Supreme Court E-Library

SO ORDERED.

Puno (Chairman), Corona, and *Carpio-Morales, JJ.*, concur.

Sandoval-Gutierrez, J., abroad on official leave.

FIRST DIVISION

[G. R. No. 107764. October 4, 2002]

EDNA COLLADO, BERNARDINA TAWAS, JORETO C. TORRES, JOSE AMO, SERGIO L. MONTEALEGRE, VICENTE C. TORRES, JOSEPH L. NUÑEZ, GLORIA SERRANO, DANILO FABREGAS, FERNANDO T. TORRES, LUZ G. TUBUNGBANUA, CARIDAD T. TUTANA, JOSE C. TORRES, JR., IMELDA CAYLALUAD, ROSALIE TUTANA, NORMA ASTORIAS, MYRNA M. LANCION, NORBERTO CAMILOTE, CECILIA MACARANAS, PEDRO BRIONES, REMEDIOS BANTIGUE, DANTE L. MONTEALEGRE, AIDA T. GADON, ARMANDO T. TORRES and FIDELITO ECO, *petitioners, vs.* **COURT OF APPEALS and REPUBLIC OF THE PHILIPPINES, thru the Director of Lands,** *respondents,* **BOCKASANJO ISF AWARDEES ASSOCIATION, INC., LITA MENDOZA, MORADO PREFIDIGNO, TERESITA CRUZ and CALOMA MOISES,** *respondents/intervernors.*

SYNOPSIS

On April 25, 1985, petitioners filed with the Land Registration Court an application for registration of a parcel of land situated in Barangay San Isidro, Antipolo, Rizal and covered by Survey Plan Psu-162620. At the time petitioners filed their application, the lot has been reserved as a watershed under EO 33 for 81 years prior to the filing of petitioner's

Supreme Court E-Library

application. The Republic of the Philippines opposed the application. Thereafter, the Land Registration Court held that petitioners had adduced sufficient evidence to establish their registrable rights over the lot. Accordingly, it rendered a decision confirming the imperfect title of petitioners. The Solicitor General sought the annulment of the decision on the ground of lack of jurisdiction over the case, specifically over the lot, which he claimed to be not alienable and disposable. The Court of Appeals granted the petition and declared the decision of the Land Registration Court null and void ruling that the Director of Lands has jurisdiction over the subject property inasmuch as the subject lot is part of the public domain.

Hence, the instant petition.

The Supreme Court found the petition bereft of merit. The Court held that the Land Registration Court has no jurisdiction over non-registrable properties, such as public navigable rivers which are parts of the public domain, and cannot validly adjudged the registration of title in favor of private applicant. In this case, the Court found that the subject lot, being a watershed reservation, is not alienable and disposable public land. It held that once a parcel of land is included within a watershed reservation duly established by Executive Proclamation, a presumption arises that the land continues to be a part of such Reservation until clear and convincing evidence of subsequent reclassification is shown. The evidence of the petitioners do not clearly and convincingly show that the lot had been officially released from the Marikina Watershed Reservation to form part of the alienable and disposable lands of the public domain. Hence, any title to the lot is void *ab initio*. The Land Registration Court never acquired jurisdiction over the subject lot. Thus, all proceedings of the Land Registration Court involving the subject lot were, therefore, null and void.

SYLLABUS

1. CIVIL LAW; LAND TITLES AND DEEDS; REGISTRATION OF PUBLIC LANDS; JUDICIAL CONFIRMATION OF IMPERFECT TITLE; APPLICANT MUST OVERCOME THE PRESUMPTION THAT THE LAND HE IS APPLYING FOR IS PART OF THE PUBLIC DOMAIN.— An applicant for confirmation of imperfect title bears the burden of proving that he meets the requirements of Section 48 of CA 141, as

Supreme Court E-Library

amended. He must overcome the presumption that the land he is applying for is part of the public domain and that he has an interest therein sufficient to warrant registration in his name arising from an imperfect title. An imperfect title may have been derived from old Spanish grants such as a *titulo real* or royal grant, a *concession especial* or special grant, a *composicion con el estado* or adjustment title, or a *titulo de compra* or title through purchase. Or, that he has had continuous, open and notorious possession and occupation of agricultural lands of the public domain under a *bona fide* claim of ownership for at least thirty years preceding the filing of his application as provided by Section 48 (b) CA 141.

2. ID.; ID.; ID.; REQUISITES; CASE AT BAR.— Originally, Section 48(b) of CA 141 provided for possession and occupation of lands of the public domain since July 26, 1894. This was superseded by RA 1942 which provided for a simple thirty-year prescriptive period of occupation by an applicant for judicial confirmation of an imperfect title. The same, however, has already been amended by Presidential Decree No. 1073, approved on January 25, 1977, the law prevailing at the time petitioners' application for registration was filed on April 25, 1985. As amended, Section 48 (b) now reads: x x x "(b) Those who by themselves or through their predecessors-in-interest have been in open, continuous, exclusive and notorious possession and occupation of agricultural lands of the public domain, under a *bona fide* claim of acquisition or ownership, for at least thirty years immediately preceding the filing of the application for confirmation of title, except when prevented by wars or *force majeure*. Those 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 the provisions of this chapter." Interpreting Section 48 (b) of CA 141, the Court stated that the Public Land Act requires that the applicant must prove the following: "(a) that the land is alienable public land and (b) that his open, continuous, exclusive and notorious possession and occupation of the same must either be since time immemorial or for the period prescribed in the Public Land Act. When the conditions set by law are complied with, the possessor of the land, by operation of law, acquires a right to a grant, a government grant, without the necessity of a certificate of title being issued." Petitioners do not claim to have documentary title over the Lot. Their

Supreme Court E-Library

right to register the Lot is predicated mainly upon continuous possession since 1902. Clearly, petitioners were unable to acquire a valid and enforceable right or title because of the failure to complete the required period of possession, whether under the original Section 48 (b) of CA 141 prior to the issuance of EO 33, or under the amendment by RA 1942 and PD 1073. There is no proof that prior to the issuance of EO 33 in 1904, petitioners had acquired ownership or title to the Lot either by deed or by any other mode of acquisition from the State, as for instance by acquisitive prescription. As of 1904, Sesinando Leyva had only been in possession for two years. Verily, petitioners have not possessed the parcel of land in the manner and for the number of years required by law for the confirmation of imperfect title.

3. **ID.; ID.; ID.; POSSESSION OF FOREST LANDS OR OTHER INALIENABLE PUBLIC LANDS CANNOT RIPEN INTO PRIVATE OWNERSHIP; LOT RESERVED AS WATERSHED IS NOT SUSCEPTIBLE TO OCCUPANCY, DISPOSITION, CONVEYANCE OR ALIENATION.**— Assuming that the Lot was alienable and disposable land prior to the issuance of EO 33 in 1904, EO 33 reserved the Lot as a watershed. Since then, the Lot became non-disposable and inalienable public land. At the time petitioners filed their application on April 25, 1985, the Lot has been reserved as a watershed under EO 33 for 81 years prior to the filing of petitioners' application. The period of occupancy after the issuance of EO 33 in 1904 could no longer be counted because as a watershed reservation, the Lot was no longer susceptible of occupancy, disposition, conveyance or alienation. Section 48 (b) of CA 141, as amended, applies exclusively to alienable and disposable public agricultural land. Forest lands, including watershed reservations, are excluded. It is axiomatic that the possession of forest lands or other inalienable public lands cannot ripen into private ownership. In *Municipality of Santiago, Isabela vs. Court of Appeals,* the Court declared that inalienable public lands — "x x x cannot be acquired by acquisitive prescription. Prescription, both acquisitive and extinctive, does not run against the State. 'The possession of public land, however long the period 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

Supreme Court E-Library

occupation of the same *under claim of ownership for the required number of years to constitute a grant from the State.'"*

4. **ID.; ID.; ID.; RULES WITH RESPECT THERETO DO NOT APPLY UNLESS AND UNTIL THE LAND CLASSIFIED AS WATERSHED RESERVATION IS RELEASED IN AN OFFICIAL PROCLAMATION SO THAT IT MAY FORM PART OF THE DISPOSABLE AGRICULTURAL LANDS OF THE PUBLIC DOMAIN.**— Proclamation No. 1283 has since been amended by Proclamation No. 1637 issued on April 18, 1977. Proclamation No. 1637 revised the area and location of the proposed townsite. According to then DENR Secretary Victor O. Ramos, Proclamation No. 1637 excluded Lot A (of which the Lot claimed by petitioners is part) for townsite purposes and reverted it to MWR coverage. A positive act (*e.g.*, an official proclamation) of the Executive Department is needed to declassify land which had been earlier classified as a watershed reservation and to convert it into alienable or disposable land for agricultural or other purposes. Unless and until the land classified as such is released in an official proclamation so that it may form part of the disposable agricultural lands of the public domain, the rules on confirmation of imperfect title do not apply.

5. **ID.; ID.; ID.; ONCE A PARCEL OF LAND IS INCLUDED WITHIN A WATERSHED RESERVATION DULY ESTABLISHED BY EXECUTIVE PROCLAMATION, A PRESUMPTION ARISES THAT THE LAND CONTINUES TO BE PART OF SUCH RESERVATION UNTIL CLEAR AND CONVINCING EVIDENCE OF SUBSEQUENT DECLASSIFICATION IS SHOWN.**— The principal document presented by petitioners to prove the private character of the Lot is the Certification of the Bureau of Forest Development dated March 18, 1986 that the Lot is excluded from the Marikina Watershed (Exh. R). The certification on which petitioners rely that a reclassification had occurred, and that the Lot is covered by the reclassification, is contradicted by several documents submitted by the Solicitor General before the land registration court. The Solicitor General submitted to the land registration court a Report dated March 2, 1988, signed by Administrator Teodoro G. Bonifacio of the then National Land Titles and Deeds Registration Administration, confirming that

Supreme Court E-Library

the Lot described in Psu-162620 forms part of the MWR. He thus recommended the dismissal of the application for registration. Likewise, in a letter dated November 11, 1991, the Deputy Land Inspector, DENR, Region IV, Community Environment and Natural Resources Office, Antipolo, Rizal, similarly confirmed that the Lot is within the MWR. Lastly, the Solicitor General pointed out that attached to petitioner Edna T. Collado's [as original applicant] application is the technical description of the Lot signed by Robert C. Pangyarihan, Officer-in-Charge of the Survey Division of the Bureau of Lands. This technical description categorically stated that the Lot "*is inside IN-12 Mariquina Watershed.*" The evidence of record thus appears unsatisfactory and insufficient to show clearly and positively that the Lot had been officially released from the Marikina Watershed Reservation to form part of the alienable and disposable lands of the public domain. We hold that once a parcel of land is included within a watershed reservation duly established by Executive Proclamation, as in the instant case, a presumption arises that the land continues to be part of such Reservation until clear and convincing evidence of subsequent declassification is shown.

