Supreme Court E-Library

the crime of murder and sentenced to suffer the penalty of *reclusion perpetua,* as well as to pay the heirs of the victim ₱50,000 as civil indemnity, and ₱50,000 as moral damages, together with the costs.

SO ORDERED.

Bellosillo, Acting C.J., (Chairman), Mendoza, De Leon, Jr., and *Corona, JJ.,* concur.

SECOND DIVISION

[G.R. No. 148338. June 6, 2002]

ANGEL DEL ROSARIO, *petitioner, vs.* **REPUBLIC OF THE PHILIPPINES,** *respondent.*

SYNOPSIS

Petitioner filed an application for registration of a parcel of land, identified as Lot No. 1891, Cad-457-D, Maragondon Cadastre, Ap-04-0011601, consisting of 772,329 square meters in Brgy. Pinagsanhan, Maragondon, Cavite. On the day he filed his application, petitioner submitted to the Branch Clerk of Court the original tracing cloth plan for Lot No. 1891. Sometime thereafter, the clerk of court transmitted to the Land Registration Authority (LRA) the duplicate copy of petitioner's application, the original tracing cloth plan, and other documents submitted by petitioner in support of his application. After trial and submission of evidence, the Regional Trial Court of Naic, Cavite rendered its decision granting the application of petitioner. Respondent appealed to the Court of Appeals which rendered its decision reversing the decision of the trial court. Petitioner moved for reconsideration, but his motion was denied.

Supreme Court E-Library

The Supreme Court affirmed the decision of the Court of Appeals denying the application of petitioner. The submission in evidence of the original tracing cloth plan, duly approved by the Bureau of Lands, in cases for application of original registration of land, is a mandatory requirement. The reason for this rule is to establish the true identity of the land to ensure that it does not overlap a parcel of land or a portion thereof already covered by a previous land registration, and to forestall the possibility that it will be overlapped by a subsequent registration of any adjoining land. The failure to comply with this requirement is fatal to petitioner's application. The Court further ruled that petitioner failed to establish that he and his predecessors-in-interest had met the legal requirements as to the nature and length of possession leading to a registrable title over the land. Assuming that petitioner had planted the bamboo and mango trees thereon, this fact would hardly suffice to prove possession as it would constitute "a mere casual cultivation" of that large tract of land. The Court stressed that possession of public land, however long the period thereof may have extended, never confers title thereto upon the possessor because the statute of limitations with regard to public land does not operate against the State, unless the occupant can prove possession and occupation of the same under claim of ownership for the required number of years.

SYLLABUS

1. **CIVIL LAW; LAND REGISTRATION; ORIGINAL REGISTRATION OF LANDS; SUBMISSION OF ORIGINAL TRACING CLOTH PLAN IS A STATUTORY REQUIREMENT OF MANDATORY CHARACTER.**— The submission in evidence of the original tracing cloth plan, duly approved by the Bureau of Lands, in cases for application of original registration of land is a mandatory requirement. The reason for this rule is to establish the true identity of the land to ensure that it does not overlap a parcel of land or a portion thereof already covered by a previous land registration, and to forestall the possibility that it will be overlapped by a subsequent registration of any adjoining land. The failure to comply with this requirement is fatal to petitioner's application for registration. Petitioner contends, however, that he had submitted the original tracing cloth plan to the branch clerk of court, but

Supreme Court E-Library

the latter submitted the same to the LRA. This claim has no merit. Petitioner is duty bound to retrieve the tracing cloth plan from the LRA and to present it in evidence in the trial court. The Court of Appeals appropriately quoted from our decision in *Director of Lands v. Intermediate Appellate Court,* in which it was similarly claimed that applicant failed to present the tracing cloth plan of the land applied for because it had been forwarded to the Land Registration Authority. Rejecting the contention, this Court, through Justice Nocon, held: x x x It is undisputed that the original tracing cloth plan of the land applied for was not submitted in evidence by respondent, which omission is fatal to his application. The submission of the original tracing cloth plan is a statutory requirement of mandatory character. x x x Neither does the advance survey plan, which was attached to petitioner's application and marked in evidence, suffice to comply with the requirement of the law. Although in one case it was ruled that a mere blueprint copy of the cloth plan, together with the lot's technical description, was sufficient to identify the land applied for registration, both the blueprint copy and the technical description were certified as to their correctness by the Director of Lands. In this case, what was marked in evidence, the advance survey plan and the technical description, lacked the necessary certification from the Bureau of Lands.

