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should reimburse petitioner, as determined by the 2 December 2004 Order of the Regional Trial Court in Civil Case No. 5403, is hereby reinstated at ₱1,800 per square meter.

SO ORDERED.

Leonardo-de Castro, Bersamin, Villarama, Jr., and *Reyes, JJ.*, concur.

FIRST DIVISION

[G.R. No. 182449. March 6, 2013]

REPUBLIC OF THE PHILIPPINES, *petitioner, vs.* **MARTIN T. NG,** *respondent.*

SYLLABUS

1. CIVIL LAW; LAND REGISTRATION; PUBLIC LAND ACT AND PROPERTY REGISTRATION DECREE; JUDICIAL CONFIRMATION OF TITLE UNDER ORIGINAL REGISTRATION, REQUIREMENTS.— In a judicial confirmation of title under original registration proceedings, applicants may obtain the registration of title to land upon a showing that they or their predecessors-in-interest have been in (1) open, continuous, exclusive, and notorious possession and occupation of (2) agricultural lands of the public domain, (3) under a bona fide claim of acquisition or ownership, (4) for at least 30 years immediately preceding the filing of the application for confirmation of title, except when prevented by war or force majeure. The burden of proof in land registration cases rests on applicants who must show clear, positive and convincing evidence that their alleged possession and occupation were of the nature and duration required by law.

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2. ID.; ID.; ID.; ID.; POSSESSION, HOW ACQUIRED; NATURE OF THE POSSESSION REQUIRED TO CONFIRM ONE'S TITLE, EXPLAINED.— In this case, what is questioned is the sufficiency of the evidence submitted to prove that the possession by respondent's predecessors-in-interest was of the nature required by the Public Land Act and the Property Registration Decree. Specifically, respondent must prove that his predecessors-in-interest openly, continuously, exclusively, and notoriously possessed the realties. Possession is acquired in any of the following ways: (1) by the material occupation of the thing; (2) by the exercise of a right; (3) by the fact that the property is subject to the action of our will; and (4) by the proper acts and legal formalities established for acquiring the right. In *Director of Lands v. IAC*, we explained the nature of the possession required to confirm one's title as follows: Possession is **open** when it is patent, visible, apparent, notorious and not clandestine. It is **continuous** when uninterrupted, unbroken and not intermittent or occasional; **exclusive** when the adverse possessor can show exclusive dominion over the land and an appropriation of it to his own use and benefit; and **notorious** when it is so conspicuous that it is generally known and talked of by the public or the people in the neighborhood.

3. ID.; ID.; ID.; ID.; ID.; WHILE TAX DECLARATIONS AND REALTY TAX PAYMENT ON PROPERTY ARE NOT CONCLUSIVE EVIDENCE OF OWNERSHIP, THEY ARE NEVERTHELESS GOOD INDICIA OF POSSESSION IN THE CONCEPT OF OWNER, FOR NO ONE IN THE RIGHT FRAME OF MIND WOULD BE PAYING TAXES FOR A PROPERTY THAT IS NOT IN ONE'S ACTUAL OR AT LEAST CONSTRUCTIVE POSSESSION.— [A]s found by the courts *a quo*, it is clear from the records that respondent presented several pieces of documentary evidence to prove that he openly possessed the properties. He submitted notarized Deeds of Sale, Agreements of Partition and Extra-judicial Settlement of Estate and Sale to show the acquisition of the lands from his predecessors-in-interest. Moreover, he presented Tax Declarations and realty payments showing that he and his predecessors-in-interest had been paying real estate taxes since 1948 until the inception of this case in 1997; hence, for more than 30 years. He also submitted the original

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tracing cloth plan in which the advance survey plan shows that the subject lots had previously been under the names of the vendors, the previous transferors, and the original owners of the lots. As we have ruled in *Republic v. Sta. Ana-Burgos*, while tax declarations and realty tax payments on property are not conclusive evidence of ownership, they are nevertheless good indicia of possession in the concept of owner, for no one in the right frame of mind would be paying taxes for a property that is not in one's actual or at least constructive possession.

