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SECOND DIVISION

[G.R. No. 158449. October 22, 2004]

LUNINGNING P. DEL ROSARIO-IGTIBEN, JOSE REYES IGTIBEN, JOSE DEL ROSARIO IGTIBEN, JR. and THERESA TOPACIO MEDINA, *petitioners, vs.* **REPUBLIC OF THE PHILIPPINES and THE COURT OF APPEALS,** *respondents.*

SYNOPSIS

On 08 January 1998, petitioners filed with the trial court an application for registration of a parcel of land under Presidential Decree (PD) No. 1529, otherwise known as the Property Registration Decree. Petitioners alleged that they acquired the subject property by purchase, and that they, by themselves and through their predecessors-in-interest, had been in actual, continuous, uninterrupted, open, public, and adverse possession of the subject property in the concept of owner for more than 30 years. Based on the testimonial and documentary evidence presented, the trial court traced the history of possession of the subject property back to1958, when the subject property was first declared for tax purposes. On 15 August 2000, the trial court rendered a decision approving petitioners' application for registration. The respondent Republic of the Philippines assailed the decision of the trial court alleging that the petitioners' failure to prove open, continuous, exclusive and notorious possession and occupation of the subject property since 12 June 1945, or earlier, as required by Section 48(b) of Commonwealth Act No. 141, otherwise known as the Public Land Act, as amended by PD No. 1073. The Court of Appeals ruled for the respondent Republic. Petitioners moved for reconsideration, but it was denied by the appellate court.

Hence, this petition. Among others, petitioners maintained that RA No. 6940, enacted on 28 March 1990, has repealed by implication Section 48(b) of the Public Land Act, as amended by PD No. 1073, and has effectively reduced the required period of possession and occupation of the land to thirty years prior to the filing of the application for confirmation of an imperfect or incomplete title.

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In denying the petition, the Supreme Court ruled that the prescriptive period of thirty (30) years occupation and cultivation of the land possession as provided under Section 44 of the Public Land Act, as amended by RA No. 6940, applies only to applications for free patents and not to judicial confirmation of an imperfect or incomplete title. According to the Court, the registration filed by petitioners was an application for confirmation of an imperfect or incomplete title over the subject property; hence, governed by Section 48(b) of the Public Land Act. Section 48(b) of the Public Land Act, as amended presently requires, for judicial confirmation of an imperfect or incomplete title, the possession and occupation of the piece of land by the applicants, by themselves or through their predecessors-in-interest, since 12 June 1945 or earlier, which petitioners failed to comply. The Court found no conflict or inconsistency between Section 48(b) of the Public Land Act and the provisions of RA No. 6940 that would give rise to a repeal of the former by the latter. Except for extending the period for filing of applications for judicial confirmation of imperfect or incomplete titles, RA No. 6940 did not touch on the other provisions under Chapter VIII of the Public Land Act, such as Section 48(b) and the prescriptive period provided therein. Hence, the Court affirmed the assailed decision of the Court of Appeals and dismissed petitioners' application for land title for failure to comply with the required period of possession and occupation.

SYLLABUS

1. CIVIL LAW; LAND TITLES AND DEEDS; PUBLIC LAND ACTS; CASE AT BAR IS A JUDICIAL APPLICATION FOR CONFIRMATION OF AN IMPERFECT OR INCOMPLETE TITLE OVER A PROPERTY COVERED BY SECTION 48(B) OF THE PUBLIC LAND ACT. — In the original application filed by petitioners before the trial court, they claim that they are entitled to confirmation and registration of their title to the Subject Property in accordance with Section 14 of the Property Registration Decree, although they had not identified under which specific paragraph of the said Section. By the allegation of petitioners in their application of actual, continuous, uninterrupted, open, public, and adverse possession of the Subject Property in the concept of owner, by themselves and through their predecessors-in-interest, for a given period of

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time, it can be logically presumed that their claim to the right to register the Subject Property was based on Section 14, paragraph (1) of the Property Registration Decree.However, subsequent pleadings filed by both petitioners and respondent Republic before the Court of Appeals and this Court, discuss mainly the Public Land Act, thus, establishing that the application for registration filed by petitioners before the trial court is essentially an application for judicial confirmation of their imperfect or incomplete title over the Subject Property, governed by Sections 47 to 57 of the Public Land Act.