2. **ID.; ID.; ID.; LEGAL REQUIREMENTS AS TO THE NATURE AND LENGTH OF THE POSSESSION LEADING TO A REGISTERABLE TITLE OVER LAND; MERE CASUAL CULTIVATION OF SOME PORTIONS OF THE LAND DOES NOT CONSTITUTE POSSESSION UNDER A CLAIM OF OWNERSHIP.**— Petitioner failed to establish that he and his predecessors-in-interest had met the legal requirements as to the nature and length of possession leading to a registrable title over the land. Petitioner claims that he and his family cultivated the subject land, without the help of tenants, in order to plant bamboo and mango trees thereon. His witness also testified that the land was for a time planted with coconut trees and *palay*. However, from the testimonies of petitioner and his witness, it appears that petitioner is a businessman who, while born in Maragondon, Cavite, has actually been a resident of Poblacion, Ternate, Cavite from childhood until the present. Moreover, it appears that the land was only planted with bamboo trees, which do not require much tending to. There is also

Supreme Court E-Library

doubt as to how many mango trees, if any, existed on the land or to the volume of fruits harvested from these trees, since there was no testimony to that effect and the tax declaration offered in evidence stated that the improvements found on the land were only bamboo trees. Raymundo Telia testified he remembered that there existed on the land some coconut trees, but these were no longer there at the time of his testimony. He also testified that the land was planted with *palay*, but not by petitioner or his predecessors or his family but by *kaingeros*, including himself, who only asked permission from petitioner to use the land. Assuming that petitioner had planted the bamboo and mango trees thereon, this fact would hardly suffice to prove possession as it would constitute "a mere casual cultivation" of that large tract of land. A mere casual cultivation of portions of the land by the claimant does not constitute possession under claim of ownership. For him, possession is not exclusive and notorious so as to give rise to a presumptive grant from the state. The possession of public land, however long the period thereof may have extended, never confers title thereto upon the possessor because the statute of limitations with regard to public land does not operate against the state, unless the occupant can prove possession and occupation of the same under claim of ownership for the required number of years.

3. **ID.; ID.; ID.; TAX DECLARATIONS AND RECEIPTS ARE NOT CONCLUSIVE EVIDENCE OF OWNERSHIP BUT ARE MERE INDICIA OF A CLAIM OF OWNERSHIP.**— Although petitioner claims that he possessed Lot No. 1891 by himself and through his predecessors-in-interest since the 1930s, his tax declaration and tax payment receipt belie the same. It is noteworthy that the land subject of the application was declared for taxation purposes only on September 8, 1997 and the taxes due thereon covered only a period of 10 years beginning 1988 and was paid only on September 9, 1997, or a little more than a month prior to the filing of the application. There is no other tax declaration or receipt for tax payments by petitioner's predecessors-in-interest. Moreover, tax declarations and receipts are not conclusive evidence of ownership but are merely indicia of a claim of ownership.

4. **ID.; ID.; ID.; PROPERTY STILL UNCLASSIFIED AT THE TIME PETITIONER AND HIS PREDECESSORS-IN-INTEREST**

Supreme Court E-Library

ALLEGEDLY BEGAN POSSESSION OF THE LAND.— It is also noteworthy that the certification submitted by petitioner shows that the land became alienable and disposable only on certain dates. — Thus, one portion of the land was certified on November 12, 1971, while the remaining portion was certified on June 21, 1983. As petitioner's application was filed only on October 13, 1997, almost 26 years from the time one portion was certified as alienable and disposable and 14 years from the time the remaining portion was certified, the property was still unclassified at the time petitioner and his predecessors-in-interest allegedly began their possession of the same. As held in *Republic of the Philippines v. Court of Appeals*: A person cannot enter into forest land and, by the simple act of cultivating a portion of that land, earn credits towards the eventual confirmation of imperfect title. The Government must first declare the forest land to be alienable and disposable agricultural land before the year of entry, cultivation, and exclusive and adverse possession can be counted for purposes of an imperfect title.

