Supreme Court E-Library

Nevertheless, the *ponencia* went on to rule on the issue of *res judicata* and **took it a step further** by declaring that the dismissal of the RTC case "would bar any dispute over the subject land from being brought before any judicial forum."[4] With due respect, whether Filinvest can validly raise the defense of *res judicata* in a **future, subsequent case** involving title over the subject land is a matter of defense **which this Court cannot resolve in the instant case** without violating the rule that states that the power of adjudication of courts is limited to actual controversies. Such a declaration is premature to say the least. The other party must be allowed to refute the existence of the elements of *res judicata* in the proper forum at the proper time when it is raised as an issue. But as it is, such subsequent case has yet to be filed. Definitely, the instant case is not the "subsequent case" as the DARAB has no jurisdiction to begin with.

In fine, the issue of whether the sale of the subject land by Alvarez to Oliver and by Oliver to Filinvest is valid as well as whether a future, subsequent case is barred by *res judicata* cannot be resolved in the instant case. The only valid and binding ruling in the instant case should be one for dismissal on the ground of lack of jurisdiction.

ACCORDINGLY, the instant complaint should be *DISMISSED* for lack of jurisdiction.

SECOND DIVISION

[G.R. No. 143491. December 6, 2006]

REPUBLIC OF THE PHILIPPINES, *petitioner, vs.* **EFREN M. CARRASCO,** *respondent.*

---

[4] Revised Draft Decision, p. 16.

Supreme Court E-Library

SYLLABUS

1. REMEDIAL LAW; EVIDENCE; FINDINGS OF FACT OF APPELLATE COURTS ARE CONCLUSIVE; EXCEPTIONS.— While the rule is well-settled that findings of fact of appellate courts are conclusive upon this Court, there are, however, recognized exceptions thereto, among which is where the findings of fact are not supported by the record or are so glaringly erroneous as to constitute a serious abuse of discretion. Such exceptions obtain in this case.

2. CIVIL LAW; LAND REGISTRATION; APPLICATION FOR REGISTRATION; REQUISITES.— Before one can register his title over a parcel of land, he must show that: (1) he, by himself or through his predecessors-in-interest, has been in open, continuous, exclusive and notorious possession and occupation thereof under a *bona fide* claim of ownership since June 12, 1945 or earlier; and (2) the land subject of the application is alienable and disposable land of the public domain.

3. ID.; ID.; ID.; ID.; APPLICANT MUST PROVE HIS CLAIM OF OWNERSHIP BY CLEAR AND CONVINCING EVIDENCE.— We have no disagreement with the finding of the CA that the subject property is part of the alienable and disposable agricultural lands of the public domain, having been classified as such by the DENR, an appropriate government agency for the purpose. We part ways, however, with the CA in its conclusion that the respondent has established his ownership of the land in question for the period of possession required by law. Respondent anchors his claim of ownership on his allegation of continuous, open and adverse possession in the concept of an owner by himself and through his predecessor-in-interest, Norberto Mingao, for more than 30 years. Bearing in mind the rule that a person who seeks registration of title to a piece of land must prove his claim by clear and convincing evidence, we find respondent's evidence in this respect insufficient.

4. ID.; ID.; ID.; ID.; APPLICANT MUST PRESENT PROOF OF SPECIFIC ACTS OF OWNERSHIP AND CANNOT JUST OFFER GENERAL STATEMENTS WHICH ARE MERE CONCLUSIONS OF LAW THAN FACTUAL EVIDENCE

Supreme Court E-Library

OF POSSESSION.— The Court cannot give full credence to respondent's *Affidavit of Ownership* dated August 22, 1996 for he simply alleged therein that Mingao had occupied the land for the last 25 years. Likewise, respondent's testimony regarding Mingao's possession and ownership, aside from being self-serving, consists merely of general statements with no specifics even as to when his predecessor began occupying the land. Indeed, such is hardly the well-nigh incontrovertible evidence required in cases of this nature. Respondent must present proof of specific acts of ownership to substantiate his claim and cannot just offer general statements which are mere conclusions of law than factual evidence of possession.

