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under Article 32 of the Civil Code. The Court ruled that it is not necessary that the public officer acted with malice or bad faith; to be liable under Article 32 of the Civil Code, it is enough that there was a violation of the constitutional rights of petitioner, even on the pretext of justifiable motives or good faith in the performance of one's duties.[17]

ACCORDINGLY, I Vote that, as held in the June 19, 2007 Decision of the Third Division, the Decision of the Court of Appeals affirming the Order of the Regional Trial Court of Marikina, Branch 272 denying petitioner's motion to dismiss be **AFFIRMED** and the Presiding Judge, Regional Trial Court of Marikina, Branch 272, be **DIRECTED** to continue with the proceedings in Civil Case No. 97-341-MK with dispatch.

FIRST DIVISION

[G.R. No. 159589. December 23, 2008]

REPUBLIC OF THE PHILIPPINES, *petitioner, vs.* **HEIRS OF JUAN FABIO, namely: DOMINGA C. FABIO, SOCORRO D. FABIO, LYDIA D. FABIO, ROLANDO D. FABIO, NORMA D. FABIO, NORMA L. FABIO, ANGELITA FABIO, ROSALIE FABIO, DANILO FABIO, RENATO FABIO, LEVITA FABIO, IRENE FABIO, TERESITA MOLERA, ROSEMARIE C. PAKAY, LIGAYA C. MASANGKAY, ALFREDO F. CASTILLO, MELINDA F. CASTILLO, MERCEDITA F. CASTILLO, ESTELA DE JESUS AQUINO, FELECITO FABIO, and ALEXANDER FABIO, represented herein by ANGELITA F. ESTEIBAR as their Attorney-in-Fact,** *respondents.*

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[17] *Supra* note 6 at 620-621.

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SYLLABUS

1. REMEDIAL LAW; CIVIL PROCEDURE; APPEALS; QUESTION OF LAW, DEFINED; APPLICATION. — A question of law arises when there is doubt as to what the law is on a certain state of facts, while there is a question of fact when the doubt arises as to the truth or falsity of the alleged facts. For questions to be one of law, the same must not involve an examination of the probative value of the evidence presented by the litigants. The resolution of the issue must rest solely on what the law provides on the given set of circumstances. In its appellant's brief filed with the Court of Appeals, petitioner interposed a lone assignment of error: The trial court erred in ruling that appellees have acquired a vested right over the subject property despite the fact that it falls within the Calumpang Point Naval Reservation. Clearly, the issue stated by petitioner provides no confusion with regard to the truth or falsity of the given facts pertaining to the Lot and its location as established during the trial. It had been duly established that the Lot falls within the Calumpang Point Naval Reservation as shown in the survey conducted and attested to by the DENR. Here, the only issue involved is the interpretation of a relevant order and proclamations denominating the Lot as part of a military reservation subject to the limitation that private rights should be respected. Undoubtedly, this is a pure question of law.

2. CIVIL LAW; LAND REGISTRATION; REQUISITES FOR THE FILING OF AN APPLICATION FOR REGISTRATION OF TITLE. — To put it simply, Section 14(1) of PD 1529 states that there are three requisites for the filing of an application for registration of title: (1) that the property in question is alienable and disposable land 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; and (3) that such possession is under a *bona fide* claim of ownership since 12 June 1945 or earlier.

3. ID.; ID.; ID.; AN APPLICANT FOR REGISTRATION MUST PROVE THAT THE LAND IS ALIENABLE AND DISPOSABLE LAND OF THE PUBLIC DOMAIN, AS PROCLAIMED BY THE PRESIDENT, OR AS DECLARED BY THE DENR SECRETARY; CASE AT BAR. — To prove

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that the Lot is alienable and disposable land of the public domain, respondents presented in evidence a letter dated 22 April 1991 of Conlu, a Land Management Inspector of the DENR-Region IV. This letter-certification is insufficient. Conlu is merely a land investigator of the DENR. It is not enough that he alone should certify that the Lot is within the alienable and disposable zone. Under Section 6 of the Public Land Act, the prerogative of classifying or reclassifying lands of the public domain belongs to the President. The President, through a presidential proclamation or executive order, can classify or reclassify a land to be included or excluded from the public domain. The DENR Secretary is the only other public official empowered by law to approve a land classification and declare such land as alienable and disposable. From the records, this letter was the only evidence presented by respondents to prove that the Lot is alienable and disposable. In fact, not even the Community Environment and Natural Resources Office (CENRO) certified as correct the investigation report of the Land Management Inspector. The most that the CENRO officer did was to indorse the report to the Regional Technical Director of the DENR. In *Republic v. T.A.N. Properties, Inc.*, we ruled that it is not enough for the Provincial Environment and Natural Resources Office (PENRO) or CENRO to certify that a land is alienable and disposable. The applicant for land registration must prove that the DENR Secretary had approved the land classification and released the land of the public domain as alienable and disposable, and that the land subject of the application for registration falls within the approved area per verification through survey by the PENRO or CENRO. In addition, the applicant must present a copy of the original classification of the land into alienable and disposable, as declared by the DENR Secretary, or as proclaimed by the President. Such copy of the DENR Secretary's declaration or the President's proclamation must be certified as a true copy by the legal custodian of such official record. These facts must be established to prove that the land is alienable and disposable. Respondents have failed to present any of these documents. No document was presented to show that the DENR Secretary or the President has classified the Lot as alienable and disposable. No CENRO or PENRO certification was presented that the Lot, per verification through survey, falls within the alienable and disposable zone. The 22 April 1991 letter of Land Management

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Inspector Conlu is not proof that the DENR Secretary or the President has classified the Lot as alienable and disposable, or that the Lot falls within the alienable and disposable zone. The mere issuance of the letter does not prove the facts stated in such letter. Further, the burden is on respondents to prove that the Lot ceased to have the status of a military reservation or other inalienable land of the public domain. No proof was ever submitted by respondents that the Calumpang Point Naval Reservation, or the Lot, ceased as a military reservation. Even if its ownership and control had been transferred by the Americans to the Philippine government, the Calumpang Point Naval Reservation remained as an official military reservation. Thus, being a military reservation at the time, the Calumpang Point Naval Reservation, to which the Lot is a part of, can not be subject to occupation, entry or settlement.