6. **ID.; ID.; ID.; APPLICANT MUST BE IN OPEN, CONTINUOUS, EXCLUSIVE AND NOTORIOUS POSSESSION AND OCCUPATION OF THE LOT FOR AT LEAST THIRTY YEARS IMMEDIATELY PRECEDING THE FILING OF THE APPLICATION.**— It is obvious, based on the facts on record that neither petitioners nor their predecessors-in-interest have been in open, continuous, exclusive and notorious possession and occupation of the Lot for at least thirty years immediately preceding the filing of the application for confirmation of title. Even if they submitted sufficient proof that the Lot had been excluded from the MWR upon the issuance of Proclamation No. 1283 on June 21, 1974, petitioners' possession as of the filing of their application on April 25, 1985 would have been only eleven years counted from the issuance of the proclamation in 1974. The result will not change even if we tack in the two years Sesinando Leyva allegedly possessed the Lot from 1902 until the issuance of EO 33 in 1904. Petitioners' case falters even more because of the issuance of Proclamation No. 1637 on April 18, 1977. According to then DENR Secretary Victor Ramos, Proclamation

Supreme Court E-Library

No. 1637 reverted Lot A or the townsite reservation, where petitioners' Lot is supposedly situated, back to the MWR.

7. ID.; ID.; ID.; A FORESTED AREA CLASSIFIED AS FOREST LAND OF PUBLIC DOMAIN DOES NOT LOSE SUCH CLASSIFICATION SIMPLY BECAUSE LOGGERS OR SETTLERS MAY HAVE STRIPPED IT OF ITS FOREST COVER.— It is of no moment if the areas of the MWR are now fairly populated and vibrant communities as claimed by petitioners. The following ruling may be applied to this case by analogy: "A forested area classified as forest land of the public domain does not lose such classification simply because loggers or settlers may have stripped it of its forest cover. Parcels of land classified as forest land may actually be covered with grass or planted to crops by *kaingin* cultivators or other farmers. 'Forest lands' do not have to be on mountains or in out of the way places. Swampy areas covered by mangrove trees, nipa palms and other trees growing in brackish or sea water may also be classified as forest land. The classification is descriptive of its legal nature or status and does not have to be descriptive of what the land actually looks like. Unless and until the land classified as 'forest' is released in an official proclamation to that effect so that it may form part of the disposable agricultural lands of the public domain, the rules on confirmation of imperfect title do not apply."

8. REMEDIAL LAW; COURTS; LAND REGISTRATION COURT; NO JURISDICTION OVER NON-REGISTRABLE PROPERTIES.— It is now established that the Lot, being a watershed reservation, is not alienable and disposable public land. The evidence of the petitioners do not clearly and convincingly show that the Lot, described as Lot Psu-162620, ceased to be a portion of the area classified as a watershed reservation of the public domain. Any title to the Lot is void *ab initio*. In view of this, the alleged procedural infirmities attending the filing of the petition for annulment of judgment are immaterial since the land registration court never acquired jurisdiction over the Lot. All proceedings of the land registration court involving the Lot are therefore null and void. We apply our ruling in *Martinez vs. Court of Appeals,* as follows: "The Land Registration Court has no jurisdiction over non-registrable properties, such as public navigable rivers which are parts of the public domain, and cannot validly adjudge the

Supreme Court E-Library

registration of title in favor of private applicant. Hence, the judgment of the Court of First Instance of Pampanga as regards the Lot No. 2 of certificate of Title No. 15856 in the name of petitioners may be attacked at any time, either directly or collaterally, by the State which is not bound by any prescriptive period provided for by the Statute of Limitations."

9. **ID.; ACTIONS; DOCTRINE OF *RES JUDICATA* AND ESTOPPEL; DOES NOT APPLY TO SILENCE THE STATE'S CLAIM OVER PUBLIC LANDS; RIGHT OF REVERSION OR RECONVEYANCE TO THE STATE OF PUBLIC PROPERTIES REGISTERED AND WHICH ARE NOT CAPABLE OF PRIVATE APPROPRIATION DOES NOT PRESCRIBE.**— We also hold that environmental consequences in this case override concerns over technicalities and rules of procedure. In *Republic vs. De los Angeles,* which involved the registration of public lands, specifically parts of the sea, the Court rejected the principle of *res judicata* and estoppel to silence the Republic's claim over public lands. The Court said: "It should be noted further that the doctrine of estoppel or laches does not apply when the Government sues as a sovereign or asserts governmental rights, nor does estoppel or laches validate an act that contravenes law or public policy, and that *res judicata* is to be disregarded if its application would involve the sacrifice of justice to technicality." The Court further held that "the right of reversion or reconveyance to the State of the public properties registered and which are not capable of private appropriation or private acquisition does not prescribe."

10. **ID.; INTERVENTION; RULE; EXCEPTION; CASE AT BAR.**— As a rule, intervention is allowed "before rendition of judgment by the trial court," as Section 2, Rule 19 expressly provides. However, the Court has recognized exceptions to this rule in the interest of substantial justice. *Mago vs. Court of Appeals* reiterated the ruling in *Director of Lands vs. Court of Appeals*, where the Court allowed the motions for intervention even when the case had already reached this Court. Thus, in *Mago* the Court held that: "It is quite clear and patent that the motions for intervention filed by the movants at this stage of the proceedings where trial had already been concluded x x x and on appeal x x x the same affirmed by the Court of Appeals and the instant petition for *certiorari* to review said judgment

Supreme Court E-Library

is already submitted for decision by the Supreme Court, are obviously and, manifestly late, beyond the period prescribed under x x x Section 2, Rule 12 of the Rules of Court. But Rule 12 of the Rules of Court, like all other Rules therein promulgated, is simply a rule of procedure, the whole purpose and object of which is to make the powers of the Court fully and completely available for justice. The purpose of procedure is not to thwart justice. Its proper aim is to facilitate the application of justice to the rival claims of contending parties. It was created not to hinder and delay but to facilitate and promote the administration of justice. It does not constitute the thing itself which courts are always striving to secure to litigants. It is designed as the means best adopted to obtain that thing. In other words, it is a means to an end."

APPEARANCES OF COUNSEL

Britanico Law Office for petitioners.
J.P. Villanueva & Associates for private respondents.
The Solicitor General for public respondents.

D E C I S I O N

CARPIO, *J.*:

The Case

This Petition[1] seeks to set aside the Decision of the Court of Appeals,[2] dated June 22, 1992, in CA-G.R. SP No. 25597, which declared null and void the Decision[3] dated January 30, 1991 of the Regional Trial Court of Antipolo, Rizal, Branch 71, in LRC No. 269-A, LRC Rec. No. N-59179, confirming the imperfect title of petitioners over a parcel of land.

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[1] Filed under both Rules 45 and 65 of the Rules of Court.

[2] Thirteenth Division composed of J. Arturo B. Buena (Chairman and *Ponente*) and J. Justo P. Torres, Jr. and J. Pacita Canizares-Nye as members.

[3] Penned by Judge Patricio M. Patajo.

Supreme Court E-Library

The Facts

On April 25, 1985, petitioner Edna T. Collado filed with the land registration court an application for registration of a parcel of land with an approximate area of 1,200,766 square meters or 120.0766 hectares ("Lot" for brevity). The Lot is situated in Barangay San Isidro (formerly known as Boso-boso), Antipolo, Rizal, and covered by Survey Plan Psu-162620. Attached to the application was the technical description of the Lot as Lot Psu-162620 signed by Robert C. Pangyarihan, Officer-in-Charge of the Survey Division, Bureau of Lands, which stated, *"[t]his survey is inside IN-12 Mariquina Watershed."* On March 24, 1986, petitioner Edna T. Collado filed an Amended Application to include additional co-applicants.[4] Subsequently, more applicants joined (collectively referred to as "petitioners" for brevity).[5]

The Republic of the Philippines, through the Solicitor General, and the Municipality of Antipolo, through its Municipal Attorney and the Provincial Fiscal of Rizal, filed oppositions to petitioners' application. In due course, the land registration court issued an order of general default against the whole world with the exception of the oppositors.

Petitioners alleged that they have occupied the Lot since time immemorial. Their possession has been open, public, notorious and in the concept of owners. The Lot was surveyed in the name of Sesinando Leyva, one of their predecessors-in-interest, as early as March 22, 1902. Petitioners declared the Lot for taxation purposes and paid all the corresponding real estate taxes. According to them, there are now twenty-five co-owners in *pro-indiviso* shares of five hectares each. During the hearings, petitioners submitted evidence to prove that there have been

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[4] Co-petitioners Bernardina Tawas, Joseto C. Torres, Jose Amo, Sergio L. Montealegre and Vicente C. Torres.

[5] Co-petitioners Joseph L. Nunez, Gloria Serrano, Danilo Fabregas, Fernando T. Torres, Luz G. Tubungbanua, Caridad T. Tutana, Jose C. Torres, Jr., Imelda Gaylaluad, Rosalie Tutana, Norma Astorias, Myrna M. Lancion, Norberto Camilote, Cecilia Macaranas, Pedro Briones, Remedios Bantigue, Dante L. Montealegre, Aida T. Godon, Armando T. Torres and Fidelito Eco.

Supreme Court E-Library

nine transfers of rights among them and their predecessors-in-interest, as follows:

"1. *SESINANDO LEYVA* was the earliest known predecessor-in-interest of the Applicants who was in actual, open, notorious and continuous possession of the property in the concept of owner. He had the *property surveyed* in his name on *22 March 1902* (Exhibit "W" and "W-1" testimonies of J. Torres on 16 December 1987 and Mariano Leyva on 29 December 1987).