5. **ID.; ID.; ID.; TAX DECLARATION BY ITSELF IS NOT SUFFICIENT TO PROVE OWNERSHIP BUT MAY SERVE AS SUFFICIENT BASIS FOR INFERRING POSSESSION.**— Furthermore, there is no proof that Mingao declared the land in his name for taxation purposes or paid taxes due thereon. True, a tax declaration by itself is not sufficient to prove ownership. Nonetheless, it may serve as sufficient basis for inferring possession. As we held in *Republic v. Alconaba:* While tax receipts and declarations are not incontrovertible evidence of ownership, they constitute, at the least, proof that the holder has a claim of title over the property. The voluntary declaration of a piece of 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. Hence, since Mingao's possession and ownership of the subject land were not sufficiently proven, Mingao himself cannot validly transmit his rights over the land in respondent's favor. At any rate, the mode by which respondent alleged to have taken possession and ownership of the land is not one of those provided for under Article 712 of the Civil Code.

6. **ID.; ID.; ID.; PRESCRIPTION; CANNOT BE AVAILED OF TO ACQUIRE OWNERSHIP WHERE THE PARTY FAILED TO COMPLY WITH THE REQUIRED PERIOD.**— Also, prescription cannot be availed of to acquire ownership not only

Supreme Court E-Library

because the respondent's possession was not in the concept of an owner, but also because he failed to comply with the required period. Respondent cannot tack his possession to that of Mingao's since there is no privity between them, the transmission of rights not having been proven. Thus, respondent's possession must be reckoned only from the time of his actual possession which, as admitted by him, commenced in 1990.

7. **ID.; ID.; ID.; SECTION 48 (B) OF THE PUBLIC LAND ACT; REQUIRED PERIOD OF POSSESSION AND OCCUPATION; NOT COMPLIED WITH IN CASE AT BAR.**— But even assuming, in *gratia argumenti*, that respondent may validly derive his right of possession from Mingao, still, he may not rightfully apply for confirmation of title to the land in question. For, as the CA correctly found, and which the respondent does not dispute, Mingao's possession started only in 1950 which is 5 years later than the reckoning point of June 12, 1945 under the Property Registration Decree (P.D. No. 1529). It is thus clear that respondent failed to comply with the period of possession and occupation not only as required by Section 14(1), of the Property Registration Decree but also by the Public Land Act or Commonwealth Act (C.A.) No. 141, the pertinent provision of which is Section 48(b): xxx Clearly then, the reliance placed by the appellate court in *Republic v. Court of Appeals* where we ruled that occupation and cultivation for more than 30 years by an applicant and his predecessor-in-interest vest title on such applicant so as to segregate the land from the mass of public land, is erroneous. Said ruling has been effectively superseded by subsequent legislations which amended Section 48(b) the Public Land Act. xxx As presently phrased, the law requires that possession of lands of the public domain must be from June 12, 1945 or earlier for the land to be acquired through judicial confirmation of imperfect or incomplete title.

APPEARANCES OF COUNSEL

The Solicitor General for petitioner.
John C. Quirante for respondent.

Supreme Court E-Library

DECISION

GARCIA, *J.*:

Petitioner Republic of the Philippines, thru this petition for review on *certiorari* under Rule 45 of the Rules of Court, seeks to annul and set aside the Decision[1] dated June 14, 2000 of the Court of Appeals (CA) in *CA-G.R. CV No. 59566*, affirming *in toto* an earlier decision[2] of the Regional Trial Court (RTC) of Morong, Rizal, Branch 80, which ordered the registration in the name of herein respondent Efren C. Carrasco of a parcel of land situated at Tandang Kutyo, Sampaloc, Tanay, Rizal.

The factual antecedents:

On October 1, 1996, in the RTC of Morong, Rizal, respondent Efren M. Carrasco filed an application for registration of title over a 17,637-square meter land situated at Sitio Ulang Tubig, Tandang Kutyo, Sampaloc, Tanay, Province of Rizal.

