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Anent the award of attorney's fees, the Court likewise finds it without basis. It is a settled rule that attorney's fees shall not be recovered as cost where the party's persistence in litigation is based on his mistaken belief in the righteousness of his cause.[19]

WHEREFORE, the petition is **GRANTED.** The March 14, 2013 Decision and the January 17, 2014 Resolution of the Court of Appeals in CA-G.R. CV No. 01170-MIN are **REVERSED** and **SET ASIDE.** The complaint for damages against petitioner Magallanes Watercraft Association, Inc. is **DISMISSED** for lack of merit.

SO ORDERED.

Carpio (Chairperson), Brion, del Castillo, and *Leonen, JJ.,* concur.

SECOND DIVISION

[G.R. No. 211698. May 30, 2016]

REPUBLIC OF THE PHILIPPINES, *petitioner, vs.* **CESAR P. RAYOS DEL SOL, LYDIA P. RAYOS DEL SOL, GLORIA P. RAYOS DEL SOL and ELVIRA P. RAYOS DEL SOL,** *respondents.*

SYLLABUS

1. CIVIL LAW; LAND REGISTRATION; TAX DECLARATIONS HAVE PROBATIVE VALUE IN LAND REGISTRATION PROCEEDINGS.— The records reveal that respondents and their predecessors-in-interest religiously paid the realty taxes of the subject lot over the decades. Although a tax declaration

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[19] *Josefa v. Manila Electric Company*, G.R. No. 182705, July 18, 2014, 730 SCRA 126, 150.

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by itself is not adequate to prove ownership, it may serve as sufficient basis for inferring possession. The voluntary declaration of a piece of real property for taxation purposes not only manifests one's sincere and honest desire to obtain title to the property, but also announces an adverse claim against the state and all other interested parties with an intention to contribute needed revenues to the government. Such an act strengthens one's *bona fide* claim of acquisition of ownership. As properly found by the CA, even though the earliest tax declaration was not dated June 12, 1945 or earlier, it did not mean that the applicants failed to comply with Section 14(1) of P.D. No. 1529. In *Recto v. Republic*, it was held that "[a]s long as the testimony supporting possession for the required period is credible, the court will grant the petition for registration." x x x Hence, even if the earliest tax declaration was not dated June 12, 1945 or earlier, the application may still be granted as long as the evidence presented, as a whole, established the applicants' open, continuous, exclusive, and notorious possession of the subject property, in the concept of an owner, on or before June 12, 1945.

2. ID.; ID.; TESTIMONIAL EVIDENCE ESTABLISHES RESPONDENTS' CLAIM OF POSSESSION AND OCCUPATION. — The above testimony conveys that from the time Gloria was born in 1942, respondents, through their father, Jose, had been occupying the land in the concept of an owner. Evidently, the same testimony substantiates respondents' claim that they have been in possession of the property since June 12, 1945. Gloria specifically stated that her father and her husband had been working as farmers of the land for respondents and their father. She also expressly recognized respondents as the owners of the subject lot and even testified in detail as to the arrangement her family had with respondents in cultivating the land and sharing the harvest. More importantly, Gloria's testimony was to the effect that from the time her father worked as a farmer of the subject lot, there were no other claimants over the land. She stressed that respondents and their father were known as the owners of the property. The said testimony reflects the exclusive and notorious characteristics of respondents' possession over the land and their occupation of it in the concept of an owner to the exclusion of all other persons.

