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SECOND DIVISION

[G.R. No. 197297. August 2, 2017]

REPUBLIC OF THE PHILIPPINES, *petitioner, vs.* **SPOUSES DANILO GO and AMORLINA GO,** *respondents.*

SYLLABUS

1. POLITICAL LAW; PUBLIC LAND ACT; ANY APPLICATION FOR CONFIRMATION OF TITLE ALREADY CONCEDES THAT THE LAND IS PREVIOUSLY PUBLIC.— Any application for confirmation of title under Commonwealth Act No. 141 already concedes that the land is previously public. For a person to perfect one's title to the land, he or she may apply with the proper court for the confirmation of the claim of ownership and the issuance of a certificate of title over the property. This process is also known as judicial confirmation of title. Section 48(b) of Commonwealth Act No. 141, as amended by Presidential Decree No. 1073, states who can apply for judicial confirmation of title: x x x Commonwealth Act No. 141 is a special law that applies to agricultural lands of the public domain, not to forests, mineral lands, and national parks. The requisite period of possession and occupation is different from that of land classification. In an application for judicial confirmation of title, an applicant already holds an imperfect title to an agricultural land of the public domain after having occupied it from June 12, 1945 or earlier. Thus, for purposes of obtaining an imperfect title, the date it was classified is immaterial.

2. ID.; PUBLIC LAND ACT (CA 141) AND PROPERTY REGISTRATION DECREE (PD 1529); REQUISITES FOR FILIPINO CITIZENS APPLYING FOR THE JUDICIAL CONFIRMATION AND REGISTRATION OF AN IMPERFECT TITLE.— [U]nder Section 48(b) of Commonwealth Act No. 141, as amended, and Section 14(1) of Presidential Decree No. 1529, Filipino citizens applying for the judicial confirmation and registration of an imperfect title must prove several requisites. First, they must prove that they,

by themselves or through their predecessors-in-interest, have been in open, continuous, exclusive, and notorious possession of the property. Second, it must be settled that the applicants' occupation is under a *bona fide* claim of acquisition or ownership since June 12, 1945 or earlier, immediately before the application was filed. Third, it should be established that the land is an agricultural land of public domain. Finally, it has to be shown that the land has been declared alienable and disposable.

3. **ID.; ID.; ID.; POSSESSION; TAX DECLARATION MAY BE A BASIS TO INFER POSSESSION.—** Although not adequate to establish ownership, a tax declaration may be a basis to infer possession. This Court has highlighted that where tax declaration was presented, it must be the 1945 tax declaration because June 12, 1945 is material to the case. The specific date must be ascertained; otherwise, applicants fail to comply with the requirements of the law.

4. **ID.; ID.; ID.; APPLICANT HAS TO PROVE THAT THE PUBLIC LAND HAS BEEN CLASSIFIED AS ALIENABLE AND DISPOSABLE.—** The 1987 Constitution declares that the State owns all public lands. Public lands are classified into agricultural, mineral, timber or forest, and national parks. Of these four (4) types of public lands, only agricultural lands may be alienated. x x x Thus, an applicant has the burden of proving that the public land has been classified as alienable and disposable. To do this, the applicant must show a positive act from the government declassifying the land from the public domain and converting it into an alienable and disposable land. "[T]he exclusive prerogative to classify public lands under existing laws is vested in the Executive Department."

5. **ID.; ID.; ID.; ID.; THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES (DENR) SECRETARY IS THE APPROVING AUTHORITY FOR LAND CLASSIFICATION AND RELEASE OF LANDS OF THE PUBLIC DOMAIN AS ALIENABLE AND DISPOSABLE; A COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE (CENRO) CERTIFICATION SHOULD BE ACCOMPANIED BY THE SAID DENR SECRETARY'S ISSUANCE.—** Section X(1) of the DENR Administrative Order No. 1998-24 and Section IX(1) of DENR Administrative Order No. 2000-11 affirm that the DENR

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> Secretary is the approving authority for "[l]and classification and release of lands of the public domain as alienable and disposable." x x x The DENR Secretary's official acts "may be evidenced by an official publication thereof or by a copy attested by the officer having legal custody of the record, or by his deputy." x x x The Community Environment and Natural Resources Office (CENRO) certification is issued only to verify the DENR Secretary issuance through a survey. x x x To establish that a land is indeed alienable and disposable, applicants must submit the application for original registration with the CENRO certification and a copy of the original classification approved by the DENR Secretary and certified as a true copy by the legal custodian of the official records.

APPEARANCES OF COUNSEL

Office of the Solicitor General for petitioner.
Jose Amor M. Amorado for respondents.
AMA Law Office, co-counsel for respondents.