In his application, docketed as *Land Registration Case (LRC) No. 215-T* and raffled to Branch 80 of the court, respondent alleged that he is the owner in fee simple of the land sought to be registered; that said land is alienable and disposable and not within any military or whatever kind of reservation; that to the best of his knowledge, the land has never been mortgaged or encumbered or that any person has any interest thereon, legal or equitable; and that the subject land is declared for taxation purposes in his name. Among the documents attached to the application were the individual plan and technical description of the land; Diazo polyester film (SEPIA) of the original survey subdivision plan SGS-No. 04-000518-D of which the subject land is a part; respondent's *Affidavit of Ownership* dated August 22, 1996, therein stating that he took possession of the land in 1990 from his predecessor, Norberto Mingao, who has occupied the land for the last 25 years; the latter's *Deed of*

---

[1] Penned by now retired Justice Delilah Vidallon-Magtolis and concurred in by Justices Eloy R. Bello (ret.) and Jose L. Sabio, Jr.; *Rollo*, pp. 27-33.

[2] *Id.* at 34-36.

Supreme Court E-Library

Waiver dated December 16, 1991, thereunder waiving his claim over the land in favor of the respondent; a Certification from the Land Registration Authority as to the status of the land; Tax Declaration No. 017-4224 for the year 1996 in respondent's name; and an official receipt dated September 13, 1996 of realty tax payment.

Petitioner Republic, through the Office of the Solicitor General (OSG), filed an opposition to the application. There being no private oppositor, the trial court issued an order of general default on November 10, 1997 and proceeded on the same day with the markings of the respondent's documents and the reception *ex parte* of his evidence.

Thereafter, or on November 26, 1997, the respondent testified in support of his application. He likewise adduced the testimony of one Teosito Avesado. Hereunder is the trial court's summation of respondent's testimonial evidence:

Petitioner Efren Carrasco testified on November 26, 1997 that he is single, 24 years of age, a farmer and residing at Tanay, Rizal, a Filipino; that he owned a parcel of land located at Sitio Ulang Tubig, Barangay Tandang Kutyo, Tanay, Rizal with an area of 17,637 sq. meters; that the said land has not been the subject of Original Registration of Title as amended by PD 1529; that he acquired the said land from Norberto Mingao as his compensation for having worked with him and his acquisition as evidenced by a Waiver executed by Norberto Mingao in favor of petitioner on December 16, 1991 which he caused to be marked Exhibit "E"; that he also produced and showed to the Court as proof of his ownership to the land an original survey subdivision plan No. SGS-04-000518-0, which he caused to be marked Exhibit "F" and the particular Lot No. 16 on the map as Exhibit "F-1"; that he caused the survey of the property by a duly licensed Geodetic Engineer in the person of Engineer Modesto Allado who prepared the technical descriptions of the property now marked Exhibit "G" and issued a surveyors certificate which was marked Exhibit "H"; that the land sought to be registered was declared for taxation purposes as shown in Tax Declaration No. 017-4224 in the name of Efren Carrasco which was marked Exhibit "I"; that the taxes for the said property was paid under Official Receipt No. 215109 dated September 13, 1996 marked Exhibit "J"; that the boundary owners of his property sought to be registered are: on the

Supreme Court E-Library

East, Miguel Taclas, on the North, Maximo Mondragon, on the South, Allan Alcantara and on the West, Jesus Consulta; that he has been in continuously, openly, adversely in possession of the said property in the concept of an owner, while his predecessors-in-interest has likewise been in possession of the same in the concept of an owner continuously, openly, and adversely for more than 25 years; that there are no other persons claiming possession over the property; that the same property has not been mortgaged or encumbered to any other persons or entities; that the property subject matter of the case is not within a military or naval reservation.