4. ID.; ID.; ID.; ID.; ID.; IF THE HOLDERS OF THE LAND PRESENT A DEED OF CONVEYANCE IN THEIR FAVOR FROM ITS FORMER OWNER TO SUPPORT THEIR CLAIM OF OWNERSHIP, THE DECLARATION OF OWNERSHIP AND TAX RECEIPTS RELATIVE TO THE PROPERTY MAY BE USED TO PROVE THEIR GOOD FAITH IN OCCUPYING AND POSSESSING IT.— The voluntary declaration of a piece of property for taxation purposes is an announcement of one's claim against the State and all other interested parties. In fact, these documents already constitute *prima facie* evidence of possession. Moreover, if the holders of the land present a deed of conveyance in their favor from its former owner to support their claim of ownership, the declaration of ownership and tax receipts relative to the property may be used to prove their good faith in occupying and possessing it. Additionally, when considered with actual possession of the property, tax receipts constitute evidence of great value in support of the claim of title of ownership by prescription.

5. ID.; ID.; ID.; ID.; ID.; DOCUMENTARY EVIDENCE CONSISTING OF MUNIMENTS OF TITLE, TAX DECLARATIONS, REALTY PAYMENTS AND TESTIMONY OF WITNESSES, SUFFICIENTLY PROVED RESPONDENT AND HIS PREDECESSORS-IN-INTEREST OPEN, CONTINUOUS, EXCLUSIVE, AND NOTORIOUS POSSESSION OF THE SUBJECT REALITIES, AS REQUIRED BY OUR REGISTRATION LAWS.— As for testimonial evidence, although it is unfortunate that respondent's counsel failed to ask Fat specific questions as to the fact of possession, it is evident that respondent's predecessors-in-interest were the witness' longtime neighbors and close friends who lived near the subject lots. Logically,

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> it can be inferred that respondent's predecessors-in-interest materially occupied and continuously possessed the adjoining property. x x x The said witness x x x narrated that the lots were transferred either through a contract of sale or through succession, from the original owners to the vendors who later became respondent's predecessors-in-interest. Taken together, these acts of transferring the property evinced the exercise of their ownership rights over the lots. Far from giving a motherhood statement, Fat also asserted with certainty that no other person laid claim to the lots. This fact was corroborated by the DENR Certification that the lots were not covered by any other subsisting public land application. Accordingly, respondent supplied proof of his exclusive possession of the realties. Therefore, given these pieces of documentary evidence – consisting of muniments of title, tax declarations and realty payments which were not disputed by petitioner; and the testimony as regards the actual possession for more than 30 years by respondent's predecessors-in-interest – the OSG inaccurately portrayed respondent as merely making general submissions in proving his claims. Rather, as found by the courts *a quo*, he amply established that he and his predecessors-in-interest owned and possessed the subject lots openly, continuously, exclusively, and notoriously, as required by our registration laws.

APPEARANCES OF COUNSEL

The Solicitor General for petitioner.
Emmanuel I. Seno for respondent.

D E C I S I O N

SERENO, *C.J.*:

Before this Court is a Rule 45 Petition, seeking a review of the 25 March 2008 Decision[1] of the Court of Appeals (CA) in CA-G.R. CV No. 01143, which affirmed the 23 October 2002

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[1] *Rollo*, pp. 34-44; CA Decision, penned by Associate Justice Francisco P. Acosta, with Associate Justices Pampio A. Abarintos and Amy C. Lazaro-Javier concurring.

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Amended Decision[2] of the Municipal Trial Court (MTC), Consolacion, Cebu, in LR Case No. N-12, LRA Record No. N-67773. The MTC ordered the registration and confirmation of title over five parcels of land claimed by respondent Martin T. Ng.

