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WHEREFORE, the questioned decision of the defunct Workmen's Compensation Commission is hereby set aside and private respondent Columbia Tobacco Company, Inc., is hereby ordered to pay the petitioner: the sum of six thousand (P6,000.00) pesos as death benefits; attorney's fees in the amount of six hundred (P600.00) pesos; and costs.

SO ORDERED.

Teehankee, Acting C.J., Melencio-Herrera, Plana, Relova, and *Gutierrez, Jr., JJ.,* concur.

SECOND DIVISION

[G.R. No. L-43105. August 31, 1984]

REPUBLIC OF THE PHILIPPINES (Director of Lands), *petitioner, vs.* THE HONORABLE COURT OF APPEALS (SECOND DIVISION) AND SANTOS DEL RIO, *respondents.*

[G.R. No. L-43190. August 31, 1984]

AURORA BAUTISTA, OLIMPIO LARIOS, FELICIDAD DE LA CRUZ, ELPIDIO LARIOS, LUCITA BANDA, BENITO SANTAYANA, FRUCTUOSA BANHAO, LUCIO VELASCO, GREGORIO DATOY, FELIMON GUTIERREZ, ET AL., *petitioners, vs.* THE HONORABLE COURT OF APPEALS AND SANTOS DEL RIO, *respondents.*

SYLLABUS

1. CIVIL LAW; PROPERTY; CLASSIFICATIONS OF LANDS.— Property, which includes parcels of land found in Philippine territory, is either of public dominion or of private ownership.

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2. ID.; ID.; ID.; **PUBLIC LANDS, DEFINED.**— Public lands, or those of public dominion, have been described as those which, under existing legislation are not the subject of private ownership, and are reserved for public purposes. The New Civil Code enumerates properties of public dominion in Articles 420 and 502 thereof.

3. ID.; ID.; ID.; **EXTENT OF LAKE BEDS; SUBJECT LAND NOT COVERED.**— The extent of a lake bed is defined in Art. 74 of the Law of Waters of 1866, as follows: "The natural bed or basin of lakes, ponds, or pools is the ground covered by their waters when at their *highest ordinary depth*." The phrase "highest ordinary depth" in the above definition has been interpreted in the case of Government of P.I. *vs.* Colegio de San Jose (53 Phil. 423 [1929]) to be highest depth of the waters of Laguna de Bay during the dry season, such depth being the "regular, common, natural, which occurs always or most of the time during the year." Laguna de Bay is a lake. While the waters of a lake are also subject to the same gravitational forces that cause the formation of tides in seas and oceans, this phenomenon is not a regular daily occurrence in the case of lakes. Thus, the alternation of high tides and low tides, which is an ordinary occurrence, could hardly account for the rise in the water level of the Laguna de Bay as observed four to five months a year during rainy season. Rather, it is the rains which bring about the inundation of a portion of the land in question. Since the rise in the water level which causes the submersion of the land occurs during a shorter period (four to five months a year) than the level of the water at which the land is completely dry, the latter should be considered as the "highest ordinary depth" of Laguna de Bay. Therefore, the land sought to be registered is not part of the bed or basin of Laguna de Bay.

4. ID.; ID.; ID.; ID.; **FORESHORE LAND, DEFINED; SUBJECT LAND NOT INCLUDED.**— The Brief for the Petitioner Director of Lands cites an accurate definition of a foreshore land, to wit: "... that part of (the land) which is between high and low water and left dry by the reflux of the tides x x x." "The strip of land that lies between the high and low water marks and that is alternately wet and dry according to the flow of the tide." As aptly found by the Court *a quo*, the submersion in water of a portion of the land in question is due to the rains "falling directly

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on or flowing into Laguna de Bay from different sources." Since the inundation of a portion of the land is not due to "influx and reflux of tides" it cannot be considered a foreshore land within the meaning of the authorities cited by petitioner Director of Lands.

5. **ID.; ID.; ID.; LAND NOT CLASSIFIED AS PUBLIC LAND, CAPABLE OF REGISTRATION; CASE AT BAR.**— The land sought to be registered not being part of the bed or basin of Laguna de Bay, nor a foreshore land as claimed by the Director of Lands, it is not a public land and therefore capable of registration as private property provided that the applicant proves that he has a registerable title.