On cross-examination, he testified and clarified that he was employed in the land of Norberto Mingao, clearing and planting on the vast property he owns; that his father also had worked for Norberto Mingao for a very long time and for the services that he and his father rendered, he was given by Mingao about 17,637 square meters of the more or less 600,000 square meters of land he owns; that in 1950 his father took over the possession of the land, cultivated the same and planted fruit trees and growing crops; the said land was given by Mr. Mingao to his father because of the services he rendered to Mingao by clearing, planting and cultivating his vast track of lands; that it was in 1990 that he occupied the possession of his father by virtue of the Deed of Waiver executed by Mingao in his favor.

The second witness of petitioner is Teosito Avesado, 69 years old, a businessman and a resident of B.F. Homes Phase 3, Parañaque, Metro Manila; that he personally knows the applicant in this case as he is one of the workers of Norberto Mingao, that he knew the land sought to be registered because he used to visit Mingao in that area as they happened to be the President and Vice President of the Magellan Agricultural Corporation respectively; that he is interested in the petition so that people working with Mingao should be given the rightful ownership and title to the land they hold; that Mr. Mingao had started to occupy a vast tract of land during the early 1940s and because of his appreciation to the services of his workers who worked for him in the land for a very long time, he gave a portion of his land to applicant.[3]

In a decision[4] dated February 4, 1998, the trial court, upon a finding that the respondent has sufficiently established his

[3] *Id.* at 34-35.

[4] *Id.* at 34-36.

Supreme Court E-Library

ownership of the land in question, ordered the registration thereof in his name, thus:

Wherefore, it is hereby decreed that the property described as Lot 16, SGS-000518-D located at Tandang Kutyo, Sampaloc, Tanay, Rizal with an area of 17,637 square meters may now be registered and confirmed in the name of Efren N. Carrasco pursuant to the provisions of the Land Registration Act, and the corresponding title to the property be issued in his name after payment of the required fees.

Let copies of this Decision be furnished the Solicitor General, the Land Registration Authority, the Department of Environment and Natural Resources, the Provincial Government of Rizal, the Office of the District Engineer of Rizal, the Municipality of Tanay, Rizal and the parties concerned.

SO ORDERED.

Insisting that (1) the land being applied for registration is not alienable public agricultural land; and (2) respondent is not qualified to register the same under Presidential Decree (P.D.) No. 1529,[5] the Republic, through the OSG, appealed to the CA whereat its appellate recourse was docketed as *CA-G.R. CV No. 59566*.

During the pendency of the appeal, the respondent filed a motion with the appellate court praying for the admission of additional evidence, which additional evidence included an Affidavit of Ownership dated June 1, 1998 of Norberto Mingao. In its resolution of February 9, 1999, however, the CA merely noted the motion.

Eventually, in the herein assailed **decision dated June 14, 2000**, the CA dismissed the Republic's appeal and affirmed *in toto* the appealed decision of the trial court, to wit:

WHEREFORE, the judgment appealed from is hereby **AFFIRMED** *in toto*.

SO ORDERED.

---

[5] Otherwise known as the Property Registration Decree.

Supreme Court E-Library

In its decision, the CA held that the subject land is alienable in view of the certification from the Department of Environment and Natural Resources (DENR) that the land was verified to be within the alienable and disposable land of the public domain and outside of any civil or military reservation. On the issue of whether the respondent was qualified to have the land registered in his name, the CA ruled in the affirmative having found the evidence sufficient to establish respondent's and Mingao's ownership and possession of the land in accordance with the rule laid down in *Republic v. Court of Appeals*[6] that occupation and cultivation for more than 30 years by an applicant and his predecessor-in-interest vest title on such applicant so as to segregate the land from the mass of the public domain.

Unable to accept the judgment, the Republic is now with this Court *via* the present petition on the following grounds:

I

THE HONORABLE COURT OF APPEALS ERRED IN AFFIRMING THE LOWER COURT'S RULING THAT RESPONDENT IS QUALIFIED TO APPLY FOR THE REGISTRATION OF TITLE OVER THE SUBJECT PARCEL OF LAND UNDER P.D. NO. 1529.