The antecedent facts are as follows:[3]

On 7 January 1997, respondent filed an application for the original registration of title over Lot Nos. 9663, 9666, 9668, 9690 and 9691, CAD 545-D (New) situated at Cansaga, Consolacion, Cebu. He claimed ownership of these five parcels of land with a total area of 1,841 square meters. His claim was based on his purchase thereof from the vendors, who had possessed the realties for more than thirty (30) years.

During the reception of evidence by the Clerk of Court, respondent furnished the following pieces of documentary evidence to establish his purchase of the lots: (1) Deed of Absolute Sale between him and Eustaquio Tibon;[4] (2) Extra-judicial Settlement of Estate & Sale between him and Olivia Sicad *vda. de* Ouano;[5] (3) Deed of Definite Sale by Eduardo and Virginia Capao;[6] (4) Deed of Absolute Sale between him and Victoria Capadiso;[7] and (5) Agreement of Partition between him and Victoria Capadiso.[8] In addition, he attached the numerous vintage Tax Declarations[9] dating as far back as 1948.[10] These Tax Declarations were either under the names of the vendors, the previous transferors and the original owners of the lots. The

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[2] *Id.* at 75-88.

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

[4] Records, p. 106.

[5] *Id.* at 15-16.

[6] *Id.* at 147.

[7] *Id.* at 19.

[8] *Id.* at 166.

[9] *Id.* at 113-128; 131-140; 148-156; 158-165.

[10] *Id.* at 113.

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regularity and due execution of these contracts, Tax Declarations and realty payments were never assailed by petitioner.

Respondent also submitted the following documents to prove his ownership: (1) the Department of Environment and Natural Resources (DENR) Certification showing that the subject lots were within the alienable and disposable lands of the public domain;[11] (2) the DENR Certification stating that the lots are not covered by any other subsisting public land application;[12] and (3) the original tracing cloth plan covering the properties.[13] Similarly, these pieces of evidence were never assailed by petitioner.

As for testimonial evidence, respondent narrated that these lots were purchased from the aforementioned vendees and predecessors-in-interest, who had been in possession of the lots for more than thirty (30) years. In support of his claims, he further presented the testimony of the 77-year-old Josefa N. Fat (Fat), who lived near the subject lots.

According to Fat, she met respondent in 1993, when he brought with him workers assigned to plant trees and to fence the property. Since then, she recounted that she saw him on the subject lots for several times.

Further, she stated that she knew the original owners and vendees of the lots, as they were her neighbors and close friends. She also recounted that the properties were either inherited or transferred by the past owners to the vendors, who in turn sold them to Martin T. Ng; and that there is no other person who laid claim over the lots. She ended her testimony by asserting with certainty that the ownership and possession by respondent and his predecessors-in-interest were public, peaceful, open, continuous, and in the concept of an owner.

After the presentation of evidence, the MTC rendered its 23 October 2002 Decision confirming respondent's title to the subject lots and ordering the registration of the title in his name.

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[11] *Id.* at 105.

[12] *Id.* at 30.

[13] *Id.* at 83.

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Petitioner, as represented by the Office of the Solicitor General (OSG), appealed to the CA. In a lone assignment of error, it averred that the trial court erred in granting Ng's application, since respondent had failed to comply with the requirements for the original registration of title.

Petitioner contended that respondent had failed to substantiate his alleged possession and occupation. It attacked Fat's testimony as full of motherhood statements, which could not be given weight by the courts. In addition, it asserted that the Tax Declarations attached to the application merely provided an *indicia* of possession, and not a conclusive proof of ownership.