4. ID.; ID.; ID.; IN THE ABSENCE OF SUFFICIENT EVIDENCE TO SHOW THAT THE LAND WAS CLASSIFIED AS ALIENABLE AND DISPOSABLE, IT CANNOT BE SUBJECT TO REGISTRATION. — Well-entrenched is the rule that unless a land is reclassified and declared alienable and disposable, occupation in the concept of an owner, no matter how long, cannot ripen into ownership and be registered as a title. Consequently, respondents could not have occupied the Lot in the concept of an owner in 1947 and subsequent years when respondents declared the Lot for taxation purposes, or even earlier when respondents' predecessors-in-interest possessed the Lot, because the Lot was considered inalienable from the time of its declaration as a military reservation in 1904. Therefore, respondents failed to prove, by clear and convincing evidence, that the Lot is alienable and disposable. Public lands not shown to have been classified as alienable and disposable land remain part of the inalienable public domain. In view of the lack of sufficient evidence showing that the Lot was already classified as alienable and disposable, the Lot applied for by respondents is inalienable land of the public domain, not subject to registration under Section 14(1) of PD 1529 and Section 48(b) of CA 141, as amended by PD 1073. Hence, there is no need to discuss the other requisites dealing with respondents' occupation and possession of the Lot in the concept of an owner. While it is an acknowledged policy of the State to promote the distribution of alienable public lands to spur economic growth and in line with the ideal of social justice, the law imposes

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stringent safeguards upon the grant of such resources lest they fall into the wrong hands to the prejudice of the national patrimony. We must not, therefore, relax the stringent safeguards relative to the registration of imperfect titles.

APPEARANCES OF COUNSEL

The Solicitor General for petitioner.
Quiason Makalintal Barot Torres & Ibarra for respondents.

D E C I S I O N

CARPIO, *J.*:

The Case

Before the Court is a petition for review on *certiorari*[1] assailing the Decision[2] dated 29 August 2003 of the Court of Appeals in CA-G.R. CV No. 66522, which affirmed the judgment of the Regional Trial Court of Naic, Cavite, Branch 15, in LRC Case No. NC-96-782 granting respondents' application for registration of title to Lot No. 233 (Lot), Cad-617-D, Ternate Cadastre.

The Facts

On 21 November 1996, respondents, who are the heirs of Juan Fabio, represented by Angelita F. Esteibar (Esteibar) as their Attorney-in-Fact, filed with the Regional Trial Court of Naic, Cavite, Branch 15, an application for registration of title[3] to the Lot with an approximate area of 1,096,866 square meters or 109.6 hectares. The Lot is situated in Barangay Sapang, Ternate, Cavite. The respondents sought the registration of title under the provisions of Act No. 496 or the Land Registration Act, as amended by Presidential Decree No. 1529 (PD 1529).[4]

[1] Under Rule 45 of the 1997 Revised Rules of Civil Procedure.

[2] *Rollo*, pp. 24-36. Penned by Justice Andres B. Reyes, Jr. with Justices Eubulo G. Verzola and Regalado E. Maambong, concurring.

[3] Docketed as LRC Case No. NC-96-782.

[4] Amending and Codifying the Laws Relative to Registration of Property and for Other Purposes. Effective 11 June 1978.

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In the application, respondents alleged that they are the owners of the Lot, including all the improvements, having acquired the same through a *bona fide* claim of ownership. They declared that they and their predecessors-in-interest were in open, continuous, exclusive and notorious possession of the Lot in the concept of an owner for more than 100 years.[5]

Together with the application for registration, respondents submitted the following documents:

1. Certificate of Death proving the fact of death of Juan Fabio;[6]
2. Special Power of Attorney showing that the heirs authorized Esteibar to file the application;[7]
3. Order dated 25 November 1994 of Sydicious F. Panoy, Regional Technical Director, Regional Office No. IV-A, Department of Environment and Natural Resources (DENR), giving authority to survey the Lot, which survey was numbered SWO-042121-003369-D;[8]
4. Surveyor's Certificate and Transmittal of Survey Returns signed by Geodetic Engineer Susipatro Mancha proving that the Lot was surveyed;[9]
5. Sepia copies of the survey plan establishing that the land area is more or less 109 hectares and that the Lot was already surveyed and the boundaries determined;[10]
6. Letter of Authority dated 30 June 1997 authorizing Engineer Roberto C. Pangyarihan (Pangyarihan) to represent the Land Management Sector, DENR-Region IV, and to testify on plan SWO-042121-003369-D covering the Lot;[11]

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[5] *Rollo*, pp. 37-40.

[6] Records, p. 130.

[7] *Rollo*, pp. 41-43.

[8] *Id.* at 47.

[9] *Id.* at 48; 62-63.

[10] Records, p. 33.

[11] *Id.* at 134.

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7. Technical Description signed by Pangyarihan proving the boundaries of the Lot as surveyed;[12]

8. Letter dated 22 April 1991 of Arnaldo Conlu (Conlu), Land Management Inspector, DENR-Region IV establishing that the Lot is alienable and disposable;[13]

9. First Indorsement dated 22 April 1991 of Rufo F. Lorenzo, Community Environment and Natural Resources Officer, forwarding to the Regional Technical Director, Land Management Division, through the Chief, Surveys Division, DENR-Region IV the investigation report of Land Management Inspector, Conlu;[14]

10. Certifications dated 4 July 1995 and 23 November 1995 of Conrado C. Lindo, Municipal Mayor, and Flordeliza C. Soberano, Municipal Assessor of Ternate, Cavite, respectively, establishing that Juan Fabio was the declared owner of the Lot under Tax Declaration No. 1385 having an area of 200 hectares and situated in Calumpang and Caybangat, Zapang, Ternate, Cavite;[15]

11. Tax Declarations corresponding to different years showing that the Lot has been declared under the name of Juan Fabio for tax purposes: Tax Declaration No. 428 for the year 1947, Tax Declaration No. 302 for the year 1961; Tax Declaration No. 227 for the year 1969, Tax Declaration No. 210 for the year 1974, Tax Declaration No. 173 for the year 1980, Tax Declaration No. 1543 for the year 1985, and Tax Declaration No. 1385 for the year 1994;[16] and

12. Certifications of the Assistant Municipal Treasurer of Ternate, Cavite stating that the real estate taxes for the years 1994 to 1997 were paid.[17]

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[12] *Rollo*, pp. 56-57.

[13] Records, p. 132.

[14] *Id.* at 133.

[15] Annexes E and F, respectively, *rollo*, pp. 45-46.

[16] Annexes I, J, K, L, M, N, and O, respectively, *rollo*, pp. 49-55.