5. **REMEDIAL LAW; CIVIL PROCEDURE; NO BASIS FOR REOPENING OF THE CASE ON THE GROUND OF NEWLY DISCOVERED EVIDENCE.**— For evidence to be admitted under Rule 53, §1 of the 1997 Rules of Civil Procedure, the same must comply with the following requisites: (a) the evidence was discovered after the trial; (b) such evidence could not have been discovered and produced at the trial with reasonable diligence; and (c) that it is material, not merely cumulative, corroborative, or impeaching, and is of such weight, that, if admitted, will probably change the judgment. In the present case, the original tracing cloth plan could not be considered as newly discovered evidence since it was already available upon the filing of the application for registration. Although it could not be produced during the trial because it was still in the custody of the LRA at that time, it was petitioner's failure to exercise reasonable diligence in producing the same that accounts for its non-presentation in evidence. With regard to the "sepia copy" of the cloth plan, it is apparent that the prayer to allow its presentation is a mere afterthought because it was never offered in evidence during the trial and petitioner had already turned over his original tracing cloth plan to the branch clerk of court for submission to the LRA. Petitioner should have submitted in evidence the "sepia copy" duly approved by the

Supreme Court E-Library

Bureau of Lands in lieu of the original tracing cloth plan while the case was still on trial, and not now as he belatedly offers it on appeal.

APPEARANCES OF COUNSEL

Ramel A. Aguinaldo for petitioner.
Solicitor General for respondent.

D E C I S I O N

MENDOZA, *J.*:

This is a petition for review on *certiorari* of the decision[1] of the Court of Appeals, reversing the decision[2] of the Regional Trial Court, Branch XV, Naic, Cavite and denying the application of petitioner Angel del Rosario for registration of title over a large tract of land in Maragondon, Cavite.

On October 13, 1997, petitioner filed an application[3] for registration of a parcel of land, identified as Lot No. 1891, Cad-457-D, Maragondon Cadastre, Ap-04-0011601, consisting of 772,329 square meters in Brgy. Pinagsanhan, Maragondon, Cavite. In his application, petitioner stated that he is a Filipino, married to Agustina Catalasan, and a resident of Poblacion, Ternate, Cavite; that he and his predecessors-in-interest had been in the open, continuous, exclusive, and notorious possession and occupation of the land in question, which was alienable and disposable land, under a *bona fide* claim of ownership since the 1920s or even earlier; and that such land was being occupied and cultivated by him and his family. Petitioner further alleged that there was no mortgage or encumbrance on the land; that the same was not bound by any public or private road or by any river or creek; and that there was no person

---

[1] Penned by Associate Justice Romeo J. Callejo, Sr. and concurred in by Associate Justices Renato C. Dacudao and Josefina Guevara-Salonga.

[2] Per Judge Napoleon V. Dilag.

[3] *Rollo*, pp. 57-69.

Supreme Court E-Library

having any interest therein, legal or equitable, or having possession thereof other than himself. Petitioner indicated the owners/claimants/occupants of the adjoining properties [(a) the Municipal Engineer (northern boundary), Ternate, Cavite; (b) Juan Angeles (or his heirs/successors; for Lot 1890), Brgy. Sapang, Ternate, Cavite; (c) Madiano Villanueva (or his heirs/successors; for Lots 1286 & 1291), Brgy. Bucal, Maragondon, Cavite; (d) Agripino Villanueva (or his heirs/successors; for Lot 1290), Brgy. Bucal, Maragondon, Cavite; (e) Lucas Arcival (or his heirs/successors; for Lot 1482), Maragondon, Cavite; (f) Danilo Sisayan (for Lot 1287), Brgy. Bucal, Maragondon, Cavite; and (g) the Department of Environment and Natural Resources (DENR) for the Republic of the Philippines (Lot 1692), Plaza Cervantes, Binondo, Manila], and annexed to his application the following documents: (a) an advance survey plan of the land applied for with technical descriptions, Survey Plan, Ap-04-0011601;[4] (b) Technical Description of Lot No. 1891;[5] (c) Certification in lieu of Geodetic Engineer's certification issued for registration purposes, attesting to the genuineness of the survey plan;[6] (d) Certification, dated August 14, 1997, that the subject land is alienable and disposable;[7] (e) Certification, dated October 7, 1997, that the property is not covered by any public land application or patent;[8] (f) Tax Declaration No. 7414, Series of 1998, covering the parcel of land;[9] and (g) Official Receipt No. 1038951S, dated September 9, 1997, showing petitioner's payment of the realty taxes on the said lot up to 1997.[10]