2. *DIOSDADO LEYVA*, is the son of Sesinando Leyva, who *inherited* the property. He had the *property resurveyed* in his name on *May 21-28, 1928*_ (Exhibit "X" and "X-1"; testimony of Mariano Leyva, a son of Diosdado Leyva).

3. *GREGORIO CAMANTIQUE* bought the property from Diosdado Leyva before the Japanese Occupation of the Philippines during World War II. He owned and *possessed* the property *until 1958*. He declared the property for tax purposes, the latest of which was under *Tax Declaration No. 7182* issued on *3 February 1957* (Exhibit "I" and testimony of Mariano Leyva, *supra*).

4. *ANGELINA REYNOSO*, bought the property from Gregorio Camantique by virtue of a *Deed of Sale* on *3 February 1958* (Exhibit "H"). During the ownership of the property by Angelina Reynoso, *Mariano Leyva* the grandson of Sesinando Leyva, the previous owner, attended to the farm. (Testimony of Mariano Leyva, *supra*). Angelina Reynoso declared the property in her name under *Tax Declaration No. 7189* in *4 February 1958*, under *Tax Declaration No. 8775* on *3 August 1965*, under *Tax Declaration No. 16945* on *15 December 1975*, and under *Tax Declaration No. 03-06145* on *25 June 1978*.

5. *MYRNA TORRES* bought the property from Angelina Reynoso on *16 October 1982* through a *Deed of Sale* (Exhibit "G").

6. EDNA COLLADO bought the property from Myrna Torres in a *Deed of Sale* dated *28 April 1984* (Exhibit "P-1" to "P-3").

7. Additional owners *BERNARDINA TAWAS, JORETO TORRES, JOSE AMO, VICENTE TORRES* and *SERGIO MONTEALEGRE* who bought *portions* of the *property* from Edna Collado through a *Deed of Sale* on *6 November 1985* (Exhibit "Q" to "Q-3").

8. And *more additional Owners JOSEPH NUNEZ*, DIOSDADO ARENOS, DANILO FABREGAS, FERNANDO TORRES, LUZ TUBUNGBANUA, CARIDAD TUTANA, JOSE TORRES JR.,

Supreme Court E-Library

RODRIGO TUTANA, ROSALIE TUTANA, NORMA ASTORIAS, MYRNA LANCION, CHONA MARCIANO, CECILIA MACARANAS, PEDRO BRIONES, REMEDIOS BANTIQUE, DANTE MONTEALEGRE, ARMANDO TORRES, AIDA GADON and AMELIA M. MALAPAD bought *portions* of the property in a *Deed of Sale* on *12 May 1986* (Exhibit "S" to "S-3").

9. Co-owners DIOSDADO ARENOS, RODRIGO TUTANA, CHONA MARCIANO and AMELIA MALAPAD jointly sold their shares to new OWNERS GLORIA R. SERRANO, IMELDA CAYLALUAD, NORBERTO CAMILOTE and FIDELITO ECO through a *Deed of Sale* dated 18 January 1987 (Exhibit "T" to "T-9")."[6]

During the hearing on January 9, 1991, only the assistant provincial prosecutor appeared without the Solicitor General. For failure of the oppositors to present their evidence, the land registration court issued an order considering the case submitted for decision based on the evidence of the petitioners. The court later set aside the order and reset the hearing to January 14, 1991 for the presentation of the evidence of the oppositors. On this date, counsel for oppositors failed to appear again despite due notice. Hence, the court again issued an order submitting the case for decision based on the evidence of the petitioners.

The Trial Court's Ruling

After appraisal of the evidence submitted by petitioners, the land registration court held that petitioners had adduced sufficient evidence to establish their registrable rights over the Lot. Accordingly, the court rendered a decision confirming the imperfect title of petitioners. We quote the pertinent portions of the court's decision, as follows:

"From the evidence presented, the Court finds that from the testimony of the witnesses presented by the Applicants, the property applied for is in actual, open, public and notorious possession by the applicants and their predecessor-in-interest since time immemorial and said possession had been testified to by witnesses Jimmy Torres, Mariano Leyva, Sergio Montealegre, Jose Amo and one Chona who were all cross-examined by Counsel for Oppositor Republic of the Philippines.

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[6] Consolidated Rejoinder, pp. 39-41; *Rollo*, pp. 285-287.

Supreme Court E-Library

Evidence was likewise presented that said property was declared for taxation purposes in the names of the previous owners and the corresponding taxes were paid by the Applicants and the previous owners and said property was planted to fruit bearing trees; portions to *palay* and portions used for grazing purposes.

To the mind of the Court, Applicants have presented sufficient evidence to establish registrable title over said property applied for by them.

On the claim that the property applied for is within the Marikina Watershed, the Court can only add that all Presidential Proclamations like the Proclamation setting aside the Marikina Watershed are subject to "private rights."

In the case of Municipality of *Santiago vs. Court of Appeals*, 120 SCRA 734, 1983 "private rights" is proof of acquisition through (*sic*) among means of acquisition of public lands.

In the case of *Director of Lands vs. Reyes*, 68 SCRA 193-195, by "private rights" means that applicant should show clear and convincing evidence that the property in question was acquired by applicants or their ancestors either by composition title from the Spanish government or by Possessory Information title, or *any other means for the acquisition of public lands* xxx" (Italics supplied).

The Court believes that from the evidence presented as above stated, Applicants have acquired private rights to which the Presidential Proclamation setting aside the Marikina Watershed should be subject to such private rights.

At any rate, the Court notes that evidence was presented by the applicants that as per Certification issued by the Bureau of Forest Development dated March 18, 1980, the area applied for was verified to be within the area excluded from the operation of the Marikina Watershed Lands Executive Order No. 33 dated July 26, 1904 per Proclamation No. 1283 promulgated on June 21, 1974 which established the Boso-boso Town Site Reservation, amended by Proclamation No. 1637 dated April 18, 1977 known as the Lungsod Silangan Townsite Reservation. (Exhibit "K")."[7]

In a motion dated April 5, 1991, received by the Solicitor General on April 6, 1991, petitioners alleged that the decision

[7] *Rollo*, pp. 80-82.

Supreme Court E-Library

dated January 30, 1991 confirming their title had become final after the Solicitor General received a copy of the decision on February 18, 1991. Petitioners prayed that the land registration court order the Land Registration Authority to issue the necessary decree in their favor over the Lot.

On April 11, 1991, the Solicitor General inquired from the Provincial Prosecutor of Rizal whether the land registration court had already rendered a decision and if so, whether the Provincial Prosecutor would recommend an appeal. However, the Provincial Prosecutor failed to answer the query.

According to the Solicitor General, he received on April 23, 1991 a copy of the land registration court's decision dated January 30, 1991, and not on February 18, 1991 as alleged by petitioners in their motion.

In the meantime, on May 7, 1991, the land registration court issued an order directing the Land Regulation Authority to issue the corresponding decree of registration in favor of the petitioners.

On August 6, 1991, the Solicitor General filed with the Court of Appeals a Petition for Annulment of Judgment pursuant to Section 9(2) of BP Blg. 129 on the ground that there had been no clear showing that the Lot had been previously classified as alienable and disposable making it subject to private appropriation.

On November 29, 1991, Bockasanjo ISF Awardees Association, Inc., an association of holders of certificates of stewardship issued by the Department of Environment and Natural Resources ("DENR" for brevity) under its Integrated Social Forestry Program ("ISF" for brevity), filed with the Court of Appeals a Motion for Leave to Intervene and to Admit Petition-In-Intervention. They likewise opposed the registration and asserted that the Lot, which is situated inside the Marikina Watershed Reservation, is inalienable. They claimed that they are the actual occupants of the Lot pursuant to the certificates of stewardship issued by the DENR under the ISF for tree planting purposes.

The Court of Appeals granted the motion to intervene verbally during the preliminary conference held on April 6, 1992. During

Supreme Court E-Library

the preliminary conference, all the parties as represented by their respective counsels agreed that the only issue for resolution was whether the Lot in question is part of the public domain.[8]

The Court of Appeals' Ruling

In a decision dated June 22, 1992, the Court of Appeals granted the petition and declared null and void the decision dated January 30, 1991 of the land registration court. The Court of Appeals explained thus:

"Under the Regalian Doctrine, which is enshrined in the 1935 (Art. XIII, Sec. 1), 1973 (Art. XIV, Sec. 8), and 1987 Constitution (Art. XII, Sec. 2), all lands of the public domain belong to the State. An applicant, like the private respondents herein, for registration of a parcel of land bears the burden of overcoming the presumption that the land sought to be registered forms part of the public domain (*Director of Lands vs. Aquino*, 192 SCRA 296).

A positive Act of government is needed to declassify a public land and to convert it into alienable or disposable land for agricultural or other purposes (*Republic vs. Bacas*, 176 SCRA 376).

In the case at bar, the private respondents failed to present any evidence whatsoever that the land applied for as described in Psu-162620 has been segregated from the bulk of the public domain and declared by competent authority to be alienable and disposable. Worse, the technical description of Psu-162620 signed by Robert C. Pangyarihan, Officer-in-Charge, Survey Division, Bureau of Lands, which was attached to the application of private respondents, categorically stated that "This survey is inside IN-12 Mariquina Watershed.""

That the land in question is within the Marikina Watershed Reservation is confirmed by the Administrator of the National Land Titles and Deeds in a Report, dated March 2, 1988, submitted to the respondent Court in LR Case No. 269-A. These documents readily and effectively negate the allegation in private respondent Collado's application that "said parcel of land known as Psu-162620 is not covered by any form of title, nor any public land application and *are not within any government reservation* (Par. 8, Application;

[8] *Rollo*, p. 91.

Supreme Court E-Library

Italics supplied). The respondent court could not have missed the import of these vital documents which are binding upon the courts inasmuch as it is the exclusive prerogative of the Executive Department to classify public lands. They should have forewarned the respondent judge from assuming jurisdiction over the case.