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3. ID.; ID.; ID.; DOCUMENTARY EVIDENCE SUBSTANTIATES RESPONDENTS' NATURE AND CHARACTER OF POSSESSION.— Aside from testimonial evidence, respondents presented documentary evidence to establish that they had an open and continuous possession of the subject property. The Extrajudicial Settlement of the Estate of Felipe Rayos Del Sol would show that the subject property had been part of Felipe's estate and it had been adjudicated to respondents. This would also confirm that the ownership and possession of the subject land by respondents from the time of Felipe's death had continued up to the present. Also, respondents offered the Deed of Absolute Sale between them and the Republic. The OSG attempts to deny the relevance of such deed, alleging that it pertains to Lot 8173-A-2 and not to Lot 8173-A, which is the subject matter of the present case. Again, the said argument of the OSG fails to persuade. There is no dispute that Lot 8173-A was subdivided into four (4) lots, one of which was Lot No. 8173-A-2. Necessarily, the latter, which was the subject of the deed of sale, was part of the former. Even the OSG admits that "Lot No. 8173-A-2 is presumptuously a portion of Lot 8173-A xxx." Hence, the relevance of the deed of sale in the registration proceedings cannot be denied. x x x The tax declarations, together with the credible testimonies of Lydia and Gloria, and the documents presented to bolster the application, indeed prove that respondents have been in open, continuous, exclusive, and notorious possession and occupation of the subject land under a *bona fide* claim of ownership since June 12, 1945. To the Court's mind, the evidence offered by respondents satisfies the burden of proof and constitutes clear and convincing evidence to merit a grant of their application. Glaringly, the OSG did not present an iota of evidence to disprove or contradict the claims of respondents.

APPEARANCES OF COUNSEL

Office of the Solicitor General for petitioner.
Patdu Aguilar Law Firm for respondents.

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D E C I S I O N

MENDOZA, *J.*:

This petition for review on *certiorari* under Rule 45 of the Rules of Court assails the September 25, 2013 Decision[1] and the February 25, 2014 Resolution[2] of the Court of Appeals (*CA*) in CA-G.R. CV No. 96654, which affirmed the July 20, 2010 Decision[3] of the Regional Trial Court, Branch 271, Pasig City (*RTC*) in a land registration case filed under Section 14 (1) of Presidential Decree (*P.D.*) No. 1529.

The Facts

On January 16, 2009, an application for land registration involving Lot 8173-A, with an area of 33,298 square meters, located in Barangay Ligid Tipas, Taguig, Metro Manila, with an assessed value of ₱665,960.00, was filed by the respondent siblings, namely: Cesar P. Rayos Del Sol, Lydia P. Rayos Del Sol, Gloria P. Rayos Del Sol, and Elvira P. Rayos Del Sol (*respondents*).[4]

Respondents alleged, among others, that they were the children of Jose Rayos Del Sol (*Jose*) and the grandchildren of Felipe Del Sol (*Felipe*); that they inherited Lot 8173-A from their father, Jose, who, in turn, inherited the same from his father, Felipe; that on August 3, 1996, they executed the Extra-judicial Settlement of the Estate of Felipe Rayos Del Sol,[5] wherein Lot 8173-A was adjudicated to them *pro indiviso*; and that, through their predecessor-in-interest, they had been in open, continuous, exclusive, and notorious possession and occupation of alienable

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[1] Penned by Associate Justice Vicente S.E. Veloso and concurred in by Associate Justices Jane Aurora C. Lantion and Eduardo B. Peralta, Jr.; *rollo*, pp. 61-74.

[2] *Id.* at 76.

[3] Penned by Judge Paz Esperanza M. Cortes; *id.* at 77-92.

[4] *Id.* at 77-78.

[5] *Id.* at 57-58.

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and disposable land of public domain under a *bona fid*e claim of ownership since the 1930s, when Felipe was still alive.[6]

Respondents declared that on January 4, 2004, Lot No. 8173 was subdivided into four (4) parcels of land — Lot 8173-A-1 consisting of 25,335 square meters; Lot 8173-A-2 consisting of 1,138 square meters; Lot 8173-A-3 consisting of 6,756 square meters; and Lot 8173-A-4 consisting of 71 square meters.[7] Moreover, they averred that in 2006, the Republic of the Philippines (*Republic*), through the Department of Public Works and Highways (*DPWH*), purchased Lot 8173-A-2, a portion of the subject lot, which was embodied in the undated Deed of Absolute Sale.[8]

During the trial, respondent Lydia Rayos del Sol-Alcantara (*Lydia*), Gloria Serviño (*Gloria*), wife of the present tenant of the subject lot, and Engineer Justa delas Alas (*Engr. delas Alas*) were presented as witnesses by respondents.

