of the DENR, and that as part of her duties, she is tasked to supervise the ocular inspection of lands, and verify surveys and certifications. She further testified that upon review of the original plan of the subject property, there were no overlapping of lots nor double issuance of title involving the subject property [12]

The RTC Ruling

After trial, the RTC issued its Decision[13] dated June 29, 2009, which granted Buenaventura's application, thus:

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8 Id. at 40-41.
9 Id. at 51.
10 Id.
11 Id. at 52.
12 Id.
13 Id. at 49-53.

> WHEREFORE, the Court finds that the Applicant has established sufficiently and satisfactorily his ownership in fee simple of the property applied for and is thus declared its true and absolute owner in fee simple.
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> The Register of Deeds of the Province of Rizal is hereby ordered to cause the registration of the property described as Plan Ap-04-007060, Lot 1788, Cad. 674, Montalban Cadastre, situated at P. Sandoval Street, Burgos, Rodriguez, Rizal, in the name of Applicant, EFREN S. BUENAVENTURA, with reservation that the same shall be subject of easement for public use, if necessary, and once this Decision becomes final and executory, a decree of registration shall be issued and thereafter, the original certificate of title.
>
> SO ORDERED.[14]

The Republic, through the OSG, assailed the said Decision[15] and filed an appeal before the CA based on the following grounds:

First, the RTC erred in granting the application for original registration of Lot No. 1788, Cad. 674 despite the absence of proof that the subject land is alienable and disposable.[16]

Second, the RTC erred in granting the application for registration despite Buenaventura's failure to prove his possession and ownership of the subject property.[17]

The Ruling of the CA

On September 13, 2011, the CA promulgated its Decision,[18] dismissing the Republic's appeal, thus:

> WHEREFORE, premises considered, the assailed decision dated June 29, 2009 of the RTC, Branch 77, San Mateo, Rizal in L.R.C. Case No. N-326 is hereby AFFIRMED.
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> SO ORDERED.[19]

In affirming the RTC's Decision,[20] the CA ruled that the certification issued by the CENRO is sufficient to establish that the subject property is

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14 Id. at 53.
15 Id. at 49-54.
16 Id. at 11.
17 Id. at 12.
18 Id. at 25-39.
19 Id. at 38.
20 Id. at 49-54.

considered alienable and disposable.[21] The CA likewise held that Buenaventura was able to establish his right to have the subject property registered since: (1) he purchased the subject property from its previous owner; (2) he has occupied it openly, continuously, notoriously, and exclusively in the concept of an owner; (3) he has declared the subject property for taxation purposes under his name; and (4) he built a house thereon, lived there for a while, and later rented it out to someone else.[22]

The Instant Petition

Undeterred by the adverse ruling of the CA, the Republic, through the OSG, filed the instant petition under Rule 45 of the Rules of Court, raising the following issue:

> **THE COURT OF APPEALS ERRED ON A QUESTION OF LAW WHEN IT CONCLUDED THAT THE SUBJECT LAND IS SUSCEPTIBLE OF REGISTRATION UNDER THE PROPERTY REGISTRATION DECREE DESPITE ABSENCE OF INCONTROVERTIBLE PROOF THAT RESPONDENT IS ENTITLED TO A CONFIRMATION OF TITLE.**[23]

In the petition, the Republic cited several cases where the Court clarified that a certification from the CENRO is insufficient to establish that a particular property is part of the alienable and disposable land of the public domain, since apart from such certification, 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 must likewise be presented.[24]

In this case, the Republic emphasized that Buenaventura failed to present the original classification of the DENR Secretary and only submitted the certification issued by the CENRO. Considering that such certification is not enough to prove that the subject property is considered alienable and disposable land, the Republic argued that the subject property cannot be registered.[25]

Furthermore, the Republic alleged that Buenaventura likewise failed to establish his ownership and possession of the subject property since the Deed of Absolute Sale did not contain any technical description of the subject property, and the property covered by the same consists of 220

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21 Id. at 34.
22 Id. at 37.
23 Id. at 13.
24 Id. at 14-18.
25 Id.

square meters, while the subject property only consists of 209 square meters.[26]

Finally, the Republic contended that Buenaventura failed to present any credible piece of evidence to demonstrate that he and his predecessor-in-interest have been in open, continuous, exclusive, and notorious possession and occupation of the subject property.[27]

