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**SECOND DIVISION**

[G.R. No. 171631. November 15, 2010]

**REPUBLIC OF THE PHILIPPINES,** *petitioner, vs.* **AVELINO R. DELA PAZ, ARSENIO R. DELA PAZ, JOSE R. DELA PAZ, and GLICERIO R. DELA PAZ, represented by JOSE R. DELA PAZ,** *respondents.*

**SYLLABUS**

**1. REMEDIAL LAW; CIVIL PROCEDURE; APPEALS; ONLY ERRORS OF LAW ARE ALLOWED.—** In petitions for review on *certiorari* under Rule 45 of the Revised Rules of Court, this Court is limited to reviewing only errors of law, not of fact, unless the factual findings complained of are devoid of support by the evidence on record, or the assailed judgment is based on a misapprehension of facts. It is not the function of this Court to analyze or weigh evidence all over again, unless there is a showing that the findings of the lower court are totally devoid of support or are glaringly erroneous as to constitute palpable error or grave abuse of discretion.

**2. CIVIL LAW; LAND TITLES; PROPERTY REGISTRATION DECREE; WHO MAY APPLY.—** Section 14 (1) of PD 1529, otherwise known as the *Property Registration Decree* provides: 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. From the foregoing, respondents need to prove that (1) the land forms part of the alienable and disposable land of the public domain; and (2) they, by themselves or through their predecessors-in-interest, have been in open, continuous, exclusive, and notorious possession and occupation of the subject land under a *bona fide* claim of ownership from June 12, 1945 or earlier. These the respondents must prove by no less than clear, positive and convincing evidence.

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**3. ID.; ID.; REGALIAN DOCTRINE; LANDS THAT BELONG TO THE STATE; PRESUMPTION OF STATE OWNERSHIP MUST BE OVERCOME BY INCONTROVERTIBLE EVIDENCE.—** 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. 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.

**4. ID.; ID.; ID.; ID.; ID.; SURVEYOR'S ANNOTATION THAT LAND IS ALIENABLE AND DISPOSABLE, INSUFFICIENT. —** In *Republic v. Sarmiento*, the Court ruled that the notation of the surveyor-geodetic engineer on the blue print copy of the conversion and subdivision plan approved by the Department of Environment and Natural Resources (DENR) Center, that "this survey is inside the alienable and disposable area, Project No. 27-B. L.C. Map No. 2623, certified on January 3, 1968 by the Bureau of Forestry," is insufficient and does not constitute incontrovertible evidence to overcome the presumption that the land remains part of the inalienable public domain. Further, in *Republic v. Tri-plus Corporation*, the Court held that: In the present case, the only evidence to prove the character of the subject lands as required by law is the notation appearing in the Advance Plan stating in effect that the said properties are alienable and disposable. However, this is hardly the kind of proof required by law. To prove that the land subject of an application for registration is alienable, an 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 statute. The applicant may also secure a certification from the Government

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that the lands applied for are alienable and disposable. In the case at bar, while the Advance Plan bearing the notation was certified by the Lands Management Services of the DENR, the certification refers only to the technical correctness of the survey plotted in the said plan and has nothing to do whatsoever with the nature and character of the property surveyed. Respondents failed to submit a certification from the proper government agency to prove that the lands subject for registration are indeed alienable and disposable. Furthermore, in *Republic of the Philippines v. Rosila Roche*, the Court held that the applicant bears the burden of proving the status of the land. In this connection, the Court has held that he must present a certificate of land classification status issued by the Community Environment and Natural Resources Office (CENRO), or the Provincial Environment and Natural Resources Office (PENRO) of the DENR. He must also prove that the DENR Secretary had approved the land classification and released the land as alienable and disposable, and that it is within the approved area per verification through survey by the CENRO or PENRO. Further, the applicant must present a copy of the original classification approved by the DENR Secretary and certified as true copy by the legal custodian of the official records. These facts must be established by the applicant to prove that the land is alienable and disposable. Clearly, the surveyor's annotation presented by respondents is not the kind of proof required by law to prove that the subject land falls within the alienable and disposable zone. Respondents failed to submit a certification from the proper government agency to establish that the subject land is part of the alienable and disposable portion of the public domain. In the absence of incontrovertible evidence to prove that the subject property is already classified as alienable and disposable, we must consider the same as still inalienable public domain.