On the same day he filed his application, petitioner also submitted to the Branch Clerk of Court, Atty. Jameswell M. Resus, the original tracing cloth plan for Lot No. 1891.[11] On

---

[4] *Id.*, p. 62.
[5] *Id.*, pp. 63-64.
[6] *Id.*, p. 65.
[7] *Id.*, p. 66.
[8] *Id.*, p. 67.
[9] *Id.*, p. 69.
[10] *Id.*, p. 68.
[11] *Id.*, p. 70.

Supreme Court E-Library

October 15, 1997, the clerk of court transmitted to the Land Registration Authority (LRA) the duplicate copy of petitioner's application for registration of title of Lot No. 1891, the original tracing cloth plan, and the other documents submitted by petitioner in support of his application.[12]

During the initial hearing on February 24, 1998, no oppositor appeared except for the provincial prosecutor of Maragondon, Cavite, who appeared on behalf of the Solicitor General in representation of the Republic of the Philippines through the Bureau of Lands. Accordingly, the trial court issued an order of general default against the whole world, with the exception of the Bureau of Lands, after which petitioner submitted documentary evidence to establish the jurisdictional facts. Thereafter, the case was referred to a trial commissioner for the reception of further evidence.[13]

Aside from himself, petitioner presented Raymundo Telia before the trial commissioner to prove his claim of ownership and title over the parcel of land applied for registration. Both of them were subjected to cross-examination by the provincial prosecutor.

In his testimony, petitioner reiterated the allegations in his application and identified the annexed documents. He claimed he and his family planted in the subject lot mango and bamboo trees and raised animals on it. Petitioner testified that he inherited the land from his grandfather, who caused the survey of the said lot to be made in his name as the original claimant. He said that he possessed the subject property from 1984, the time the cadastral survey was made thereon, but also claimed that the first survey on the land was made in 1930. Petitioner also stated that his predecessors-in-interest started cultivating the property in 1940, planting *kakawati* trees along its boundaries. He claimed that he and his family alone were the ones who gathered the fruits and forest products of the land and that no

---

[12] *Id.*, p. 71.

[13] *Id.*, pp. 35-38; RTC Decision dated Aug. 25, 1998, pp. 4-7.

Supreme Court E-Library

one had ever disturbed his possession over the lot or questioned his ownership of the same.[14]

To corroborate petitioner's testimony, Raymundo Telia, then 59 years old, testified that he personally knew the real property subject of the application since he went there with petitioner, whom he recognized as the owner of the lot. Telia stated that when he was still young, the property was already planted with *kakawati* trees along its boundaries. According to him, when he came of age, he already knew that petitioner owned the property and that anybody who needed to get bamboo, gather firewood, or do *kaingin* farming could do so only upon petitioner's permission. Furthermore, Telia stated that he and his parents stayed in the property during the Japanese occupation and settled there until the 1950s with leave from petitioner. Telia said he stayed on the land for about three years more engaging in *kaingin* farming. He further claimed that, although he did not personally know Madiano Villanueva, Lucas Arcival, and Danilo Sisayan, who allegedly were the owners of the adjoining lots, it was public knowledge that they were indeed such.[15]

On August 25, 1998, the trial court rendered its decision granting the application of petitioner. The dispositive portion thereof reads as follows:

> WHEREFORE, in view of the foregoing, this Court confirming its previous Order of General Default hereby decrees and adjudge[s] that certain parcel of land as herein above identified, described, and bounded, consisting of 772,329 square meters, described as Lot No. 1891, Cad-457-D, Maragondon Cadastre, Ap-04-0011601 situated in Barangay Pinagsanhan, Maragondon, Cavite and its technical description, pursuant to the provisions of Republic Act No. 496, as amended by P.D. No. 1529, in the name of the applicant, Angel del Rosario, Filipino, married to Agustina Catalasan, and a resident of Poblacion, Ternate, Cavite.

---

[14] TSN (Angel del Rosario), pp. 3-18, March 5, 1998; RTC Records, pp. 110-125.

[15] TSN (Raymundo Telia), pp. 3-10, March 26, 1998; *id.*, pp. 129-136.