D E C I S I O N

LEONEN, *J.*:

Public land remains inalienable unless it is shown to have been reclassified and alienated to a private person.[1]

This resolves a Petition for Review assailing the Court of Appeals Decision dated January 21, 2011 and Resolution dated June 6, 2011 in CA-G.R. CV No. 93000, which affirmed the Decision of the Municipal Trial Court in Cities dated December 12, 2008 issuing the Decree of Registration for Lot No. 4699-B of Subdivision Plan Csd-04-022290-D in favor of the Spouses Danilo and Amorlina Go.

On August 26, 2006, respondents Spouses Danilo and Amorlina Go (the Spouses Go) applied for the registration and

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[1] *Republic v. Vega,* 654 Phil. 511, 520 (2011) [Per *J.* Sereno, Third Division].

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confirmation of title over Cadastral Lot No. 4699-B (Lot No. 4699-B), a parcel of land in Barangay Balagtas, Batangas City covering an area of 1,000 square meters.[2]

The Spouses Go registered Lot No. 4699-B in their names for taxation purposes. They had paid the real property taxes, including the arrears, from 1997 to 2006, as shown in Tax Declaration No. 026-04167.[3] They had also established a funeral parlor, San Sebastian Funeral Homes, on the lot.[4] According to them, there were no other claimants over the property.[5]

The Spouses Go claimed to be in an open, continuous, exclusive, notorious, and actual possession of the property for seven (7) years since they bought it.[6] They also tacked their possession through that of their predecessors-in-interest, as follows:

Sometime in 1945,[7] Anselmo de Torres (Anselmo) came to know that his parents, Sergia Almero and Andres de Torres (the Spouses de Torres),[8] owned Lot No. 4699,[9] a bigger property where Lot No. 4699-B came from. According to Anselmo, the Spouses de Torres paid the real property taxes during their lifetime and planted bananas, mangoes, calamansi, and rice on this lot.[10] His mother, Sergia Almero (Sergia), allegedly inherited

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[2] *Rollo*, p. 32, Court of Appeals Decision.

[3] *Id*. at 34, Court of Appeals Decision.

[4] *Id*. at 56, RTC Decision.

[5] *Id*. at 57.

[6] *Id*. at 56.

[7] *Id*. at 39. The records state that Anselmo was born on April 21, 1938 and he was seven (7) years old when he allegedly learned his parents' ownership of the land.

[8] *Id*. at 32, Court of Appeals Decision.

[9] *Id*. at 39. *See rollo*, pp. 54 and 56. Lot No. 4699 was a 3,994-square-meter parcel of land that was subdivided into small areas under Subdivision Plan Csd-04-022290-D.

[10] *Id*. at 39.

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Lot No. 4699 from her parents, Celodonio and Eufemia Almero (the Spouses Almero).[11]

In the 1960s, Anselmo and his siblings inherited Lot No. 4699 from their parents upon their deaths.[12]

One of Anselmo's sisters, Cristina Almero de Torres Corlit (Cristina), then built a residential house on Lot No. 4699-B,[13] declaring this parcel of land under her name for tax purposes, as evidenced by Tax Declaration No. 026-03492.[14] Meanwhile, Anselmo and his other siblings built their homes on another portion of Lot No. 4699.[15] Anselmo, who was then 28 years old, started living in the eastern portion from 1966.[16]

On January 26, 2000, the Spouses Go bought Lot No. 4699-B from the previous owners, siblings Anselmo, Bernardo Almero de Torres, Leonila Almero de Torres Morada, and Cristina, as evidenced by a Deed of Absolute Sale.[17]

On August 26, 2006, the Spouses Go (respondents) applied for the registration and confirmation of title of Lot No. 4699-B.[18] They attached the Report dated January 31, 2007 of Special Land Investigator I Ben Hur Hernandez (Hernandez) and the Certification dated January 29, 2008 of Forester I Loida Maglinao (Maglinao) of the Batangas City Community Environment and Natural Resources Office (CENRO) of the Calamba, Laguna, Batangas, Rizal, and Quezon (CALABARZON) Region of the Department of Environment and Natural Resources (DENR).[19]

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[11] *Id*. at 32.

[12] *Id*. at 57, RTC Decision.

[13] *Id*. at 56-57, RTC Decision.

[14] *Id*. at 34, Court of Appeals Decision.

[15] *Id*. at 56-57, RTC Decision.

[16] *Id*. at 57.

[17] *Id*. at 15, 32.

[18] *Id*. at 32, Court of Appeals Decision.

[19] *Id*. at 57-58, RTC Decision.

