the second stage of the suit, and leave nothing more to be done by the Court regarding the issue[.][131] (Citations omitted)

An expropriation suit falls under the jurisdiction of the regional trial court because it is a case incapable of pecuniary estimation. It deals with the government's exercise of its authority and right to take property for public use.[132]

The right of an expropriator to file a complaint for expropriation is not allowed in an action such as a forcible entry or unlawful detainer suit. These actions are summary in nature. Therefore, in this case, this Court cannot award expropriation.

Nevertheless, the resolution of this case is without prejudice to the filing of a separate case for expropriation.

WHEREFORE, the Petition is **GRANTED.** The January 14, 2014 Decision and July 21, 2014 Resolution of the Court of Appeals in CA-G.R. CEB SP No. 06366 are **SET ASIDE**.

SO ORDERED.

Peralta (*Chairperson*), *Reyes, A. Jr.*, and *Hernando, JJ.*, concur.

Inting, J., on official leave.

SECOND DIVISION

[G.R. No. 217703. October 9, 2019]

REPUBLIC OF THE PHILIPPINES, as represented by the Regional Director Department of Education, Culture

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[131] *Id*. at 465.

[132] *Bardillon v. Barangay Masili of Calamba, Laguna*, 450 Phil. 521, 528 (2003) [Per *J*. Panganiban, Third Division].

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and Sports (DECS)- Region II, *petitioner, vs*. **SEVERO ABARCA, NILO ABARCA, PERSEUS ABARCA, JUVY ABARCA MALANA and AGNES ABARCA BALMACEDA,** *respondents.*

SYLLABUS

1. **CIVIL LAW; CIVIL CODE; PROPERTY, OWNERSHIP, AND ITS MODIFICATIONS; CLASSIFICATION OF PROPERTY; IMMOVABLE PROPERTY; LAND MAY BE CLASSIFIED AS EITHER OF PUBLIC DOMINION OR OF PRIVATE OWNERSHIP.—** Land, which is an immovable property, may be classified as either of public dominion or of private ownership. Land is considered of public dominion if it is either: (*a*) intended for public use; or (*b*) belongs to the State, without being for public use, and is intended for some public service or for the development of the national wealth. Land belonging to the State that is not of such character, or although of such character but no longer intended for public use or for public service forms part of the patrimonial property of the State. Land that is other than part of the patrimonial property of the State, provinces, cities and municipalities is of private ownership if it belongs to a private individual.

2. **POLITICAL LAW; NATIONAL ECONOMY AND PATRIMONY; REGALIAN DOCTRINE; ALL LANDS OF THE PUBLIC DOMAIN BELONG TO THE STATE AND THE BURDEN OF PROOF IN OVERCOMING THE PRESUMPTION OF STATE OWNERSHIP OF THE LANDS OF THE PUBLIC DOMAIN IS ON THE APPLICANT OR THE PERSON CLAIMING OWNERSHIP, WHO MUST PROVE THAT THE LAND SUBJECT OF THE APPLICATION FOR REGISTRATION IS ALIENABLE AND DISPOSABLE.—** The Regalian doctrine, embodied in Section 2, Article XII of the 1987 Constitution, provides that all lands of the public domain belong to the State. This means that the State is the source of any asserted right to ownership of land, and is charged with the conservation of such patrimony. All lands not appearing to be clearly under private ownership are presumed to belong to the State. Also, public lands remain part of the inalienable land of the public domain unless the State is shown to have reclassified or alienated them to private persons.

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Matters of land classification or reclassification cannot be assumed; they call for proof. And the applicant or the person claiming ownership bears the burden to overturn, by incontrovertible evidence, the presumption that the land subject of an application for registration or claim of ownership is alienable and disposable.

APPEARANCES OF COUNSEL

Office of the Solicitor General for petitioner.
Bernardo P. Olalia for respondents.

D E C I S I O N

REYES, J. JR., *J.*:

Assailed in this Petition for Review on *Certiorari* is the March 12, 2015 Decision[1] of the Court of Appeals (CA) in CA-G.R. CV No. 100280 which reversed and set aside the January 2, 2013 Decision[2] of the Regional Trial Court, Ilagan, Isabela, Branch 18 (RTC) in Civil Case No. 995, a case for recovery of possession with damages.