Supreme Court E-Library

Once this Decision becomes final, let the corresponding decree of registration be issued by the Administrator of the Land Registration Authority (LRA).

SO ORDERED.[16]

Respondent appealed to the Court of Appeals, putting in issue the failure of petitioner to submit in evidence the original tracing cloth plan for Lot No. 1891 and to establish that he and his predecessors-in-interest had been in open, continuous, and notorious possession of the land applied for registration for the period required by law.[17]

On January 31, 2001, the Court of Appeals rendered its decision[18] reversing the decision of the trial court on the ground that petitioner indeed failed to submit in evidence the original tracing cloth plan of the land applied for registration. Petitioner moved for reconsideration, but his motion was denied for lack of merit.[19]

Hence, this petition. Petitioner contends that —

1. THE DENIAL OF PETITIONER'S APPLICATION FOR ORIGINAL REGISTRATION WAS UNJUSTIFIED.
2. IN THE INTEREST OF JUSTICE, THE PROCEEDINGS SHOULD HAVE BEEN REOPENED TO ADMIT THE ORIGINAL TRACING CLOTH PLAN IN EVIDENCE, TO AVOID A REPETITION OF THE SAME PROCEEDINGS ALREADY HAD IN THIS APPLICATION.[20]

The petition is without merit.

First. Petitioner argues that the denial of his application because of his failure to submit in evidence the original tracing cloth plan of Lot No. 1891 was unjustified. He claims that

---

[16] *Rollo*, pp. 48-49; RTC Decision dated Aug. 25, 1998, pp. 17-18.

[17] *Id.*, pp. 93-100; Brief for the Appellant, pp. 1-8.

[18] *Id.*, p. 17.

[19] *Id.*, p. 24.

[20] *Id.*, pp. 12 and 13; Petition, pp. 6 and 7.

Supreme Court E-Library

he should not be faulted for such failure since he turned over the same to the trial court on the day he filed his application, but it was submitted to the LRA by the branch clerk of court and could not be produced during the trial.

The submission in evidence of the original tracing cloth plan, duly approved by the Bureau of Lands, in cases for application of original registration of land is a mandatory requirement.[21] The reason for this rule is to establish the true identity of the land to ensure that it does not overlap a parcel of land or a portion thereof already covered by a previous land registration, and to forestall the possibility that it will be overlapped by a subsequent registration of any adjoining land.[22] The failure to comply with this requirement is fatal to petitioner's application for registration.

Petitioner contends, however, that he had submitted the original tracing cloth plan to the branch clerk of court, but the latter submitted the same to the LRA. This claim has no merit. Petitioner is duty bound to retrieve the tracing cloth plan from the LRA and to present it in evidence in the trial court.[23] The Court of Appeals appropriately quoted from our decision in *Director of Lands v. Intermediate Appellate Court,*[24] in which it was similarly claimed that applicant failed to present the tracing cloth plan of the land applied for because it had been forwarded to the Land Registration Authority. Rejecting the contention, this Court, through Justice Nocon, held:

> It is undisputed that the original tracing cloth plan of the land applied for was not submitted in evidence by respondent, which omission is fatal to his application. The submission of the original tracing cloth plan is a statutory requirement of mandatory character.
>
> Respondent's counsel on the other hand contends that he submitted the original tracing cloth plan, together with other documents, to

---

[21] *Director of Lands v. Intermediate Appellate Court*, 219 SCRA 339 (1993).

[22] *Director of Lands v. Court of Appeals*, 158 SCRA 568 (1988).

[23] *Director of Lands v. Heirs of Isabel Tesalona*, 236 SCRA 336 (1994).

[24] 214 SCRA 604 (1992).

Supreme Court E-Library

the Clerk of Court when he filed the application. The application and supporting documents were then elevated to the Land Registration Commission (now the National Land Titles and Deeds Registration Administration) for approval of the survey plan by the Director of Lands. Respondent argues the fact that the Commissioner of Land Registration issued a Notice of Initial Hearing would indicate that respondent had submitted all the pertinent documents relative to his application.