[17] Records, pp. 117, 127, 128, and 129.

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After the presentation of exhibits establishing the jurisdictional facts, the trial prosecutor assigned to the case interposed no objection. Thus, the trial court ordered a general default against the public except the government.

On 1 July 1997, respondents presented their evidence consisting of documentary exhibits and the testimonies of witnesses Esteibar, Pangyarihan, Dominga Fabio Lozano, Mariano Huerto, and Raymundo Pakay.

Esteibar, the duly appointed representative of the heirs of Juan Fabio, testified that her grandfather, Juan, died in 1959 when she was only 13 years old. She attested that she was born on the Lot and knows that her grandfather owned, possessed and occupied the Lot until his death. Esteibar claimed that they and their predecessors-in-interest have possessed and occupied the Lot openly, publicly, continuously, peacefully, without interruption in the concept of an owner and adverse to the public since time immemorial up to the present or for more than 100 years. They had paid real estate taxes; planted trees, vegetables, rice, and banana plants; and raised animals on the Lot. Further, she stated that the Lot is neither mortgaged nor encumbered and that no other person other than her and her co-heirs are in possession of the Lot.

The next witness, Pangyarihan of the Land Management Sector, DENR-Region IV, testified that he had been connected with DENR-Region IV since 1956. He was formerly the Chief of the Survey Division of DENR-Region IV from 1991 until his designation as Special Assistant to the Regional Director in 1995. Pangyarihan affirmed that the Lot is 1,096,866 square meters or 109.6 hectares and that he recommended the approval of the survey plan, SWO-042121-003369-D, which includes the Lot, on the basis of submission of certain requirements like tax declarations, report of investigation by the land investigator and survey returns prepared by the geodetic engineer. He verified that the survey plan and the technical descriptions matched with each other and stated that there is no overlap or encroachment on other surrounding claims on adjacent or adjoining lots. Further, he confirmed that there is a notation at the left hand footnote

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of the approved survey plan which reads "**this survey falls within the Calumpang Point Naval Reservation and disposition hereof shall be subject to the final delimitation thereof as per Proc. No. 1582-A dated September 6, 1976.**"

Dominga Fabio Lozano, the only living and youngest child of Juan Fabio and who was then 63 years of age, testified that she was born in 1934 in Calumpang, Ternate, Cavite. She alleged that she was born and has lived on the Lot, owned by her father Juan Fabio, who in turn inherited the land from his father Ignacio Fabio. She narrated that her father was born in 1887 and died in 1959 at the age of 72 as evidenced by his death certificate. She stated further that no one has ever questioned their ownership or disturbed their peaceful possession and occupation of the Lot. As a result, their possession of the Lot covers more than 100 years of continuous, uninterrupted, public, open and peaceful possession.

Mariano Huerto, a helper of the late Juan Fabio, testified that since 1935, when he was only 12 years old, he had helped cultivate the Lot until he left the place in 1955. He stated that at the time he served as helper, Juan Fabio and his family were the ones who possessed and occupied the Lot. He helped plant vegetables, banana plants, papaya trees and upland rice and was familiar with the boundaries of the Lot.

Raymundo Pakay, 70 years of age at the time and a resident of Ternate, Cavite, testified that he knew Juan Fabio as the owner of the Lot, which has an area of 200 hectares, more or less. He stated that Juan built a house there and could not recall of anyone else who claimed ownership of the Lot.

On 7 August 1997, the Assistant City Prosecutor of Tagaytay City filed his Manifestation and Comment dated 28 July 1997:

> COMES NOW the government, through the undersigned Assistant City Prosecutor of Tagaytay City, assisting the Office of the Provincial Prosecutor of the Province of Cavite, by way of comment to petitioner's formal offer of evidence dated July 3, 1997 hereby manifest that the government interposes no objection to Exhibit 'A' up to 'PP' together with its sub markings, the same being material and relevant to the instant petition.

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The government further manifests that considering the fact that it has no controverting evidence in its possession to refute the material allegations of the herein petitioner, the government is submitting the instant case for the immediate resolution of this Honorable Court on the basis of the evidence adduced by the petitioner and the cross examination propounded by the Trial Prosecutor.[18]

On 29 September 1997, the trial court rendered a Decision ordering the registration of the Lot in the name of Juan Fabio. The dispositive portion states:

WHEREFORE, PREMISES CONSIDERED, finding the application for registration and grant of title under Act 496, as amended by Presidential Decree No. 1529 to be meritorious and fully substantiated by evidence sufficient and requisite under the law, this Court, confirming its previous Order of general default as against the general public, hereby decrees and adjudges and hereby orders the registration of the parcel of land as hereinabove described, identified, and bounded and now the subject matter of the present application for registration of title in the above-entitled case, in favor of, and in the name of JUAN FABIO, of Barangay Sapang, Municipality of Ternate, Province of Cavite.

FURTHER, upon the finality of this DECISION, the Administrator, Land Registration Authority, is hereby ordered to issue the corresponding decree of registration and the Original Certificate of Title in favor of, and in the name of JUAN FABIO, of Barangay Sapang, Municipality of Ternate, Province of Cavite, over the parcel of land described, identified and bounded as hereinabove-mentioned and subject matter of this Decision which decreed and adjudged the registration of its title in his name.

SO ORDERED.[19]

The Republic of the Philippines (petitioner), through the Office of the Solicitor General, filed an appeal with the Court of Appeals. Petitioner claimed that the trial court erred in ruling that respondents have acquired a vested right over the Lot which falls within the Calumpang Point Naval Reservation. Petitioner asserted that the trial court disregarded the testimony of

[18] *Id.* at 135.

[19] *Rollo*, p. 119.

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Pangyarihan who recommended the approval of the survey plan with the following notation:

> This survey falls within the Calumpang Point Naval Reservation and disposition hereof shall be subject to the final delimitation thereof as per Proc. No. 1582-A dated September 6, 1976. x x x

In essence, petitioner argued that the trial court's grant of registration is contrary to the provisions of Section 88 of Commonwealth Act No. 141[20] and Proclamation No. 1582-A.[21]

The Ruling of the Court of Appeals

On 29 August 2003, the Court of Appeals affirmed the ruling of the trial court.[22] The appellate court ruled that the mode of appeal filed by petitioner was wrong. Since the lone question involved was one of law, petitioner should have filed a petition for review with this Court under Rule 45 of the 1997 Rules of Civil Procedure instead of filing an appeal under Rule 41. Nevertheless, the appellate court looked into the merits of the case and sustained the findings of the trial court:

> On the merits of the case, it may be true that the General Order 56 of the United States War Department dated 25 March 1904 reserved the subject property as a military reservation, however, President Ferdinand Marcos issued Proclamation 307 on 20 November 1967 which provides x x x.
>
> In other words, Presidential Proclamation 307 provides for an exception — those properties subject to private rights or those on which private individuals can prove ownership by any mode acceptable under our laws and Torrens system.