On March 7, 2012, Buenaventura filed his Comment/Opposition (To the Petition for Review on *Certiorari*),[28] where he argued that he was able to sufficiently establish that the subject property forms part of the alienable and disposable land of the public domain since the certification issued by the CENRO is sufficient to establish the legal requirements for land registration. Moreover, Buenaventura stated that the CA correctly ruled that he and his predecessor-in-interest have been in open, continuous, exclusive, and notorious possession and occupation of the subject property.[29]

On June 13, 2012, the Republic, through the OSG, filed its Reply,[30] where it was reiterated that a certification issued by the CENRO is not enough for purposes of land registration, considering that case law is clear that apart from such certification, an applicant must likewise present a copy of the original classification approved by the DENR Secretary in order to prove that the land has been released as alienable and disposable.[31]

The Court's Ruling

Land registration is governed by Section 14 of Presidential Decree (P.D.) No. 1529, otherwise known as the Property Registration Decree, which 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:
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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**

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26 Id. at 18-19.
27 Id. at 19.
28 Id. at 58-67.
29 Id. at 62-63.
30 Id. at 72-79.
31 Id. at 73.

> **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. (Emphasis supplied)

Applying the foregoing, applicants whose circumstances fall under Section 14(1) must establish the following: *first,* that the applicant and his or her predecessors-in-interest have been in open, continuous, exclusive, and notorious possession and occupation of the same; *second*, that it is under a *bona fide* claim of ownership since June 12, 1945, or earlier; and *third,* that the subject land forms part of the disposable and alienable lands of the public domain.[32] Each element must be proven, otherwise, the application for registration should be denied.[33]

Notably, on September 1, 2021, Republic Act (R.A.) No. 11573, entitled 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" took effect. Among the changes that R.A. No. 11573 introduced is the amendment of Section 14 of P.D. No. 1529, to wit:

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32 *Republic v. Rizalvo, Jr.*, 659 Phil. 578, 586 (2011); *Republic v. Malijan-Javier*, 829 Phil. 247, 258 (2018); *Republic v. Spouses Alonso,* G.R. No. 210738, August 14, 2019.

33 *DMCI Holdings, Inc. v. Republic,* G.R. No. 208219, August 26, 2020.

SECTION 6. Section 14 of Presidential Decree No. 1529 is hereby amended to read as follows:

> "SEC. 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:
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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 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." (Emphasis supplied)

Thus, under R.A. No. 11573, the period of possession is shortened since instead of requiring the applicants to establish their possession from "June 12, 1945, or earlier," the amendment introduced by R.A. No. 11573 only requires proof of possession 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*."

In this case, it must be recalled that both the RTC and the CA found that Buenaventura was able to sufficiently establish his possession over the subject property. Pertinently, it must be stressed that the findings of fact of the trial court, when affirmed by the CA, are deemed final and conclusive, and may no longer be reviewed on appeal. As held in *Givero v. Givero*:[34]

> The restriction of the review to questions of law emanates from the Court's not being a trier of facts. As such, the Court cannot determine factual issues in appeals taken from the lower courts. **As the consequence of the restriction, the Court accords high respect, if not conclusive effect, to the findings of fact by the RTC, when affirmed by the CA**, x x x.[35] (Emphasis supplied; citation omitted)

That findings of fact of the trial court, as affirmed by the CA, are binding upon the Court is reiterated in *Dacanay v. People*,[36] thus:

> [I]t is settled that the findings of the trial court, its calibration of the testimonies of the witnesses and its assessment of the probative weight thereof, as well as its conclusions anchored on said findings are accorded respect, if not conclusive effect. This is more true if such findings were affirmed by the appellate court. **When the findings of the trial court have been affirmed by the appellate court, said findings are generally binding upon this Court**. x x x.[37] (Emphasis supplied; citation omitted)

Thus, it is evident that the RTC and the CA's finding that Buenaventura sufficiently established his possession over the subject property is binding upon this Court. In other words, the only remaining issue to be resolved is whether Buenaventura was able to prove that the subject property forms part of the alienable and disposable portion of the public domain to warrant its registration thereof.