6. **LAND TITLES AND DEEDS; TORRENS SYSTEM OF LAND REGISTRATION; PURPOSE OF REGISTRATION THEREUNDER.**— The purpose of land registration under the Torrens System is not the acquisition of lands but only the registration of titles which applicant already possesses over the land. Registration under the Torrens Law was never intended as a means of acquiring ownership.

7. **REMEDIAL LAW; EVIDENCE; TAX RECEIPTS AND DECLARATIONS, STRONG EVIDENCE OF OWNERSHIP WHEN ACCOMPANIED BY PROOF OF ACTUAL POSSESSION.**— Applicant in this case asserts ownership over the parcel of land he seeks to register and traces the roots of his title to a public instrument of sale (Exh. G) in favor of his father from whom he inherited said land. In addition to this muniment of title, he presents tax declarations (Exh. F, G, H, I) covering the land since 1918 and also tax receipts (Exhs. J, J-1, J-2, J-3, J-4, K, K-1, K-2, K-3) dating back in 1948. While it is true that by themselves tax receipts and declarations of ownership for taxation purposes are not incontrovertible evidence of ownership, they become strong evidence of ownership acquired by prescription when accompanied by proof of actual possession of the property.

8. **CIVIL LAW; PROPERTY; DIFFERENT MODES IN ACQUIRING OWNERSHIP; ORDINARY ACQUISITIVE PRESCRIPTION; POSSESSION OF IMMOVABLES FOR TEN YEARS; CASE AT BAR.**— The then Court of Appeals found applicant by himself and through his father before him, has been in open, continuous, public, peaceful, exclusive and adverse possession of the disputed land for more than thirty (30) years, counted from

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April 19, 1909, when the land was acquired from a third person by purchase. The record does not show any circumstance of note sufficient enough to overthrow said findings of facts which is binding upon us. Since applicant has possessed the subject parcel in the concept of owner with just title and in good faith, his possession need only last for ten years in order for ordinary acquisitive prescription to set in. Applicant has more than satisfied this legal requirement. And even if the land sought to be registered is public land as claimed by the petitioners still, applicant would be entitled to a judicial confirmation of his imperfect title, since he has also satisfied the requirements of the Public Land Act (Commonwealth Act No. 141 as amended by Republic Act No. 1942).

9. ID.; LAW OF WATERS; RECLAMATION OF LANDS FROM WATER BODIES OWNED BY THE STATE SUBJECT TO PRIOR AUTHORITY AND CONDITIONS IMPOSED.— Private persons cannot, by themselves reclaim land from water bodies belonging to the public domain without proper permission from government authorities. And even if such reclamation had been authorized, the reclaimed land does not automatically belong to the party reclaiming the same as they may still be subject to the terms of the authority earlier granted. Private oppositors-petitioners failed to show proper authority for the alleged reclamation, therefore, their claimed title to the litigated parcel must fail.

10. ID.; PROPERTY; POSSESSION; POSSESSION AS TENANTS CANNOT RIPEN INTO OWNERSHIP; CASE AT BAR.— Only possession acquired and enjoyed in the concept of owner can serve as a root of a title acquired by prescription. As correctly found by the appellate court, the private oppositors-petitioners entered into possession of the land with the permission of, and as tenants of, the applicant del Rio. The fact that some of them at one time or another did not pay rent cannot be considered in their favor. Their use of the land and their non-payment of rents thereon were merely tolerated by applicant and these could not have affected the character of the latter's possession which has already ripened into ownership at the time of the filing of this application for registration.

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APPEARANCES OF COUNSEL

Bonifacio, Perez & Concepcion for petitioners.

The Solicitor General for respondent appellate court.

Eduardo Cagandahan for respondent Santos del Rio.

DECISION

CUEVAS, *J.*:

These two[1] Petitions for Review of the same decision of the defunct Court of Appeals[2] have been consolidated in this single decision having arisen from one and the same Land Registration Case (LRC Case No. N-283, Laguna), and presenting as they do issues which may be resolved jointly by this Court.