Lydia testified that she, together with the other respondents, inherited the subject lot from their father, Jose, who died on September 25, 1953 per his death certificate; that their father inherited the same from their grandfather Felipe, who died on July 2, 1932 per his epitaph; that Felipe cultivated the lot during his lifetime and planted it with rice, vegetables and some fruit trees and then Jose continued farming the same; that respondents also cultivated the lot through their caretaker; that they possessed the lot for more than seventy (70) years since their grandfather's time; and that they paid the taxes on the lot.[9]

Gloria testified that the subject lot was composed of more than three (3) hectares which they had farmed for respondents, who were the owners of the lot; that respondents were the children of the previous owner, Jose, for whom her father and her husband had worked; that nobody else claimed the lot; and that she was

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[6] *Id.* at 79.

[7] *Id.* at 78-79.

[8] *Id.* at 52-56.

[9] *Id.* at 81.

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born in 1942 and she grew up knowing that her father farmed the lot for Jose.

For her part, Engr. delas Alas testified that she conducted a survey on the lot and issued the corresponding Geodetic Engineer Certificate[10] and Technical Description,[11] which were approved by the Department of Environment and Natural Resources.

Respondents presented, among others, the following documents: (1) Extrajudicial Settlement of the Estate of Felipe, dated August 3, 1996; (2) Deed of Absolute Sale of Lot 8173-A-2, undated; (3) Conversion Subdivision Plan,[12] which stated that the subject lot was inside an alienable and disposable land as per L.C. Map No. 2623 certified by the Bureau of Forest Development on January 3, 1968; and (4) tax declarations of Lot 8173-A for the years 1948, 1965, 1973, 1978, 1979, 1984, 1990, 1993, 1999, and 2002,[13] and the new tax declarations for subdivided lots for the years 2005 to 2006.[14]

The RTC Ruling

In its decision, dated July 20, 2010, the RTC ruled that Lot 8173-A could be registered in respondents' names. The trial court stated that respondents were able to prove that they and their predecessors-in-interest had been in possession of the subject lot under the circumstances provided in Section 14 of P.D. No. 1529; that they had actual possession of the subject lot; and that the tax declarations they presented constituted sufficient proof of possession in the concept of an owner for more than thirty (30) years.

The RTC further stated that even if the subject lot was only declared as alienable and disposable public land in 1968, their continued possession during Felipe's lifetime up to the present

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[10] *Id.* at 43.

[11] *Id.* at 42.

[12] *Id.* at 40-41.

[13] *Id.* at 39.

[14] *Id.* at 48-51.

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had already been more than thirty (30) years. Hence, the trial court concluded that the applicants were entitled to the issuance of the decree of registration on the subject lot pursuant to Section 39 of P.D. No. 1529. The dispositive portion of the decision reads:

> WHEREFORE, judgment is hereby rendered thus:
>
> The title of the petitioners Cesar P. Rayos Del Sol, Lydia P. Rayos Del Sol, Gloria P. Rayos Del Sol and Elvira P. Rayos Del Sol on Lot 8173-A of Thirty Three Thousand Two Hundred Ninety Eight Square Meters (33,298 sqms.), more or less, as shown by the Conversion Subdivision Plan Swo-00-01890 and the corresponding technical descriptions, situated at Barangay Ligid, Tipas, Taguig, Metro Manila is hereby CONFIRMED.
>
> Upon the finality of judgment, let the proper decree of Registration and Certificate of Title be issued in the names of Cesar P. Rayos Del Sol, Lydia P. Rayos Del Sol, Gloria P. Rayos Del Sol and Elvira P. Rayos Del Sol pursuant to Section 39 of P.D. 1529.
>
> Let two (2) copies of this Decision be furnished the Land Registration Authority Administrator thru the Chief of the Docket Division of said Office at East Avenue, Quezon City.
>
> SO ORDERED.[15]

On September 6, 2010, the Republic moved for reconsideration but its motion was denied in the RTC resolution, dated November 16, 2010.

Aggrieved, Republic, through the Office of the Solicitor General (OSG), elevated an appeal before the CA.