2. ID.; ID.; PROCEEDINGS UNDER PROPERTY REGISTRATION DECREE DISTINGUISHED FROM PROCEEDINGS UNDER THE PUBLIC LAND ACT. — Proceedings under the Property Registration Decree and the Public Land Act are the same in that both are against the whole world, both take the nature of judicial proceedings, and the decree of registration issued for both is conclusive and final. They differ mainly in that under the Property Registration Decree, there already exists a title which the court only needs to confirm. On the other hand, under the Public Land Act, there exists a presumption that the land applied for still pertains to the State, and that the occupants and possessors can only claim an interest in the land by virtue of their imperfect title or continuous, open, and notorious possession thereof. Nonetheless, in the end, the two laws arrive at the same goal, namely, a Torrens title, which aims at complete extinguishment, once and for all, of rights adverse to the record title.

3. ID.; ID.; PUBLIC LAND ACTS; JUDICIAL CONFIRMATION OF AN IMPERFECT OR INCOMPLETE TITLE; REQUISITES. — In general, an applicant for judicial confirmation of an imperfect or incomplete title under the Public Land Act must be able to prove that: (1) the land is alienable public land; and (2) 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.

4. ID.; ID.; ID.; ID.; REQUIRED PERIOD OF POSSESSION AND OCCUPATION OF THE LAND NOT COMPLIED WITH IN CASE AT BAR. — Section 48(b) of the Public Land Act, as amended by PD No. 1073, presently requires, for judicial confirmation of an imperfect or incomplete title, the possession and occupation of the piece of land by the applicants, by

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themselves or through their predecessors-in-interest, since 12 June 1945 or earlier. This provision is in total conformity with Section 14(1) of the Property Registration Decree heretofore cited. In the case at bar, the Court of Appeals correctly ruled that petitioners have failed to comply with the period of possession and occupation of the Subject Property, as required by both the Property Registration Decree and the Public Land Act.

5. ID.; ID.; ID.; 48(B) THEREOF; NOT REPEALED BY IMPLICATION BY REPUBLIC ACT NO. 6940; STANDARD FOR REPEALS BY IMPLICATION. — Petitioners maintain, however, that RA No. 6940, enacted on 28 March 1990, has repealed by implication Section 48(b) of the Public Land Act, as amended by PD No. 1073, and has effectively reduced the required period of possession and occupation of the land to thirty years prior to the filing of the application for confirmation of an imperfect or incomplete title. Petitioners' arguments are without merit. This Court has already laid down the standard for repeals by implication, as follows — It has been the constant holding of this Court that repeals by implication are not favored and will not be so declared unless it be manifest that the legislature so intended. Such a doctrine goes as far back as *United States v. Reyes, a 1908* decision. It is necessary then before such a repeal is deemed to exist, that it be shown that the statutes or statutory provisions deal with the same subject matter and that the latter be inconsistent with the former. There must be a showing of repugnancy clear and convincing in character. The language used in the latter statute must be such as to render it irreconcilable with what had been formerly enacted. An inconsistency that falls short of that standard does not suffice. What is needed is a manifest indication of the legislative purpose to repeal. In herein case, Section 48(b) of the Public Land Act and the provisions of RA No. 6940 do not even address the same subject matter.

6. ID.; ID.; ID.; MODE OF DISPOSITION OF AGRICULTURAL LAND. — In the Public Land Act, the ways by which the State may dispose of agricultural lands is enumerated, to wit — SEC. 11. Public lands suitable for agricultural purposes can be disposed of only as follows —1. For homestead settlement; 2. By sale; 3. By lease; and 4. By confirmation of imperfect or incomplete titles: (a) By judicial legalization; (b) By administrative legalization (free patent). Each mode of disposition is appropriately covered by separate chapters of the Public Land Act since the specific

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requirements and application procedure differ for every mode. More particularly, the confirmation of imperfect or incomplete titles may be done two ways, either by: (a) administrative legalization or free patents under Chapter VII of the Public Land Act; or (b) judicial legalization or judicial confirmation of imperfect or incomplete titles under Chapter VIII of the same Act. Having filed their application before the courts, petitioners have pursued a judicial legalization or judicial confirmation of their title to the Subject Property.

7. ID.; ID.; SECTION 44 THEREOF; APPLIES TO FREE PATENTS AND NOT TO JUDICIAL CONFIRMATION OF AN IMPERFECT TITLE. — Petitioners primarily base their arguments on the amendment by RA No. 6940 of Section 44 of the Public Land Act, to read as follows — x x x While the above-quoted provision does provide for a 30-year period of occupation and cultivation of the land, Section 44 of the Public Land Act applies to free patents, and not to judicial confirmation of an imperfect or incomplete title to which Section 48(b) applies.