> "x x x inasmuch as the said properties applied for by petitioners are part of the public domain, it is the Director of Lands who has jurisdiction in the disposition of the same (subject to the approval of the Secretary of Natural Resources and Environment), *and not the courts*. x x x Even assuming that petitioners did have the said properties surveyed even before the same was declared to be part of the Busol Forest Reservation, the fact remains that it was so converted into a forest reservation, *thus it is with more reason that this action must fail.* Forest lands are inalienable and possession thereof, no matter how long, cannot convert the same into private property. *And courts are without jurisdiction to adjudicate lands within the forest zone.* (*Heirs of Gumangan vs. Court of Appeals.* 172 SCRA 563; Italics supplied).

Needless to say, a final judgment may be annulled on the ground of *lack of jurisdiction*, fraud or that it is contrary to law (*Panlilio vs. Garcia*, 119 SCRA 387, 391) and a decision rendered without jurisdiction is a total nullity and may be struck down at any time (*Suarez vs. Court of Appeals*, 186 SCRA 339)."[9]

Hence, the instant petition.

The Issues

The issues raised by petitioners are restated as follows:

I

WHETHER THE COURT OF APPEALS ERRED OR GRAVELY ABUSED ITS DISCRETION IN REVERSING THE DECISION OF THE TRIAL COURT GRANTING THE APPLICATION OF THE PETITIONERS FOR CONFIRMATION OF TITLE;

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[9] *Rollo*, pp. 91-92.

Supreme Court E-Library

II

WHETHER THE COURT OF APPEALS ERRED OR GRAVELY ABUSED ITS DISCRETION IN GIVING DUE COURSE TO THE PETITION FOR ANNULMENT OF JUDGMENT FILED BY THE REPUBLIC LONG AFTER THE DECISION OF THE TRIAL COURT HAD BECOME FINAL;

III

WHETHER THE COURT OF APPEALS ERRED OR GRAVELY ABUSED ITS DISCRETION IN GIVING DUE COURSE TO THE INTERVENORS' PETITION FOR INTERVENTION WHICH WAS FILED OUT OF TIME OR LONG AFTER THE DECISION OF THE TRIAL COURT HAD BECOME FINAL.

The Court's Ruling

The petition is bereft of merit.

First Issue: whether petitioners have registrable title over the Lot.

There is no dispute that Executive Order No. 33 ("EO 33" for brevity) dated July 26, 1904[10] established the Marikina Watershed Reservation ("MWR" for brevity) situated in the Municipality of Antipolo, Rizal. Petitioners even concede that the Lot, described as Lot Psu-162620, is inside the technical, literal description of the MWR. However, the main thrust of petitioners' claim over the Lot is that "all Presidential proclamations like the proclamation setting aside the Marikina Watershed Reservation are subject to private rights." They point out that EO 33 contains a saving clause that the reservations are "subject to existing private rights, if any there be." Petitioners contend that their claim of ownership goes all the way back to 1902, when their known predecessor-in-interest, Sesinando Leyva, laid claim and ownership over the Lot. They claim that the presumption of law then prevailing under the Philippine Bill of

[10] Issued by Governor Luke E. Wright pursuant to the provisions of Act Numbered Six Hundred and Forty-Eight (Act No. 648), Philippine Commission, an Act Authorizing the Civil Governor to reserve portions of the public domain for public uses.

Supreme Court E-Library

1902 and Public Land Act No. 926 was that the land possessed and claimed by individuals as their own are agricultural lands and therefore alienable and disposable. They conclude that private rights were vested on Sesinando Leyva before the issuance of EO 33, thus excluding the Lot from the Marikina Watershed Reservation.

Petitioners' arguments find no basis in law.

The Regalian Doctrine: An Overview

Under the Regalian Doctrine, all lands not otherwise appearing to be clearly within private ownership are presumed to belong to the State.[11] The Spaniards first introduced the doctrine to the Philippines through the *Laws of the Indies and the Royal Cedulas*, specifically, *Law 14, Title 12, Book 4 of the Novisima Recopilacion de Leyes de las Indias*[12] which laid the foundation that "all lands that were not acquired from the Government, either by purchase or by grant, belong to the public domain."[13] Upon the Spanish conquest of the Philippines, ownership of all "lands, territories and possessions" in the Philippines passed to the Spanish Crown.[14]

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[11] *Republic vs. Sayo*, 191 SCRA 71 (1990).

[12] "We, having acquired full sovereignty over the Indies, and all lands, territories, and possessions not heretofore ceded away by our royal predecessors, or by us, or in our name, still pertaining to the royal crown and patrimony, it is our will that all lands which are held without proper and true deeds of grants be restored to us according as they belong to us, in order that after reserving before all what to us or to our viceroys, *audiencias*, and governors may seem necessary for public squares, ways, pastures, and commons in those places which are peopled, taking into consideration not only their present condition, but also their future and their probable increase, and after distributing to the natives what may be necessary for tillage and pasturage, confirming them in what they now have and giving them more if necessary, all the rest of said lands may remain free and unencumbered for us to dispose as we may wish."

[13] See separate opinion of *Justice Reynato S. Puno in Cruz vs. Secretary of Environment and Natural Resources*, 347 SCRA 128 (2000), *Chavez vs. PEA and AMARI*, G.R. No. 133250, July 9, 2002.

[14] *Ibid.*, Chavez case.

Supreme Court E-Library

The *Laws of the Indies* were followed by the *Ley Hipotecaria* or the *Mortgage Law of 1893.* The Spanish Mortgage Law provided for the systematic registration of titles and deeds as well as possessory claims. The Royal Decree of 1894 or the "Maura Law" partly amended the Mortgage Law as well as the Law of the Indies. The Maura Law was the last Spanish land law promulgated in the Philippines. It required the "adjustment" or registration of all agricultural lands, otherwise the lands would revert to the state.[15]

Four years later, Spain ceded to the government of the United States all rights, interests and claims over the national territory of the Philippine Islands through the Treaty of Paris of December 10, 1898. In 1903, the United States colonial government, through the Philippine Commission, passed Act No. 926, the first Public Land Act, which was described as follows:

"Act No. 926, the first Public Land Act, was passed in pursuance of the provisions of the Philippine Bill of 1902. The law governed the disposition of lands of the public domain. It prescribed rules and regulations for the homesteading, selling and leasing of portions of the public domain of the Philippine Islands, and prescribed the terms and conditions to enable persons to perfect their titles to public lands in the Islands. It also provided for the "issuance of patents to certain native settlers upon public lands," for the establishment of town sites and sale of lots therein, for the completion of imperfect titles, and for the cancellation or confirmation of Spanish concessions and grants in the Islands." *In short, the Public Land Act operated on the assumption that title to public lands in the Philippine Islands remained in the government; and that the government's title to public land sprung from the Treaty of Paris and other subsequent treaties between Spain and the United States.* The term "public land" referred to all lands of the public domain whose title still remained in the government and are thrown open to private appropriation and settlement, and excluded the patrimonial property of the government and the friar lands."[16]

Thus, it is plain error for petitioners to argue that under the Philippine Bill of 1902 and Public Land Act No. 926, mere

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[15] See note 13.

[16] *Ibid.*, Italics supplied.

Supreme Court E-Library

possession by private individuals of lands creates the legal presumption that the lands are alienable and disposable.

Act 2874, the second Public Land Act, superseded Act No. 926 in 1919. After the passage of the 1935 Constitution, Commonwealth Act No. 141 ("CA 141" for brevity) amended Act 2874 in 1936. CA 141, as amended, remains to this day as the existing general law governing the classification and disposition of lands of the public domain other than timber and mineral lands.[17]

In the meantime, in order to establish a system of registration by which recorded title becomes absolute, indefeasible and imprescriptible, the legislature passed Act 496, otherwise known as the Land Registration Act, which took effect on February 1, 1903. Act 496 placed all registered lands in the Philippines under the Torrens system.[18] The Torrens system requires the government to issue a certificate of title stating that the person named in the title is the owner of the property described therein, subject to liens and encumbrances annotated on the title or reserved by law. The certificate of title is indefeasible and imprescriptible and all claims to the parcel of land are quieted upon issuance of the certificate.[19] PD 1529, known as the Property Registration Decree enacted on June 11, 1978,[20] amended and updated Act 496.

The 1935, 1973, 1987 Philippine Constitutions

The 1935, 1973 and 1987 Constitutions adopted the Regalian doctrine substituting, however, the state, in lieu of the King, as the owner of all lands and waters of the public domain.[21] Justice Reynato S. Puno, in his separate opinion in *Cruz vs. Secretary of Environment and Natural Resources,*[22] explained thus:

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[17] *Ibid.*

[18] Noblejas & Noblejas, *Registration of Land Titles and Deeds*, 1992 Ed.

[19] *Supra*, see note 13.

[20] *Supra*, see note 13.

[21] *Ibid.*

[22] *Ibid.*

Supreme Court E-Library

"One of the fixed and dominating objectives of the 1935 Constitutional Convention was the nationalization and conservation of the natural resources of the country. *There was an overwhelming sentiment in the Convention in favor of the principle of state ownership of natural resources and the adoption of the Regalian doctrine.* State ownership of natural resources was seen as a necessary starting point to secure recognition of the state's power to control their disposition, exploitation, development, or utilization. The delegates to the Constitutional Convention very well knew that the concept of State ownership of land and natural resources was introduced by the Spaniards, however, they were not certain whether it was continued and applied by the Americans. To remove all doubts, the Convention approved the provision in the Constitution affirming the Regalian doctrine."

Thus, Section 1, Article XIII[23] of the *1935 Constitution,* on "Conservation and Utilization of Natural Resources" barred the alienation of all natural resources except public agricultural lands, which were the only natural resources the State could alienate. The *1973 Constitution* reiterated the Regalian doctrine in Section 8, Article XIV[24] on the "National Economy and the Patrimony

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[23] "Sec. 1. All agricultural, timber, and mineral lands of the public domain, waters, minerals, coal, petroleum, and other mineral oils, all forces of potential energy, and other natural resources of the Philippines belong to the State, and their disposition, exploitation, development, or utilization shall be limited to citizens of the Philippines, or to corporations or associations at least sixty per centum of the capital of which is owned by such citizens, subject to any existing right, grant, lease, or concession at the time of the inauguration of the Government established under this Constitution. Natural resources, with the exception of public agricultural land, shall not be alienated, and no license, concession, or lease for the exploitation, development, or utilization of any of the natural resources shall be granted for a period exceeding twenty-five years, except as to water rights for irrigation, water supply, fisheries, or industrial uses other than the development of water power, in which cases beneficial use may be the measure and the limit of the grant."