The CA Ruling

In its assailed decision, dated September 25, 2013, the CA dismissed the Republic's appeal. The CA stated that the subject lot had been declared as alienable and disposable land as early as January 3, 1968. The appellate court found that respondents were able to present sufficient evidence to prove that they had an open, exclusive, continuous, and notorious possession and

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[15] *Id.* at 92.

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occupation under a *bona fide* claim of ownership over the subject land. The CA gave full credence to the witnesses who testified that respondents' open and continuous possession of the subject property began as early as the 1930s when their grandfather, Felipe, cultivated the land and planted it with rice, vegetables and some fruit trees; that upon Felipe's death, their father, Jose, took over the ownership and possession of the same; and that upon the latter's death, respondents, through their tenants, continued farming the said land.

The CA opined that although tax declarations, as a rule, were not conclusive evidence of ownership, these served as proof that respondents had a claim of title over the subject land and as sufficient basis for inferring possession. Finally, the CA added that the deed of absolute sale between respondents and the DPWH acknowledged that the former were the true and lawful owners of the subject parcel of land described as Lot No. 8173-A-2.

The Republic moved for reconsideration, but its motion was denied by the CA in its assailed resolution, dated February 25, 2014.

Hence, this petition.

ISSUE

WHETHER OR NOT RESPONDENTS WERE ABLE TO ESTABLISH THE REQUIREMENTS SET IN SECTION 14 OF PD NO. 1529 AND THAT SHE AND HER PREDECESSORS-IN-INTEREST HAVE BEEN IN OPEN, CONTINUOUS, EXCLUSIVE AND NOTORIOUS POSSESSION AND OCCUPATION OF THE SUBJECT PROPERTY FOR THE PERIOD REQUIRED BY LAW.[16]

The OSG argues, *first*, that respondents failed to prove that their predecessors-in-interest had been occupying the subject land since June 12, 1945, as required by Section 14 (1) of P.D. No. 1529. The earliest tax declaration presented by respondents was only for 1948, clearly short of the required period of occupation. The OSG asserts that the tax declarations are

[16] *Id.* at 15.

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inconclusive to prove the character of possession over the property. *Second*, the OSG claims that respondents were not able to establish that they had an open, exclusive, continuous, and notorious possession and occupation under a *bona fide* claim of ownership over the subject land. It points out that the testimonies of the witnesses were general in character and bereft of specific overt acts of possession or dominion regarding the subject land. *Lastly*, the OSG stresses that the deed of sale between respondents and the DPWH pertained to Lot 8173-A-2, and not the subject of the present case, Lot 8173-A.

In their Comment,[17] respondents countered that the testimonies of their witnesses sufficiently established that, through their predecessors-in-interest, they had been in open and continuous possession of the subject land even before June 12, 1945. They also asserted that Gloria's testimony bolstered the fact that from the time she was born in 1942, her father was already the tenant of the subject lot and that respondents' father, Jose, owned the property. Together with the tax declarations, respondents insisted that these pieces of evidence were sufficient to grant their registration. They also claimed that although the sale between respondent and the Republic only referred to Lot 8173-A-2, the same was undeniably a portion of Lot 8173-A, the lot in question.

In its Reply,[18] the OSG averred that it was impossible for Lydia, a witness for respondents, to observe their grandfather, Jose, cultivate the subject land because the latter died in 1932, while she was only born in 1937. Further, the OSG reiterated that respondents did not establish any specific overt acts of possession or dominion over the land.

The Court's Ruling

The Court denies the petition.

The applicable law in this case is Section 14 (1) of P.D. No. 1529, otherwise known as the Property Registration Decree, which provides:

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[17] *Id.* at 170-182.

[18] *Id.*

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Section 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.

x x x x x x x x x

Section 14 (1) of P.D. No. 1529 refers to the original registration of "imperfect" titles to public land acquired under Section 11 (4) in relation to Section 48 (b) of Commonwealth Act No. 141, or the Public Land Act, as amended. The requisites under the said provision are enumerated as follow:

1. That the subject land forms part of the alienable and disposable lands of the public domain;

2. That the applicants, 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; and

3. That such possession and occupation must be since June 12, 1945 or earlier.[19]

A person who seeks the registration of title to a piece of land on the basis of possession by himself and his predecessors-in-interest must prove his claim by clear and convincing evidence, that is, he must prove his title and should not rely on the absence or weakness of evidence of the oppositors.[20]

In the present case, the OSG does not question respondents' compliance with the first requisite, or the fact that the subject land formed part of the alienable and disposable land of the public domain. It is undisputed that the subject lot was inside

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[19] *Republic v. Santos*, 691 Phil. 367, 377 (2012).