8. ID.; ID.; ID.; DISTINCTION BETWEEN SECTIONS 44 AND 48 (B) THEREOF; PROVISIONS OF REPUBLIC ACT NO. 6940 NOT INCONSISTENT WITH SECTION 48 (B) OF THE PUBLIC LAND ACT. — The distinction between Sections 44 and 48(b) of the Public Land Act was recognized by Mr. Justice Puno, in his separate opinion in the case of *Cruz v. Secretary of Environment and Natural Resources*,[19] in which he discussed the development of the Regalian doctrine in the Philippine legal system — Registration under the Public Land Act and Land Registration Act recognizes the concept of ownership under the civil law. This ownership is based on adverse possession for a specified period, and harkens to Section 44 of the Public Land Act on administrative legalization (free patent) of imperfect or incomplete titles and Section 48(b) and (c) of the same Act on the judicial confirmation of imperfect or incomplete titles. The remaining provisions of RA No. 6940 amend Sections 44 and 47 of the Public Land Act by extending the periods for filing of applications for free patents and for judicial confirmation of imperfect or incomplete titles, respectively, to 31 December 2000. Except for extending the period for filing of applications for judicial confirmation of imperfect or incomplete titles, RA No. 6940 does not touch on the other provisions under Chapter VIII of the Public Land Act, such as Section 48(b) and the prescriptive period provided therein. Consequently, applying

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the standard provided by this Court on repeal by implication, there can be no conflict or inconsistency between Section 48(b) of the Public Land Act and the provisions of RA No. 6940 that would give rise to a repeal of the former by the latter.

9. **ID.; ID.; ID.; SECTION 47 THEREOF; AMENDED BY REPUBLIC ACT NO. 9176 BY EXTENDING THE PERIOD FOR FILING OF APPLICATIONS FOR JUDICIAL CONFIRMATION OF IMPERFECT OR INCOMPLETE TITLES TO DECEMBER 31, 2020.** — The subsequent effectivity of RA No. 9176 on 01 January 2001 does not effect the position of this Court on the issues discussed herein. Once again, Section 47 is the only provision under Chapter VIII of the Public Land Act amended by RA No. 9176 by further extending the period for filing of applications for judicial confirmation of imperfect or incomplete titles to 31 December 2020. The other provisions of the Public Land Act amended by RA No. 9176, susch as Sections 44 and 45, already refer to free patents under Chapter VII Section 48(b) of the Public Land Act, as ameneded by PD No. 1073, and the prescriptive period provided therein still remain unchanged.

APPEARANCES OF COUNSEL

Bernard R. Paredes for petitioners.
The Solicitor General for respondent.

D E C I S I O N

CHICO-NAZARIO, *J.*:

This petition for review on *certiorari* under Rule 45 of the Rules of Court assails the decision of the Court of Appeals in CA-G.R. CV No. 68546,[1] which set aside the decision of the Municipal Circuit Trial Court of Silang-Amadeo, Cavite in LRC Case No. 98-133 (LRA Record No. N-69787)[2] and dismissed petitioners' application for registration of a parcel of land.

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[1] *Rollo*, pp. 72-79, per Associate Justice Rodrigo V. Cosico, with Associate Justices Rebecca de Guia-Salvador and Regalado E. Maambong, concurring, promulgated on 20 December 2002.

[2] *Ibid.*, 34-36, per Judge Ma. Victoria N. Cupin-Tesorero, promulgated on 15 August 2000.

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On 08 January 1998, petitioners filed with the trial court an application for registration of land under Presidential Decree (PD) No. 1529, otherwise known as the Property Registration Decree. The application covered a parcel of land with an area of 2,988 square meters, situated in Barangay Malabag, Silang, Cavite, and more particularly described as Lot 5442, Cad 452-D, Silang Cadastre, Ap-04-007007 (hereinafter referred to as the Subject Property). Petitioners alleged that they acquired the Subject Property by purchase, and that they, by themselves and through their predecessors-in-interest, had been in actual, continuous, uninterrupted, open, public, and adverse possession of the Subject Property in the concept of owner for more that 30 years.[3]

No opposition was filed against the application and so petitioners proceeded with the presentation of their evidence. The State was represented in the proceedings by Assistant Provincial Prosecutor Jose M. Velasco, Jr.[4]

Based on the testimonial and documentary evidence presented, the trial court traced the history of possession of the Subject Property back to 1958, when the Subject Property was first declared for tax purposes by Justina Hintog.[5]