To recall, in order to satisfy the requirement of showing that the subject property forms part of the disposable and alienable lands of the public domain, Buenaventura presented the certification issued by the CENRO, stating that the subject property is alienable and disposable land. On the other hand, the Republic argued that such certification, in itself, is not enough to prove that the subject property is alienable and disposable

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34 661 Phil. 114 (2011).
35 Id. at 124.
36 818 Phil. 885 (2017).
37 Id. at 896.

land, since the same should be accompanied by an official publication of the DENR Secretary's issuance declaring the said land alienable and disposable.

On this note, the Court deems it worthy to discuss that at the time material to this case, the prevailing doctrine is that a CENRO certification is not enough to establish that a piece of land is alienable and disposable.[38] In *Republic v. T.A.N. Properties, Inc.*[39] (*T.A.N. Properties*), this Court categorically held that a certification from the CENRO is insufficient to prove that a piece of land is alienable and disposable, to wit:

> 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 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.**[40] (Emphasis supplied)

Meanwhile, in *Republic v. San Mateo*[41] (*San Mateo*), this Court expressly stated that both certification from the CENRO and the approval of the DENR Secretary are required to establish that a piece of land is alienable and disposable:

> Clearly, therefore, a CENRO certification that a certain property is alienable, without the corresponding proof that the DENR Secretary had approved such certification, is insufficient to support a petition for registration of land. **Both** certification and approval are required to be presented as proofs that the land is alienable. Otherwise, the petition must be denied.[42]

The requirement of presenting both the certification from the CENRO and the approval of the DENR Secretary in land registration cases has been thoroughly explained in *Republic v. Spouses Go*[43] *(Spouses Go)*:

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38 *Republic v, T.A.N. Properties, Inc.*, 578 Phil. 441, 452 (2008); *Republic v. San Mateo*, 746 Phil. 394, 403 (2014); *Republic v. Lualhati*, 757 Phil. 119, 131 (2015); *Republic v. San Lorenzo Development Corporation (SLDC)*, G.R. No. 220902, February 17, 2020.

39 Id.

40 Id. at 452-453.

41 Supra note 38.

42 Id. at 403.

43 815 Phil. 306 (2017).

The 1987 Constitution declares that the State owns all public lands. Public lands are classified into agricultural, mineral, timber or forest, and national parks. Of these four (4) types of public lands, only agricultural lands may be alienated. Article XII, Sections 2 and 3 of the Constitution provide:

> Section 2. *All lands of the public domain,* waters, minerals, coal, petroleum, and other mineral oils, all forces of potential energy, fisheries, forests or timber, wildlife, flora and fauna, and other natural resources are *owned by the State.* With the exception of agricultural lands, all other natural resources shall not be alienated x x x.
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> Section 3. Lands of the public domain are classified into agricultural, forest or timber, mineral lands, and national parks. Agricultural lands of the public domain may be further classified by law according to the uses [to] which they may be devoted. *Alienable lands* of the public domain shall be *limited to agricultural lands* x x x.

Thus, an applicant has the burden of proving that the public land has been classified as alienable and disposable. To do this, the applicant must show a positive act from the government declassifying the land from the public domain and converting it into an alienable and disposable land. "[T]he exclusive prerogative to classify public lands under existing laws is vested in the Executive Department." In *Victoria v. Republic:*

> To prove that the land subject of the application for registration is alienable, an applicant must establish the existence of a positive act of the government such as a presidential proclamation or an executive order; an administrative action; investigation reports of Bureau of Lands investigators; and a legislative act or statute. The applicant may secure a certification from the government that the lands applied for are alienable and disposable, but ***the certification must show that the DENR Secretary had approved the land classification and released the land of the pub[l]ic domain as alienable and disposable***[.] x x x

Section X(1) of the DENR Administrative Order No. 1998-24 and Section IX(1) of DENR Administrative Order No. 2000-11 affirm that **the DENR Secretary is the approving authority for "[l]and classification and release of lands of the public domain as alienable and disposable."** Section 4.6 of DENR Administrative Order No. 2007-20 defines land classification as follows:

> Land classification is the process of demarcating, segregating, delimiting and establishing the best category, kind, and uses of public lands. Article XII, Section 3 of the 1987 Constitution of the Philippines provides that lands of the public domain are to be classified into agricultural, forest or timber, mineral lands, and national parks.