[20] *Republic v. Belmonte*, G.R. No. 197028, October 9, 2013, 707 SCRA 330.

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an alienable and disposable land as per L.C. Map No. 2623, certified by the Bureau of Forest Development on January 3, 1968. The OSG alleges, however, that respondents failed to comply with the second and third requisites, or that the applicants had not been in open, continuous, exclusive and notorious possession and occupation of the subject land under a *bona fide* claim of ownership since June 12, 1945.

The OSG argues that the earliest tax declaration presented by respondents was in the year 1948, hence, they could not have possessed the land since June 12, 1945 or earlier, as required by Section 14 of P.D. No. 1529. The OSG also insists that respondents failed to establish that they had, through their predecessors-in-interest, an open, continuous, exclusive and notorious possession and occupation of the subject land under a *bona fide* claim of ownership and, hence, their application for registration must be denied.

The Court is not persuaded.

First, only where pure questions of law are raised or involved can an appeal be brought to the Court via a petition for review on *certiorari* under Rule 45.[21] In this case, the OSG evidently presents questions of fact because it assails the CA and the RTC's appreciation of the evidence offered by respondents. If the petition requires a calibration of the evidence presented, then it poses a question of fact, which cannot be raised before the Court.

Second, even if the Court applies procedural liberality, a judicious scrutiny of the records shows that both the CA and the RTC properly appreciated the evidence and validly granted respondents' application for land registration.

Tax declarations have probative value in land registration proceedings

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[21] *Far Eastern Surety and Insurance Co., Inc. v. People*, 721 Phil. 760, 767 (2013).

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The records reveal that respondents and their predecessors-in-interest religiously paid the realty taxes of the subject lot over the decades. Although a tax declaration by itself is not adequate to prove ownership, it may serve as sufficient basis for inferring possession. The voluntary declaration of a piece of real property for taxation purposes not only manifests one's sincere and honest desire to obtain title to the property, but also announces an adverse claim against the state and all other interested parties with an intention to contribute needed revenues to the government. Such an act strengthens one's *bona fide* claim of acquisition of ownership.[22]

As properly found by the CA, even though the earliest tax declaration was not dated June 12, 1945 or earlier, it did not mean that the applicants failed to comply with Section 14 (1) of P.D. No. 1529. In *Recto v. Republic*,[23] it was held that "[a]s long as the testimony supporting possession for the required period is credible, the court will grant the petition for registration."

Similarly, in *Spouses Llanes v. Republic*,[24] the earliest tax declaration presented in the application under Section 14 (1) of P.D. 1529 was only for 1948. The Court, nevertheless, espoused:

> xxx While tax declarations and receipts are not incontrovertible evidence of ownership, they constitute, at least, proof that the holder has a claim of title over the property. xxx Tax declarations are good *indicia* of possession in the concept of an owner, for no one in his right mind would be paying taxes for a property that is not in his actual or constructive possession. Moreover, while tax declarations and receipts are not conclusive evidence of ownership and do not prove title to the land, nevertheless, when coupled with actual possession, they constitute evidence of great weight and can be the basis of a claim of ownership through prescription.[25]

In that case, the Court took into account the testimonial and documentary evidence presented by the applicants therein, as a

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[22] *Mistica v. Republic*, 615 Phil. 468, 477 (2009).

[23] 483 Phil. 81 (2004).

[24] 592 Phil. 623 (2008).

[25] *Id.* at 635.

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whole, and found that they had been in an open, continuous, exclusive, and notorious possession of the subject property, in the concept of an owner, even prior to June 12, 1945.

Hence, even if the earliest tax declaration was not dated June 12, 1945 or earlier, the application may still be granted as long as the evidence presented, as a whole, established the applicants' open, continuous, exclusive, and notorious possession of the subject property, in the concept of an owner, on or before June 12, 1945.