The questioned decision of the Court of Appeals set aside the judgment of the trial court and ordered the registration of the land in favor of applicant, now private respondent, Santos del Rio. Petitioner Director of Lands in G.R. No. L-43105 claims that the land sought to be registered is part of the public domain and therefore not registerable. Petitioners private oppositors in G.R. No. L-43190, on the other hand, allege that they reclaimed the land by dumping duck egg shells thereon, and that they have been in possession of the same for more than twenty (20) years.

The lot subject matter of this land registration case, with an area of 17,311 square meters, is situated near the shore of Laguna de Bay about twenty (20) meters therefrom (Exh. D)[3] in Barrio Pinagbayanan, Pila, Laguna. It was purchased by Benedicto del Rio from Angel Pili on April 19, 1909. The Deed of Sale evidencing said purchase is duly recorded with the Registry of Deeds of Sta. Cruz, Laguna. The land was declared for tax purposes

[1] One filed by the Director of Lands which is G.R. No. L-43105; and another one filed by Oppositors Bautista, et al., under G.R. No. L-43190.

[2] In CA-G.R. No. 47044-R entitled Santos del Rio, applicant-appellant, *vs.*Director of Lands, et al., oppositors-appellees.

[3] Exhibit D - Plan Psu 220952.

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beginning the year 1918, and the realty taxes thereon had been paid since 1948. When Benedicto del Rio died in 1957, his heirs extrajudicially partitioned his estate and the subject parcel passed on to his son, Santos del Rio, as the latter's share in the inheritance.

Santos del Rio, herein applicant-private respondent, filed his application for registration of said parcel on May 9, 1966. The application was opposed by the Director of Lands and by private oppositors, petitioners in G.R. No. L-43190.

Sometime before 1966, private oppositors obtained permission from Santos del Rio to construct duck houses on the land in question. Although there was no definite commitment as to rentals, some of them had made voluntary payments to private respondent. In violation of the original agreement, private oppositors constructed residential houses on the land which prompted private respondent to file an ejectment suit against the former in 1966.[4] Meanwhile, during the latter part of 1965 and in 1966, private oppositors had simultaneously filed their respective sales applications with the Bureau of Lands, and in 1966, they opposed Santos del Rio's application for registration. The Court of First Instance of Laguna dismissed the application for registration. Applicant appealed and obtained a favorable judgment from the Court of Appeals. The Director of Lands and the private oppositors filed their respective Petitions for Review of said decision.

The two consolidated petitions raise substantially the same issues, to wit:

1) whether or not the parcel of land in question is public land; and

2) whether or not applicant-private respondent has registerable title to the land.

Property, which includes parcels of land found in Philippine territory, is either of public dominion or of private ownership.[5] Public lands, or those of public dominion, have been described as

[4] For unknown reasons, the records failed to disclose the status of said ejectment case.

[5] Article 419, New Civil Code.

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those which, under existing legislation are not the subject of private ownership, and are reserved for public purposes. [6] The New Civil Code enumerates properties of public dominion in Articles 420 and 502 thereof.

Article 420 provides:

"The following things are property of public dominion:

(1) Those intended for public use, such as roads, canals, rivers, torrents, ports and bridges constructed by the State, banks, shores, roadsteads, and others of similar character;

(2) Those which belong to the State without being for public use, and are intended for some public service or for the development of the national wealth."

Article 502 adds to the above enumeration, the following:

"(1) Rivers and their natural beds;

(2) Continuous or intermittent waters of springs and brooks running in their natural beds and the beds themselves;

(3) Waters rising continuously or intermittently on lands of public dominion;

(4) *Lakes* and lagoons formed by Nature on public lands *and their beds*;

xxx x x x x x x."

(Italics supplied)

The Director of Lands would like Us to believe that since a portion of the land sought to be registered is covered with water four to five months a year, the same is part of the *lake bed* of Laguna de Bay, or is at least, a *foreshore* land, which brings it within the enumeration in Art. 502 of the New Civil Code quoted above and therefore it cannot be the subject of registration.

The extent of a lake bed is defined in Art. 74 of the Law of Waters of 1866, as follows:

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[6] Montano *vs.* Insular Govt., 12 Phil. 572, 579.