II

ASSUMING *ARGUENDO* THAT RESPONDENT IS QUALIFIED TO APPLY FOR REGISTRATION OF THE QUESTIONED LOT, STILL THE HONORABLE COURT OF APPEALS ERRED IN RULING THAT BASED ON JURISPRUDENCE, *REPUBLIC V. COURT OF APPEALS*, 235 SCRA 567 (1994), RESPONDENT HAD BEEN IN POSSESSION THEREOF WITHIN THE PERIOD PRESCRIBED BY LAW FOR THE SAME TO BE ACQUIRED THROUGH JUDICIAL CONFIRMATION OF IMPERFECT TITLE.[7]

In his Comment,[8] respondent maintains that he is entitled to apply for registration of title over the subject property because his open, adverse and continuous possession thereof for more

---

[6] G.R. No. 108998, August 24, 1994, 235 SCRA 567, 576.

[7] *Rollo*, p. 13.

[8] *Id.* at 59-66.

Supreme Court E-Library

than 30 years has ripened into ownership. In any event, respondent argues that the CA has found his evidence sufficient to establish his and his predecessor-in-interest's ownership and possession of the land, which factual finding is conclusive on this Court.

The petition is impressed with merit.

While the rule is well-settled that findings of fact of appellate courts are conclusive upon this Court, there are, however, recognized exceptions thereto, among which is where the findings of fact are not supported by the record or are so glaringly erroneous as to constitute a serious abuse of discretion.[9] Such exceptions obtain in this case.

Basically, the pivotal issue is whether the respondent was able to sufficiently prove his possession, in the concept of an owner, of the land sought to be registered for the period required by law so as to entitle him to the registration thereof in his name.

We resolve the issue in the negative.

Before one can register his title over a parcel of land, he must show that: (1) he, by himself or through his predecessors-in-interest, has been in open, continuous, exclusive and notorious possession and occupation thereof under a *bona fide* claim of ownership since June 12, 1945 or earlier; and (2) the land subject of the application is alienable and disposable land of the public domain.[10]

For sure, Section 14, paragraph (1), of the Property Registration Decree (P.D. No. 1529) explicitly states:

SEC. 14. Who may apply. — The following persons may file in the proper Court of First Instance [now the Regional Trial Court] an application for registration of title to land, whether personally or through their duly authorized representatives:

---

[9] *Republic v. Alconaba*, G.R. No. 155012, April 14, 2004, 427 SCRA 611, 616.

[10] *Recto v. Republic*, G.R. No. 160421, October 4, 2004, 440 SCRA 79, 84.

Supreme Court E-Library

(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.

We have no disagreement with the finding of the CA that the subject property is part of the alienable and disposable agricultural lands of the public domain, having been classified as such by the DENR, an appropriate government agency for the purpose. We part ways, however, with the CA in its conclusion that the respondent has established his ownership of the land in question for the period of possession required by law.

Respondent anchors his claim of ownership on his allegation of continuous, open and adverse possession in the concept of an owner by himself and through his predecessor-in-interest, Norberto Mingao, for more than 30 years.[11] Bearing in mind the rule that a person who seeks registration of title to a piece of land must prove his claim by clear and convincing evidence,[12] we find respondent's evidence in this respect insufficient.

To begin with, the respondent failed to prove that Norberto Mingao from whom he allegedly derived his title, was the owner of the subject land and hence can transmit rights over the same in his favor.

In his *Deed of Waiver* dated December 16, 1991, Mingao merely claimed ownership of the land and that he is waiving his right and interest thereon in favor of the respondent. Significantly, the same Waiver did not even specifically state when his (Mingao's) possession started. While, as rightly found by the CA, Mingao has been in possession of the land since 1950 based on Mingao's Affidavit of Ownership dated June 1, 1998 which was presented while the case was pending appeal with the CA, nonetheless, without more, said affidavit is not adequate to prove the fact of possession beginning that date. Indeed, it

[11] *Rollo*, p. 59.

[12] *Diaz-Enriquez v. Republic*, *supra*.

Supreme Court E-Library

may not be amiss to point out that Mingao did not even testify in this case.