This argument had already been disposed of in *Director of Lands vs. Reyes* [68 SCRA 177, 189 (1975)], wherein this Court held —

> Of course, the applicant attempts to justify the non-submission of the original tracing cloth plan by claiming that the same must be with the Land Registration Commission which checked or verified the survey plan and the technical description thereof. It is not the function of the LRC to check the original survey plan as it had no authority to approve original survey plans. If, for any reason, the original tracing cloth plan was forwarded there, the applicant may easily retrieve the same therefrom and submit the same in evidence. This was not done.

Respondent further contends that petitioner failed to object to the blue print copy of the survey plan when the same was offered in evidence, thereby waiving the objection to said evidence.

We do not agree. Rule 143 of the Rules of Court provides:

> These rules shall not apply to land registration, cadastral and election cases, naturalization and insolvency proceedings, and other cases not herein provided for, except by analogy or in a suppletory character and whenever practicable and convenient.[25]

Neither does the advance survey plan, which was attached to petitioner's application and marked in evidence, suffice to comply with the requirement of the law. Although in one case[26] it was ruled that a mere blueprint copy of the cloth plan, together with the lot's technical description, was sufficient to identify the land applied for registration, both the blueprint copy and

---

[25] *Id.*, pp. 608-609.

[26] *Republic of the Philippines v. Court of Appeals,* 167 SCRA 150 (1988).

Supreme Court E-Library

the technical description were certified as to their correctness by the Director of Lands. In this case, what was marked in evidence, the advance survey plan and the technical description, lacked the necessary certification from the Bureau of Lands.

Second. Petitioner prays that the trial court proceedings be reopened in order for him to be able to present in evidence either the original tracing cloth plan[27] or the "sepia copy" (Diazo Polyester Film) in lieu thereof[28] pursuant to the NALDTRA (LRC) Circular No. 66 dated May 2, 1985.[29] Petitioner contends that the original tracing cloth plan or the "sepia copy" thereof may be considered as newly discovered evidence which, when admitted in evidence, may alter the result of the case.

The argument is without merit. For evidence to be admitted under Rule 53, §1 of the 1997 Rules of Civil Procedure, the same must comply with the following requisites: (a) the evidence was discovered after the trial; (b) such evidence could not have been discovered and produced at the trial with reasonable diligence; and (c) that it is material, not merely cumulative, corroborative, or impeaching, and is of such weight, that, if admitted, will probably change the judgment.[30] In the present case, the original tracing cloth plan could not be considered as newly discovered evidence since it was already available upon the filing of the application for registration. Although it could not be produced during the trial because it was still in the custody of the LRA at that time, it was petitioner's failure to exercise reasonable diligence in producing the same that accounts for its non-presentation in evidence.[31] With regard to the "sepia

---

[27] *Rollo*, pp. 11-12; Petition, pp. 5-6.

[28] Reply, pp. 1-3.

[29] Authorizing the use of the Drafting Film and the Diazo Polyester Film as materials for subdivision and/or consolidation and original and cadastral survey plans approved by the Bureau of Lands.

[30] *Villanueva v. People*, 330 SCRA 695 (2000); *Commissioner of Internal Revenue v. A. Soriano Corporation*, 267 SCRA 313 (1997).

[31] *Director of Lands v. Heirs of Isabel Tesalona, supra.*

Supreme Court E-Library

copy" of the cloth plan, it is apparent that the prayer to allow its presentation is a mere afterthought because it was never offered in evidence during the trial and petitioner had already turned over his original tracing cloth plan to the branch clerk of court for submission to the LRA.[32] Petitioner should have submitted in evidence the "sepia copy" duly approved by the Bureau of Lands in lieu of the original tracing cloth plan while the case was still on trial, and not now as he belatedly offers it on appeal.

Third. Petitioner failed to establish that he and his predecessors-in-interest had met the legal requirements as to the nature and length of possession leading to a registrable title over the land. Petitioner claims that he and his family cultivated the subject land, without the help of tenants, in order to plant bamboo and mango trees thereon. His witness also testified that the land was for a time planted with coconut trees and *palay*. However, from the testimonies of petitioner and his witness, it appears that petitioner is a businessman who, while born in Maragondon, Cavite, has actually been a resident of Poblacion, Ternate, Cavite from childhood until the present. Moreover, it appears that the land was only planted with bamboo trees, which do not require much tending to. There is also doubt as to how many mango trees, if any, existed on the land or to the volume of fruits harvested from these trees, since there was no testimony to that effect and the tax declaration offered in evidence stated that the improvements found on the land were only bamboo trees.[33]

Raymundo Telia testified he remembered that there existed on the land some coconut trees, but these were no longer there at the time of his testimony. He also testified that the land was planted

---

[32]Although the NALDTRA (LRC) Circular No. 66 mandates that clerks of court shall not accept survey plans submitted in connection with original and cadastral registration proceedings unless said plans are reproduced on Diazo Polyester Films, it also states that tracing cloth plans approved by the LRC shall continue to be accepted for registration purposes, with the authenticated print copy of the same, and the corresponding technical descriptions.