[24] "Sec. 8. All lands of the public domain, waters, minerals, coal, petroleum and other mineral oils, all forces of potential energy, fisheries, wildlife, and other natural resources of the Philippines belong to the State. With the exception of agricultural, industrial or commercial, residential, and resettlement lands of the public domain, natural resources shall not be alienated, and no license, concession, or lease for the exploration, development, exploitation, or utilization of any of the natural resources shall be granted for a period not exceeding

Supreme Court E-Library

of the Nation". The 1987 Constitution reaffirmed the Regalian doctrine in Section 2 of Article XII[25] on "National Economy and Patrimony."

Both the 1935 and 1973 Constitutions prohibited the alienation of all natural resources except agricultural lands of the public domain. The 1987 Constitution readopted this policy. Indeed, all lands of the public domain as well as all natural resources enumerated in the Philippine Constitution belong to the State.

Watershed Reservation is a Natural Resource

The term "natural resource" includes "not only timber, gas, oil coal, minerals, lakes, and submerged lands, but also, features which supply a human need and contribute to the health, welfare, and benefit of a community, and are essential to the well-being thereof and proper enjoyment of property devoted to park and recreational purposes."[26]

In *Sta. Rosa Realty Development Corp. vs. Court of Appeals, et al.*,[27] the Court had occasion to discourse on watershed areas.

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twenty-five years, renewable for not more than twenty-five years, except as to water rights for irrigation, water supply, fisheries, or industrial uses other than the development of water power, in which cases beneficial use may be the measure and the limit of the grant."

[25] "Sec. 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. The exploration, development and utilization of natural resources shall be under the full control and supervision of the State. The State may directly undertake such activities or it may enter into co-production, joint venture, or production-sharing agreements with Filipino citizens, or corporations or associations at least sixty per centum of whose capital is owned by such citizens. Such agreements may be for a period not exceeding twenty-five years, renewable for not more than twenty-five years, and under such terms and conditions as may be provided by law. In cases of water rights for irrigation, water supply, fisheries, or industrial uses other than the development of water power, beneficial use may be the measure and limit of the grant. x x x."

[26] Black's Law Dictionary, 6th Ed., 1990.

[27] G.R. No. 112526, October 12, 2001.

Supreme Court E-Library

The Court resolved the issue of whether the parcel of land which the Department of Environment and Natural Resources had assessed to be a watershed area is exempt from the coverage of RA No. 6657 or the Comprehensive Agrarian Reform Law ("CARL" for brevity).[28] The Court defined watershed as "an area drained by a river and its tributaries and enclosed by a boundary or divide which separates it from adjacent watersheds." However, the Court also recognized that:

"The definition does not exactly depict the complexities of a watershed. The most important product of a watershed is water which is one of the most important human necessit(ies). The protection of watershed ensures an adequate supply of water for future generations and the control of flashfloods that not only damage property but also cause loss of lives. Protection of watersheds is an "intergenerational" responsibility that needs to be answered now."

Article 67 of the Water Code of the Philippines (PD 1067) provides:

"Art. 67. Any watershed or any area of land adjacent to any surface water or overlying any ground water may be declared by the Department of Natural Resources as a protected area. Rules and Regulations may be promulgated by such Department to prohibit or control such activities by the owners or occupants thereof within the protected area which may damage or cause the deterioration of the surface water or ground water or interfere with the investigation, use, control, protection, management or administration of such waters."

The Court in *Sta. Rosa Realty* also recognized the need to protect watershed areas and took note of the report of the Ecosystems Research and Development Bureau (ERDB), a research arm of the DENR, regarding the environmental assessment

[28] R.A. No. 6657 has suspended the authority of the President to reclassify forest or mineral lands into agricultural lands. Section 4 (a) of RA No. 6657 (Comprehensive Agrarian Reform law of 1988) states, "No reclassification of forest or mineral lands to agricultural lands shall be undertaken after the approval of this Act until Congress, taking into account ecological, developmental and equity considerations, shall have delimited by law, the specific limits of the public domain."

Supreme Court E-Library

of the Casile and Kabanga-an river watersheds involved in that case. That report concluded as follows:

"The Casile barangay covered by CLOA in question is situated in the heartland of both watersheds. Considering the *barangays* proximity to the Matangtubig waterworks, the activities of the farmers which are in conflict with proper soil and water conservation practices jeopardize and endanger the vital waterworks. Degradation of the land would have double edge detrimental effects. On the Casile side this would mean direct siltation of the Mangumit river which drains to the water impounding reservoir below. On the Kabanga-an side, this would mean destruction of forest covers which acts as recharged areas of the Matangtubig springs. Considering that the people have little if no direct interest in the protection of the Matangtubig structures they couldn't care less even if it would be destroyed.

The Casile and Kabanga-an watersheds can be considered a most vital life support system to thousands of inhabitants directly and indirectly affected by it. From these watersheds come the natural God-given precious resource – water. x x x

Clearing and tilling of the lands are totally inconsistent with sound watershed management. More so, the introduction of earth disturbing activities like road building and erection of permanent infrastructures. Unless the pernicious agricultural activities of the Casile farmers are immediately stopped, it would not be long before these watersheds would cease to be of value. The impact of watershed degradation threatens the livelihood of thousands of people dependent upon it. Toward this, we hope that an acceptable comprehensive watershed development policy and program be immediately formulated and implemented before the irreversible damage finally happens."

The Court remanded the case to the Department of Agriculture and Adjudication Board or DARAB to re-evaluate and determine the nature of the parcels of land involved in order to resolve the issue of its coverage by the CARL.

Sta. Rosa Realty gives us a glimpse of the dangers posed by the misuse of natural resources such as watershed reservations which are akin to forest zones. Population growth and industrialization have taken a heavy toll on the environment. Environmental degradation from unchecked human activities

Supreme Court E-Library

could wreak havoc on the lives of present and future generations. Hence, by constitutional fiat, natural resources remain to this day inalienable properties of the State.

Viewed under this legal and factual backdrop, did petitioners acquire, as they vigorously argue, private rights over the parcel of land prior to the issuance of EO 33 segregating the same as a watershed reservation?

The answer is in the negative.

First. An applicant for confirmation of imperfect title bears the burden of proving that he meets the requirements of Section 48 of CA 141, as amended. He must overcome the presumption that the land he is applying for is part of the public domain and that he has an interest therein sufficient to warrant registration in his name arising from an imperfect title. An imperfect title may have been derived from old Spanish grants such as a *titulo real* or royal grant, a *concession especial* or special grant, a *composicion con el estado* or adjustment title, or a *titulo de compra* or title through purchase.[29] Or, that he has had continuous, open and notorious possession and occupation of agricultural lands of the public domain under a bona fide claim of ownership for at least thirty years preceding the filing of his application as provided by Section 48 (b) CA 141.

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[29] Section 48 of CA 141 provides:

The following-described citizens of the Philippines, occupying lands of the public domain or claiming to own any such lands or an interest therein, but whose titles have not been perfected or completed, may apply to the Court of First Instance of the province where the land is located for confirmation of their claims and the issuance of a certificate of title therefor, under the Land Registration Act, to wit:

(a) Those who prior to the transfer of sovereignty from Spain to the United States have applied for the purchase, composition or other form of grant of lands of the public domain under the laws and royal decrees then in force and have instituted and prosecuted the proceedings in connection therewith, but have, with or without default upon their part, or for any other cause, not received title therefor, and such applicants or grantee and their heirs have occupied and cultivated said lands continuously since the filing of their applications. See *Director, Lands Management Bureau vs. Court of Appeals,* 324 SCRA 757 (2000).

Supreme Court E-Library

Originally, Section 48(b) of CA 141 provided for possession and occupation of lands of the public domain since July 26, 1894. This was superseded by RA 1942 which provided for a simple thirty-year prescriptive period of occupation by an applicant for judicial confirmation of an imperfect title. The same, however, has already been amended by Presidential Decree No. 1073, approved on January 25, 1977, the law prevailing at the time petitioners' application for registration was filed on April 25, 1985.[30] As amended, Section 48 (b) now reads:

> "(b) Those who by themselves or through their predecessors-in-interest have been in open, continuous, exclusive and notorious possession and occupation of agricultural lands of the public domain, under a bona fide claim of acquisition or ownership, for at least thirty years immediately preceding the filing of the application for confirmation of title, except when prevented by wars or *force majeure*. Those 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 the provisions of this chapter."

Interpreting Section 48 (b) of CA 141, the Court stated that the Public Land Act requires that the applicant must prove the following:

> "(a) that the land is alienable public land and (b) that his open, continuous, exclusive and notorious possession and occupation of the same must either be since time immemorial or for the period prescribed in the Public Land Act. When the conditions set by law are complied with, the possessor of the land, by operation of law, acquires a right to a grant, a government grant, without the necessity of a certificate of title being issued."[31]

Petitioners do not claim to have documentary title over the Lot. Their right to register the Lot is predicated mainly upon continuous possession since 1902.

Clearly, petitioners were unable to acquire a valid and enforceable right or title because of the failure to complete the

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[30] *Republic vs. Court of Appeals*, 349 SCRA 451 (2001).

[31] *Ibid.*

Supreme Court E-Library

required period of possession, whether under the original Section 48 (b) of CA 141 prior to the issuance of EO 33, or under the amendment by RA 1942 and PD 1073.

There is no proof that prior to the issuance of EO 33 in 1904, petitioners had acquired ownership or title to the Lot either by deed or by any other mode of acquisition from the State, as for instance by acquisitive prescription. As of 1904, Sesinando Leyva had only been in possession for two years. Verily, petitioners have not possessed the parcel of land in the manner and for the number of years required by law for the confirmation of imperfect title.

Second, assuming that the Lot was alienable and disposable land prior to the issuance of EO 33 in 1904, EO 33 reserved the Lot as a watershed. Since then, the Lot became non-disposable and inalienable public land. At the time petitioners filed their application on April 25, 1985, the Lot has been reserved as a watershed under EO 33 for 81 years prior to the filing of petitioners' application.