[20] Section 88 of Commonwealth Act No. 141 provides: "The tract or tracts of land reserved under the provisions of section eighty-three shall be non-alienable and shall not be subject to occupation, entry, sale, lease, or other disposition until again declared alienable under the provisions of this Act or by proclamation of the President."

[21] Segregating for the Use as Official Station of the Philippine Navy and Philippine Marines, a Portion of the Area Reserved for Military Purposes under Proclamation No. 307, and Releasing the Remaining Areas to the Bona Fide Occupants who have Titles Thereto. Issued by President Ferdinand E. Marcos on 6 September 1976.

[22] *Rollo*, pp. 24-36.

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Proclamation 1582-A issued by President Marcos on 6 September 1976 again provided the following x x x.

Without doubt, this complements and recognizes the rights acquired by private individuals under Proclamation 307, over the portion of the properties reserved under General Order 56 of the United States War Department dated 25 March 1904.

Considering that the annotation appearing in the survey plan merely provides that the controversial portion shall be subject to final delimitation as per Proclamation 1582-A, the same is consistent with the provisions of Proclamation 307.

For wrong remedy and for lack of merit, the Court holds and so rules that the trial court erred not in granting petitioners' application for registration of title.

WHEREFORE, premises considered, the appeal is DISMISSED and the challenged 29 September 1997 Decision of the court *a quo* is hereby AFFIRMED *in toto*. No costs.

SO ORDERED.[23]

Hence, the instant petition.

The Issues

The issues for our resolution are (1) whether petitioner correctly appealed the ruling of the trial court to the Court of Appeals, and (2) whether the respondents have acquired a right over the Lot.

The Court's Ruling

The petition has merit.

First Issue: Mode of Appeal

Petitioner contends that the jurisdiction of the Court of Appeals over the appeal is determined on the basis of the averments in the notice of appeal. Since the appeal involves questions of fact and law, petitioner correctly appealed the ruling of the trial court to the Court of Appeals and not directly to this Court.

Respondents, on the other hand, maintain that the remedy resorted to by petitioner before the Court of Appeals was not

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

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correct. Respondents contend that the issues actually raised in the appellant's brief determine the appropriate mode of appeal, not the averments in the notice of appeal. Since the appellate court found that petitioner only raised questions of law, the appeal is dismissible under the Rules.

Section 2, Rule 41 of the 1997 Rules of Civil Procedure, as amended, which governs appeals from judgments and final orders of the Regional Trial Court to the Court of Appeals, provides:

Section 2. *Modes of appeal.* —

(a) *Ordinary appeal.* — The appeal to the Court of Appeals in cases decided by the Regional Trial Court in the exercise of its original jurisdiction shall be taken by filing a notice of appeal with the court which rendered the judgment or final order appealed from and serving a copy thereof upon the adverse party. No record on appeal shall be required except in special proceedings and other cases of multiple or separate appeals where the law or these Rules so require. In such cases, the record on appeal shall be filed and served in like manner.

(b) *Petition for review.* — The appeal to the Court of Appeals in cases decided by the Regional Trial Court in the exercise of its appellate jurisdiction shall be by petition for review in accordance with Rule 42.

(c) *Appeal by certiorari.* — In all cases where only questions of law are raised or involved, the appeal shall be to the Supreme Court by petition for review on *certiorari* in accordance with Rule 45. (Emphasis supplied)

A question of law arises when there is doubt as to what the law is on a certain state of facts, while there is a question of fact when the doubt arises as to the truth or falsity of the alleged facts. For questions to be one of law, the same must not involve an examination of the probative value of the evidence presented by the litigants. The resolution of the issue must rest solely on what the law provides on the given set of circumstances.[24]

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[24] *Five Star Marketing Co., Inc. v. Booc*, G.R. No. 143331, 5 October 2007, 535 SCRA 28, citing *Suarez v. Villarama, Jr.*, G.R. No. 124512, 27 June 2006, 493 SCRA 74.

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In its appellant's brief filed with the Court of Appeals, petitioner interposed a lone assignment of error:

> The trial court erred in ruling that appellees have acquired a vested right over the subject property despite the fact that it falls within the Calumpang Point Naval Reservation.[25]

Clearly, the issue stated by petitioner provides no confusion with regard to the truth or falsity of the given facts pertaining to the Lot and its location as established during the trial. It had been duly established that the Lot falls within the Calumpang Point Naval Reservation as shown in the survey conducted and attested to by the DENR. Here, the only issue involved is the interpretation of a relevant order and proclamations denominating the Lot as part of a military reservation subject to the limitation that private rights should be respected. Undoubtedly, this is a pure question of law.

Thus, petitioner's appeal under Rule 41 having been improperly brought before the Court of Appeals, it should have been dismissed by the appellate court pursuant to Section 2, Rule 50 of the 1997 Rules of Civil Procedure, as amended, which provides:

> Sec. 2. *Dismissal of improper appeal to the Court of Appeals.* An appeal **under Rule 41** taken from the Regional Trial Court to the Court of Appeals raising only questions of law shall be dismissed, issues purely of law not being reviewable by the said court. x x x (Emphasis supplied)

Nonetheless, the appellate court in resolving that petitioner's appeal constituted a wrong remedy, looked into the merits of the case and found that the laws involved recognize the rights of respondents. As such, equity considerations require that we take a similar course of action in order to put a rest to this case.

Second Issue: Validity of Respondents' Title

Petitioner asserts that both the trial and appellate courts failed to recognize the import of the notation in the survey plan stating that the Lot falls within the Calumpang Point Naval Reservation.

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[25] CA *rollo*, p. 19.

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At the time the application for registration of title was filed, the Lot was no longer open to private ownership as it had been classified as a military reservation for public service. Thus, respondents are not entitled to have the Lot registered under the Torrens system.