[33] *Rollo*, p. 69.

Supreme Court E-Library

with *palay*, but not by petitioner or his predecessors or his family but by *kaingeros*, including himself, who only asked permission from petitioner to use the land. Assuming that petitioner had planted the bamboo and mango trees thereon, this fact would hardly suffice to prove possession as it would constitute "a mere casual cultivation" of that large tract of land. A mere casual cultivation of portions of the land by the claimant does not constitute possession under claim of ownership. For him, possession is not exclusive and notorious so as to give rise to a presumptive grant from the state. The possession of public land, however long the period thereof may have extended, never confers title thereto upon the possessor because the statute of limitations with regard to public land does not operate against the state, unless the occupant can prove possession and occupation of the same under claim of ownership for the required number of years.[34]

Although petitioner claims that he possessed Lot No. 1891 by himself and through his predecessors-in-interest since the 1930s, his tax declaration and tax payment receipt belie the same. It is noteworthy that the land subject of the application was declared for taxation purposes only on September 8, 1997 and the taxes due thereon covered only a period of 10 years beginning 1988 and was paid only on September 9, 1997, or a little more than a month prior to the filing of the application. There is no other tax declaration or receipt for tax payments by petitioner's predecessors-in-interest. Moreover, tax declarations and receipts are not conclusive evidence of ownership but are merely indicia of a claim of ownership.[35]

It is also noteworthy that the certification submitted by petitioner shows that the land became alienable and disposable only on certain dates –

> . . . the area shaded in orange color is within the Alienable or Disposable (sic), Project No. 15 of Maragondon, Cavite per Lc Map No. 2720; cert. on November 12, 1971.

---

[34] *Republic vs. Court of Appeals, supra* citing *Republic vs. Vera*, 120 SCRA 210 (1983).

[35] *Director of Lands v. Intermediate Appellate Court, supra; Republic v. Court of Appeals*, 131 SCRA 140 (1984).

Supreme Court E-Library

2. the remaining portion of the area is within the Alienable or Disposable (sic), Block-1, Project No. 15-A, of Maragondon, Cavite per LC Map No. 3091; cert. on June 21, 1983.[36]

Thus, one portion of the land was certified on November 12, 1971, while the remaining portion was certified on June 21, 1983. As petitioner's application was filed only on October 13, 1997, almost 26 years from the time one portion was certified as alienable and disposable and 14 years from the time the remaining portion was certified, the property was still unclassified at the time petitioner and his predecessors-in-interest allegedly began their possession of the same. As held in *Republic of the Philippines v. Court of Appeals*:[37]

A person cannot enter into forest land and, by the simple act of cultivating a portion of that land, earn credits towards the eventual confirmation of imperfect title. The Government must first declare the forest land to be alienable and disposable agricultural land before the year of entry, cultivation, and exclusive and adverse possession can be counted for purposes of an imperfect title.

Hence, in view of the lack of sufficient evidence of the 30-year open, notorious, and conclusive possession in the concept of an owner, as required by C.A. No. 141, §48 (b), as amended, petitioner's application for original registration of Lot No. 1891 cannot be granted.[38]

WHEREFORE, the decision of the Court of Appeals denying the application of petitioner Angel del Rosario for original registration of Lot No. 1891, Cadastral 457-D, Maragondon, Cavite, Ap-04-0011601, is AFFIRMED.

SO ORDERED.

Bellosillo, Acting C.J. (Chairman), Quisumbing, De Leon, Jr., and *Corona, JJ.,* concur.

---

[36] *Rollo*, p. 66.

[37] 154 SCRA 476, 482 (1987).

[38] *Director of Lands v. Court of Appeals,* 209 SCRA 457 (1992).