> These provisions, read with *Victoria v. Republic,* establish the rule that **before an inalienable land of the public domain becomes private land, the DENR Secretary must first approve the land classification into an agricultural land and release it as alienable and disposable.** The DENR Secretary's official acts "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 deputy."
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> The CENRO or the Provincial Environment and Natural Resources Officer will then conduct a survey to verify that the land for original registration falls within the DENR Secretary-approved alienable and disposable zone.
>
> **The CENRO certification is issued only to verify the DENR Secretary issuance through a survey. "Thus, the CENRO Certification should have been accompanied by an official publication of the DENR Secretary's issuance declaring the land alienable and disposable." A CENRO certification, by itself, is insufficient to prove the alienability and disposability of land sought to be registered.** In *Republic v. Lualhati*:
>
> > '[I]t 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.**[44] (Emphasis supplied; citations omitted)

Thus, as explained in the above-cited cases, in applications for original registration of title, the applicant must present: (1) a certification from the CENRO; 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, in order to establish that the land is indeed alienable and disposable. Therefore, based on this rule, it is clear that Buenaventura failed to establish that the subject property has been classified as alienable or disposable land. Although Buenaventura was able to present the Certification from the CENRO, such certification is insufficient to prove that the land sought to be registered is alienable and disposable. Without the DENR Secretary's issuance declaring the subject property as alienable and disposable, the land remains part of the public domain, and thus, cannot be registered under Buenaventura's name.

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44 Id. at 321-324.

Despite the foregoing disquisition, however, it is worthy to reiterate that with the enactment of R.A. No. 11573, certain amendments to P.D. No. 1529 were introduced. Apart from the shortening of the period to 20 years, as discussed above, R.A. No. 11573 likewise provides that a DENR certification is sufficient proof to establish the status of land as alienable and disposable, to wit:

> 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.** (Emphasis and underscoring supplied)

Clearly, R.A. No. 11573 effectively superseded the requirements in *T.A.N. Properties, San Mateo,* and *Spouses Go*, as discussed above. Thus, as the rule now stands, the presentation of a certification signed by the designated DENR geodetic engineer, stating that the land forms part of the alienable and disposable portion of the public domain, shall be deemed sufficient proof that the same is alienable and disposable.

In fact, in the recent case of *Republic v. Pasig Rizal, Co., Inc.*[45] (*Pasig Rizal, Co.*) which involves facts similar to the instant case, the Court sitting *En Banc,* exhaustively discussed the effect of the enactment of R.A. No. 11573 vis-à-vis the sufficiency of a DENR certification in proving that a certain parcel of land is alienable and disposable, to wit:

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45 G.R. No. 213207, February 15, 2022.

> Hence, at present, **the presentation of the approved survey plan bearing a certification signed by a duly designated DENR geodetic engineer stating that the land subject of the application for registration forms part of the alienable and disposable agricultural land of the public domain shall be sufficient proof of its classification as such,** *provided* that **the certification bears references to: (i) the relevant issuance** (*e.g.*, Forestry Administrative Order, DENR Administrative Order, Executive Order, or Proclamation); and (ii) **the LC Map number covering the subject land.**
>
> **In the absence of a copy of the relevant issuance** classifying the subject land as alienable and disposable, **the certification of the DENR geodetic engineer must state: (i) the LC Map number; (ii) the Project Number; and (iii) the date of release indicated in the LC Map; and (iv) the fact that the LC Map forms part of the records of the National Mapping and Resource Information Authority (NAMRIA) and is therefore being used by DENR as such.**[46] (Emphasis supplied)

In the same case, the Court also discussed that such certification must be properly authenticated by the DENR geodetic engineer, thus:

> In addition, **the DENR geodetic engineer must be presented as witness for proper authentication of the certification so presented.** The Court's ruling in *Republic v. Galeno* lends guidance:
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> > In *Republic v. Medida,* the Court held that certifications of the Regional Technical Director, DENR cannot be considered *prima facie* evidence of the facts stated therein, holding that:
> >
> > > Public documents are defined under Section 19, Rule 132 of the Revised Rules on Evidence as follows:
> > >
> > > (a) The 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;
> > >
> > > (b) Documents acknowledged before a notary public except last wills and testaments; and
> > >
> > > (c) Public records, kept in the Philippines, of private documents required by law to be entered therein.

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46 Id.

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 deputy x x x.

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.

The CENRO and Regional Technical Director, FMS-DENR, 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. x x x

As such, *sans* the testimonies of Acevedo, Caballero, and the other public officers who issued respondent's documentary evidence to confirm the veracity of its contents, the same are bereft of probative value and cannot, by their mere issuance, prove the facts stated therein. At best, they may be considered only as *prima facie* evidence of their due execution and date of issuance but do not constitute *prima facie* evidence of the facts stated therein.