In the case at bench, the Court finds that the CA and the RTC did not simply grant the registration of respondents based solely on the presentation of their tax declarations. Both courts considered respondents' testimonial and documentary evidence to prove (1) that they and their predecessors-in-interest had occupied and possessed the subject land since June 12, 1945; and (2) that they had occupied the same in open, continuous, exclusive, and notorious manner, under a *bona fide* claim of ownership. Their evidence shall be discussed *in seriatim*.

Testimonial evidence establish respondents' claim of possession and occupation since June 12, 1945 or earlier

Respondents presented Lydia and Gloria as their witnesses. A review of their testimonies showed that they have proven the assailed requisites under Section 14 (1) of P.D. No. 1529. Lydia's pertinent testimony is as follows:

Atty. Aguilar

Q. Since when had your grandfather been in open and continuous possession of the property?

A. When he was still alive until his death.

Q. Can you tell us, when did your grandfather die?

A. July 2, 1932.

Court

Q. Why do you say that he owned the property aside from the tax declarations?

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A. Because I have seen them cultivate the land.

Q. And do you recall what was planted on the property?

A. It was planted with rice, vegetables and some fruit trees.

Q. And upon the death of your grandfather, who took over the ownership and possession of the property?

A. My father Jose Rayos del Sol continued farming the land.

Q. And upon his death of your father in 1953, who continued with the cultivation of the land?

A. Upon the death of my father, I, together with my co-petitioners, my siblings, continued farming the land.

Court

Q. How do you do that?

A. We have a caretaker who tills the land.

Q. And who is that caretaker?

A. A certain Ramon, I forgot his family name. Until now he is working with us.

Atty. Aguilar

Q. From the time that your grandfather cultivated the property, how long has your family been in open and continuous possession of the lot?

A. For over seventy (70) years now.

[Emphases Supplied]

As can be gleaned from above, Lydia explained the origin of their property. It was respondents' grandfather, Felipe, who first possessed and cultivated the land until his death in 1932. Afterwards, it was their father, Jose, who continued its cultivation. Then, when Jose died in 1953, respondents cultivated and farmed the land through their caretaker. Noticeably, the possession and occupancy of respondents and their predecessors-in-interest happened prior to June 12, 1945. Though, as the OSG pointed out, that it was improbable for Lydia to meet Felipe, who died

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in 1932, it was undeniable that her testimony referred to their possession of the land even before June 12, 1945.

Lydia also testified on the nature and characteristic of their possession over the subject land. When asked whether she could recall what crops were planted on the property, she replied that there were rice, vegetables and some fruit trees. True enough, the tax declaration[26] for Lot 8173-A declared the subject land as a rice field. She added that it was their caretaker who tilled the land in their behalf. Moreover, Lydia stated that from the time her grandfather cultivated the land, their family had been in an open and continuous possession of the subject lot for seventy (70) years, clearly sufficient to establish their claim of ownership over the same.

Gloria, the wife of the tenant, testified as follows:

Court

Q. What is the identity of the lot?

A. The lot is at Malaking Kahoy, Palingon, Tipas, and Taguig of more than three (3) hectares.

Q. Do you know the boundaries of the lot?

A. I do not know, my husband knows.

Q. Why do you know that the petitioners are the owners of the property?

A. Because they are the children of the owner of the lot for whom my father used to work and for the lot is now being farmed by my husband.

Q. And who is the previous owner of the property?

A. Jose Rayos Del Sol and the petitioners are his children.

Q. You said that your father previously worked for Jose Rayos Del Sol, since when did your father work with Jose Rayos Del Sol?

A. I was born in 1942 and since I grew into reason, it was my father who served as a farmer for Jose Rayos Del Sol.

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[26] *Rollo*, p. 39.

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Q. Aside from farming, what was your father doing in that property?

A. He served only as a farmer.

Q. And since when did your father farm on that land?

A. Until the year 1980.

Q. And from 1980 to the present, who is farming that property?

A. My husband.

Q. What is the name of your husband?

A. Ramon Serviño.

Q. At the time your father was farming the property, do you know the nature of his arrangement with Jose Rayos del Sol?

A. Yes, ma'am.

Q And what was their arrangement?