**5. ID.; ID.; LAND REGISTRATION APPLICANT; CANNOT RELY ON MERE CONCLUSIONS OF LAW BUT MUST IMPRESS THE FACTS AND CIRCUMSTANCES EVIDENCING ALLEGED OWNERSHIP AND POSSESSION OF THE LAND SINCE JUNE 12, 1945.—** It is a rule that general statements that are mere conclusions of law and not factual proof of possession are unavailing and cannot suffice. An applicant in a land registration case cannot just

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harp on mere conclusions of law to embellish the application but must impress thereto the facts and circumstances evidencing the alleged ownership and possession of the land.

**6. ID.; ID.; ID.; ID.; TAX DECLARATION AS EVIDENCE; APPRECIATION THEREOF IN CASE AT BAR. –** Respondents' earliest evidence can be traced back to a tax declaration issued in the name of their predecessors-in-interest only in the year 1949. At best, respondents can only prove possession since said date. What is required is open, exclusive, continuous and notorious possession by respondents and their predecessors-in-interest, under a *bona fide* claim of ownership, *since June 12, 1945* or earlier. Respondents failed to explain why, despite their claim that their predecessors-in interest have possessed the subject properties in the concept of an owner even before June 12, 1945, it was only in 1949 that their predecessors-in-interest started to declare the same for purposes of taxation. Well settled is the rule that tax declarations and receipts are not conclusive evidence of ownership or of the right to possess land when not supported by any other evidence. The fact that the disputed property may have been declared for taxation purposes in the names of the applicants for registration or of their predecessors-in-interest does not necessarily prove ownership. They are merely *indicia* of a claim of ownership.

**APPEARANCES OF COUNSEL**

*The Solicitor General* for petitioner.
*Frederick F. Vallestero* for respondents.

**D E C I S I O N**

**PERALTA, *J.*:**

Before this Court is a petition for review on *certiorari* under Rule 45 of the Rules of Court seeking to set aside the Decision[1] of the Court of Appeals (CA), dated February 15, 2006, in CA-

[1] Penned by Associate Justice Hakim S. Abdulwahid, with Associate Justices Remedios A. Salazar-Fernando and Estela M. Perlas-Bernabe, concurring; *rollo,* pp. 53-60.

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G.R. CV No. 84206, which affirmed the Decision[2] of the Regional Trial Court (RTC) of Pasig City, Branch 167, in LRC Case No. N-11514, granting respondents' application for registration and confirmation of title over a parcel of land located in *Barangay* Ibayo, Napindan, Taguig, Metro Manila.

The factual milieu of this case is as follows:

On November 13, 2003, respondents Avelino R. dela Paz, Arsenio R. dela Paz, Jose R. dela Paz, and Glicerio R. dela Paz, represented by Jose R. dela Paz (Jose), filed with the RTC of Pasig City an application for registration of land[3] under Presidential Decree No. 1529 (PD 1529) otherwise known as the *Property Registration Decree*. The application covered a parcel of land with an area of 25,825 square meters, situated at Ibayo, Napindan, Taguig, Metro Manila, described under survey Plan Ccn-00-000084, (Conversion Consolidated plan of Lot Nos. 3212 and 3234, MCADM 590-D, Taguig Cadastral Mapping). Together with their application for registration, respondents submitted the following documents: (1) Special power of attorney showing that the respondents authorized Jose dela Paz to file the application; (2) Conversion Consolidated plan of Lot Nos. 3212 and 3234, MCADM 590-D, Taguig Cadastral Mapping (Ccn-00-000084) with the annotation that the survey is inside L.C. Map No. 2623 Proj. No. 27-B classified as alienable/ disposable by the Bureau of Forest Development, Quezon City on January 03, 1968; (3) Technical Descriptions of Ccn-00-000084; (4) Geodetic Engineer's Certificate; (5) Tax Declaration No. FL-018-01466; (6) *Salaysay ng Pagkakaloob* dated June 18, 1987; (7) *Sinumpaang Pahayag sa Paglilipat sa Sarili ng mga Pagaari ng Namatay* dated March 10, 1979; (8) Certification that the subject lots are not covered by any land patent or any public land application; and (9) Certification by the Office of the Treasurer, Municipality of Taguig, Metro Manila, that the tax on the real property for the year 2003 has been paid.