The period of occupancy after the issuance of EO 33 in 1904 could no longer be counted because as a watershed reservation, the Lot was no longer susceptible of occupancy, disposition, conveyance or alienation. Section 48 (b) of CA 141, as amended, applies exclusively to alienable and disposable public agricultural land. Forest lands, including watershed reservations, are excluded. It is axiomatic that the possession of forest lands or other inalienable public lands cannot ripen into private ownership. In *Municipality of Santiago, Isabela vs. Court of Appeals,*[32] the Court declared that inalienable public lands —

"x x x cannot be acquired by acquisitive prescription. Prescription, both acquisitive and extinctive, does not run against the State.

'The possession of public land, however long the period may have extended, never confers title thereto upon the possessor because the statute of limitations with regard to public

[32] 120 SCRA 734 (1983).

Supreme Court E-Library

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 to constitute a grant from the State.'"*

Third, Gordula vs. Court of Appeals[33] is in point. In *Gordula,* petitioners did not contest the nature of the land. They admitted that the land lies in the heart of the Caliraya-Lumot River Forest Reserve, which Proclamation No. 573 classified as inalienable. The petitioners in *Gordula* contended, however, that Proclamation No. 573 itself recognizes private rights of landowners prior to the reservation. They claim to have established their private rights to the subject land. The Court ruled:

"We do not agree. No public land can be acquired by private persons without any grant, express or implied from the government; it is indispensable that there be a showing of a title from the state. The facts show that petitioner Gordula did not acquire title to the subject land prior to its reservation under Proclamation No. 573. He filed his application for free patent only in January, 1973, more than three (3) years after the issuance of Proclamation No. 573 in June, 1969. At that time, the land, as part of the Caliraya-Lumot River Forest Reserve, was no longer open to private ownership as it has been classified as public forest reserve for the public good.

Nonetheless, petitioners insist that the term, "private rights," in Proclamation No. 573, should not be interpreted as requiring a title. They opine that it suffices if the claimant "had occupied and cultivated the property for so many number of years, declared the land for taxation purposes, [paid] the corresponding real estate taxes [which are] accepted by the government, and [his] occupancy and possession [is] continuous, open and unmolested and recognized by the government. Prescinding from this premise, petitioners urge that the 25-year possession by petitioner Gordula from 1944 to 1969, albeit five (5) years short of the 30-year possession required under Commonwealth Act (C.A.) No. 141, as amended, is enough to vest upon petitioner Gordula the "private rights" recognized and respected in Proclamation No. 573.

The case law does not support this submission. In *Director of Lands vs. Reyes*, we held that a settler claiming the protection of

[33] 284 SCRA 617 (1998).

Supreme Court E-Library

"private rights" to exclude his land from a military or forest reservation must show "x x x by clear and convincing evidence that the property in question was acquired by [any] x x x means for the acquisition of public lands."

In fine, one claiming "private rights" must prove that he has complied with C.A. No. 141, as amended, otherwise known as the Public Land Act, which prescribes the substantive as well as the procedural requirements for acquisition of public lands. This law requires at least thirty (30) years of open, continuous, exclusive and notorious possession and possession of agricultural lands of the public domain, under a bona fide claim of acquisition, immediately preceding the filing of the application for free patent. The rationale for the 30-year period lies in the presumption that the land applied for pertains to the State, and that the occupants and/or possessors claim an interest therein only by virtue of their imperfect title or continuous, open and notorious possession."

Next, petitioners argue that assuming no private rights had attached to the Lot prior to EO 33 in 1904, the President of the Philippines had subsequently segregated the Lot from the public domain and made the Lot alienable and disposable when he issued Proclamation No. 1283 on June 21, 1974. Petitioners contend that Proclamation No. 1283 expressly excluded an area of 3,780 hectares from the MWR and made the area part of the Boso-boso Townsite Reservation. Petitioners assert that Lot Psu-162620 is a small part of this excluded town site area. Petitioners further contend that town sites are considered alienable and disposable under CA 141.

Proclamation No. 1283 reads thus:

"PROCLAMATION NO. 1283

EXCLUDING FROM THE OPERATION EXECUTIVE ORDER NO. 33, DATED JULY 26, 1904, AS AMENDED BY EXECUTIVE ORDERS NOS. 14 AND 16, BOTH SERIES OF 1915, WHICH ESTABLISHED THE WATERSHED RESERVATION SITUATED IN THE MUNICIPALITY OF ANTIPOLO, PROVINCE OF RIZAL, ISLAND OF LUZON, A CERTAIN PORTION OF THE LAND EMBRACED THEREIN AND RESERVING THE SAME, TOGETHER WITH THE ADJACENT PARCEL OF LAND OF THE PUBLIC DOMAIN, FOR TOWNSITE PURPOSES UNDER THE PROVISIONS OF CHAPTER XI OF THE PUBLIC LAND ACT.

Supreme Court E-Library

Upon recommendation of the Secretary of Agriculture and Natural Resources and pursuant to the authority vested in me by law, I, FERDINAND E. MARCOS, President of the Philippines, do hereby, exclude from the operation of Executive Order No. 33 dated July 26, 1904, as amended by Executive Orders Nos. 14 and 16, both series of 1915, which established the Watershed Reservation situated in the Municipality of Antipolo, Province of Rizal, Island of Luzon, certain portions of land embraced therein and reserve the same, together with the adjacent parcel of land of the public domain, for townsite purposes under the provisions of Chapter XI of the Public Land Act, subject to private rights, if any there be, and to future subdivision survey in accordance with the development plan to be prepared and approved by the Department of Local Government and Community Development, which parcels are more particularly described as follows:

Lot A (Part of Watershed Reservation)

A parcel of land (Lot A of Proposed Poor Man's Baguio, being a portion of the Marikina Watershed, IN-2), situated in the municipality of Antipolo, Province of Rizal, Island of Luzon, beginning at a point marked "1" on sketch plan, being N-74'-30 E, 8480.00 meters more or less, from BLLM 1, Antipolo, Rizal; thence N 33' 28 W 1575.00 m. to point 2; thence N 40' 26 W 1538.50 m. to point 3; thence N 30' 50W 503.17 m. to point 4; thence N 75' 02 W 704.33 m. to point 5; thence N 14' 18 W 1399.39 m. to point 6; thence N 43' 25 W 477.04 m. to point 7; thence N 71' 38 W 458.36 m. to point 8; thence N 31' 05 W 1025.00 m. to point 9; thence Due North 490.38 m. to point 10; thence Due North 1075.00 m. to point 11; thence Due East 1000.00 m. to point 12; thence Due East 1000.00 m. to point 13; thence Due East 1000.00 m. to point 14; thence Due East 1000.00 m. to point 15; thence Due East 1000.00 m. to point 16; thence Due East 1000.00 m. to point 17; thence Due East 1075.00 m. to point 18; thence Due South 1000.00 m. to point 19; thence Due South 1000.00 m. to point 20; thence Due South 1000.00 m. to point 21; thence Due South 1000.00 m. to point 22; thence Due South 1000.00 m. to point 23; thence Due South 1000.00 m. to point 24; thence Due South 1075.00 m. to point 25; thence Due West 1000.00 m. to point 26; thence Due West 1000.00 m. to point 27; thence Due West 636.56 m. to point of beginning. *Containing an area of three thousand seven hundred eighty (3,780) Hectares, more or less.*

Supreme Court E-Library

Lot B (Alienable and Disposable Land)

A parcel of land (Lot B of Proposed Poor Man's Baguio, being a portion of alienable and disposable portion of public domain) situated in the municipality of Antipolo, Province of Rizal, Island of Luzon. Beginning at a point marked "1" on sketch plan being N 74' 30 E., 8430.00 m., more or less, from BLLM 1. Antipolo, Rizal; thence Due West 363.44 m. to point 2; thence Due West 1000.00 m. to point 3; thence Due West 100.00 m. to point 4; thence Due West 1000.00 m. to point 5; thence Due West 1075.00 m. to point 6; thence Due North 1000.00 m. to point 7; thence Due North 1000.00 m. to point 8; thence Due North 1000.00 m. to point 9; thence Due North 1000.00 m. to point 10; thence Due North 1000.00 m. to point 11; thence Due North 509.62 m. to point 12; thence S. 31' 05 E 1025.00 m. to point 13; thence S 71' 38 E 458.36 m. to point 14; thence S 43' 25 E 477.04 m. to point 15; thence S 14' 18 E 1399.39 m. to point 16; thence S 75' 02 E 704.33 m. to point 17; thence S. 30' 50 E 503.17 m. to point 18; thence S 40' 26 E 1538.50 m. to point 19; thence s 33' 23 e 1575.00 m to point of beginning. Containing an area of one thousand two hundred twenty five (1,225) Hectares, more or less.

Note: All data are approximate and subject to change based on future survey.

IN WITNESS WHEREOF, I Have hereunto set my hand and caused the seal of the Republic of the Philippines to be affixed.

Done in the City of Manila, this 21st day of June, in the year of Our Lord, nineteen hundred and seventy-four.

(Sgd.) FERDINAND E. MARCOS
President
Republic of the Philippines"

Proclamation No. 1283 has since been amended by Proclamation No. 1637 issued on April 18, 1977. Proclamation No. 1637 revised the area and location of the proposed townsite. According to then DENR Secretary Victor O. Ramos, Proclamation No. 1637 excluded Lot A (of which the Lot claimed by petitioners is part) for townsite purposes and reverted it to MWR coverage.[34] Proclamation No. 1637 reads:

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[34] Memorandum of then DENR Secretary Victor O. Ramos to the President of the Philippines dated March 29, 1996, *Rollo*, pp. 439-440.

Supreme Court E-Library

"PROCLAMATION NO. 1637

AMENDING PROCLAMATION NO. 1283, DATED JUNE 21, 1974, WHICH ESTABLISHED THE TOWNSITE RESERVATION IN THE MUNICIPALITIES OF ANTIPOLO AND SAN MATEO, PROVINCE OF RIZAL, ISLAND OF LUZON BY INCREASING THE AREA AND REVISING THE TECHNICAL DESCRIPTION OF THE LAND EMBRACED THEREIN, AND REVOKING PROCLAMATION NO. 765 DATED OCTOBER 26, 1970 THAT RESERVED PORTIONS OF THE AREA AS RESETTLEMENT SITE.