The CA affirmed the factual findings of the MTC. It appreciated the statement of Josefa Fat, who lived near the subject parcels of land, that she knew their previous owners as her neighbors and close acquaintances. According to the appellate court, this testimony was even corroborated by Tax Declarations and realty tax payments, which altogether sufficiently established the possession of the realties by respondent's predecessors-in-interest.[14] Hence, the CA held:[15]

> Considering that the possession of the subject parcels of land by the applicant-appellee tacked to that of his predecessors-in-interest, covered a period of forty-nine (49) years to the time of the filing of the application for registration in 1997, we hold that applicant-appellee has acquired an imperfect title thereto which may be subject to confirmation and brought under the operation of the Torrens system.
>
> **WHEREFORE,** the assailed Amended Decision dated October 23, 2002 of the MTC Consolacion, Cebu, is **AFFIRMED.**

Aggrieved, petitioner reiterates its lone assignment of error before this Court:[16] that the CA gravely erred in affirming the trial court's appreciation of respondent's claim of ownership as one that had been established by virtue of an open, continuous, exclusive and notorious possession of the subject lots.

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[14] *Rollo,* p. 43.

[15] *Id.*

[16] *Id.* at 17.

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RULING OF THE COURT

In a judicial confirmation of title under original registration proceedings, applicants may obtain the registration of title to land upon a showing that they or their predecessors-in-interest have been in (1) open, continuous, exclusive, and notorious possession and occupation of (2) agricultural lands of the public domain, (3) under a *bona fide* claim of acquisition or ownership, (4) for at least 30 years immediately preceding the filing of the application for confirmation of title, except when prevented by war or force majeure.[17] The burden of proof in land registration cases rests on applicants who must show clear, positive and convincing evidence that their alleged possession and occupation were of the nature and duration required by law.[18]

In this case, what is questioned is the sufficiency of the evidence submitted to prove that the possession by respondent's predecessors-in-interest was of the nature required by the Public Land Act and the Property Registration Decree. Specifically, respondent must prove that his predecessors-in-interest openly, continuously, exclusively, and notoriously possessed the realties.

Possession is acquired in any of the following ways: (1) by the material occupation of the thing; (2) by the exercise of a right; (3) by the fact that the property is subject to the action of our will; and (4) by the proper acts and legal formalities established for acquiring the right.[19] In *Director of Lands v. IAC*,[20] we explained the nature of the possession required to confirm one's title as follows:

Possession is **open** when it is patent, visible, apparent, notorious and not clandestine. It is **continuous** when uninterrupted, unbroken and not intermittent or occasional; **exclusive** when the adverse

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[17] Presidential Decree No. 1529 (1978), Sec. 14; Commonwealth Act No. 141 (1936), Sec. 48.

[18] *Diaz-Enriquez v. Republic of the Philippines*, 480 Phil. 787 (2004).

[19] CIVIL CODE, Art. 531.

[20] G.R. No. 68946, 209 Phil. 214, 224 (1992).

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possessor can show exclusive dominion over the land and an appropriation of it to his own use and benefit; and **notorious** when it is so conspicuous that it is generally known and talked of by the public or the people in the neighborhood. (Emphasis supplied)

In perusing the evidence submitted by respondent, petitioner claims[21] that the former merely presented (1) a witness' testimony full of motherhood statements, and (2) Tax Declarations and realty payments that do not conclusively prove ownership. Thus, the Republic claims that the evidence of possession is insufficient.

However, as found by the courts *a quo*, it is clear from the records that respondent presented several pieces of documentary evidence to prove that he openly possessed the properties. He submitted notarized Deeds of Sale, Agreements of Partition and Extra-judicial Settlement of Estate and Sale to show the acquisition of the lands from his predecessors-in-interest.[22]

Moreover, he presented Tax Declarations and realty payments showing that he and his predecessors-in-interest had been paying real estate taxes since 1948 until the inception of this case in 1997; hence, for more than 30 years. He also submitted the original tracing cloth plan in which the advance survey plan shows that the subject lots had previously been under the names of the vendors, the previous transferors, and the original owners of the lots.[23]

As we have ruled in *Republic v. Sta. Ana-Burgos*,[24] while tax declarations and realty tax payments on property are not conclusive evidence of ownership, they are nevertheless good indicia of possession in the concept of owner, for no one in the right frame of mind would be paying taxes for a property that is not in one's actual or at least constructive possession.