The Antecedents

Republic of the Philippines (petitioner) averred that it is the owner of a parcel of land situated in Alibagu, Ilagan, Isabela covering an area of 21,646 square meters, denominated as Lot 1, TS 1028. Since the 1960s, the Alibagu Elementary School (AES) has been occupying and using the said property as a school site. In January 1983, Severo Abarca (Severo) was allowed by the Principal of AES and President of the school's Parents-Teachers Association (PTA) to lease a one-hectare portion of the property for a period of 10 years starting January 8, 1983. In return, Severo paid the amount of ₱200.00 per year to be

[1] Penned by Associate Justice Victoria Isabel A. Paredes, with Associate Justices Isaias P. Dicdican and Elihu A. Ybañez, concurring; *rollo*, pp. 43-59.

[2] Penned by Presiding Judge Rodolfo B. Dizon; *id.* at 75-89.

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used for the improvement of the school. However, after the expiration of the ten-year period and despite several demands, Severo and his children, the other respondents, refused to vacate and continued to occupy the portion leased to him (subject property) as they had already erected their respective houses thereon.[3]

In their Answer, the respondents denied petitioner's claim of ownership and possession of the subject property. They admitted that in January 1983, Severo leased a portion of the school site for a period of 10 years, but the same was already returned to AES in 1993. The respondents contended that the portion occupied by them is outside the school site and that they have been in possession thereof since 1970.[4]

The RTC Ruling

In its January 2, 2013 Decision, the RTC ruled that petitioner is the undisputed owner of Lot 1, TS 1028 which was surveyed on October 28, 1965 under Cadastral No. 403 and approved on March 3, 1986, for the purpose of allocating the same as a school site for the beneficial use of AES. It held that the said lot is a public land as it is untitled and not covered by a Presidential Proclamation as attested by Manuel Caurel, Land Management Officer III of the Department of Environment and Natural Resources (DENR). The trial court added that as public land, petitioner is the absolute owner of the said parcel of land under the Regalian doctrine. It noted that Court-appointed Commissioners Cesar S. Ponce (Commissioner Ponce) and Pedro Santa Cruz, Jr. (Commissioner Santa Cruz) both conducted relocation surveys on Lot 1, TS 1028 and found that the area occupied by the respondents is within the school site. The *fallo* reads:

WHEREFORE, in the light of all the foregoing discussions, it is hereby ordered that:

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[3] Complaint; *id.* at 60-65.

[4] Answer; *id.* at 66-72.

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1. All the defendants must vacate the leased premises described in Exhibits "E-3." "1-A" & "1-B" of the plaintiff's property (Lot 1. Ts-1028) located at Alibagu Elementary School, Alibagu, Ilagan, Isabela; and remove all houses and other improvements that are still found therein;

2. All the defendants must pay individually to the plaintiff the sum of ₱500.00 monthly by way of rental reckoned from the date of the filing of the Complaint on July 14, 1997 until they vacate the said leased premises and remove all improvements found therein; and,

3. To pay collectively litigation expenses of ₱25,000.00 in favor of the plaintiff.

SO ORDERED.[5]

Aggrieved, the respondents elevated an appeal before the CA.

The CA Ruling

In its March 12, 2015 Decision, the CA reversed and set aside the RTC ruling. It opined that the ruling in *Republic v. Estonilo*[6] states that a Presidential Proclamation is required for the reservation of a piece of land for a public purpose, which proclamation petitioner failed to produce. The appellate court adjudged that for an action for recovery of possession to prosper, it is indispensable that he who brings the action fully proves not only his ownership but also the identity of the property claimed. It noted that petitioner could not identify the exact location and boundaries of the portion leased to Severo. Moreover, the CA declared that petitioner's denial of the respondents' return of the leased property, absent convincing evidence, could not trump the claim that the same had been returned because positive statement is stronger and has greater evidentiary weight than negative evidence. Hence, it concluded that petitioner failed to present proof of its ownership over the land it sought to recover. The CA disposed the case in this wise:

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[5] *Id*. at 89.

[6] 512 Phil. 644 (2005).

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WHEREFORE, premises considered, the appeal is GRANTED. The Decision dated January 2, 2013 of the Regional Trial Court, Branch 18 of Ilagan, Isabela, in Civil Case No. 995 is REVERSED and SET ASIDE. The complaint is DISMISSED.

SO ORDERED.[7]

Hence, this Petition for Review on *Certiorari*.

The Issue

WHETHER PETITIONER HAS A BETTER RIGHT OF POSSESSION OVER THE SUBJECT PROPERTY.