Respondents, on the other hand, maintain that they have acquired a vested right over the Lot. The Presidential Proclamations, which declared the Lot part of a naval reservation, provided for an exception that private rights shall be respected, taking the portion covered by private rights out of the reservation. Thus, respondents claim they are entitled to have the Lot registered under their names.

The three proclamations cited reserving the Calumpang Point Naval Reservation for the exclusive use of the military are the following: (1) U.S. War Department Order No. 56 issued on 25 March 1904, (2) Proclamation No. 307[26] issued on 20 November 1967, and (3) Proclamation No. 1582-A issued on 6 September 1976. Such proclamations state:

U.S. War Department General Order No. 56[27]

U.S. War Department General Order No. 56
Washington, March 25, 1904.

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[26] Reserving for Military Purposes a Certain Parcel of Land of the Public Domain Situated in the Municipality of Ternate, Province of Cavite, Island of Luzon. Issued by President Ferdinand E. Marcos.

[27] *ORDEN GENERAL, DEPARTMENTO DE GUERRA.*
Washington, 25 de Marzo de 1904.

ORDEN GENERAL, }

NO. 56 }

Para conocimiento y gobierno de todos los interesados, se publica lo siguiente:

El Presidente de los Estados Unidos por orden fecha 14 de Marzo de 1904, dispuso que las reservas hechas por la Orden Ejecutiva del 11 de Abril de 1902 (Orden General No. 38, Cuartel General del Ejercito, Oficina del Ayudante General, 17 de Abril de 1902), en la entrada de la Bahia de Manila, Luzon, Islas Filipinas, sean arregladas de modo que solamente incluyan los terrenos que mas adelante se describen; cuyos terrenos fueron reservados por dicha orden del 14 de Marzo de 1904 para fines militares, en virtud del articulo 12 de la Ley del Congreso aprobada el 1 de Julio de 1902, titulada "Ley

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For the knowledge and governance of all interested parties, the following is hereby announced:

The President of the United States, by the Order dated March 14, 1904, which provides that the reservations made by Executive Order of April 11, 1902 (General Order No. 38, Army Headquarters, Office of the Adjutant General, April 17, 1902), at the entrance of Manila

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disponiendo provisionalmente la administracion de los asuntos civiles del Gobierno de las Islas Filipinas y para otros fines" (32 Stat. L., 691), a saber:

1. En el lado Norte de la entrada de la Bahia de Manila, en la Provincia de Bataan, Luzon (Reserva de Mariveles), todos los terrenos publicos comprendidos dentro de los limites que se describen como sigue:

"Partiendo de la boca del Rio Marieveles en la margen oriental y desde aqui recto al Norte la distancia de 5,280 pies; desde este punto siguiendo recto al Este hasta interceptar una linea tirada en direccion recta al Sur desde un monumento de piedra marcado U.S. (Estacion 4); desde alii recto al Norte hasta la citada estacion 4; desde aqui recto al Este por una distancia de 6,600 pies hasta un monumento de piedra marcado U.S. (Estacion 5); desde aqui recto al Sur la distancia de 6,600 pies hasta un monumento de piedra marcado U.S. (Estacion 6); desde aqui recto al Este la distancia de 8,910 pies hasta un monumento de piedra marcado U.S. (Estacion 7); desde aqui recto al Sur la distancia de 7,730 pies hasta unmonumento de piedra marcado U.S. (Estacion 8), situado en la esquina Noroeste de la segunda ensenada al Este de Punta Lasisi, 30 pies al Norte de la marca de marca alta; desde alii en la misma direccion hasta la marca de marca alta; desde aquie en direccion Este siguiendo la linea de la playa hasta el punto de partida."

2. En el lado sur de la entrada de la Bahia de Manila, en la Provincia de Cavite, Luzon (Reserva de Punta Calumpan), todos los terrenos publicos comprendidos dentro de los limites que se describen como sigue:

"Partiendo de un monumento de piedra marcado U.S. (Estacion 1) situado en el acantilado al lado Este de Punta Asubig, 20 pies sobre la marca de marea alta y a unos 50 pies del canto del acantilado y siguiendo desde alli al Sur 28° 10' Oeste, la distancia de 22,000 pies hasta un monumento de piedra marcado U.S. (Estacion 2); desde aqui al Norte 54° 10' Oeste la distancia de 5,146 pies hasta un monumento de piedra marcado U.S. (Estacion 3); desde aqui al Sur 85° 35' 30" Oeste, la distancia de 2,455 pies hasta un monumento de piedra marcado U.S. (Estacion 4) situado en la playa cerca de la esquina Nordeste de la Bahia de Limbones, a 50 pies de la macra de marca alta y siguiendo en la misma direccion hasta la marca de marca alta; desde aqui en direccion Norte y Este siguiendo la linea de la playa hasta un punto Norte 28° 10' Este del punto de partida y desde alii al punto de partida; continiendo poco mas o menos 5,200 acres. Las marcaciones son exactas."

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Bay, Luzon, Philippine Islands, are arranged in such a way that will include only these lands as later described, whose lands were reserved by the Order of March 14, 1904 for military purposes, by virtue of Article 12 of the Act of Congress approved on July 1, 1902, entitled "Act providing for the Temporary Administration of Civil Affairs of the Government of the Philippine Islands and for Other Purposes" (32 Stat. L., 691); namely:

1. In the northern side of the entrance to Manila Bay, in the province of Bataan, Luzon (Mariveles Reservation), all public lands within the limits that are described as follows:

"Starting from the mouth of the Mariveles River in the eastern border and from here straight North to a distance of 5,280 feet; from this point straight to the East to intercept a line, in a straight direction to the South from a stone monument marked U.S. (Station 4); from there straight from the North until the aforementioned Station 4; from here straight to the East to a distance of 6,600 feet until a stone monument marked U.S. (Station 5); from here straight South to a distance of 6,600 feet until a stone monument marked U.S. (Station 6); from here straight to the East to a distance of 8,910 feet until a stone monument marked U.S. (Station 7); from here straight to the South to a distance of 7,730 feet until a stone monument marked U.S. (Station 8), situated at the northwest corner of the second creek to the east of Lasisi Point, 30 feet North of the high-tide mark; from there in the same direction until the high-tide mark; from here towards the East following the shoreline up to the starting point."

2. In the southern side of the Manila Bay entrance, in the province of Cavite, Luzon (Calumpan Point Reservation), all

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3. Las islas de Corregidor, Caballo, La Monja, El Fraile, y Carabao y todas las demas islas y rocas aisladas entre la Reserva de Mariveles en el lado Norte de la entrada de la Bahia de Manila y la Reserva de Punta Calumpan al lado Sur de dicha entrada.