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[2] *Rollo,* pp. 61-64.

[3] Records, pp. 1-6.

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Respondents alleged that they acquired the subject property, which is an agricultural land, by virtue of *Salaysay ng Pagkakaloob*[4] dated June 18, 1987, executed by their parents Zosimo dela Paz and Ester dela Paz (Zosimo and Ester), who earlier acquired the said property from their deceased parent Alejandro dela Paz (Alejandro) by virtue of a *Sinumpaang Pahayag sa Paglilipat sa Sarili ng mga Pag-aari ng Namatay*[5] dated March 10, 1979. In their application, respondents claimed that they are co-owners of the subject parcel of land and they have been in continuous, uninterrupted, open, public, adverse possession of the same, in the concept of owner since they acquired it in 1987. Respondents further averred that by way of tacking of possession, they, through their predecessors-in-interest have been in open, public, adverse, continuous, and uninterrupted possession of the same, in the concept of an owner even before June 12, 1945, or for a period of more than fifty (50) years since the filing of the application of registration with the trial court. They maintained that the subject property is classified as alienable and disposable land of the public domain.

The case was set for initial hearing on April 30, 2004. On said date, respondents presented documentary evidence to prove compliance with the jurisdictional requirements of the law.

Petitioner Republic of the Philippines (Republic), through the Office of the Solicitor General (OSG), opposed the application for registration on the following grounds, among others: (1) that neither the applicants nor their predecessors-in-interest have been in open, continuous, exclusive and notorious possession and occupation of the land in question for a period of not less than thirty (30) years; (2) that the muniments of title, and/or the tax declarations and tax payments receipts of applicants, if any, attached to or alleged in the application, do not constitute competent and sufficient evidence of *bona fide* acquisition of the land applied for; and (3) that the parcel of land applied for is a portion of public domain belonging to the Republic not

[4] *Id.* at 11-12.

[5] *Id.* at 13-14.

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subject to private appropriation. Except for the Republic, there was no other oppositor to the application.

On May 5, 2004, the trial court issued an Order of General Default[6] against the whole world except as against the Republic. Thereafter, respondents presented their evidence in support of their application.

In its Decision dated November 17, 2004, the RTC granted respondents' application for registration of the subject property. The dispositive portion of the decision states:

> WHEREFORE, affirming the order of general default hereto entered, judgment is hereby rendered AFFIRMING and CONFIRMING the title of AVELINO R. DELA PAZ, Arsenio R. dela Paz, Jose R. dela Paz and Glicerio R. dela Paz, all married and residents of and with postal address at No. 65 Ibayo, Napindan, Taguig, Metro Manila, over a parcel of land described and bounded under Plan Ccn-00-000084 (consolidation of Lots No. 3212 and 3234, Mcadm-590-D, Taguig, Cadastral Mapping, containing Twenty-Five Thousand Eight Hundred Twenty-Five (25,825) Square Meters, more or less, situated at Barangay Ibayo, Napindan, Taguig, Metro Manila, under the operation of P.D. 1529, otherwise known as the Property Registration Decree.
>
> After the decision shall have been become final and executory and, upon payment of all taxes and other charges due on the land, the order for the issuance of a decree of registration shall be accordingly undertaken.
>
> SO ORDERED.[7]

Aggrieved by the Decision, petitioner filed a Notice of Appeal.[8] The CA, in its Decision dated February 15, 2006, dismissed the appeal and affirmed the decision of the RTC. The CA ruled that respondents were able to show that they have been in continuous, open, exclusive and notorious possession of the subject property through themselves and their predecessors-in-interest. The CA found that respondents acquired the subject

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[6] *Id.* at 55

[7] *Rollo*, pp. 63-64.

[8] Records, pp. 100-101.