The Court cannot give full credence to respondent's *Affidavit of Ownership* dated August 22, 1996 for he simply alleged therein that Mingao had occupied the land for the last 25 years. Likewise, respondent's testimony regarding Mingao's possession and ownership, aside from being self-serving, consists merely of general statements with no specifics even as to when his predecessor began occupying the land. Indeed, such is hardly the well-nigh incontrovertible evidence required in cases of this nature. Respondent must present proof of specific acts of ownership to substantiate his claim and cannot just offer general statements which are mere conclusions of law than factual evidence of possession.

In the same vein, Teosito Avesado's testimony cannot be relied upon to corroborate respondent's claim as to Mingao's possession as owner of the land, more so, when we are not sufficiently convinced as to said witness' personal acquaintance with Mingao or knowledge regarding the latter's intention to give the subject land to the respondent.

Furthermore, there is no proof that Mingao declared the land in his name for taxation purposes or paid taxes due thereon. True, a tax declaration by itself is not sufficient to prove ownership. Nonetheless, it may serve as sufficient basis for inferring possession.[13] As we held in *Republic v. Alconaba*:[14]

> While tax receipts and declarations are not incontrovertible evidence of ownership, they constitute, at the least, proof that the holder has a claim of title over the property. The voluntary declaration of a piece of 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.

---

[13] *Republic v. Manna Properties Inc.*, G.R. No. 146527, January 31, 2005, 450 SCRA 247, 260.

[14] *Supra* at 620.

Supreme Court E-Library

Hence, since Mingao's possession and ownership of the subject land were not sufficiently proven, Mingao himself cannot validly transmit his rights over the land in respondent's favor. At any rate, the mode by which respondent alleged to have taken possession and ownership of the land is not one of those provided for under Article 712 of the Civil Code.[15]

To show how he acquired possession of the subject land from Mingao, respondent presented his *Affidavit of Ownership* dated *August 22, 1996* and Mingao's *Deed of Waiver* dated December 16, 1991. But said documents cannot show that there was a valid transmission of rights. As it were, respondent's Affidavit of Ownership merely stated that he has taken possession of the subject land in 1990 from Mingao. On the other hand, Mingao's *Deed of Waiver* is not, as aforestated, a mode of acquiring ownership.

The waiver cannot even be considered a donation because it does not comply with the formalities required in order for a donation of an immovable to be valid pursuant to Article 749 of the Civil Code[16] because respondent's acceptance thereof is lacking.

Also, prescription cannot be availed of to acquire ownership not only because the respondent's possession was not in the concept of an owner, but also because he failed to comply with

---

[15] ARTICLE 712. Ownership is acquired by occupation and by intellectual creation.

Ownership and other real rights over property are acquired and transmitted by law, donation, by testate and intestate succession and in consequence of certain contracts, by tradition. They may also be acquired by prescription.

[16] ARTICLE 749. In order that the donation of an immovable may be valid, it must be in a public document, specifying therein the property donated and the value of the charges which the donee must satisfy.

The acceptance may be made in the same deed of donation or in a separate public document, but it shall not take effect unless it is done during the lifetime of the donor.

If the acceptance is made in a separate instrument, the donor shall be notified thereof in an authentic form, and this step shall be noted in both instruments.

Supreme Court E-Library

the required period. Respondent cannot tack his possession to that of Mingao's since there is no privity between them, the transmission of rights not having been proven. Thus, respondent's possession must be reckoned only from the time of his actual possession which, as admitted by him, commenced in 1990.

But even assuming, in *gratia argumenti*, that respondent may validly derive his right of possession from Mingao, still, he may not rightfully apply for confirmation of title to the land in question. For, as the CA correctly found, and which the respondent does not dispute, Mingao's possession started only in 1950 which is 5 years later than the reckoning point of June 12, 1945 under the Property Registration Decree (P.D. No. 1529). It is thus clear that respondent failed to comply with the period of possession and occupation not only as required by Section 14(1), *supra*, of the Property Registration Decree but also by the Public Land Act or Commonwealth Act (C.A.) No. 141, the pertinent provision of which is Section 48(b):

Section 48. The following described citizens of the Philippines, occupying lands of the public domain or claiming to own any such lands or an interest therein, but whose titles have not been perfected or completed, may apply to the Court of first Instance of the province where the land is located for confirmation of their claims and the issuance of a certificate of title therefore, under the Land Registration Act, to wit:

x x x x x x x x x

(b) Those who by themselves or through their predecessors-in-interest have been in open, continuous, exclusive, and notorious possession and occupation of agricultural 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*. These shall be conclusively presumed to have performed all the conditions essential to a Government grant and shall be entitled to a certificate of title under the provisions of this chapter.

