Supreme Court E-Library

act with dispatch on petitioner's prayer for the issuance of a Preliminary Mandatory Injunction and the grant of a Writ of Replevin.

WHEREFORE, PREMISES CONSIDERED, the petition for review filed by Petitioner Land Bank of the Philippines is **GRANTED,** as follows:

1. Civil Case No. 8042 is hereby **REINSTATED;** and

2. the Regional Trial Court, Branch 37, General Santos City is hereby directed to immediately set a hearing for the reception of evidence and accordingly resolve with dispatch the prayer for the issuance of a Preliminary Mandatory Injunction and the grant of a Writ of Replevin.

SO ORDERED.

Sereno, C.J. (Chairperson), Leonardo-de Castro, Bersamin, and *Perlas-Bernabe, JJ.,* concur.

FIRST DIVISION

[G.R. No. 166890. June 28, 2016]

REPUBLIC OF THE PHILIPPINES, *petitioner, vs.* **APOLONIO BAUTISTA, JR.,** *respondent.*

SYLLABUS

1. CIVIL LAW; LAND REGISTRATION; PUBLIC LAND ACT (CA NO. 141, AS AMENDED, AND PROPERTY REGISTRATION DECREE (PD NO. 1529); JUDICIAL CONFIRMATION OF IMPERFECT TITLE; THE APPLICANT FOR JUDICIAL CONFIRMATION OF IMPERFECT TITLE MUST ESTABLISH THAT HE, EITHER PERSONALLY OR THROUGH HIS PREDECESSOR-IN-

Supreme Court E-Library

INTEREST, OPENLY, CONTINOUSLY AND EXCLUSIVELY POSSESSED AND OCCUPIED THE ALIENABLE AND DISPOSABLE LANDS OF THE PUBLIC DOMAIN UNDER A BONA FIDE CLAIM OF OWNERSHIP, SINCE JUNE 12, 1945, OR EARLIER. The Government has correctly insisted that the requisite period of possession of the property should conform to that provided for in Section 48(b) of the *Public Land Act*, as amended by Presidential Decree No. 1073, which has limited the right to apply for judicial confirmation to citizens of the Philippines "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 acquisition of ownership, since June 12, 1945, or earlier, immediately preceding the filing of the application for confirmation of title except when prevented by war or force majeure. x x x" The provision is reprised by Section 14(1) of Presidential Decree No. 1529 (*Property Registration Decree*), adopting the length of 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. ID.; ID.; ID.; ID.; THE APPLICATION FOR JUDICIAL CONFIRMATION OF IMPERFECT TITLE MUST BE REJECTED WHERE THE REQUISITE LENGTH OF POSSESSION AND OCCUPATION HAS NOT BEEN ESTABLISHED.— [A]polonio, Jr. presented only himself to establish the possession and ownership of his father, Apolonio, Sr., who was his immediate predecessor-in-interest. He did not present as witnesses during the trial either of the transferors of Apolonio, Sr. – that is, Mario Jardin or Cornelia Villanueva – to establish the requisite length of the possession of the predecessors-in-interest of the applicant that would be tacked to his own. His personal incompetence to attest to the possession of the property within the time required by law underscored the weakness of the evidence on possession, particularly as it has not been denied that the applicant had arrived in the Philippines only on November 28, 1987. Considering that the possession and occupation of the property in question by Apolonio, Jr. and his predecessors-in-interest were not shown in the records to have been "since June 12, 1945, or earlier," the application must be rejected. We should stress that only

Supreme Court E-Library

the title of those who had possessed and occupied alienable and disposable lands of the public domain within the requisite period could be judicially confirmed. Indeed, alienable public land held by a possessor, either personally or through his predecessor-in-interest, openly, continuously and exclusively during the prescribed statutory period is converted to private property by the mere lapse or completion of the period.

APPEARANCES OF COUNSEL

The Solicitor General for petitioner.
Jose A. Suing for respondent.

D E C I S I O N

BERSAMIN, *J.*:

The applicant for judicial confirmation of imperfect title must trace his possession of the subject land to June 12, 1945, or earlier. Any length of possession that does not comply with the requirement cannot support the application, which must be then dismissed for failure to comply with Commonwealth Act No. 141 (*Public Land Act*) and Presidential Decree No. 1529 (*Property Registration Decree*).