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"The natural bed or basin of lakes, ponds, or pools, is the ground covered by their waters when at their *highest ordinary depth*." (Italics supplied)

The phrase "highest ordinary depth" in the above definition has been interpreted in the case of Government of P.I. *vs.* Colegio de San Jose[7] to be the highest depth of the waters of Laguna de Bay during the dry season, such depth being the "regular, common, natural, which occurs always or most of the time during the year." The foregoing interpretation was the focal point is the Court of Appeals decision sought to be reviewed. We see no reason to disturb the same.

Laguna de Bay is a lake.[8] While the waters of a lake are also subject to the same gravitational forces that cause the formation of tides[9] in seas and oceans, this phenomenon is not a regular daily occurrence in the case of lakes.[10] Thus, the alternation of high tides and low tides, which is an ordinary occurrence, could hardly account for the rise in the water level of the Laguna de Bay as observed four to five months a year during the rainy season. Rather, it is the rains which bring about the inundation of a portion of the land in question. Since the rise in the water level which causes the submersion of the land occurs during a shorter period (four to five months a year) than the level of the water at which the land is completely dry, the latter should be considered as the "highest ordinary depth" of Laguna de Bay. Therefore, the land sought to be registered is not part of the bed or basin of Laguna de Bay. Neither can it be considered as foreshore land. The Brief for the Petitioner Director of Lands cites an accurate definition of a foreshore land, to wit:

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[7] 53 Phil. 423 (1929).

[8] *Ibid.*, p. 426.

[9] Encyclopedia Britanica, Vol. 21, p. 1126.

[10] CA-G.R. No. 47044-R, p. 6, citing Enciclopedia Juridica Española, Vol. XXL.

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"... that part of (the land) which is between high and low water and left dry by the flux and reflux of the tides x x x."[11]

"The strip of land that lies between the high and low water marks and that is alternately wet and dry according to the flow of the tide."[12]

As aptly found by the Court *a quo,* the submersion in water of a portion of the land in question is due to the rains "falling directly on or flowing into Laguna de Bay from different sources."[13] Since the inundation of a portion of the land is not due to "flux and reflux of tides" it cannot be considered a foreshore land within the meaning of the authorities cited by petitioner Director of Lands. The land sought to be registered not being part of the bed or basin of Laguna de Bay, nor a foreshore land as claimed by the Director of Lands, it is not a public land and therefore capable of registration as private property provided that the applicant proves that he has a registerable title. This brings us to the second issue, which is whether or not applicant-private respondent has registerable title to the land.

The purpose of land registration under the Torrens System is not the acquisition of lands but only the registration of title which applicant already possesses over the land.[14] Registration under the Torrens Law was never intended as a means of acquiring ownership. Applicant in this case asserts ownership over the parcel of land he seeks to register and traces the roots of his title to a public instrument of sale (Exh. G) in favor of his father from whom he inherited said land. In addition to this muniment of title, he presents tax declarations (Exhs. F, G, H, I) covering the land since 1918 and also tax receipts (Exhs. J, J-1, J-2, J-3, J-4, K, K-1, K-2, K-3) dating back to 1948. While it is true that by themselves tax receipts and declarations of ownership for taxation purposes

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[11] Petitioner's Brief, p. 10, citing 1 Bouvier's Law Dictionary, 3rd Revision, p. 1278.

[12] *Ibid.*, citing 17 Words and Phrases, p. 312.

[13] Court of Appeals Decision, CA-G.R. No. 47044-R, p. 7.

[14] Roxas *vs.* Enriquez, 29 Phil. 54.