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[21] *Rollo*, pp. 14-27.

[22] *Director of Lands v. CA*, G.R. No. 50260, 29 July 1992, 211 SCRA 868.

[23] Records, p. 82.

[24] G.R. No. 163254, 1 June 2007, 523 SCRA 309.

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The voluntary declaration of a piece of property for taxation purposes is an announcement of one's claim against the State and all other interested parties.[25] In fact, these documents already constitute *prima facie* evidence of possession.[26] Moreover, if the holders of the land present a deed of conveyance in their favor from its former owner to support their claim of ownership, the declaration of ownership and tax receipts relative to the property may be used to prove their good faith in occupying and possessing it.[27] Additionally, when considered with actual possession of the property, tax receipts constitute evidence of great value in support of the claim of title of ownership by prescription.[28]

As for testimonial evidence, although it is unfortunate that respondent's counsel failed to ask Fat specific questions as to the fact of possession, it is evident that respondent's predecessors-in-interest were the witness' longtime neighbors and close friends who lived near the subject lots. Logically, it can be inferred that respondent's predecessors-in-interest materially occupied and continuously possessed the adjoining property. Her testimony reads thus:[29]

Q: Do you know a certain Nemesio Tibon?
A: Yes, sir.

Q: Why do you know him?
A: Because he was my close neighbor.

Q: In relation to Lot 9663 one of the subject lots, who is he?
A: He was the original owner of Lot No. 9663.

Q: Where is Nemesio Tibon now?
A: He is already dead.

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[25] *Id.*

[26] *The Republic of the Philippines v. Santua*, G.R. No. 155703, 8 September 2008, 564 SCRA 331.

[27] *Elumbaring v. Elumbaring*, 12 Phil. 384 (1909).

[28] *Viernes v. Agpaoa*, 41 Phil. 286 (1920).

[29] *Rollo*, pp. 99-102; TSN dated 16 April 2002, pp. 5-33.

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Q: After Nemesio Tibon died, who owned and possessed Lot No. 9663?
A: It was his son, Eustaquio Tibon, who owned and possessed Lot No. 9663 after he inherited the same from Nemesio Tibon.

Q: From his son, Eustaquio Tibon, where did the property go?
A: It was owned and possessed by the applicant, Martin T. Ng, after the latter bought it from Eustaquio Tibon.

Q: Do you know a certain Diego Balaba?
A: Yes, sir.

Q: Why do you know him?
A: We were very close neighbors before.

Q: In relation to Lot No. 9666, one of the subject lots, who is he?
A: He was the original owner of Lot No. 9666.

Q: Where is Diego Balaba now?
A: He is already dead.

Q: From Diego Balaba, who owned and possessed Lot No. 9666?
A: It was the spouses Rufino Quano and Oliva Sicad who owned and possessed the same after they bought it from Diego Balaba.

Q: How did you know about this fact?
A: As I have said, Diego Balaba was my close neighbor and I was present when the sale was made.

Q: From the spouses Rufino Quano and Oliva Sicad, who owned and possessed Lot No. 9666?
A: It was the applicant, Martin T. Ng, who owned and possessed Lot No. 9666 after the latter bought it from the spouses Rufino Quano and Oliva Sicad.

Q: Do you know a certain Liberato Alivio?
A: Yes, sir.

Q: Why do you know him?
A: He was my neighbor and a very close friend of mine.

Q: In relation to Lot No. 9668, one of the subject lots, who is he?
A: He was the original owner of Lot No. 9668.

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Q: Where is Liberato Alivio now?
A: He is already dead.

Q: After Liberato Alivio died, who owned and possessed Lot No. 9668?
A: It was owned and possessed by his wife, Cipriana Herbieto.