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Hernandez's January 31, 2007 Report and Maglinao's January 29, 2008 Certification stated that the property was located in an alienable and disposable zone[20] since March 26, 1928, under Project No. 13, Land Classification Map No. 718.[21] No patent or decree was previously issued over the property.[22]

On November 3, 2006, the Republic of the Philippines (petitioner) opposed respondents' application for registration for the following reasons: 1) Lot No. 4699-B was part of the public domain; 2) neither the Spouses Go nor their predecessors-in-interest had been in open, continuous, exclusive, and notorious possession and occupation of the property since June 12, 1945 or even before then; 3) the tax declaration and payment were not competent or sufficient proof of ownership, especially considering that these were relatively recent.[23]

Anselmo and his siblings had no proof of their inheritance. He claimed that the office having custody of the documentary proof of their inheritance was burned[24] and they no longer had the original copy of the documents.[25]

In the Decision[26] dated December 12, 2008, the Municipal Trial Court in Cities confirmed the title of the lot in the name of the Spouses Go. The dispositive portion read:

Considering that the applicants have duly established essential facts in support of the application, the Court hereby confirms title

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[20] *Id*. at 57.

[21] *Id*. at 74.

[22] *Id*. at 57, RTC Decision.

[23] *Id*. at 36-37, Court of Appeals Decision.

[24] *Id*. at 32. *See rollo,* p. 56, the Municipal Trial Court in Cities cites a Certification dated March 31, 2008 of the Office of the City Assessor of Batangas City purportedly showing that the office was burned on an unstated date.

[25] *Id*. at 56, RTC Decision.

[26] *Id*. at 54-59. The Decision, docketed as LRC Case No. 2006-162, was penned by Judge Eleuterio L. Bathan of Branch 2, Municipal Trial Court in Cities, Pallocan West, Batangas City.

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to Lot 4699-B, Cad 264 Batangas Cadastre covered in approved plan Csd-04-22290-D, containing an area of ONE THOUSAND (1,000) SQUARE METERS situated at Barangay Balagtas, Batangas City in the name of Spouses Danilo Go and Amorlina A. Go, of legal age, Filipino and residents of San Jose Subdivision, Barangay San Sebastian, Lipa City.

Once the Decision becomes final, let the corresponding Decree of Registration be issued.

SO ORDERED.[27]

Petitioner appealed directly to the Court of Appeals. In the Decision[28] dated January 21, 2011, the Court of Appeals denied the appeal:

WHEREFORE, premises considered, the appeal is **DENIED**. The assailed *Decision,* dated December 12, 2008, of the Municipal Trial Court in Cities (MTCC), Branch 2, Pallocan West, Batangas City in Land Registration Case No. 2006-162, is **AFFIRMED.**

No pronouncement as to costs.

SO ORDERED.[29]

Petitioner filed its Motion for Reconsideration,[30] which was denied on June 6, 2011.[31]

Petitioner elevated[32] the case before this Court, arguing that Maglinao testified having investigated only 200 square meters

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[27] *Id*. at 58-59.

[28] *Id*. at 31-49. The Decision, docketed as CA-G.R. CV No. 93000, was penned by Associate Justice Antonio L. Villamor and concurred in by Associate Justices Jose C. Reyes, Jr. and Franchito N. Diamante of the Special Thirteenth Division, Court of Appeals, Manila.

[29] *Id*. at 48.

[30] *Id*. at 60-65.

[31] *Id*. at 50-53. The Resolution was penned by Associate Justice Antonio L. Villamor and concurred in by Associate Justices Jose C. Reyes, Jr. and Franchito N. Diamante of the Former Special Thirteenth Division of the Court of Appeals, Manila.

[32] *Id*. at 10-30, Petition for Review.

of the 1,000-square-meter land for registration.[33] She also admitted that her certification was based on the approved plan and not on the Land Classification Map. She certified the lot only to determine "the point or monument of the entire or whole area" and not to identify its alienable character. Thus, petitioner argues that Maglinao's certification should not have been used to determine that the land was alienable and disposable.[34]

Petitioner assails respondents' failure to submit a copy of the original classification map that bears the DENR Secretary's approval and its legal custodian's certification as a true copy.[35] Petitioner argues that a CENRO Certification is insufficient to establish that a land applied for registration is alienable.[36]

In the Resolution dated August 15, 2011, this Court required respondents to submit a certified true copy of any Presidential or DENR Secretary's issuance stating Lot No. 4699-B as alienable and disposable.[37]

In their Compliance[38] dated September 25, 2011, the Spouses Go attached a certified photocopy of the CENRO Certification dated January 29, 2008,[39] which this Court noted.[40] In the Resolution dated November 14, 2011, this Court informed the Spouses Go that the CENRO Certification was not the submission required of them.[41]

On June 20, 2012, the Spouses Go's counsel, Atty. Jose Amor M. Amorado, was ordered "to show cause why he should not be disciplinarily dealt with or held in contempt" for failure to

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[33] *Id*. at 20-21.

[34] *Id*. at 21.

[35] *Id*.

[36] *Id*. at 22.

[37] *Id*. at 70.

[38] *Id*. at 72-73.

[39] *Id*. at 74.

[40] *Id*. at 76.

[41] *Id*.