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are not incontrovertible evidence of ownership,[15] they become strong evidence of ownership acquired by prescription when accompanied by proof of actual possession of the property.[16] The then Court of Appeals found applicant by himself and through his father before him, has been in open, continuous, public, peaceful, exclusive and adverse possession of the disputed land for more than thirty (30) years, counted from April 19, 1909, when the land was acquired from a third person by purchase.[17] The record does not show any circumstance of note sufficient enough to overthrow said findings of facts which is binding upon Us. Since applicant has possessed the subject parcel in the concept of owner with just title and in good faith, his possession need only last for ten years in order for ordinary acquisitive prescription to set in.[18] Applicant has more than satisfied this legal requirement. And even if the land sought to be registered is public land as claimed by the petitioners still, applicant would be entitled to a judicial confirmation of his imperfect title, since he has also satisfied the requirements of the Public Land Act (Commonwealth Act No. 141 as amended by Republic Act No. 1942). Sec. 48 of said Act enumerates as among the persons entitled to judicial confirmation of imperfect title, the following:

"(a) x x x

(b) Those who, by themselves or through their predecessors-in-interest, have been in the open, continuous, exclusive, and notorious possession and occupation of agricultural lands of the public domain, under bona fide claim of ownership, for at least thirty years immediately preceding the filing of the application for confirmation of title x x x."

The claim of private oppositors, petitioners in G.R. No. L-43190, that they have reclaimed the land from the waters of Laguna de Bay and that they have possessed the same for more than twenty

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[15] Evangelista *vs.* Tabayuyong, 7 Phil. 607.

[16] Viernes *vs.* Agpaoa, 41 Phil. 286.

[17] Court of Appeals Decision, CA-G.R. No. 47044-R, p. 12.

[18] Art. 1117, New Civil Code.

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(20) years does not improve their position. In the first place, private persons cannot, by themselves reclaim land from water bodies belonging to the public domain without proper permission from government authorities.[19] And even if such reclamation had been authorized, the reclaimed land does not automatically belong to the party reclaiming the same as they may still be subject to the terms of the authority earlier granted.[20] Private oppositors-petitioners failed to show proper authority for the alleged reclamation, therefore, their claimed title to the litigated parcel must fall. In the second place, their alleged possession can never ripen into ownership. Only possession acquired and enjoyed in the concept of owner can serve as the root of a title acquired by prescription.[21] As correctly found by the appellate court, the private oppositors-petitioners entered into possession of the land with the permission of, and as tenants of, the applicant del Rio. The fact that some of them at one time or another did not pay rent cannot be considered in their favor. Their use of the land and their non-payment of rents thereon were merely tolerated by applicant and these could not have affected the character of the latter's possession [22] which has already ripened into ownership at the time of the filing of this application for registration.

The applicant private-respondent having satisfactorily established his registerable title over the parcel of land described in his application, he is clearly entitled to the registration in his favor of said land.

IN VIEW OF THE FOREGOING, the judgment appealed from is hereby AFFIRMED and the registration in favor of applicant private-respondent of the land described in his application is hereby ordered.

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[19] Article 18, Law of Waters of 1866.

[20] Article 5, Law of Waters of 1866.

[21] Article 540, New Civil Code.

[22] Article 537, New Civil Code.

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Costs against private petitioners.

SO ORDERED.

Concepcion Jr., Guerrero, Abad-Santos, and *Escolin, JJ.,* concur.

Aquino, J., no part.

Makasiar, J., on leave.

FIRST DIVISION

[G.R. No. L-43647. August 31, 1984]

EUSTAQUIO BARBAS, *claimant-petitioner, vs.* VICTORIAS MILLING CO., INC., and/or WORKMEN'S COMPENSATION COMMISSION, ***respondents-appellees.***

SYLLABUS

1. **LABOR AND SOCIAL LEGISLATION; WORKMEN'S COMPENSATION ACT; COMPENSABILITY OF DISEASES; PRESUMPTION OF COMPENSABILITY; APPLIED IN CASE AT BAR.**— It is clear from the records that the petitioner's sickness had its onset during his employment with the private respondent. Apparently, the petitioner was in good health when he started working for the private respondent and in the course of his employment contracted pulmonary tuberculosis. The principle of presumption of compensability under the old Workmen's Compensation Act as amended applies.

2. **ID.; ID.; ID.; AWARD OF P6,000.00 COMPENSATION BENEFITS EQUITABLE IN CASE AT BAR.**— Section 14 on temporary total disability for labor would have been more appropriate but the records are silent on how many years, months, and days the petitioner would have been kept from his job by his sickness. At any rate, the decision of the Workmen's Compensation Unit in Bacolod City correctly awarded the grant of such