Petitioner argues that the subject property belongs to the State pursuant to the Regalian doctrine; that respondents themselves admitted that they applied for issuance of a sales patent over a portion of Lot 1, TS 1028; that by making said application, the respondents admitted that they do not own the subject property and they acknowledged that the same belongs to the Government; that contrary to the CA's view, it sufficiently identified the property it seeks to recover from the respondents, *i.e.*, the parcel of land upon which the respondents built their houses and which forms part of the one-hectare land they previously leased from AES; that the testimonies of petitioner's witnesses and the survey reports submitted by the Geodetic Engineers commissioned by the trial court prove that the land which the respondents presently occupy is a portion of the parcel of land that was the subject matter of the lease contract between the school officials of AES and Severo in 1983; and that the land occupied by the respondents is part of Lot 1, TS 1028 which is reserved as a school site to be used for public education purposes.[8]

In their Comment,[9] the respondents counter that there is no proclamation reserving Lot 1, TS 1028 for use as a school site; that petitioner could not identify the actual area and boundaries

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[7] *Rollo*, p. 58.

[8] Petition for Review on *Certiorari*; *id.* at 9-37.

[9] *Id.* at 158-165.

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of the lot leased to them; that Manuel Caurel, a DENR officer, testified that the subject property is alienable and disposable; and that petitioner has the burden of proof in proving that it is the owner of the subject property.

The Court's Ruling

The petition is meritorious.

Land, which is an immovable property, may be classified as either of public dominion or of private ownership.[10] Land is considered of public dominion if it is either: *(a)* intended for public use; or *(b)* belongs to the State, without being for public use, and is intended for some public service or for the development of the national wealth.[11] Land belonging to the State that is not of such character, or although of such character but no longer intended for public use or for public service forms part of the patrimonial property of the State.[12] Land that is other than part of the patrimonial property of the State, provinces, cities and municipalities is of private ownership if it belongs to a private individual.

The Regalian doctrine, embodied in Section 2, Article XII of the 1987 Constitution, provides that all lands of the public domain belong to the State. This means that the State is the source of any asserted right to ownership of land, and is charged with the conservation of such patrimony.[13] All lands not appearing to be clearly under private ownership are presumed to belong to the State. Also, public lands remain part of the inalienable land of the public domain unless the State is shown to have reclassified or alienated them to private persons.[14] Matters of land classification or reclassification cannot be assumed; they call for proof.[15] And the applicant or the person claiming

[10] CIVIL CODE, Article 419.

[11] *Id.*, Article 420.

[12] *Id.*, Article 421.

[13] *Republic v. Intermediate Appellate Court*, 239 Phil. 393, 402 (1987).

[14] *Republic v. Lao*, 453 Phil. 189, 199 (2003).

[15] *Republic v. Vega*, 654 Phil. 511, 521 (2011).

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ownership bears the burden to overturn, by incontrovertible evidence, the presumption that the land subject of an application for registration or claim of ownership is alienable and disposable.[16]

Thus, the Court declared in *Valiao v. Republic*:[17]

> Under the Regalian doctrine, which is embodied in our Constitution, all lands of the public domain belong to the State, which is the source of any asserted right to any ownership of land. All lands not appearing to be clearly within private ownership are presumed to belong to the State. Accordingly, public lands not shown to have been reclassified or released as alienable agricultural land or alienated to a private person by the State remain part of the inalienable public domain. Unless public land is shown to have been reclassified as alienable or disposable to a private person by the State, it remains part of the inalienable public domain. Property of the public domain is beyond the commerce of man and not susceptible of private appropriation and acquisitive prescription. Occupation thereof in the concept of owner no matter how long cannot ripen into ownership and be registered as a title. **The burden of proof in overcoming the presumption of State ownership of the lands of the public domain is on the person applying for registration (or claiming ownership), who must prove that the land subject of the application is alienable or disposable. To overcome this presumption, incontrovertible evidence must be established that the land subject of the application (or claim) is alienable or disposable.**
>
> There must be a positive act declaring land of the public domain as alienable and disposable. To prove that the land subject of an application for registration is alienable, the applicant must establish the existence of a positive act of the government, such as a presidential proclamation or an executive order; an administrative action; investigation reports of Bureau of Lands investigators; and a legislative act or a statute. The applicant may also secure a certification from the government that the land claimed to have been possessed for the required number of years is alienable and disposable.[18] (Emphases supplied and citations omitted)

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[16] *Republic v. Naguiat*, 515 Phil. 560, 565 (2006).

[17] 677 Phil. 318 (2011).

[18] *Id*. at 326-327.