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land from their predecessors-in-interest, who have been in actual, continuous, uninterrupted, public and adverse possession in the concept of an owner since time immemorial. The CA, likewise, held that respondents were able to present sufficient evidence to establish that the subject property is part of the alienable and disposable lands of the public domain. Hence, the instant petition raising the following grounds:

I

THE COURT OF APPEALS ERRED IN AFFIRMING THE TRIAL COURT'S ORDER GRANTING RESPONDENTS' APPLICATION FOR REGISTRATION OF THE SUBJECT LOT CONSIDERING THAT THE EVIDENCE ON RECORD FAILED TO ESTABLISH THAT RESPONDENTS HAVE BEEN IN OPEN, CONTINUOUS, EXCLUSIVE AND NOTORIOUS POSSESSION OF THE SUBJECT LOT IN THE CONCEPT OF AN OWNER.

II

THE COURT OF APPEALS ERRED IN ORDERING THE REGISTRATION OF THE SUBJECT LOT IN RESPONDENTS' NAME CONSIDERING THAT NO EVIDENCE WAS FORMALLY OFFERED TO PROVE THAT THE SAME IS WITHIN THE ALIENABLE AND DISPOSABLE AREA OF THE PUBLIC DOMAIN.[9]

In its Memorandum, petitioner claims that the CA's findings that respondents and their predecessors-in-interest have been in open, uninterrupted, public, and adverse possession in the concept of owners, for more than fifty years or even before June 12, 1945, was unsubstantiated. Respondents failed to show actual or constructive possession and occupation over the subject land in the concept of an owner. Respondents also failed to establish that the subject property is within the alienable and disposable portion of the public domain. The subject property remained to be owned by the State under the Regalian Doctrine.

In their Memorandum, respondents alleged that they were able to present evidence of specific acts of ownership showing open, notorious, continuous and adverse possession and occupation in the concept of an owner of the subject land. To prove their

[9] *Rollo*, pp. 32-33.

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continuous and uninterrupted possession of the subject land, they presented several tax declarations, dated 1949, 1966, 1974, 1979, 1980, 1985, 1991, 1994 and 2000, issued in the name of their predecessors-in-interest. In addition, respondents presented a tax clearance issued by the Treasurer's Office of the City of Taguig to show that they are up to date in their payment of real property taxes. Respondents maintain that the annotations appearing on the survey plan of the subject land serves as sufficient proof that the land is within the alienable and disposable portion of the public domain. Finally, respondents assert that the issues raised by the petitioner are questions of fact which the Court should not consider in a petition for review under Rule 45.

The petition is meritorious.

In petitions for review on *certiorari* under Rule 45 of the Revised Rules of Court, this Court is limited to reviewing only errors of law, not of fact, unless the factual findings complained of are devoid of support by the evidence on record, or the assailed judgment is based on a misapprehension of facts.[10] It is not the function of this Court to analyze or weigh evidence all over again, unless there is a showing that the findings of the lower court are totally devoid of support or are glaringly erroneous as to constitute palpable error or grave abuse of discretion.[11]

In the present case, the records do not support the findings made by the CA that the subject land is part of the alienable and disposable portion of the public domain.

Section 14 (1) of PD 1529, otherwise known as the *Property Registration Decree* provides:

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:

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[10] *Raquel-Santos v. Court of Appeals*, G.R. Nos. 174986, 175071, 181415, July 7, 2009, 592 SCRA 169, 195, 196; *Fangonil-Herrera v. Fangonil*, G.R. No. 169356, August 28, 2007, 531 SCRA 486, 505.

[11] *FGU Insurance Corporation v. Court of Appeals*, 494 Phil. 342, 356 (2005).

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> (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.

From the foregoing, respondents need to prove that (1) the land forms part of the alienable and disposable land of the public domain; and (2) they, by themselves or through their predecessors-in-interest, have been in open, continuous, exclusive, and notorious possession and occupation of the subject land under a *bona fide* claim of ownership from June 12, 1945 or earlier.[12] These the respondents must prove by no less than clear, positive and convincing evidence.[13]

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.[14] 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.[15]

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[12] *Mistica v. Republic*, G.R. No. 165141, September 11, 2009, 599 SCRA 401, 408, citing *In Re: Application for Land Registration of Title, Fieldman Agricultural Trading Corporation v. Republic*, 550 SCRA 92, 103 (2008).

[13] *Mistica v. Republic*, *supra*, at 408-409.

[14] *Republic v. Tri-Plus Corporation*, G.R. No. 150000, September 26, 2006, 503 SCRA 91,101-102.