Teodoro Calanog came into possession of the Subject Property in 1968. In the same year, the Subject Property was transferred to spouses Alfredo Tonido and Agatona Calanog. Agatona Calanog allegedly inherited the Subject Property from Teodoro Calanog, her father; on the other hand, Alfredo Tonido supposedly purchased the same property also from Teodoro Calanog, his father-in-law. Alfredo Tonido planted the Subject Property with *palay, sayote,* coffee, guyabano and other fruit bearing trees. After the demise of Agatona Calanog, the rest of the Tonido family, consisting of Alfredo and his children, Samuel, Elizabeth, Benjamin, Imelda and Esther, shared possession of the Subject Property.[6]

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[3] *Ibid.*, 29-32.

[4] *Supra.*, note 2.

[5] *Ibid.*

[6] *Ibid.*

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On 21 November 1995, the Tonido family sold the Subject Property to petitioners, as evidenced by a Deed of Absolute Sale.[7]

The history of possession of the Subject Property, as related above, was supported by tax declarations in the name of petitioners and their predecessors-in-interest from 1958 to 1998.[8]

On 15 August 2000, the trial court rendered a decision approving petitioners' application for registration of the Subject Property. The Republic of the Philippines, represented by the Office of the Solicitor General, appealed the decision of the trial court to the Court of Appeals.

In its appeal, the Republic alleged that the trial court erred in approving the application for registration despite petitioners' failure to prove open, continuous, exclusive and notorious possession and occupation of the Subject Property since 12 June 1945, or earlier, as required by Section 48(b) of Commonwealth Act No. 141, otherwise known as the Public Land Act, as amended by PD No. 1073. Moreover, petitioners also failed to produce muniments of title to tack their possession to those of their predecessors-in-interest in compliance with the prescriptive period required by law.[9]

On 20 December 2002, the Court of Appeals rendered a decision finding the appeal meritorious, setting aside the decision of the trial court, and dismissing the application for registration of petitioners.[10] The Court of Appeals denied petitioners' Motion for Reconsideration in its resolution dated 22 May 2003.[11]

Petitioners filed this petition for review on *certiorari* under Rule 45 of the Rules of Court praying that the decision of the Court of Appeals be set aside and that the decision of the trial

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[7] *Ibid.*

[8] *Ibid.*

[9] *Ibid.*, 37-57.

[10] *Supra.*, note 1.

[11] *Rollo*, p. 90, per Associate Justice Rodrigo V. Cosico, with Associate Justices Rebecca de Guia-Salvador and Regalado E. Maambong, concurring.

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court, approving petitioners' application for registration of the Subject Property, be reinstated.[12]

In the original application filed by petitioners before the trial court, they claim that they are entitled to confirmation and registration of their title to the Subject Property in accordance with Section 14 of the Property Registration Decree, although they had not identified under which specific paragraph of the said Section.[13]

Section 14 of the Property Registration Decree reads —

SEC. 14. *Who may apply.* — The following persons may file in the proper Court of First Instance an application for registration of title to land, whether personally or through their duly authorized representatives:

(1) Those who by themselves or through their predecessors-in-interest have been in open, continuous, exclusive and notorious possession and occupation of alienable and disposable lands of the public domain under a *bona fide* claim of ownership since June 12, 1945, or earlier.

(2) Those who have acquired ownership of private lands by prescription under the provisions of existing laws.

(3) Those who have acquired ownership of private lands or abandoned river beds by right of accession or accretion under the existing laws.

(4) Those who have acquired ownership of land in any other manner provided for by law.

By the allegation of petitioners in their application of actual, continuous, uninterrupted, open, public, and adverse possession of the Subject Property in the concept of owner, by themselves and through their predecessors-in-interest, for a given period of time, it can be logically presumed that their claim to the right to register the Subject Property was based on Section 14, paragraph (1) of the Property Registration Decree.

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[12] *Ibid.*, 10-23.

[13] *Supra.*, note 3.

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However, subsequent pleadings filed by both petitioners and respondent Republic before the Court of Appeals and this Court, discuss mainly the Public Land Act, thus, establishing that the application for registration filed by petitioners before the trial court is essentially an application for judicial confirmation of their imperfect or incomplete title over the Subject Property, governed by Sections 47 to 57 of the Public Land Act.