A. Their agreement was that my father will provide the labor and Jose Rayos Del Sol will provide the capital.

Q. You said that since 1980 you and your husband were farming the property. Now, what is your arrangement with the petitioners regarding that lot?

A. "Buwisan." We will provide the labor and capital and they provide the lot and we only give them a percentage of the harvest.

Q. Since the time your father worked as a farmer on the lot and up to the present, do you know if there are claimants on the property?

A. No, ma'am.

Q. And from the time of your father up to the present, do you know who are the owners of that property?

A. During the time of my father, Jose Rayos Del Sol and after his death, his children.

[Emphases Supplied]

The above testimony conveys that from the time Gloria was born in 1942, respondents, through their father, Jose, had been

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occupying the land in the concept of an owner. Evidently, the same testimony substantiates respondents' claim that they have been in possession of the property since June 12, 1945. Gloria specifically stated that her father and her husband had been working as farmers of the land for respondents and their father. She also expressly recognized respondents as the owners of the subject lot and even testified in detail as to the arrangement her family had with respondents in cultivating the land and sharing the harvest.

More importantly, Gloria's testimony was to the effect that from the time her father worked as a farmer of the subject lot, there were no other claimants over the land. She stressed that respondents and their father were known as the owners of the property. The said testimony reflects the exclusive and notorious characteristics of respondents' possession over the land and their occupation of it in the concept of an owner to the exclusion of all other persons.

Documentary evidence substantiate respondents' nature and character of possession

Aside from testimonial evidence, respondents presented documentary evidence to establish that they had an open and continuous possession of the subject property. The Extrajudicial Settlement of the Estate of Felipe Rayos Del Sol would show that the subject property had been part of Felipe's estate and it had been adjudicated to respondents. This would also confirm that the ownership and possession of the subject land by respondents from the time of Felipe's death had continued up to the present.

Also, respondents offered the Deed of Absolute Sale between them and the Republic. The OSG attempts to deny the relevance of such deed, alleging that it pertains to Lot 8173-A-2 and not to Lot 8173-A, which is the subject matter of the present case.

Again, the said argument of the OSG fails to persuade.

There is no dispute that Lot 8173-A was subdivided into four (4) lots, one of which was Lot No. 8173-A-2. Necessarily, the latter, which was the subject of the deed of sale, was part

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of the former. Even the OSG admits that "Lot No. 8173-A-2 is presumptuously a portion of Lot 8173-A xxx."[27] Hence, the relevance of the deed of sale in the registration proceedings cannot be denied.

The Court is of the view that the Republic would not have bought Lot 8173-A-2 from respondents if it believed that there was some other claimant to the property. As correctly stated by the CA, although the deed of absolute sale "may not be considered as direct proof of ownership on the part of [respondents], it is sufficient proof to substantiate the latter's allegations that they have been in open, continuous, exclusive and notorious possession and occupation of the subject property and that the same has not been claimed by any other person." [28]

The tax declarations, together with the credible testimonies of Lydia and Gloria, and the documents presented to bolster the application, indeed prove that respondents have been in open, continuous, exclusive, and notorious possession and occupation of the subject land under a *bona fide* claim of ownership since June 12, 1945. To the Court's mind, the evidence offered by respondents satisfies the burden of proof and constitutes clear and convincing evidence to merit a grant of their application. Glaringly, the OSG did not present an iota of evidence to disprove or contradict the claims of respondents.

In fine, as all the requisites under Section 14 (1) of P.D. No. 1529 have been complied with, respondents' application for original registration of imperfect title is in order.

WHEREFORE, the petition is **DENIED**. The September 25, 2013 Decision and the February 25, 2014 Resolution of the Court of Appeals in CA-G.R. CV No. 96654 are hereby **AFFIRMED *in toto*.**

SO ORDERED.

Carpio (Chairperson), *Brion, del Castillo,* and *Leonen, JJ.,* concur.

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[27] *Id.* at 23.

[28] *Id.* at 73-74.