[15] *Secretary of the Department of Environment and Natural Resources v.Yap*, G.R. Nos. 167707 and 173775, October 8, 2008, 568 SCRA 164, 192.

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To support its contention that the land subject of the application for registration is alienable, respondents presented survey Plan Ccn-00-000084[16] (Conversion Consolidated plan of Lot Nos. 3212 & 3234, MCADM 590-D, Taguig Cadastral Mapping) prepared by Geodetic Engineer Arnaldo C. Torres with the following annotation:

> This survey is inside L.C. Map No. 2623 Proj. No. 27-B clasified (sic) as alienable/disposable by the Bureau of Forest Development, Quezon City on Jan. 03, 1968.

Respondents' reliance on the afore-mentioned annotation is misplaced.

In *Republic v. Sarmiento*,[17] the Court ruled that the notation of the surveyor-geodetic engineer on the blue print copy of the conversion and subdivision plan approved by the Department of Environment and Natural Resources (DENR) Center, that "this survey is inside the alienable and disposable area, Project No. 27-B. L.C. Map No. 2623, certified on January 3, 1968 by the Bureau of Forestry," is insufficient and does not constitute incontrovertible evidence to overcome the presumption that the land remains part of the inalienable public domain.

Further, in *Republic v. Tri-plus Corporation*,[18] the Court held that:

> In the present case, the only evidence to prove the character of the subject lands as required by law is the notation appearing in the Advance Plan stating in effect that the said properties are alienable and disposable. However, this is hardly the kind of proof required by law. To prove that the land subject of an application for registration is alienable, an 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 statute. The applicant may also secure a certification from the Government that

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[16] Exhibit "N-3", records, p. 7.

[17] G.R. No. 169397, March 13, 2007, 518 SCRA 250, 259, citing *Menguito v. Republic*, 401 Phil. 274 (2000).

[18] *Supra* note 14, at 102.

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the lands applied for are alienable and disposable. In the case at bar, while the Advance Plan bearing the notation was certified by the Lands Management Services of the DENR, the certification refers only to the technical correctness of the survey plotted in the said plan and has nothing to do whatsoever with the nature and character of the property surveyed. Respondents failed to submit a certification from the proper government agency to prove that the lands subject for registration are indeed alienable and disposable.

Furthermore, in *Republic of the Philippines v. Rosila Roche*,[19] the Court held that the applicant bears the burden of proving the status of the land. In this connection, the Court has held that he must present a certificate of land classification status issued by the Community Environment and Natural Resources Office (CENRO), or the Provincial Environment and Natural Resources Office (PENRO) of the DENR. He must also prove that the DENR Secretary had approved the land classification and released the land as alienable and disposable, and that it is within the approved area per verification through survey by the CENRO or PENRO. Further, the applicant must present a copy of the original classification approved by the DENR Secretary and certified as true copy by the legal custodian of the official records. These facts must be established by the applicant to prove that the land is alienable and disposable.

Clearly, the surveyor's annotation presented by respondents is not the kind of proof required by law to prove that the subject land falls within the alienable and disposable zone. Respondents failed to submit a certification from the proper government agency to establish that the subject land is part of the alienable and disposable portion of the public domain. In the absence of incontrovertible evidence to prove that the subject property is already classified as alienable and disposable, we must consider the same as still inalienable public domain.[20]

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[19] G.R. No. 175846, July 6, 2010, citing *Republic v. T.A.N. Properties, Inc.*, 555 SCRA 477, 488-489 (2008).

[20] *Arbias v. Republic*, G.R. No. 173808, September 17, 2008, 565 SCRA 582, 596.

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Anent respondents' possession and occupation of the subject property, a reading of the records failed to show that the respondents by themselves or through their predecessors-in-interest possessed and occupied the subject land since June 12, 1945 or earlier.