The Case

The Government appeals the adverse judgment promulgated on September 30, 2004,[1] whereby the Court of Appeals (CA) affirmed the decision of the Municipal Trial Court (MTC) of Subic, Zambales rendered on November 17, 1998 in LRC Case No. N-12-10-96 entitled *In Re: Application for Land Registration of Lot 17078 of Cad. 547-D, Subic Cadastre*[2] granting the application of respondent Apolonio Bautista, Jr. for the judicial confirmation of title of Lot 17078 of Cad. 547-D, Subic Cadastre.

---

[1] *Rollo*, pp. 60-71; penned by Associate Justice Vicente S.E. Veloso (retired), with the concurrence of Associate Justice Roberto A. Barrios (retired/deceased) and Associate Justice Amelita G. Tolentino (retired).

[2] *Id.* at 40-42; penned by Municipal Judge Miguel F. Famularcano, Jr.

Supreme Court E-Library

Antecedents

After acquiring Lot 17078 of Cad. 547-D, Subic Cadastre, located in Capisanan, Subic, Zambales from Mario Jardin on February 15, 1971 and Cornelia Villanueva on May 25, 1973, Apolonio, Sr. had the property declared for taxation purposes. He had been the sole and exclusive possessor and occupant from the time of acquisition until his death, with no party questioning his possession and ownership, or staking any adverse claim against him thereon.[3] He died in 1987, and was succeeded by his children, namely: respondent Apolonio, Jr. and his siblings. Apolonio, Sr.'s children executed an extra-judicial settlement of their father's estate, whereby Apolonio, Jr.'s brothers and sisters waived their rights in his favor. Thus, the property was declared for taxation purposes in Apolonio, Jr.'s name under Tax Declaration No. 014-0432A of the Municipality of Subic, Zambales. There were no arrears in real estate taxes.[4] The declared value was ₱73,040.00.[5]

On October 21, 1996, Apolonio Jr. commenced LRC Case No. N-12-10-96 in the MTC. He later on testified that his father had been in actual possession since 1969, and had eventually acquired the land from Jardin and Villanueva through the notarized Deeds of Absolute Sale dated February 15, 1971, and May 25, 1973; and that his father had paid taxes on the land.

The Government did not interpose any timely objection to the testimony of Apolonio, Jr. It did not also object to the documentary evidence (*i.e.*, the deeds of absolute sale and tax declarations) offered by him. Hence, the MTC admitted all the evidence presented by Apolonio, Jr.

In due course, the MTC granted Apolonio, Jr.'s application, and declared him as the owner in fee simple of the land, [6] and confirmed his ownership thereof.[7]

---

[3] *Id.* at 62.

[4] *Id.*

[5] *Id.* at 37.

[6] *Id.*

[7] *Id.* at 40-42.

Supreme Court E-Library

The Government appealed the decision to the Court of Appeals (CA), which, on September 30, 2004, promulgated its assailed decision affirming the ruling of the MTC.[8] The CA pointed out that the Government did not present evidence against the claim of Apolonio Jr.; and that the Government did not timely object to his testimony on the ground of its being hearsay.[9]

Issue

In this appeal, the Government reiterates that the testimony of Apolonio, Jr. on possession, being hearsay, had no probative value; that the alienation of public land should always undergo careful scrutiny; and that the Court should carefully re-examine the factual issues that could alter the result of the case.[10]

The Government points out that Apolonio, Jr. had given only general statements pertaining to the open, continuous, exclusive and notorious possession of his father since 1971; that such statements were mere conclusions of law, and did not prove the alleged possession; that because the application for judicial confirmation of imperfect title was filed on October 21, 1996, the applicable law was Section 48 (b) of Commonwealth Act No. 141 (*Public Land Act*), as amended by Presidential Decree No. 1073; that, accordingly, the required period of possession must be "since June 12, 1945 or earlier," as stated in *Republic v. Doldol*,[11] a more stringent requirement the non-compliance with which was fatal to his cause.[12]

Lastly, the Government points out that tax declarations or tax receipts did not suffice to prove ownership of land in fee simple; that although it was the State's policy to encourage and promote distribution of alienable public lands as an ideal of social justice, stringent safeguards must be adopted and applied

---

[8] *Supra* note 1.

[9] *Id.*

[10] *Rollo*, pp. 15-18.

[11] G.R. No. 132963, September 10, 1998, 295 SCRA 359, 364-365.

[12] *Rollo*, p. 20.