Clearly then, the reliance placed by the appellate court in *Republic v. Court of Appeals*[17] where we ruled that occupation

[17] G.R. No. 108998, August 24, 1994, 235 SCRA 567, 576.

Supreme Court E-Library

and cultivation for more than 30 years by an applicant and his predecessor-in-interest vest title on such applicant so as to segregate the land from the mass of public land, is erroneous. Said ruling has been effectively superseded by subsequent legislations which amended Section 48(b) the Public Land Act. The case of *Republic v. Doldol,*[18] cited in *Igtiben v. Republic,*[19] provides a summary of these amendments, to wit:

> The original Section 48(b) of C.A. No. 141 provided for possession and occupation of lands of the public domain since July 26, 1894. This was superseded by R.A. No. 1942 which provided for a simple thirty-year prescriptive period of occupation by an applicant for judicial confirmation of imperfect title. The same, however, has already been amended by Presidential Decree No. 1073, approved on January 25, 1977. As amended Section 48(b) now reads:
>
> Section 48. The following described citizens of the Philippines, occupying lands of the public domain or claiming to own any such lands or an interest therein, but whose titles have not been perfected or completed, may apply to the Court of first Instance of the province where the land is located for confirmation of their claims and the issuance of a certificate of title therefore, under the Land Registration Act, to wit:
>
> x x x x x x x x x
>
> (b) Those who by themselves or through their predecessors-in-interest have been in open, continuous, exclusive, and notorious possession and occupation of agricultural 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*. These shall be conclusively presumed to have performed all the conditions essential to a Government grant and shall be entitled to a certificate of title under the provisions of this chapter. (Emphasis supplied.)

As presently phrased, the law requires that possession of lands of the public domain must be from June 12, 1945 or

---

[18] G.R. No. 132963, September 10, 1998, 295 SCRA 359.

[19] G.R. No. 158449, October 22, 2004, 441 SCRA 188, 193-194.

Supreme Court E-Library

earlier for the land to be acquired through judicial confirmation of imperfect or incomplete title.

In sum, the respondent could not have acquired an imperfect title to the land in question because he has not proved possession openly, continuously and adversely in the concept of an owner since June 12, 1945, the period of possession required by law. At best, he can only prove possession since 1990, the date which he admitted to have taken possession of the subject parcel of land from Mingao.

WHEREFORE, the petition is *GRANTED*. Accordingly, the assailed decision dated June 14, 2000 of the CA in *CA-G.R. CV No. 59566* is *REVERSED* and *SET ASIDE* and LRC No. 215-T of the RTC of Morong, Rizal, Branch 80, is ordered **DISMISSED**.

No costs.

SO ORDERED.

Puno (Chairperson), Sandoval-Gutierrez, and *Azcuna, JJ.,* concur.

Corona, J., on leave.

SECOND DIVISION

[G.R. No. 143527. December 6, 2006]

UNITED FIELD SEA WATCHMAN AND CHECKERS AGENCY, JAIME AMAMIO, GLENN GUIRAL, and PHILIPPINE PORTS AUTHORITY, *petitioners, vs.* **WILLIE REQUILLO, NORBEM DAHANG, JR., ROMEO BUHANGIN, ANTONIO RUAZA, ELSIE TABLA, and CONSTANTINO DANUCO,** *respondents.*

SYLLABUS

LABOR AND SOCIAL LEGISLATION; LABOR RELATIONS; APPEALS; FAILURE OF THE PARTIES TO PERFECT