Proceedings under the Property Registration Decree and the Public Land Act are the same in that both are against the whole world, both take the nature of judicial proceedings, and the decree of registration issued for both is conclusive and final. They differ mainly in that under the Property Registration Decree, there already exists a title which the court only needs to confirm. On the other hand, under the Public Land Act, there exists a presumption that the land applied for still pertains to the State, and that the occupants and possessors can only claim an interest in the land by virtue of their imperfect title or continuous, open, and notorious possession thereof. Nonetheless, in the end, the two laws arrive at the same goal, namely, a Torrens title, which aims at complete extinguishment, once and for all, of rights adverse to the record title.[14]

In general, an applicant for judicial confirmation of an imperfect or incomplete title under the Public Land Act must be able to prove that: (1) the land is alienable public land; and (2) 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.[15]

The finding of fact of the trial court that the Subject Property is alienable public land is undisputed. What is to be determined herein is whether petitioners have complied with the period of possession and occupation required by the Public Land Act.

The provision of the Public Land Act that is particularly relevant to petitioners' application is Section 48(b). Through

[14] *Aquino v. Director of Lands*, 39 Phil. 850.

[15] *Republic v. Court of Appeals*, G.R. No. 108998, 24 August 1994, 235 SCRA 567.

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the years, Section 48(b) of the Public Land Act has been amended several times. The case of *Republic v. Doldol*[16] provides a summary of these amendments, as follows —

> x x x. The original Section 48(b) of C.A. No. 141 provided for possession and occupation of lands of the public domain since July 26, 1894. This was superseded by R.A. No. 1942, which provided for a simple thirty-year prescriptive period of occupation by an applicant for judicial confirmation of imperfect title. The same, however, has already been amended by Presidential Decree No. 1073, approved on January 25, 1977. 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, since June 12, 1945, or earlier, 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.

Section 48(b) of the Public Land Act, as amended by PD No. 1073, presently requires, for judicial confirmation of an imperfect or incomplete title, the possession and occupation of the piece of land by the applicants, by themselves or through their predecessors-in-interest, since 12 June 1945 or earlier. This provision is in total conformity with Section 14(1) of the Property Registration Decree heretofore cited.

In the case at bar, the Court of Appeals correctly ruled that petitioners have failed to comply with the period of possession and occupation of the Subject Property, as required by both the Property Registration Decree and the Public Land Act. In its decision, the Court of Appeals held that —

> Indeed, the earliest period that the applicants could claim ownership over the property is in 1958, which is the earliest date Justina Hintog,

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[16] G.R. No. 132963, 10 September 1998, 295 SCRA 359, 364.

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the previous owner/occupant, declared the property for taxation purposes. This is far later than June 12, 1945, the date prescribed by law that the applicants' possession under claim of ownership should have begun at the latest.[17]

Petitioners maintain, however, that RA No. 6940, enacted on 28 March 1990, has repealed by implication Section 48(b) of the Public Land Act, as amended by PD No. 1073, and has effectively reduced the required period of possession and occupation of the land to thirty years prior to the filing of the application for confirmation of an imperfect or incomplete title.

Petitioners' arguments are without merit. This Court has already laid down the standard for repeals by implication, as follows —

> It has been the constant holding of this Court that repeals by implication are not favored and will not be so declared unless it be manifest that the legislature so intended. Such a doctrine goes as far back as *United States v. Reyes,* a 1908 decision. It is necessary then before such a repeal is deemed to exist, that it be shown that the statutes or statutory provisions deal with the same subject matter and that the latter be inconsistent with the former. There must be a showing of repugnancy clear and convincing in character. The language used in the latter statute must be such as to render it irreconcilable with what had been formerly enacted. An inconsistency that falls short of that standard does not suffice. What is needed is a manifest indication of the legislative purpose to repeal.[18]

In herein case, Section 48(b) of the Public Land Act and the provisions of RA No. 6940 do not even address the same subject matter.

In the Public Land Act, the ways by which the State may dispose of agricultural lands is enumerated, to wit —

> SEC. 11. Public lands suitable for agricultural purposes can be disposed of only as follows —

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[17] *Rollo.* p. 77.

[18] *Villegas v. Subido.* G.R. No. L-31711. 30 September 1971. 41 SCRA 190. 196-197.

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1. For homestead settlement;
2. By sale;
3. By lease; and
4. By confirmation of imperfect or incomplete titles:
   (a) By judicial legalization;
   (b) By administrative legalization (free patent).