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Further, in *Secretary of the DENR v. Yap*,[19] the Court has already settled that the person applying for registration or claiming ownership of a parcel of land must prove that the same has already been declared alienable and disposable, *viz*.:

> **A positive act declaring land as alienable and disposable is required.** In keeping with the presumption of State ownership, the Court has time and again emphasized that there must be a **positive act of the government**, such as an official proclamation, declassifying inalienable public land into disposable land for agricultural or other purposes. In fact, Section 8 of CA No. 141 limits alienable or disposable lands only to those lands which have been officially delimited and classified. Promulgated:
>
> The burden of proof in overcoming the presumption of State ownership of the lands of the public domain is on the person applying for registration (or claiming ownership), who must prove that the land subject of the application is alienable or disposable. To overcome this presumption, incontrovertible evidence must be established that the land subject of the application (or claim) is alienable or disposable. There must still be a positive act declaring land of the public domain as alienable and disposable. To prove that the land subject of an application for registration is alienable, the applicant must establish the existence of a positive act of the government such as a presidential proclamation or an executive order; an administrative action; investigation reports of Bureau of Lands investigators; and a legislative act or a statute. The applicant may also secure a certification from the government that the land claimed to have been possessed for the required number of years is alienable and disposable.[20] (Emphases in the original and citations omitted)

First and foremost, let it be emphasized that the respondents did not deny the State's ownership of the subject property. They admitted that they leased a one-hectare portion of the school site. They, however, contend that they already returned the leased portion. The Court-appointed Commissioners, however, declared that the land upon which the respondents built their houses is located within Lot 1. If in fact, their

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[19] 589 Phil. 156 (2008).

[20] *Id.* at 182-183.

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predecessor-in-interest had been in possession of the subject property since 1970, then why did they lease the same from AES? In addition, the respondents failed to adduce any evidence to support their claim that their predecessor-in-interest had been in possession of the subject property since 1970. They could not even present tax declarations in their name. The *Director, Lands Management Bureau v. CA*[21] held thus:

> Tax receipts and tax declarations are not incontrovertible evidence of ownership. They are mere *indicia* of [a] claim of ownership. In *Director of Lands vs. Santiago*:
>
> > . . . [I]f it is true that the original owner and possessor, Generosa Santiago, had been in possession since 1925, why were the subject lands declared for taxation purposes for the first time only in 1968, and in the names of Garcia and Obdin? For although tax receipts and declarations of ownership for taxation purposes are not incontrovertible evidence of ownership, they constitute at least proof that the holder had a claim of title over the property.[22]

Finally, the respondents cite the case of *Republic v. Estonilo*[23] (*Estonilo*) to support their claim. In *Estonilo*, however, the issue is whether a petition for reservation or a court judgment is necessary to make Proclamation 265 specifically reserving Lot 4318 for the use of the Philippine Army effective. Thus, the Court ruled that under the Public Land Act, only a positive act of the President is needed to segregate a piece of land for a public purpose. It must be noted that while Section 53 grants authority to the director of lands — through the solicitor general — to file a petition against claimants of the reserved land, the filing of that petition is not mandatory. The director of lands is required to file a petition only: "whenever in the opinion of the President public interest requires it."[24] Nowhere in the said

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[21] 381 Phil. 761 (2000).

[22] *Director, Lands Management Bureau v. Court of Appeals*, 381 Phil. 761 (2000).

[23] 512 Phil. 644 (2005).

[24] *Id.* at 652.

decision did the Court declare that a proclamation is required to prove the Republic's ownership of a public land. The burden of proof in overcoming the presumption of State ownership of the lands of the public domain is on the person claiming ownership.

WHEREFORE, premises considered, the petition is hereby **GRANTED**. The Court of Appeals March 12, 2015 Decision in CA-G.R. CV No. 100280 is **REVERSED and SET ASIDE**.

SO ORDERED.

Carpio, S.A.J. (Chairperson), Caguioa, Lazaro-Javier, and *Zalameda, JJ.*, concur.

THIRD DIVISION

[G.R. No. 218210. October 9, 2019]

THE PEOPLE OF THE PHILIPPINES, *plaintiff-appellee, vs.* **NOLI VILLEGAS, JR. *y* LACRETE,** *accused-appellant.*

SYLLABUS

1. CRIMINAL LAW; REVISED PENAL CODE; RAPE WITH HOMICIDE; ELEMENTS.— It is a known criminal law concept that rape with homicide is a special complex crime or "two or more crimes that the law treats as a single indivisible and unique offense for being the product of a single criminal impulse." The said felony is penalized by Article 266-A, paragraph (1), and 266-B of the Revised Penal Code x x x. The elements of the special complex crime of rape with homicide are as follows: "(1) the appellant had carnal knowledge of a woman; (2) carnal knowledge of a woman was achieved by means