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comply with this Court's August 15, 2011 Resolution.[42] The Spouses Go manifested that they had already complied with this Court's Resolution through their September 25, 2011 Compliance.[43] They re-attached the CENRO Certification dated January 29, 2008.[44]

On September 24, 2012, this Court resolved[45] to require respondents to file their Comment. The Spouses Go failed to do so, which led this Court to again require[46] their counsel to show cause for their failure to comply with the September 24, 2012 Resolution.

In their Compliance[47] dated August 15, 2013, the Spouses Go informed this Court that they would dispense with the filing of their Comment.

For resolution before this Court is whether the Court of Appeals erred in issuing the Spouses Go a Decree of Registration over Lot No. 4699-B.

I

Any application for confirmation of title under Commonwealth Act No. 141[48] already concedes that the land is previously public.

For a person to perfect one's title to the land, he or she may apply with the proper court for the confirmation of the claim of ownership and the issuance of a certificate of title over the property.[49] This process is also known as judicial confirmation of title.[50]

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[42] *Id*. at 82.

[43] *Id.* at 83-86.

[44] *Id*. at 87.

[45] *Id*. at 89.

[46] *Id*. at 95.

[47] *Id*. at 96-97.

[48] The Public Land Act (1936).

[49] *See* Com. Act No. 141, Sec. 48.

[50] *Heirs of Malabanan v. Republic,* 717 Phil. 141, 164 (2013) [Per *J.* Bersamin, *En Banc*].

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Section 48(b) of Commonwealth Act No. 141, as amended[51] by Presidential Decree No. 1073,[52] states who can apply for judicial confirmation of title:

> 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 [Regional Trial Court] 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:
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> . . . . . .
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> (b) Those who by themselves or through their predecessors in interest have been in the open, continuous, exclusive, and notorious possession and occupation of *agricultural lands* of the public domain, under a bona fide claim of acquisition or ownership, except as against the government, since July twenty-sixth, eighteen hundred and ninety-four, except when prevented by war or force majeure. Those 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)

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[51] See *Republic v. Court of Appeals*, 489 Phil. 405, 417 (2005) [Per *J.* Tinga, Second Division]. This Court has explained:

> When the Public Land Act was first promulgated in 1936, the period of possession deemed necessary to vest the right to register their title to agricultural lands of the public domain commenced from July 26, 1894. However, this period was amended by R.A. No. 1942, which provided that the *bona fide* claim of ownership must have been for at least thirty (30) years. Then in 1977, Section 48(b) of the Public Land Act was again amended, this time by P.D. No. 1073, which pegged the reckoning date on June 12, 1945.

[52] Pres. Decree No. 1073, Sec. 4 provides:

> Section 4. The provisions of Section 48(b) and Section 48(c), Chapter VIII of the Public Land Act are hereby amended in the sense that these provisions shall apply only to alienable and disposable lands of the public domain which have been in open, continuous, exclusive and notorious possession and occupation by the applicant himself or thru his predecessor-in-interest, under a *bona fide* claim of acquisition of ownership, since June 12, 1945.

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Commonwealth Act No. 141 is a special law that applies to agricultural lands of the public domain, not to forests, mineral lands, and national parks.[53] The requisite period of possession and occupation is different from that of land classification.

In an application for judicial confirmation of title, an applicant already holds an imperfect title to an agricultural land of the public domain after having occupied it from June 12, 1945 or earlier.[54] Thus, for purposes of obtaining an imperfect title, the date it was classified is immaterial.[55]

Classifying a land of the public domain as agricultural is essential only to establish the applicant's "eligibility for land registration, not the ownership or title over it."[56] *Heirs of Malabanan v. Republic of the Philippines*[57] explained:

> [T]he applicant's imperfect or incomplete title is derived only from possession and occupation since June 12, 1945, or earlier. This means that the character of the property subject of the application as alienable and disposable agricultural land of the public domain determines its eligibility for land registration, not the ownership or title over it.[58]

In *Malabanan*, the Court *En Banc* affirmed that June 12, 1945 is the "reckoning point of the requisite *possession* and

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[53] In *Heirs of Malabanan v. Republic,* 717 Phil. 141, 164 (2013) [Per *J.* Bersamin, *En Banc*].

Note that Section 48(b) of the Public Land Act used the words "lands of the public domain" or "alienable and disposable lands of the public domain" to clearly signify that lands otherwise classified, *i.e.*, mineral, forest or timber, or national parks, and lands of patrimonial or private ownership, are outside the coverage of the Public Land Act. What the law does not include, it excludes. The use of the descriptive phrase "alienable and disposable" further limits the coverage of Section 48(b) to only the agricultural lands of the public domain as set forth in Article XII, Section 2 of the 1987 Constitution.

[54] *Id*.

[55] *Id*.

[56] *Id*. at 166.

[57] 717 Phil. 141 (2013) [Per *J.* Bersamin, *En Banc*].