4. La jurisdiccion de las autoridades militares en el caso de las reservas en las playas Norte y Sur de la entrada de la Bahia de Manila y de todas las islas citadas en el inciso 3, se extendera desde la marca de marca alta hacia el mar hasta una distancia de 1,000 yardas.

Por orden del Secretario de Guerra:

GEORGE L. GILLESPIE,
Comandante-General, Jefe de Estado Mayor Interino,
Copia oficial.

W.P. HALL, Ayudante-General Interino.

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public lands within the limits that are described as follows: "Starting from a stone monument marked U.S. (Station 1) situated in the cliff on the Eastern side of Asubig Point, 20 feet above the high-tide mark and about 50 feet from the edge of the cliff and continuing from there to the South 28° 10' West, a distance of up to 22,000 feet until a stone monument marked U.S. (Station 2); from here to North 54 ° 10' West at a distance of 5,146 feet until a stone monument marked U.S. (Station 3); from here towards South 85° 35' 30 "West, at a distance of 2,455 feet until a stone monument marked U.S. (Station 4), situated on the beach near the Northeast corner of Limbones Bay, about 50 feet from the high-tide mark and following in the same direction until the high-tide mark; from here towards North and East following the shoreline until North 28° 10' East from the starting point and from there encompassing more or less 5,200 acres. The markers are exact."

3. The islands of Corregidor, Pulo Caballo, La Monja, El Fraile, and Carabao, and all other islands and detached rocks lying between Mariveles Reservation on the north side of the entrance to Manila Bay and Calumpan Point Reservation on the south side of said entrance.

4. The jurisdiction of the military authorities in the case of reservations in the northern and southern beaches of the entrance to Manila Bay and all the islands referred to in paragraph 3, are extended from the high-tide marker towards the sea until a distance of 1,000 yards.

By Order of the Secretary of War:

GEORGE L. GILLESPIE,
General Commander, Chief of Internal General Staff
Official copy.

W.P. HALL, Internal Adjutant General. (Emphasis supplied)

Proclamation No. 307

x x x do hereby withdraw from sale or settlement and reserve for military purposes under the administration of the Chief of Staff, Armed Forces of the Philippines, subject to private rights, if any there be, a certain parcel of land of the public domain situated in the municipality of Ternate, province of Cavite, Island of Luzon, more particularly described as follows:

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Proposed Naval Reservation
Calumpang Point

A parcel of land (the proposed Calumpang Point Naval Reservation), situated in the municipality of Ternate, province of Cavite. Bounded on the NW., N. and E., by Manila Bay; on the SE. and S., by municipality of Ternate; and on the W., by Manila Bay. Beginning at a point marked "1" on the attached Sketch Plan traced from Coastal Hydrography of Limbones Island.

thence N. 54 deg. 30' E., 750.00 m. to point 2;
thence N. 89 deg. 15' E., 1780.00 m. to point 3;
thence N. 15 deg. 10' E., 6860.00 m. to point 4;
thence N. 12 deg. 40' W., 930.00 m. to point 5;
thence S. 77 deg. 20' W., 2336.00 m. to point 6;
thence S. 49 deg. 30' W., 4450.00 m. to point 7;
thence S. 12 deg. 40' E., 2875.00 m. to point 8;
thence S. 30 deg. 30' E., 2075.00 m. to the point of beginning; containing an approximate area of twenty-eight million nine hundred seventy-three thousand one hundred twelve (28, 973,112) square meters.

NOTE: All data are approximate and subject to change based on future surveys."

Proclamation No. 1582-A

WHEREAS, **Proclamation No. 307 dated November 20, 1967 and U.S. War Department Order No. 56 dated March 25, 1904 reserved for military purposes, and withdrew from sale or settlement, a parcel of land of the public domain situated in the Municipality of Ternate, Province of Cavite**, more particularly described as follows: x x x

WHEREAS, the Philippine Navy and the Philippine Marines now need that portion of this area reserved under Proclamation No. 307, particularly, Cayladme Cove, Caynipa Cove, Calumpang Cove and Sinalam Cove, for their use as official station, not only to guard and protect the mouth of Manila Bay and the shorelines of the Province of Cavite, Batangas and Bataan, but also to maintain peace and order in the Corregidor area, which is now one of the leading tourist attractions in the country; x x x

x x x containing an approximate area of EIGHT MILLION EIGHTY-NINE THOUSAND NINE HUNDRED NINETY (8,089,990) SQUARE METERS, more or less.

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The portion that remains after the segregation which are occupied shall be released to *bona fide* occupants pursuant to existing laws/ policies regarding the disposition of lands of the public domain and the unoccupied portions shall be considered as alienable or disposable lands. (Emphasis supplied)

The proclamations established that as early as 1904 a certain parcel of land was placed under the exclusive use of the government for military purposes by the then colonial American government. In 1904, the U.S. War Department segregated the area, including the Lot, for military purposes through General Order No. 56. Subsequently, after the Philippines regained its independence in 1946, the American government transferred all control and sovereignty to the Philippine government, including all the lands appropriated for a public purpose. Twenty years later, two other presidential proclamations followed, both issued by former President Ferdinand E. Marcos, restating that the same property is a naval reservation for the use of the Republic.

There is no question that the Lot is situated within a military reservation. The only issue to be resolved is whether the respondents are entitled to have the Lot registered under the Torrens systems based on the limitation clause cited in the proclamations: (1) "*subject to private rights, if any there be*" in Proclamation No. 307, and (2) "*the portion that remains after the segregation which are occupied shall be released to bona fide occupants pursuant to existing laws/policies regarding the disposition of lands of the public domain and the unoccupied portions shall be considered as alienable or disposable lands*" in Proclamation No. 1582-A. This proviso means that persons claiming rights over the reserved land are not precluded from proving their claims. In effect, the State gives respect and recognizes the rights of private persons who may have acquired any vested interest to the Lot before the issuance of the General Order or proclamations.