Upon recommendation of the Secretary of Natural Resources and pursuant to the authority vested in me by law, I, FERDINAND E. MARCOS, President of the Philippines, do hereby amend Proclamation No. 1283, dated June 21, 1974 which established the townsite reservation in the municipalities of Antipolo and San Mateo, Province of Rizal, Island of Luzon, by increasing the area and revising the technical descriptions of the land embraced therein, subject to private rights, if any there be, which parcel of land is more particularly described as follows:

(Proposed Lungsod Silangan Townsite)

A PARCEL OF LAND (Proposed Lungsod Silangan Townsite Reservation amending the area under SWO-41762 establishing the Bagong Silangan Townsite Reservation) situated in the Municipalities of Antipolo, San Mateo, and Montalban, Province of Rizal, Island of Luzon. Bounded on the E., along lines 1-2-3-4-5-6-7-8-9-10-11-12-13-14-15-16-17-18-19-20-21-22-23 by the Marikina Watershed Reservation (IN-12); on the S., along lines 23-24-25 by the portion of Antipolo; on the W., along lines 25-26-27-28-29-30 by the Municipalities of Montalban, San Mateo; and on the N., along lines 30-31-32-33-34-35-36-37-38-39-40-41-42-43-44 by the Angat Watershed Reservation. Beginning at a point marked "1" on the Topographic Maps with the Scale of 1:50,000 which is the identical corner 38 IN-12, Marikina Watershed Reservation.

xxx xxx xxx

NOTE: All data are approximate and subject to change based on future survey.

Proclamation No. 765 dated October 26, 1970, which covered areas entirely within the herein Lungsod Silangan Townsite, is hereby revoked accordingly.

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IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the Republic of the Philippines to be affixed.

Done in the City of Manila, this 18th day of April, in the year of Our Lord, nineteen hundred and seventy-seven.

(Sgd.) FERDINAND E. MARCOS
President of the Philippines"

A positive act (*e.g.*, an official proclamation) of the Executive Department is needed to declassify land which had been earlier classified as a watershed reservation and to convert it into alienable or disposable land for agricultural or other purposes.[35] Unless and until the land classified as such is released in an official proclamation so that it may form part of the disposable agricultural lands of the public domain, the rules on confirmation of imperfect title do not apply.[36]

The principal document presented by petitioners to prove the private character of the Lot is the Certification of the Bureau of Forest Development dated March 18, 1986 that the Lot is excluded from the Marikina Watershed (Exh. R). The Certification reads:

"Republic of the Philippines
Ministry of Natural Resources
BUREAU OF FOREST DEVELOPMENT
REGION IV
EL – AL Building
100 Quezon Avenue, Quezon City

MAR 18 1986

VERIFICATION ON THE STATUS OF LAND:

TO WHOM IT MAY CONCERN:

This is to certify that the tract of land situated in Barangay San Isidro, Antipolo, Rizal, containing an area of 1,269,766 square meters, as shown and described on the reverse side hereof, surveyed by Geodetic Engineer Telesforo Cabading for Angelina C. Reynoso, is

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[35] *Republic vs. Court of Appeals* , 201 SCRA 1 (1991).

[36] *Heirs of Amunategui vs. Director of Forestry*, 126 SCRA 69 (1983).

Supreme Court E-Library

verified to be within the area excluded from the operation of Marikina Watershed Reservation established under Executive Order No. 33 dated July 26, 1904 per Proclamation No. 1283, promulgated on June 21, 1974, which established the Boso-Boso Townsite Reservation, amended by proclamation No. 1637 dated April 18, 1977 known as Lungsod Silangan Townsite Reservation.

Subject area also falls within the bounds of Bagong Lipunan Site under P.D. 1396 dated June 2, 1978 under the sole jurisdiction of the Ministry of Human Settlements, to the exclusion of any other government agencies.

This verification is made upon the request of the Chief, Legal Staff, R-4 as contained in his internal memorandum dated March 18, 1986.

Verified by:
(Sgd) ROMEO C. PASCUBILLO
Cartographer II

Checked by:

(Sgd) ARMENDO R. CRUZ
Supervising Cartographer

ATTESTED:

(Sgd) LUIS G. DACANAY
Chief, Forest Engineering &
Infrastructure Section"

The above certification on which petitioners rely that a reclassification had occurred, and that the Lot is covered by the reclassification, is contradicted by several documents submitted by the Solicitor General before the land registration court.

The Solicitor General submitted to the land registration court a Report[37] dated March 2, 1988, signed by Administrator Teodoro G. Bonifacio of the then National Land Titles and Deeds Registration Administration, confirming that the Lot described in Psu-162620 forms part of the MWR. He thus recommended the dismissal of the application for registration. The Report states:

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[37] *Rollo*, p. 197.

Supreme Court E-Library

"COMES NOW the Administrator of the National Land Titles and Deeds Registration Commission and to this Honorable Court respectfully reports that:

1. A parcel of land described in plan Psu-162620 situated in the Barrio of San Isidro, Municipality of Antipolo, Province of Rizal, is applied for registration of title in the case at bar.

2. After plotting plan Psu-162620 in our Municipal Index Map it was found that a portion of the SW, described as Lot 3 in plan Psu-173790 was previously the subject of registration in Land Reg. Case No. N-9578, LRC Record No. N-55948 and was issued Decree No. N-191242 on April 4, 1986 in the name of Apolonia Garcia, et al., pursuant to the Decision and Order for Issuance of the Decree dated February 8, 1984 and March 6, 1984, respectively, *and the remaining portion of plan Psu-162620 is inside IN-12, Marikina Watershed.*_x x x

"WHEREFORE, this matter is respectfully submitted to the Honorable Court for its information and guidance with the recommendation that the application in the instant proceedings be dismissed, after due hearing (Italics supplied)."

Likewise, in a letter[38] dated November 11, 1991, the Deputy Land Inspector, DENR, Region IV, Community Environment and Natural Resources Office, Antipolo, Rizal, similarly confirmed that the Lot is within the MWR. The letter states:

"That the land sought to be registered is situated at San Isidro (Boso-boso), Antipolo, Rizal, with an area of ONE HUNDRED TWENTY SIX POINT ZERO SEVEN SIXTY SIX (126.0766) hectares, more particularly described in Psu-162620, *which is within the Marikina Watershed Reservation* under Executive Order No. 33 dated July 2, 1904 which established the Marikina Watershed Reservation (IN-12) x x x.

"x x x

"That the land sought to be registered *is not a private property* of the Registration Applicant *but part of the public domain, not subjected to disposition* and is covered by Proclamation No. 585 for Integrated Social Forestry Program *hence, L.R.C. No. 269-A is*

[38] *Ibid.*, p. 198.

Supreme Court E-Library

recommended for rejection (Italics supplied)." Copy of the letter is attached herewith as Annex "3" and made an integral part hereof."

Lastly, the Solicitor General pointed out that attached to petitioner Edna T. Collado's [as original applicant] application is the technical description[39] of the Lot signed by Robert C. Pangyarihan, Officer-in-Charge of the Survey Division of the Bureau of Lands. This technical description categorically stated that the Lot "*is inside IN-12 Mariquina Watershed.*"

The evidence of record thus appears unsatisfactory and insufficient to show clearly and positively that the Lot had been officially released from the Marikina Watershed Reservation to form part of the alienable and disposable lands of the public domain. We hold that once a parcel of land is included within a watershed reservation duly established by Executive Proclamation, as in the instant case, a presumption arises that the land continues to be part of such Reservation until clear and convincing evidence of subsequent declassification is shown.

It is obvious, based on the facts on record that neither petitioners nor their predecessors-in-interest have been in open, continuous, exclusive and notorious possession and occupation of the Lot for at least thirty years immediately preceding the filing of the application for confirmation of title. Even if they submitted sufficient proof that the Lot had been excluded from the MWR upon the issuance of Proclamation No. 1283 on June 21, 1974, petitioners' possession as of the filing of their application on April 25, 1985 would have been only eleven years counted from the issuance of the proclamation in 1974. The result will not change even if we tack in the two years Sesinando Leyva allegedly possessed the Lot from 1902 until the issuance of EO 33 in 1904. Petitioners' case falters even more because of the issuance of Proclamation No. 1637 on April 18, 1977. According to then DENR Secretary Victor Ramos, Proclamation No. 1637 reverted Lot A or the townsite reservation, where petitioners' Lot is supposedly situated, back to the MWR.

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[39] CA *Rollo*, p. 117.

Supreme Court E-Library

Finally, it is of no moment if the areas of the MWR are now fairly populated and vibrant communities as claimed by petitioners. The following ruling may be applied to this case by analogy:

"A forested area classified as forest land of the public domain does not lose such classification simply because loggers or settlers may have stripped it of its forest cover. Parcels of land classified as forest land may actually be covered with grass or planted to crops by kaingin cultivators or other farmers. "Forest lands" do not have to be on mountains or in out of the way places. Swampy areas covered by mangrove trees, nipa palms and other trees growing in brackish or sea water may also be classified as forest land. The classification is descriptive of its legal nature or status and does not have to be descriptive of what the land actually looks like. Unless and until the land classified as "forest" is released in an official proclamation to that effect so that it may form part of the disposable agricultural lands of the public domain, the rules on confirmation of imperfect title do not apply."[40]

Second Issue: Whether the petition for annulment of judgment should have been given due course.

Petitioners fault the Court of Appeals for giving due course to the Republic's petition for annulment of judgment which was filed long after the decision of the land registration court had allegedly become final and executory. The land registration court rendered its decision on January 30, 1991 and the Solicitor General received a copy of the decision on April 23, 1991.[41] Petitioners point out that the Solicitor General filed with the Court of Appeals the petition for annulment of judgment invoking Section 9(2) of BP Blg. 129[42] only on August 6, 1991, after the decision had supposedly become final and executory.. Moreover, petitioners further point out that the Solicitor General filed the

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[40] *Supra*, see note 36.

[41] Petitioners claim that the Solicitor General received a copy of the decision as early as February 18, 1991.

[42] Sec. 9. *Jurisdiction.* The Court of Appeals shall exercise:

x x x.

(2) Exclusive original jurisdiction over actions for annulment of judgments of Regional Trial Courts; x x x.

Supreme Court E-Library

petition for annulment after the land registration court issued its order of May 6, 1991 directing the Land Registration Authority to issue the corresponding decree of registration.