[58] *Id*. at 166.

occupation" and not of the land classification as alienable and disposable:

> [T]he choice of *June 12, 1945* as the reckoning point of the requisite possession and occupation was the sole prerogative of Congress, the determination of which should best be left to the wisdom of the lawmakers. Except that said date qualified the *period of possession and occupation*, no other legislative intent appears to be associated with the fixing of the date of June 12, 1945. Accordingly, the Court should interpret only the plain and literal meaning of the law as written by the legislators.
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> [A]n examination of Section 48 (b) of the Public Land Act indicates that Congress prescribed no requirement that the land subject of the registration should have been classified as agricultural since June 12, 1945, or earlier.[59] (Emphasis supplied)

Thus, the land may be declared alienable and disposable at any time, not necessarily before June 12, 1945. The moment that the land is declared alienable and disposable, an applicant may then initiate the proceedings for the judicial confirmation of title.

On the other hand, for the requisite duration of possession, an applicant must have had possession of the property under a bona fide claim of ownership or acquisition, from June 12, 1945 or earlier. Such possession must have also been open, continuous, exclusive, and notorious.[60]

Under Section 11(4)(a) of Commonwealth Act No. 141, the judicial confirmation of imperfect or incomplete titles, which the law describes as "judicial legalization," allows for agricultural public lands to be disposed of by the State and acquired by Filipino citizens.[61]

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[59] *Id.* at 165.

[60] Com. Act No. 141, Sec. 48(b).

[61] Com. Act No. 141, Sec. 11 provides:

Section 11. Public lands suitable for agricultural purposes can be disposed of only as follows, and not otherwise:

(1) For homestead settlement;

(2) By sale;

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Meanwhile, Section 14(1) of Presidential Decree No. 1529[62] provides for the procedure to register a title under the Torrens system:

> 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:
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> (1) Those who by themselves or through their predecessors-in-interest have been in open, continuous, exclusive and notorious possession and occupation of alienable and disposable lands of the public domain under a bona fide claim of ownership since June 12, 1945, or earlier.

Section 14(1) of Presidential Decree No. 1529 does not vest or create a title to a public land that has already existed or has been vested under Commonwealth Act No. 141.[63] The procedure of titling under Presidential Decree No. 1529 "simply recognizes and documents ownership and provides for the consequences of issuing paper titles."[64]

Thus, under Section 48(b) of Commonwealth Act No. 141, as amended, and Section 14(1) of Presidential Decree No. 1529, Filipino citizens applying for the judicial confirmation and

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(3) By lease; and

(4) By confirmation of imperfect or incomplete titles;

(a) By judicial legalization; or

(b) By administrative legalization (free patent).

[62] Property Registration Decree (1978).

[63] *Development Bank of the Phils. v. Court of Appeals*, 387 Phil. 283, 296 (2000) [Per *J.* Mendoza, Second Division]); Concurring and Dissenting Opinion of *J.* Leonen in *Heirs of Malabanan v. Republic*, 717 Phil. 141, 207 (2013) [Per *J.* Bersamin, *En Banc*]; *Republic v. Bautista Jr.*, G.R. No. 166890, June 28, 2016 <http://sc.judiciary.gov.ph/pdf/web/viewer.html?file=/jurisprudence/2016/june2016/166890.pdf> 5 [Per *J.* Bersamin, First Division]).

[64] Concurring and Dissenting Opinion of *J.* Leonen in *Heirs of Malabanan v. Republic*, 717 Phil. 141, 207 (2013) [Per *J.* Bersamin, *En Banc*].

registration of an imperfect title must prove several requisites. First, they must prove that they, by themselves or through their predecessors-in-interest, have been in open, continuous, exclusive, and notorious possession of the property. Second, it must be settled that the applicants' occupation is under a *bona fide* claim of acquisition or ownership since June 12, 1945 or earlier, immediately before the application was filed. Third, it should be established that the land is an agricultural land of public domain. Finally, it has to be shown that the land has been declared alienable and disposable.[65]

The Spouses Go's possession, by themselves or through their predecessors-in-interest, does not meet the statutory requirements.

The evidence the Spouses Go submitted to prove their required length of possession consist of Anselmo's testimony, Cristina's sole Tax Declaration, and the Spouses Go's sole Tax Declaration. Other than these pieces of evidence, the Spouses Go could not support their claim of possession in the concept of an owner, by themselves or through their predecessors-in-interest, from June 12, 1945 or earlier.

The records do not show that the Spouses Go's predecessors-in-interest fenced the original 3,994-square-meter Lot No. 4699, claiming it as exclusively theirs or that they introduced improvements on it since June 12, 1945 or earlier. Cristina built a residential house on Lot No. 4699-B[66] when her parents died in the 1960s,[67] while Anselmo started living in the eastern portion of Lot No. 4699 in 1966 when he was 28 years old.[68] These events happened at least 15 years after 1945. Moreover,

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[65] *Republic v. Lualhati,* G.R. No. 183511, March 25, 2015, 757 Phil. 119, 129 (2015) [Per *J.* Peralta, Third Division]; *La Tondeña, Inc. v. Republic*, G.R. No. 194617, August 5, 2015, 765 SCRA 265, 283 (2015) [Per *J.* Leonen, Second Division].