Commonwealth Act No. 141 (CA 141), also known as the Public Land Act, remains to this day the existing general law governing the classification and disposition of lands of the public

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domain, other than timber and mineral lands.[28] Under the Regalian doctrine embodied in our Constitution, land that has not been acquired from the government, either by purchase, grant or any other mode recognized by law, belongs to the State as part of the public domain.[29] No public land can be acquired by private persons through any other means, and it is indispensable that the person claiming title to public land should show that his title was acquired through purchase or grant from the State, or through any other mode of acquisition recognized by law.[30]

Section 48(b) of CA 141, as amended by Presidential Decree No. 1073 (PD 1073),[31] provides:

> Sec. 48. The following described citizens of the Philippines, occupying lands of the public domain or claiming to own any such land 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 therefor, 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

[28] *Republic v. Muñoz*, G.R. No. 151910, 15 October 2007, 536 SCRA 108, citing *Chavez v. Public Estates Authority*, 433 Phil. 506 (2002).

[29] *Republic v. Estonilo*, G.R. No. 157306, 25 November 2005, 476 SCRA 265.

[30] *Republic v. Sarmiento*, G.R. No. 169397, 13 March 2007, 518 SCRA 250.

[31] Extending the Period of Filing Applications for Administrative Legalization (Free Patent) and Judicial Confirmation of Imperfect and Complete Titles to Alienable and Disposable Lands in the Public Domain Under Chapter VII and Chapter VIII of Commonwealth Act No. 141, as amended, for Eleven (11) Years Commencing January 1, 1977. Effective 25 January 1977.

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conditions essential to a Government grant and shall be entitled to a certificate of title under the provisions of this chapter.[32]

Similarly, Section 14 of PD 1529 or the Property Registration Decree, governing original registration through registration proceedings, provides:

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

To put it simply, Section 14(1) of PD 1529 states that there are three requisites for the filing of an application for registration of title: (1) that the property in question is alienable and disposable land 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; and (3) that such possession is under a *bona fide* claim of ownership since 12 June 1945 or earlier.

To prove that the Lot is alienable and disposable land of the public domain, respondents presented in evidence a letter[33] dated 22 April 1991 of Conlu, a Land Management Inspector of the DENR-Region IV. The relevant portion of the letter states:

In examination [of] the above-noted subject, please be [informed] that I have examined the land x x x and the following findings [were] ascertained;

That the land covers a portion of 3 (three) *barangays*, namely: Calumpang, Cabangat and Zapang, all within the municipality of Ternate, Cavite;

[32] *Republic v. Doldol*, 356 Phil. 671 (1998).

[33] *Supra*, note 13.

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That the land is **within alienable and disposable zone** under Project No. 22-B, L.C. Map No. 3091;

That the land was declared for taxation purposes since 1945, the latest of which is Tax Declaration No. 1543 with a market value of ₱1,250,000.00 in favor of Juan Fabio x x x (Emphasis supplied)

This letter-certification is insufficient. Conlu is merely a land investigator of the DENR. It is not enough that he alone should certify that the Lot is within the alienable and disposable zone. Under Section 6 of the Public Land Act, the prerogative of classifying or reclassifying lands of the public domain belongs to the President.[34] The President, through a presidential proclamation or executive order, can classify or reclassify a land to be included or excluded from the public domain. The DENR Secretary is the only other public official empowered by law to approve a land classification and declare such land as alienable and disposable.[35]

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[34] Section 6. **The President, upon the recommendation of the Secretary of Agriculture and Commerce, shall from time to time classify the lands of the public domain into —**

(a) Alienable or disposable,

(b) Timber, and

(c) Mineral lands,

and may at any time and in a like manner transfer such lands from one class to another, for the purposes of their administration and disposition. (Emphasis supplied)

[35] Section 13 of Presidential Decree No. 705, or the Revised Forestry Code, approved on 19 May 1975, pertaining to the system of land classification, states:

The Department Head (now Secretary of the Department of Environment and Natural Resources) shall study, devise, determine and prescribe the criteria, guidelines and methods for the proper and accurate classification and survey of all lands of the public domain into agricultural, industrial or commercial, residential, resettlement, mineral, timber or forest, and grazing lands, and into such other classes as now or may hereafter be provided by law, rules and regulations.

In the meantime, the Department Head shall simplify through inter-bureau action the present system of determining which of the unclassified lands of the public domain are needed for forest purposes and declare them as permanent forest to form part of the forest reserves. **He shall declare those classified and determined not to be needed for forest purposes**

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From the records, this letter was the only evidence presented by respondents to prove that the Lot is alienable and disposable. In fact, not even the Community Environment and Natural Resources Office (CENRO) certified as correct the investigation report of the Land Management Inspector. The most that the CENRO officer did was to indorse the report to the Regional Technical Director of the DENR.[36] In *Republic v. T.A.N. Properties, Inc.*,[37] we ruled that it is not enough for the Provincial Environment and Natural Resources Office (PENRO) or CENRO to certify that a land is alienable and disposable. The applicant for land registration must prove that the DENR Secretary had approved the land classification and released the land of the public domain as alienable and disposable, and that the land subject of the application for registration falls within the approved area per verification through survey by the PENRO or CENRO. In addition, the applicant must present a copy of the original classification of the land into alienable and disposable, as declared by the DENR Secretary, or as proclaimed by the President. Such copy of the DENR Secretary's declaration or the President's proclamation must be certified as a true copy by the legal custodian of such official record. These facts must be established to prove that the land is alienable and disposable.

Respondents have failed to present any of these documents. No document was presented to show that the DENR Secretary or the President has classified the Lot as alienable and disposable. No CENRO or PENRO certification was presented that the Lot, per verification through survey, falls within the alienable and disposable zone. The 22 April 1991 letter of Land Management Inspector Conlu is not proof that the DENR

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as alienable and disposable lands, the administrative jurisdiction and management of which shall be transferred to the Bureau of Lands: Provided, That mangrove and other swamps not needed for shore protection and suitable for fishpond purposes shall be released to, and be placed under the administrative jurisdiction and management of, the Bureau of Fisheries and Aquatic Resources. Those still to be classified under the present system shall continue to remain as part of the public forest. (Emphasis supplied)

[36] *Supra*, note 14.

[37] G.R. No. 154953, 26 June 2008.