The Solicitor General sought the annulment of the decision on the ground that the land registration court had no jurisdiction over the case, specifically, over the Lot which was not alienable and disposable. The Solicitor General maintained that the decision was null and void.

Petitioners argue that the remedy of annulment of judgment is no longer available because it is barred by the principle of *res judicata*. They insist that the land registration court had jurisdiction over the case which involves private land. They also argue that the Republic is estopped from questioning the land registration court's jurisdiction considering that the Republic participated in the proceedings before the court.

It is now established that the Lot, being a watershed reservation, is not alienable and disposable public land. The evidence of the petitioners do not clearly and convincingly show that the Lot, described as Lot Psu-162620, ceased to be a portion of the area classified as a watershed reservation of the public domain. Any title to the Lot is void *ab initio*. In view of this, the alleged procedural infirmities attending the filing of the petition for annulment of judgment are immaterial since the land registration court never acquired jurisdiction over the Lot. All proceedings of the land registration court involving the Lot are therefore null and void.

We apply our ruling in *Martinez vs. Court of Appeals,*[43] as follows:

"The Land Registration Court has no jurisdiction over non-registrable properties, such as public navigable rivers which are parts of the public domain, and cannot validly adjudge the registration of title in favor of private applicant. Hence, the judgment of the Court of First Instance of Pampanga as regards the Lot No. 2 of certificate of Title No. 15856 in the name of petitioners may be attacked at

[43] 56 SCRA 647 (1974).

Supreme Court E-Library

any time, either directly or collaterally, by the State which is not bound by any prescriptive period provided for by the Statute of Limitations."

We also hold that environmental consequences in this case override concerns over technicalities and rules of procedure.

In *Republic vs. De los Angeles,*[44] which involved the registration of public lands, specifically parts of the sea, the Court rejected the principle of *res judicata* and estoppel to silence the Republic's claim over public lands. The Court said:

"It should be noted further that the doctrine of estoppel or laches does not apply when the Government sues as a sovereign or asserts governmental rights, nor does estoppel or laches validate an act that contravenes law or public policy, and that *res judicata* is to be disregarded if its application would involve the sacrifice of justice to technicality."

The Court further held that "the right of reversion or reconveyance to the State of the public properties registered and which are not capable of private appropriation or private acquisition does not prescribe."

Third issue: Whether the petition-in-intervention is proper.

The Bockasanjo ISF Awardees Association, Inc., an association of holders of certificates of stewardship issued by the DENR under its Integrated Social Forestry Program, filed with the Court of Appeals on November 29, 1991 a Motion for Leave to Intervene and to Admit Petition-In-Intervention.

According to intervenors, they are the actual occupants of the Lot which petitioners sought to register. Aware that the parcels of land which their forefathers had occupied, developed and tilled belong to the Government, they filed a petition with then President Corazon C. Aquino and then DENR Secretary Fulgencio S. Factoran, to award the parcels of land to them.

Secretary Factoran directed the Director of Forest Management Bureau to take steps for the segregation of the aforementioned

[44] 159 SCRA 264 (1988).

Supreme Court E-Library

area from the MWR for development under the DENR's *ISF Programs.* Subsequently, then President Aquino issued Proclamation No. 585 dated June 5, 1990 excluding *1,430 hectares* from the operation of EO 33 and placed the same under the DENR's Integrated Social Forestry Program. Proclamation No. 585 reads:

PROCLAMATION NO. 585

AMENDING FURTHER EXECUTIVE ORDER NO. 33, DATED JULY 26, 1904 WHICH ESTABLISHED THE MARIKINA WATERSHED RESERVATION (IN-12) AS AMENDED, BY EXCLUDING CERTAIN PORTIONS OF LANDS EMBRACED THEREIN SITUATED AT SITIOS BOSOBOSO, KILINGAN, VETERANS, BARANGAYS SAN JOSEPH AND PAENAAN, MUNICIPALITY OF ANTIPOLO, PROVINCE OF RIZAL, ISLAND OF LUZON.

Upon recommendation of the Secretary of Environment and Natural Resources and pursuant to the authority vested in me by law, I, CORAZON C. AQUINO, President of the Philippines, do hereby exclude from the operation of Executive Order No. 33, which established the Marikina Watershed Reservation, certain parcel of land of the public domain embraced therein situated in *Sitios* Bosoboso, Veterans, Kilingan and Barangay San Joseph and Paenaan, Municipality of Antipolo, Province of Rizal and place the same under the Integrated Social Forestry Program of the Department of Environment and Natural Resources in accordance with existing laws, rules and regulations, which parcel of land is more particularly described as follows:

"A PARCEL OF LAND, within the Marikina Watershed Reservation situated in the Municipality of Antipolo, Province of Rizal, beginning at point "1" on plan, being identical to corner 1 of Marikina Watershed Reservation; thence

xxx xxx xxx

Containing an area of One Thousand Four Hundred Thirty (1,430) Hectares.

All other lands covered and embraced under Executive Order No. 33 as amended, not otherwise affected by this Proclamation, shall remain in force and effect.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the Republic of the Philippines to be affixed.

Supreme Court E-Library

Done in the City of Manila, this 5th day of June, in the year of Our Lord, nineteen hundred and ninety.

(Sgd.) CORAZON C. AQUINO
President of the Philippines"

Pursuant to Proclamation No. 585, the chief of the ISF Unit, acting through the Regional Executive Director of the DENR (Region IV), issued sometime between the years 1989 to 1991 certificates of stewardship contracts to *bona fide* residents of the *barangays* mentioned in the proclamation as qualified recipients of the ISF programs. Among those awarded were intervenors. The certificates of stewardship are actually contracts of lease granted by the DENR to actual occupants of parcels of land under its ISF programs for a period of twenty-five (25) years, renewable for another twenty-five (25) years.[45] The DENR awarded contracts of stewardship to ISF participants in Barangay San Isidro (or Boso-boso) and the other *barangays* based on the Inventory of Forest Occupants the DENR had conducted.[46]

According to intervenors, they learned only on July 31, 1991 about the pendency of LRC Case No. 269-A before the Regional Trial Court of Antipolo, Rizal. On August 8, 1991, they filed a Motion for Leave to Intervene and to Admit Opposition in Intervention before the land registration court to assert their rights and to protect their interests.

However, shortly after the filing of their opposition, intervenors learned that the land registration court had already rendered a decision on January 30, 1991 confirming petitioners' imperfect title. Intervenors' counsel received a copy of the decision on August 9, 1991.

On August 14, 1991, intervenors filed a motion to vacate judgment and for new trial before the land registration court. According to intervenors, the land registration court could not act on its motions due to the restraining order issued by the Court of Appeals on August 8, 1991, enjoining the land registration

[45] CA *Rollo*, p. 119.

[46] *Ibid.*, p. 88.

Supreme Court E-Library

court from executing its decision, as prayed for by the Solicitor General in its petition for annulment of judgment. The intervenors were thus constrained to file a petition for intervention before the Court of Appeals which allowed the same.

Rule 19 of the 1997 Rules of Civil Procedure[47] provides in pertinent parts:

Section 1. *Who may intervene.* – A person who has a legal interest in the matter in litigation, or in the success of either of the parties, or an interest against both, or is so situated as to be adversely affected by a distribution or other disposition of property in the custody of the court, or an officer thereof may, with leave of court, be allowed to intervene in the action. The Court shall consider whether or not the intervention will unduly delay or prejudice the adjudication of the rights of the original parties, and whether or not the intertvenor's rights may be fully protected in a separate proceeding.

Sec. 2. *Time to intervene.* – The motion to intervene may be filed at any time before rendition of judgment by the trial court. A copy of the pleading-in-intervention shall be attached to the motion and served on the original parties.

As a rule, intervention is allowed "before rendition of judgment by the trial court," as Section 2, Rule 19 expressly provides. However, the Court has recognized exceptions to this rule in the interest of substantial justice. *Mago vs. Court of Appeals*[48] reiterated the ruling in *Director of Lands vs. Court of Appeals*, where the Court allowed the motions for intervention even when the case had already reached this Court. Thus, in *Mago* the Court held that:

"It is quite clear and patent that the motions for intervention filed by the movants at this stage of the proceedings where trial had already been concluded x x x and on appeal x x x the same affirmed by the Court of Appeals and the instant petition for *certiorari* to review said judgment is already submitted for decision by the Supreme Court, are obviously and, manifestly late, beyond the period prescribed under x x x Section 2, Rule 12 of the rules of Court.

[47] Rule 12 under the old Rules of Court.

[48] 303 SCRA 600 (1999).

Supreme Court E-Library

But Rule 12 of the Rules of Court, like all other Rules therein promulgated, is simply a rule of procedure, the whole purpose and object of which is to make the powers of the Court fully and completely available for justice. The purpose of procedure is not to thwart justice. Its proper aim is to facilitate the application of justice to the rival claims of contending parties. It was created not to hinder and delay but to facilitate and promote the administration of justice. It does not constitute the thing itself which courts are always striving to secure to litigants. It is designed as the means best adopted to obtain that thing. In other words, it is a means to an end."

To be sure, the Court of Appeals did not pass upon the actual status of intervenors in relation to the Lot as this was not in issue. Neither was the validity of the certificates of stewardship contracts which intervenors allegedly possessed inquired into considering this too was not in issue. In fact, intervenors did not specifically seek any relief apart from a declaration that the Lot in question remains inalienable land of the public domain. We cannot fault the Court of Appeals for allowing the intervention, if only to provide the rival groups a peaceful venue for ventilating their sides. This case has already claimed at least five lives due to the raging dispute between the rival camps of the petitioners on one side and those of the DENR awardees on the other. It also spawned a number of criminal cases between the two rival groups including malicious mischief, robbery and arson. A strict application of the rules would blur this bigger, far more important picture.

WHEREFORE, the Petition is *DENIED*. The Decision of the Court of Appeals dated June 22, 1992 declaring null and void the Decision dated January 30, 1991 of Branch 71, Regional Trial Court of Antipolo, Rizal, in LRC No. 269-A, LRC Rec. No. N-59179 is *AFFIRMED*.

SO ORDERED.

Vitug, (Acting Chairman) and *Ynares-Santiago, JJ.*, concur.

Davide, Jr., C.J., (Chairman), on official leave.