[66] *Id*. at 56, RTC Decision.

[67] *Id*. at 56-57.

[68] *Id*. at 57.

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the siblings could not produce any documentary proof of their alleged inheritance of this land from their parents.[69]

Apart from Cristina's single tax declaration and the Spouses Go's single tax declaration covering even Cristina's arrears from 1997 to 2000, nothing in the records shows that the Spouses Go's predecessors-in-interest religiously paid real property taxes. Payment of real property taxes is a "good indicia of the possession in the concept of owner for no one in his [or her] right mind would be paying taxes for a property that is not in his [or her] actual, or at the least constructive, possession."[70]

Anselmo only gave bare assertions that his parents paid the real property taxes during their lifetime.[71] Neither did the Spouses Go give any proof of the alleged tax payments of the Spouses de Torres or of Anselmo's grandparents, the Spouses Almero.

Although not adequate to establish ownership, a tax declaration may be a basis to infer possession.[72] This Court has highlighted that where tax declaration was presented, it must be the 1945 tax declaration because June 12, 1945 is material to the case.[73] The specific date must be ascertained; otherwise, applicants fail to comply with the requirements of the law.[74] In *Republic v. Manna Properties:*[75]

It is unascertainable whether the 1945 tax declaration was issued on, before or after 12 June 1945. Tax declarations are issued any time of the year. A tax declaration issued in 1945 may have been issued in December 1945. *Unless the date and month of issuance in*

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[69] *Id*. at 32, Court of Appeals Decision.

[70] *Republic v. Gielczyk,* 720 Phil. 385, 397 (2013) [Per *J*. Reyes, First Division].

[71] *Rollo,* p. 39, CA Decision.

[72] *Republic v. Manna Properties, Inc.,* 490 Phil. 654, 667-668 (2005) [Per *J*. Carpio, First Division].

[73] *Id*. at 668.

[74] *Id*.

[75] 490 Phil. 654 (2005) [Per *J*. Carpio, First Division].

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1945 is stated, compliance with the reckoning date in [Commonwealth Act No.] 141 cannot be established.[76] (Emphasis in the original)

II

Even assuming that there is sufficient evidence to establish their claim of possession in the concept of an owner since June 12, 1945, the Spouses Go nevertheless failed to prove the alienable and disposable character of the land.

The 1987 Constitution declares that the State owns all public lands.[77] Public lands are classified into agricultural, mineral, timber or forest, and national parks. Of these four (4) types of public lands, only agricultural lands may be alienated. Article XII, Sections 2 and 3 of the Constitution provide:

Section 2. *All lands of the public domain*, waters, minerals, coal, petroleum, and other mineral oils, all forces of potential energy, fisheries, forests or timber, wildlife, flora and fauna, and other natural resources are *owned by the State*. With the exception of agricultural lands, all other natural resources shall not be alienated . . .

Section 3. Lands of the public domain are classified into agricultural, forest or timber, mineral lands, and national parks. Agricultural lands of the public domain may be further classified by law according to the uses [to] which they may be devoted. *Alienable lands* of the public domain shall be *limited to agricultural lands* . . . (Emphasis supplied)

Thus, an applicant has the burden of proving that the public land has been classified as alienable and disposable.[78] To do this, the applicant must show a positive act from the government declassifying the land from the public domain[79] and converting

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[76] *Id*. at 668.

[77] *Republic v. Lualhati,* 757 Phil. 119, 129 (2015) [Per *J*. Peralta, Third Division].

[78] *Republic v. Lualhati,* 757 Phil. 119 (2015) [Per *J*. Peralta, Third Division].

[79] *Victoria v. Republic*, 666 Phil. 519, 525 (2011) [Per *J*. Abad, Second Division].

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it into an alienable and disposable land.[80] "[T]he exclusive prerogative to classify public lands under existing laws is vested in the Executive Department."[81] In *Victoria v. Republic*:[82]

> To prove that the land subject of the application for registration is alienable, an applicant must establish the existence of a positive act of the government such as a presidential proclamation or an executive order; an administrative action; investigation reports of Bureau of Lands investigators; and a legislative act or statute. The applicant may secure a certification from the government that the lands applied for are alienable and disposable, but *the certification must show that the DENR Secretary had approved the land classification and released the land of the pub[l]ic domain as alienable and disposable*[.][83] (Emphasis supplied, citations omitted)

Section X(1)[84] of the DENR Administrative Order No. 1998-24 and Section IX(1)[85] of DENR Administrative Order No. 2000-11 affirm that the DENR Secretary is the approving authority for "[l]and classification and release of lands of the public domain as alienable and disposable." Section 4.6 of DENR Administrative Order No. 2007-20 defines land classification as follows:

> Land classification is the process of demarcating, segregating, delimiting and establishing the best category, kind, and uses of public lands. Article XII, Section 3 of the 1987 Constitution of the Philippines provides that lands of the public domain are to be classified into agricultural, forest or timber, mineral lands, and national parks.