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Secretary or the President has classified the Lot as alienable and disposable, or that the Lot falls within the alienable and disposable zone. The mere issuance of the letter does not prove the facts stated in such letter.[38]

Further, the burden is on respondents to prove that the Lot ceased to have the status of a military reservation or other inalienable land of the public domain. No proof was ever submitted by respondents that the Calumpang Point Naval Reservation, or the Lot, ceased as a military reservation. Even if its ownership and control had been transferred by the Americans to the Philippine government, the Calumpang Point Naval Reservation remained as an official military reservation. Thus, being a military reservation at the time, the Calumpang Point Naval Reservation, to which the Lot is a part of, can not be subject to occupation, entry or settlement.[39] This is clear from Sections 83 and 88 of CA 141, which provide:

SECTION 83. Upon the recommendation of the Secretary of Agriculture and Commerce, the President may designate by proclamation any tract or tracts of land of the public domain as reservations for the use of the Commonwealth of the Philippines or of any of its branches, or of the inhabitants thereof, in accordance with regulations prescribed for this purpose, or for quasi-public uses or purposes when the public interest requires it, including reservations for highways, rights of way for railroads, hydraulic power sites, irrigation systems, communal pastures or *leguas comunales*, public parks, public quarries, public fishponds, working-men's village and other improvements for the public benefit.

SECTION 88. The tract or tracts of land reserved under the provisions of section eighty-three shall be non-alienable and **shall not be subject to occupation, entry, sale, lease, or other disposition until again declared alienable under the provision of this Act or by proclamation of the President.** (Emphasis supplied)

Well-entrenched is the rule that unless a land is reclassified and declared alienable and disposable, occupation in the concept

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[38] *Id*.

[39] *Republic v. Court of Appeals*, 165 Phil. 142 (1976).

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of an owner, no matter how long, cannot ripen into ownership and be registered as a title.[40] Consequently, respondents could not have occupied the Lot in the concept of an owner in 1947 and subsequent years when respondents declared the Lot for taxation purposes, or even earlier when respondents' predecessors-in-interest possessed the Lot, because the Lot was considered inalienable from the time of its declaration as a military reservation in 1904. Therefore, respondents failed to prove, by clear and convincing evidence, that the Lot is alienable and disposable.

Public lands not shown to have been classified as alienable and disposable land remain part of the inalienable public domain.[41] In view of the lack of sufficient evidence showing that the Lot was already classified as alienable and disposable, the Lot applied for by respondents is inalienable land of the public domain, not subject to registration under Section 14(1) of PD 1529 and Section 48(b) of CA 141, as amended by PD 1073. Hence, there is no need to discuss the other requisites dealing with respondents' occupation and possession of the Lot in the concept of an owner.

While it is an acknowledged policy of the State to promote the distribution of alienable public lands to spur economic growth and in line with the ideal of social justice, the law imposes stringent safeguards upon the grant of such resources lest they fall into the wrong hands to the prejudice of the national patrimony.[42] We must not, therefore, relax the stringent safeguards relative to the registration of imperfect titles.[43]

In *Republic v. Estonilo*,[44] we ruled that persons claiming the protection of "private rights" in order to exclude their lands

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[40] *Republic v. Jacob*, G.R. No. 146874, 20 July 2006, 495 SCRA 529.

[41] *Republic v. Muñoz*, G.R. No. 151910, 15 October 2007, 536 SCRA 108.

[42] *Republic v. Spouses Kalaw*, G.R. No. 155138, 8 June 2004, 431 SCRA 401, citing *Republic v. Court of Appeals*, No. 62680, 9 November 1988, 167 SCRA 150.

[43] *Id.*, citing *Menguito v. Republic*, G.R. No. 134308, 14 December 2000, 348 SCRA 128.

[44] *Supra*, note 29.

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from military reservations must show by clear and convincing evidence that the properties in question have been acquired by a legal method of acquiring public lands. Here, respondents failed to do so, and are thus not entitled to have the Lot registered in their names. Clearly, both the trial and appellate courts gravely erred in granting respondents' application for registration of title.

WHEREFORE, we *GRANT* the petition. We *SET ASIDE* the 29 August 2003 Decision of the Court of Appeals in CA-G.R. CV No. 66522. We *DISMISS* respondents' application for registration and issuance of title to Lot No. 233, Cad-617-D, Ternate Cadastre in LRC Case No. NC-96-782 filed with the Regional Trial Court of Naic, Cavite, Branch 15.

SO ORDERED.

Puno, C.J. (Chairperson), Chico-Nazario,[*] and *Leonardo-de Castro, JJ.,* concur.

Velasco, Jr.,[**] *J.,* see separate concurring opinion.

CONCURRING OPINION

VELASCO, JR., *J.*:

I agree with the well-written *ponencia* of Justice Carpio. However, I wish to make some observations.

Proclamation No. 307 reserving 2,897.3112 hectares for the proposed Calumpang Point Naval Reservation was delimited and reduced to an area of 808.999 hectares under Proclamation No. 1582-A issued on September 6, 1976. If the lot of respondents can be shown to be excluded from the naval reservation under Proclamation No. 1582-A, then it strengthens their claim of ownership and proves that the subject lot is alienable and disposable. Particular attention is invited to the last paragraph of Proclamation No. 1582-A, thus:

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[*] As replacement of Justice Renato C. Corona who is on official leave per Special Order No. 541.

[**] As replacement of Justice Adolfo S. Azcuna who is on official leave per Special Order No. 542.

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The portion that remains after the segregation which are occupied shall be released to *bona fide* occupants pursuant to existing laws/ policies regarding the disposition of lands of the public domain and the unoccupied portions shall be considered as alienable or disposable lands. (Emphasis supplied)

On another point relating to the issue of whether the subject lot is within the alienable and disposable zone, I agree with the *ponencia* that the April 22, 1991 letter of Arnaldo Conlu, Land Management Inspector, DENR-Region IV, standing alone will not suffice. While there is an annotation in the Land Classification (L.C.) Map No. 3091 that the lot of petitioners (now respondents) is "within alienable and disposable zone under Project No. 22-B," they have to introduce as evidence a Forestry Administrative Order signed by the Secretary of Department of Environment and Natural Resources (DENR) approving the L.C. Map No. 3091 which was previously prepared and approved by the Director of the Bureau of Forest Development. The evidence extant on record does not reveal any such Forestry Administrative Order issued by the DENR Secretary. The unavailability of such a vital piece of evidence is fatal to the land registration application of respondents.

THIRD DIVISION

[G.R. No. 162333. December 23, 2008]

BIENVENIDO C. TEOCO and JUAN C. TEOCO, JR., *petitioners, vs.* **METROPOLITAN BANK AND TRUST COMPANY,** *respondent.*

SYLLABUS

1. CIVIL LAW; MORTGAGE; REDEMPTION; WHEN REDEMPTION BY THE SUCCESSORS OF THE