Supreme Court E-Library

to prevent the lands from going to the wrong hands; and that Apolonio, Jr.'s reliance on hearsay evidence showed his unfitness to own the land.[13]

In response, Apolonio Jr. insists that he had duly established his lawful occupation of the land as owner in fee simple; that the Government did not timely object to his testimony, and did not also controvert his evidence; that the property had been properly identified; and that the lower courts had observed the legal safeguards and guidelines in granting his application for judicial confirmation of his ownership in fee simple. [14]

Ruling of the Court

We reverse.

The Government has correctly insisted that the requisite period of possession of the property should conform to that provided for in Section 48 (b) of the *Public Land Act,* as amended by Presidential Decree No. 1073, which has limited the right to apply for judicial confirmation to citizens of the Philippines "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 acquisition of ownership, since June 12, 1945, or earlier, immediately preceding the filing of the application for confirmation of title except when prevented by war or force majeure. x x x" The provision is reprised by Section 14 (1) of Presidential Decree No. 1529 (*Property Registration Decree*), adopting the length of 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.

We note that in its amendment of the *Public Land Act* that took effect on January 25, 1977, Presidential Decree No. 1073 changed the length of the requisite possession from "thirty (30)

---

[13] *Id.* at 21-22.

[14] *Id.* at 85-87.

Supreme Court E-Library

years immediately preceding the filing of the application" to possession "since June 12, 1945, or earlier." *Republic v. Naguit* [15] has explained this change thusly:

> When the Public Land Act was first promulgated in 1936, the period of possession deemed necessary to vest the right to register their title to agricultural lands of the public domain commenced from July 26, 1894. However, this period was amended by R.A. No. 1942, which provided that the bona fide claim of ownership must have been for at least thirty (30) years. Then in 1977, Section 48(b) of the Public Land Act was again amended, this time by P.D. No. 1073, which pegged the reckoning date at June 12, 1945. x x x

Based on the records before us, Apolonio, Jr. presented only himself to establish the possession and ownership of his father, Apolonio, Sr., who was his immediate predecessor-in-interest. He did not present as witnesses during the trial either of the transferors of Apolonio, Sr. — that is, Mario Jardin or Cornelia Villanueva — to establish the requisite length of the possession of the predecessors-in-interest of the applicant that would be tacked to his own. His personal incompetence to attest to the possession of the property within the time required by law underscored the weakness of the evidence on possession, particularly as it has not been denied that the applicant had arrived in the Philippines only on November 28, 1987. Considering that the possession and occupation of the property in question by Apolonio, Jr. and his predecessors-in-interest were not shown in the records to have been "since June 12, 1945, or earlier," the application must be rejected.

We should stress that only the title of those who had possessed and occupied alienable and disposable lands of the public domain within the requisite period could be judicially confirmed. Indeed, alienable public land held by a possessor, either personally or through his predecessors-in-interest, openly, continuously and

---

[15] G.R. No. 144507, January 17, 2005, 448 SCRA 442.

Supreme Court E-Library

exclusively during the prescribed statutory period is converted to private property by the mere lapse or completion of the period.[16]

That the Government did not timely object to the admission of the testimony of Apolonio, Jr., or of the other evidence presented by him was of no consequence to the success of the application. If he had no personal knowledge of the facts establishing the possession of property for the requisite period, no court can give any value to his assertion, particularly as it was conceded by him no less that he had no personal or direct competence to know the truth of his assertion. It was one thing for the trial court to admit the evidence, but quite another to give it any worth for purposes of judicial adjudication.

WHEREFORE, the Court **GRANTS** the petition for review on *certiorari*; **REVERSES** and **SETS ASIDE** the decision promulgated on September 30, 2004; **DISMISSES** the application of respondent Apolonio Bautista, Jr. for the judicial confirmation of his imperfect title in LRC Case No. N-12-10-96; and **ORDERS** Apolonio Bautista, Jr. to pay the costs of suit.

SO ORDERED.

Sereno, C.J., Leonardo-de Castro, Perlas-Bernabe, and *Caguioa, JJ.,* concur.

---

[16] *Director of Lands v. Intermediate Appellate Court*, No. L-7300`` , December 29, 1986, 146 SCRA 509, 518. See also the dissenting opinion of Justice Teehankee in *Manila Electric Company v. Judge Castro-Bartolome*, No. L-49623, June 29, 1982, 114 SCRA 799, 813.