The evidence submitted by respondents to prove their possession and occupation over the subject property consists of the testimonies of Jose and Amado Geronimo (Amado), the tenant of the adjacent lot. However, their testimonies failed to establish respondents' predecessors-in-interest' possession and occupation of subject property since June 12, 1945 or earlier. Jose, who was born on March 19, 1939,[21] testified that since he attained the age of reason he already knew that the land subject of this case belonged to them.[22] Amado testified that he was a tenant of the land adjacent to the subject property since 1950,[23] and on about the same year, he knew that the respondents were occupying the subject land.[24]

Jose and Amado's testimonies consist merely of general statements with no specific details as to when respondents' predecessors-in-interest began actual occupancy of the land subject of this case. While Jose testified that the subject land was previously owned by their parents Zosimo and Ester, who earlier inherited the property from their parent Alejandro, no clear evidence was presented to show Alejandro's mode of acquisition of ownership and that he had been in possession of the same on or before June 12, 1945, the period of possession required by law. It is a rule that general statements that are mere conclusions of law and not factual proof of possession are unavailing and cannot suffice.[25] An applicant in a land registration case cannot just harp on mere conclusions of law to embellish the application but must impress thereto the facts

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[21] *Id.* at 39.

[22] *Id.* at 8.

[23] *Id.* at 10.

[24] *Id.* at 16.

[25] *Mistica v. Republic, supra* note 12, at 410-411.

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and circumstances evidencing the alleged ownership and possession of the land.[26]

Respondents' earliest evidence can be traced back to a tax declaration issued in the name of their predecessors-in-interest only in the year 1949. At best, respondents can only prove possession since said date. What is required is open, exclusive, continuous and notorious possession by respondents and their predecessors-in-interest, under a *bona fide* claim of ownership, *since June 12, 1945* or earlier.[27] Respondents failed to explain why, despite their claim that their predecessors-in interest have possessed the subject properties in the concept of an owner even before June 12, 1945, it was only in 1949 that their predecessors-in-interest started to declare the same for purposes of taxation. Well settled is the rule that tax declarations and receipts are not conclusive evidence of ownership or of the right to possess land when not supported by any other evidence. The fact that the disputed property may have been declared for taxation purposes in the names of the applicants for registration or of their predecessors-in-interest does not necessarily prove ownership. They are merely *indicia* of a claim of ownership.[28]

The foregoing pieces of evidence, taken together, failed to paint a clear picture that respondents by themselves or through their predecessors-in-interest have been in open, exclusive, continuous and notorious possession and occupation of the subject land, under a *bona fide* claim of ownership **since June 12, 1945** or earlier.

Evidently, since respondents failed to prove that (1) the subject property was classified as part of the disposable and alienable land of the public domain; and (2) they and their predecessors-in-interest have been in open, continuous, exclusive,

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[26] *Lim v. Republic*, G.R. Nos. 158630 and 162047, September 4, 2009, 598 SCRA 247, 262.

[27] *Republic v. Bibonia*, G.R. No. 157466, June 21, 2007, 525 SCRA 268, 276-277.

[28] *Arbias v. Republic, supra* note 20, at 593-594.

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and notorious possession and occupation thereof under a bona *fide* claim of ownership since June 12, 1945 or earlier, their application for confirmation and registration of the subject property under PD 1529 should be denied.

**WHEREFORE,** the petition is *GRANTED*. The Decision of the Court of Appeals dated February 15, 2006, in CA-G.R. CV No. 84206, affirming the Decision of the Regional Trial Court of Pasig City, Branch 167, in LRC Case No. N-11514, is *REVERSED* and *SET ASIDE*. The application for registration and confirmation of title filed by respondents Avelino R. dela Paz, Arsenio R. dela Paz, Jose R. dela Paz, and Glicerio R. dela Paz, as represented by Jose R. dela Paz, over a parcel of land, with a total area of twenty-five thousand eight hundred twenty-five (25,825) square meters situated at *Barangay* Ibayo, Napindan, Taguig, Metro Manila, is *DENIED*.

**SO ORDERED.**

*Carpio (Chairperson), Carpio Morales,*[*] *Abad,* and *Mendoza, JJ.,* concur.

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**SECOND DIVISION**

[G.R. No. 176946. November 15, 2010.]

**CONSTANCIA G. TAMAYO, JOCELYN G. TAMAYO, and ARAMIS G. TAMAYO, collectively known as HEIRS OF CIRILO TAMAYO,** *petitioners, vs.* **ROSALIA ABAD SEÑORA, ROAN ABAD SEÑORA, and JANETE ABAD SEÑORA,** *respondents.*

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[*] Designated as an additional member in lieu of Associate Justice Antonio Eduardo B. Nachura, per raffle dated May 13, 2009.