Each mode of disposition is appropriately covered by separate chapters of the Public Land Act since the specific requirements and application procedure differ for every mode. More particularly, the confirmation of imperfect or incomplete titles may be done two ways, either by: (a) administrative legalization or free patents under Chapter VII of the Public Land Act; or (b) judicial legalization or judicial confirmation of imperfect or incomplete titles under Chapter VIII of the same Act. Having filed their application before the courts, petitioners have pursued a judicial legalization or judicial confirmation of their title to the Subject Property.

Petitioners primarily base their arguments on the amendment by RA No. 6940 of Section 44 of the Public Land Act, to read as follows —

SEC. 44. Any natural-born citizen of the Philippines who is not the owner of more than twelve (12) hectares and who, for at least thirty (30) years prior to the effectivity of this amendatory Act, has continuously occupied and cultivated, either by himself or through his predecessors-in-interest a tract or tracts of agricultural public land subject to disposition, who shall have paid the real estate tax thereon while the same has not been occupied by any person shall be entitled, under the provisions of this Chapter, to have a free patent issued to him for such tract or tracts of such land not to exceed twelve (12) hectares.

While the above-quoted provision does provide for a 30-year period of occupation and cultivation of the land, Section 44 of the Public Land Act applies to free patents, and not to judicial confirmation of an imperfect or incomplete title to which Section 48(b) applies.

The distinction between Sections 44 and 48(b) of the Public Land Act was recognized by Mr. Justice Puno, in his separate

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opinion in the case of *Cruz v. Secretary of Environment and Natural Resources*,[19] in which he discussed the development of the Regalian doctrine in the Philippine legal system —

> Registration under the Public Land Act and Land Registration Act recognizes the concept of ownership under the *civil law*. This ownership is based on adverse possession for a specified period, and harkens to Section 44 of the Public Land Act on administrative legalization (free patent) of imperfect or incomplete titles and Section 48(b) and (c) of the same Act on the judicial confirmation of imperfect or incomplete titles.

The remaining provisions of RA No. 6940 amend Sections 44 and 47 of the Public Land Act by extending the periods for filing of applications for free patents and for judicial confirmation of imperfect or incomplete titles, respectively, to 31 December 2000. Except for extending the period for filing of applications for judicial confirmation of imperfect or incomplete titles, RA No. 6940 does not touch on the other provisions under Chapter VIII of the Public Land Act, such as Section 48(b) and the prescriptive period provided therein.

Consequently, applying the standard provided by this Court on repeal by implication, there can be no conflict or inconsistency between Section 48(b) of the Public Land Act and the provisions of RA No. 6940 that would give rise to a repeal of the former by the latter.

The subsequent effectivity of RA No. 9176 on 01 January 2001 does not affect the position of this Court on the issues discussed herein. Once again, Section 47 is the only provision under Chapter VIII of the Public Land Act amended by RA No. 9176 by further extending the period for filing of applications for judicial confirmation of imperfect or incomplete titles to 31 December 2020. The other provisions of the Public Land Act amended by RA No. 9176, such as Sections 44 and 45, already refer to free patents under Chapter VII. Section 48(b) of the Public Land Act, as amended by PD No. 1073, and the prescriptive period provided therein still remain unchanged.

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[19] G.R. No. 135385. 06 December 2000. 347 SCRA 128. 219-220.

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IN ALL:

(1) Section 44 of the Public Land Act, as amended by RA No. 6940, which provides for a prescriptive period of thirty (30) years possession, applies only to applications for free patents;

(2) The case at bar is a judicial application for confirmation of an imperfect or incomplete title over the Subject Property covered by Section 48(b) of the Public Land Act; and

(3) Section 48(b) of the Public Land Act requires for judicial confirmation of an imperfect or incomplete title the continuous possession of the land since 12 June 1945, or earlier, which petitioners herein failed to comply with.

WHEREFORE, the petition is hereby *DENIED* for lack of merit. The Court *AFFIRMS* the assailed decision of the Court of Appeals in CA-G.R. CV No. 68546, which reversed the decision of the lower court in LRC Case No. 98-133 (LRA Record No. N-69787) and dismissed the application for land title of petitioners. No cost.

SO ORDERED.

Puno (Chairman), Austria-Martinez, Callejo, Sr., and *Tinga, JJ.*, concur.

FIRST DIVISION

[G.R. No. 161776. October 22, 2004]

ALLIED BANKING CORPORATION and PACITA UY, *petitioners, vs.* **SPOUSES DAVID E. ESERJOSE and ZENAIDA ESERJOSE,** *respondents.*

SYNOPSIS

Petitioners assailed Court the decision and resolution of the Court of Appeals in CA-G.R. SP No. 78645 which upheld the order