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[80] *Ituralde v. Falcasantos*, 361 Phil. 245, 250 (1999) [Per *J*. Pardo, First Division]; *La Tondeña, Inc. v. Republic*, G.R. No. 194617, August 5, 2015, 765 SCRA 265, 285 [Per *J*. Leonen, Second Division].

[81] *Heirs of Malabanan v. Republic*, 717 Phil. 141, 162 (2013) [Per *J*. Bersamin, *En Banc*].

[82] 666 Phil. 519 (2011) [Per *J*. Abad, Second Division].

[83] *Id*. at 525.

[84] DENR Adm. Order No. 1998-24.

[85] Dated February 8, 2000, at 72.

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These provisions, read with *Victoria v. Republic*,[86] establish the rule that before an inalienable land of the public domain becomes private land, the DENR Secretary must first approve the land classification into an agricultural land and release it as alienable and disposable.[87] The DENR Secretary's official acts "may be evidenced by an official publication thereof or by a copy attested by the officer having legal custody of the record, or by his deputy."[88]

The CENRO or the Provincial Environment and Natural Resources Officer will then conduct a survey to verify that the land for original registration falls within the DENR Secretary-approved alienable and disposable zone.[89]

The CENRO certification is issued only to verify the DENR Secretary issuance through a survey. "Thus, the CENRO Certification should have been accompanied by an official publication of the DENR Secretary's issuance declaring the land alienable and disposable."[90] A CENRO certification, by itself, is insufficient to prove the alienability and disposability of land sought to be registered.[91] In *Republic v. Lualhati*:[92]

> [I]t has been repeatedly ruled that certifications issued by the CENRO, or specialists of the DENR, as well as Survey Plans prepared by the DENR containing annotations that the subject lots are alienable, *do*

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[86] 666 Phil. 519 (2011) [Per *J.* Abad, Second Division].

[87] *Republic v. Sese,* 735 Phil. 108, 121 (2014) [Per *J.* Mendoza, Third Division].

[88] *Republic v. T.A.N. Properties, Inc.*, 578 Phil. 441, 453 (2008) [Per *J.* Carpio, First Division]; *see* RULES OF COURT, Rules 132, Sec. 19(a).

[89] *Republic v. Sese,* 735 Phil. 108, 121 (2014) [Per *J.* Mendoza, Third Division].

[90] *Republic v. Hanover Worldwide Trading Corp.*, 636 Phil. 739, 752 (2010) [Per *J.* Peralta, Second Division].

[91] *Republic v. Local Superior of the Institute of the Sisters of the Sacred Heart of Jesus of Ragusa,* G.R. No. 185603, February 10, 2016, 783 SCRA 501, 514 [Per *J.* Reyes, Third Division].

[92] 757 Phil. 119 (2015) [Per *J.* Peralta, Third Division].

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not constitute incontrovertible evidence to overcome the presumption that the property sought to be registered belongs to the inalienable public domain. Rather, this Court stressed the importance of proving alienability by presenting a copy of the original classification of the land approved by the DENR Secretary and certified as true copy by the legal custodian of the official records.[93] (Emphasis supplied)

Here, in its Decision[94] dated December 12, 2008, the Court of Appeals concluded that the January 29, 2008 CENRO Certification, which stated that Lot No. 4699-B was within alienable and disposable zone, was conclusive proof that this land applied for registration was alienable. This Court disagrees.

To establish that a land is indeed alienable and disposable, applicants must submit the application for original registration with the CENRO certification and a copy of the original classification approved by the DENR Secretary and certified as a true copy by the legal custodian of the official records.[95]

Judicially entrenched[96] is the rule that it is the DENR Secretary who has the authority to approve land classification and release a land of public domain as alienable and disposable. In *Republic v. T.A.N. Properties*:[97]

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[93] *Id*. at 131.

[94] *Rollo*, pp. 54-59.

[95] *Republic v. Lualhati,* 757 Phil. 119, 132 (2015) [Per *J*. Peralta, Third Division].

[96] See *Republic v. T.A.N. Properties, Inc.,* 578 Phil. 441, 453 (2008) [Per *J*. Carpio, First Division], *Republic v. Hanover Worldwide Trading Corp.*, 636 Phil. 739, 752 (2010) [Per *J*. Peralta, Second Division], *Republic v. Sese*, 735 Phil. 108, 121 (2014) [Per *J*. Mendoza, Third Division], *Republic v. Vda. de Joson*, 728 Phil. 550, 562 (2014) [Per *J*. Bersamin, First Division], *Republic v. Lualhati,* 757 Phil. 119, 130-131 (2015) [Per *J*. Peralta, Third Division], *Republic v. Local Superior of the Institute of the Sisters of the Sacred Heart of Jesus of Ragusa*, G.R. No. 185603, February 10, 2016, 783 SCRA 501, 514 [Per *J*. Reyes, Third Division]; *Republic v. Vega,* 654 Phil. 511 (2011) [Per *J*. Sereno, Third Division].