Like certifications issued by the CENROs, Regional Technical Directors, and other authorized officials of the DENR with respect to land classifieation status, certifications of similar import issued by DENR geodetic engineers do not fall within the class of public documents contemplated under Rule 132 of the Rules of Court. Accordingly, their authentication in accordance with said rule is necessary.[47] (Emphasis supplied)

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47 Id.

Simply put, apart from complying with the requirements set forth in Section 7 of R.A. No. 11573 (*i.e.*, the statements with respect to the relevant issuance, and LC Map Number, among others), the DENR geodetic engineer must also be presented as a witness for the proper authentication of such certification. Undoubtedly, these requirements must be satisfied before any certification is considered sufficient proof that a parcel of land is alienable and disposable.

In this regard, it must also be noted that while R.A. No. 11573 was not yet in effect at the time material to the case, the Court, in *Pasig Rizal, Co.* also held that R.A. No. 11573, particularly Sections 6 and 7 thereof, may be retroactively applied because of its curative nature:

> As a general rule, laws shall have no retroactive effect, unless the contrary is provided. However, this rule is subject to certain recognized exceptions, as when the statute in question is curative in nature, or creates new rights, thus:
>
> > As a general rule, laws have no retroactive effect. But there are certain recognized exceptions, such as when they are remedial or procedural in nature. This Court explained this exception in the following language:
> >
> > > It is true that under the Civil Code of the Philippines, "(l)aws shall have no retroactive effect, unless the contrary is provided." But there are settled exceptions to this general rule such as when the statute is CURATIVE or REMEDIAL in nature or when it CREATES NEW RIGHTS.
>
> In *Frivaldo v. Commission on Elections*, the Court shed light on the nature of statutes that may be deemed curative and may therefore be applied retroactively notwithstanding the absence of an express provision to this effect:
>
> > According to Tolentino, curative statutes are those which undertake to cure errors and irregularities, thereby validating judicial or administrative proceedings, acts of public officers, or private deeds and contracts which otherwise would not produce their intended consequences by reason of some statutory disability or failure to comply with some technical requirement. **They operate on conditions already existing, and are necessarily retroactive in operation. Agpalo, on the other hand, says that curative statutes are "healing acts x x x curing defects and adding to the means of enforcing existing obligations x x x (and) are intended to supply defects, abridge superfluities in existing laws, and curb certain evils x x x** By their very nature, curative statutes are

> retroactive x x x (and) reach back to past events to correct errors or irregularities and to render valid and effective attempted acts which would be otherwise ineffective for the purpose the parties intended." (Emphasis and underscoring supplied)

In *Nunga, Jr. v. Nunga III*, the Court further clarified that while a law creating new rights may be given retroactive effect, this can only be done if the new right does not prejudice or impair any vested rights.

On this basis, the Court finds that RA 11573, particularly Section 6 (amending Section 14 of PD 1529) and Section 7 (prescribing the required proof of land classification status), may operate retroactively to cover applications for land registration pending as of September 1, 2021 or the date when RA 11573 took effect.

To be sure, the curative nature of RA 11573 can easily be discerned from its declared purpose, that is, "to simplify, update and harmonize similar and related provisions of land laws in order to simplify and remove ambiguity in its interpretation and implementation. x x x"[48]

Given all the foregoing, it is abundantly clear that, contrary to the assertions of the Republic, a DENR certification is sufficient to establish that a parcel of land forms part of the alienable and disposable portion of the public domain.

WHEREFORE, the Petition for Review on *Certiorari* dated October 24, 2011 is **DENIED** in part. The case is **REMANDED** to the Court of Appeals for reception of evidence on the subject property's land classification status based on the parameters set forth in Section 7 of Republic Act No. 11573.

SO ORDERED.

SAMUEL H. GAERLAN
Associate Justice

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48 Id.

WE CONCUR:

ALEXANDER G. GESMUNDO
Chief Justice

ALFREDO BENJAMIN S. CAGUIOA
Associate Justice

HENRI JEAN PAUL B. INTING
Associate Justice

JAPAR B. DIMAAMPAO
Associate Justice

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.

ALEXANDER G. GESMUNDO
Chief Justice