Q: From Cipriana Herbieto, where did Lot No. 9668 go?
A: It was owned and possessed by his son, Ireneo Alivio, who, in turn, sold the same to the spouses Eduardo Capao and Virginia Alivio.

Q: From the spouses Eduardo Capao and Virginia Alivio, who owned and possessed Lot No. 9668?
A: It was owned and possessed by the applicant, Martin T. Ng, after the latter purchased the same from the spouses Eduardo Capao and Virginia Alivio.

Q: Why do you know all these facts?
A: Because I am living near the land and that the previous owners of the said land were my neighbor and close friends.

Q: Do you know a certain Julian Capadiso?
A: Yes, sir.

Q: Why do you know him?
A: He was my neighbor and a very close friend.

Q: Where is Julian Capadiso now?
A: He is already dead.

Q: In relation to Lot No. 9690, one of the subject lots, who is he?
A: He was the original owner of Lot No. 9690.

Q: After Julian Capadiso died, who owned and possessed Lot No. 9690?
A: It was owned and possessed by the spouses Eustiquiano Naingue and Victoria Capadiso after the latter bought it from Julian Capadiso.

Q: From the spouses Eustiquiano Naingue and Victoria Capadiso, where did the property go?
A: It was owned and possessed by the applicant, Martin T. Ng, after the latter bought it from the spouses Eustiquiano Naingue and Victoria Capadiso.

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Q: Why do you know all about these facts?
A: As I have said, I am living near the land and the original and previous owners of the said lot are my neighbors and close friends.

Q: Do you know a certain Saturnino Capadiso?
A: Yes, sir.

Q: Why do you know him?
A: He was my neighbor.

Q: Where is Saturnino Capadiso now?
A: He is already dead.

Q: In relation to Lot No. 9691 one of the subject lots, who is he?
A: He was the original owner of Lot No. 9691.

Q: From Saturnino Capadiso, who owned and possessed Lot No. 9691?
A: It was owned and possessed by his daughter, Victoria Capadiso after the latter inherited the same from his father, Saturnino Capadiso.

Q: After Victoria Capadiso, who owned and possessed Lot No. 9691?
A: It was owned and possessed by the applicant, Martin T. Ng after the latter purchased the same from Victoria Capadiso.

Q: What can you say then of the ownership and possession of the applicant over the subject lots?
A: I can say with certainty that the ownership and possession of the applicant and that of his predecessors-in-interest over the subject lots is public, peaceful, open, continuous and in concept of owners.

Atty. Seno:

That is all for the witness your Honor.

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The said witness further narrated that the lots were transferred either through a contract of sale or though succession, from the original owners to the vendors who later became respondent's predecessors-in-interest. Taken together, these acts of transferring

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the property evinced the exercise of their ownership rights over the lots.

Far from giving a motherhood statement, Fat also asserted with certainty that no other person laid claim to the lots. This fact was corroborated by the DENR Certification that the lots were not covered by any other subsisting public land application. Accordingly, respondent supplied proof of his exclusive possession of the realties.

Therefore, given these pieces of documentary evidence — consisting of muniments of title, tax declarations and realty payments which were not disputed by petitioner; and the testimony as regards the actual possession for more than 30 years by respondent's predecessors-in-interest — the OSG inaccurately portrayed respondent as merely making general submissions in proving his claims. Rather, as found by the courts *a quo*, he amply established that he and his predecessors-in-interest owned and possessed the subject lots openly, continuously, exclusively, and notoriously, as required by our registration laws.

For these reasons, we see no reason to reverse the congruent factual findings of the MTC and the CA.

IN VIEW THEREOF, the assailed 25 March 2008 Decision of the Court of Appeals in CA-G.R. CV No. 01143 is hereby **AFFIRMED.**

SO ORDERED.

Leonardo-de Castro, Bersamin, Villarama, Jr., and *Reyes, JJ.,* concur.