[97] 578 Phil. 441 (2008) [Per *J*. Carpio, First Division].

[I]t is not enough for the 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 for land registration must present a copy of the original classification approved by the DENR Secretary and certified as a true copy by the legal custodian of the official records. These facts must be established to prove that the land is alienable and disposable.[98]

Republic v. Hanover[99] ruled that a CENRO certification does not constitute incontrovertible proof that a piece of land is alienable and disposable. This is because "the CENRO is not the official repository or legal custodian of the issuances of the DENR Secretary declaring the alienability and disposability of public lands."[100] *Republic v. Vda. De Joson* explained:[101]

This doctrine unavoidably means that the mere certification issued by the CENRO or PENRO did not suffice to support the application for registration, because the applicant must also submit a copy of the original classification of the land as alienable and disposable as approved by the DENR Secretary and certified as a true copy by the legal custodian of the official records.[102]

III

The pieces of evidence the Spouses Go adduced fall short of the requirements of the law.

First, the Spouses Go failed to present a certified true copy of the original classification of the DENR Secretary. This Court has given them enough chances to prove their claim. As a

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[98] *Id*. at 452-453.

[99] 636 Phil. 739 (2010) [Per *J*. Peralta, Second Division].

[100] *Id*. at 752.

[101] *Republic v. Vda. de Joson*, 728 Phil. 550 (2014) [Per *J*. Bersamin, First Division].

[102] *Id.* at 562.

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rule, this Court can only consider the evidence submitted before the trial court.[103] Nevertheless, this Court gave respondents the opportunity to submit "a certified true copy of the Presidential or Department of Environment and Natural Resources Secretary's issuance declaring the property alienable and disposable."[104] They failed to comply despite being given a show-cause order.[105]

This Court also required them to file their Comment on petitioner's opposition to their original registration.[106] Instead of complying, they asked that their Comment be dispensed with.[107]

Second, although the Spouses Go submitted a CENRO certification stating that the land was verified to be within alienable and disposable zone under Project No. 13, Land Classification Map No. 718, Maglinao, the person who issued the CENRO Certification, testified otherwise. She admitted in her testimony that she certified the lot only to determine "the point or monument of the entire or whole area" and not to identify its alienable character.[108]

The Spouses Go have the burden to show that the land for registration is alienable or disposable,[109] which they miserably failed to do so. Without the original land classification approved by the DENR Secretary, the Spouses Go's application for registration must be denied.[110] The land remains inalienable.

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[103] *Id*.

[104] *Rollo*, p. 70.

[105] *Id*. at 82.

[106] *Id*. at 89.

[107] *Id.* at 96.

[108] *Id*. at 21.

[109] *Republic v. Gomez,* 682 Phil. 631, 637 (2012) [Per *J*. Sereno, Second Division].

[110] *Republic v. Local Superior of the Institute of the Sisters of the Sacred Heart of Jesus of Ragusa*, G.R. No. 185603, February 10, 2016, 783 SCRA 501, 514 [Per *J*. Reyes, Third Division].

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In sum, the Court of Appeals gravely erred in affirming the trial court's Decision that granted the Spouses Go's application for registration of Lot No. 4699-B. The Spouses Go failed to adequately prove their claim of possession in the concept of an owner since June 12, 1945. They likewise failed to establish that the land applied for registration is alienable and disposable. Thus, their occupation of this land, no matter how long, cannot ripen into ownership and cannot be registered as a title.[111]

WHEREFORE, the Petition is **GRANTED**. The Court of Appeals Decision dated January 21, 2011 and Resolution dated June 6, 2011 in CA-G.R. CV No. 93000, which affirmed the Decision of the Municipal Trial Court in Cities dated December 12, 2008, are **REVERSED** and **SET ASIDE.** The application for registration of the Spouses Danilo Go and Amorlina Go of Lot No. 4699-B of Subdivision Plan Csd-04-022290-D is **DENIED** for lack of merit.

SO ORDERED.

Carpio (Chairperson), *Peralta, Mendoza,* and *Martires, JJ.,* concur.

SECOND DIVISION

[G.R. No. 199710. August 2, 2017]

PEOPLE OF THE PHILIPPINES, *plaintiff-appellee, vs.* **PO3 JULIETO BORJA,** *accused-appellant.*

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[111] *Republic v. Vega,* 654 Phil. 511, 521 (2011) [Per *J.* Sereno, Third Division].