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THIRD DIVISION

[G.R. No. 232778. August 23, 2023]

REPUBLIC OF THE PHILIPPINES, *Petitioner*, *v.* **SPOUSES ROLLY D. TAN and GRACE TAN,** *Respondents*.

D E C I S I O N

GAERLAN, *J.*:

Before the Court is a Petition for Review on *Certiorari*[1] filed to assail both the Decision[2] dated October 26, 2016 and the Resolution[3] dated July 7, 2017 of the Court of Appeals (CA) in CA-G.R. CV No. 101418. Said final orders of the CA denied petitioner's appeal from the Decision[4] dated September 26, 2012 of the Municipal Trial Court in Cities (MTCC) of Batangas City, Batangas, Branch 1 in LRC Case No. 2009-180,[5] which was an application for confirmation and registration of title over a parcel

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1 *Rollo*, pp. 16-46.

2 Id. at 54-66. Penned by Associate Justice Leoncia Real-Dimagiba, with Associate Justices Ramon R. Garcia and Jhosep Y. Lopez (now a Member of this Court), concurring.

3 Id. at 51-52.

4 Id. at 73-81. Penned by Acting Presiding Judge Elizabeth M. Evangelista-Ilagan. See also records, pp. 451-459.

5 See *Batas Pambansa Blg.* 129, Section 34, as amended by Republic Act No. 7691, which states:

Section 34. *Delegated jurisdiction in cadastral and land registration cases*. – Metropolitan Trial Courts, Municipal Circuit Trial Courts, and Municipal Trial Courts may be assigned by the Supreme Court to hear and determine cadastral or land registration cases covering lots where there is no controversy or opposition, or contested lots where the value of which does not exceed One hundred thousand pesos (₱100,000.00), such value to be ascertained by the affidavit of the claimant or by agreement of the respective claimants if there are more than one, or from the corresponding tax declaration of the real property. Their decisions in these cases shall be appealable in the same manner as decisions of the Regional Trial Courts.

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of land (*i.e.*, Lot No. 9192-A)[6] situated in *Barangay* Gulod Labac, Batangas City, Batangas and encompassing 208 square meters. The said trial court's Decision granted the application and decreed that the subject property be registered in favor of Rolly D. Tan and Grace Tan (collectively, respondents).

Factual Antecedents of the Case

On March 11, 2009, respondents filed their Application[7] dated March 3, 2009 that prayed for the confirmation and registration of title over the subject property. In fine, they alleged that the subject property's assessed value at the time of the application's filing was ₱1,770.00, based on the Certifications[8] dated November 9, 2008 of the Office of the City Assessor of Batangas City, which covered the assessed value of two divided portions of the subject property (*i.e.*, ₱940.00 for a portion containing 110 square meters, and ₱830.00 for the other portion containing the remaining 98 square meters). The application also alleged that respondents acquired the subject property from the heirs of the late Cirilo Garcia and Simeon Garcia, as evidenced by the Extrajudicial Settlement of Estate with Waiver of Rights and Absolute Sale[9] notarized on April 13, 2004 *vis-à-vis* the portion of the subject property pertaining to the heirs of Simeon Garcia, and the Extrajudicial Settlement of Estate with Waiver of Rights and Absolute Sale[10] dated September 15, 2003 with respect to the portion pertaining to the heirs of Cirilo Garcia. Nothing in the application indicates how Simeon Garcia and Cirilo Garcia were related to each other, but during the course of the trial, Cirilo Garcia was identified as the son of Simeon Garcia.[11]

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[6] This was subsequently identified as Lot No. 9192-D in the dispositive portion of the Decision dated September 26, 2012 of the trial court.

[7] Records, pp. 1-4.

[8] Id. at 19-20.

[9] Id. at 10.

[10] Id. at 11-12.

[11] During direct examination, Felicidad Lumanglas identified Adela Marasigan as the mother of Cirilo and Catalina Garcia. However, records, p. 17, identifies Cirilo and Catalina Garcia as spouses. See also records, p. 18, which identifies Adela Marasigan as the spouse of Simeon Garcia.

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Additionally, the application averred the names and addresses of the owners of all lands adjoining the subject property, and respondents attached to the application the following documents: (1) a copy of the subject property's original tracing paper;[12] (2) a copy of the photographic/blue print plan approved by the Land Management Bureau-Regional Office IV of the Department of Environment & Natural Resources (DENR);[13] (3) a certified true copy of Tax Declaration Nos. 049-01240 & 049-01173,[14] which reflect the assessed value of the subject property as certified by the Office of the City Assessor (*i.e.*, ₱1,770.00); (4) a copy of the subject property's technical description;[15] (5) copies of the official receipts[16] evincing respondents' payment of real property taxes over the subject property; (6) a copy of the Certifications[17] dated March 10, 2009 of the Office of the City Treasurer of Batangas City that evinces respondents' status as the declared owner of the subject property and their payment of real property taxes thereon from 2000 to 2009; and (7) the Certification[18] dated November 9, 2008 of the Office of the City Assessor of Batangas City evincing the identities of the owners of the adjoining properties.

During the course of the trial, two critical documents surfaced: (1) the Certification[19] dated March 28, 2011 of the Community Environment & Natural Resources Office (CENRO) of Batangas City, which was signed by Forester I Loida Y. Maglinao (Forester I Maglinao), and which attested that the subject property "has been verified to be within the ALIENABLE AND DISPOSABLE ZONE under Project No. 13, Land Classification Map No. 718 certified on March 26, 1928";[20] and (2) the Report[21] dated

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12 Records, p. 21.

13 Id. at 22.

14 Id. at 27-28.

15 Id. at 29.

16 Id. at 30-31.

17 Id. at 35-36.

18 Id. at 38.

19 Id. at 368.

20 Id.

21 Id. at 369-370.

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March 24, 2011 of Special Investigator I Ben Hur U. Hernandez (Special Investigator I Hernandez) of CENRO-Batangas City that also verified the status of the subject property as alienable and disposable. Additionally, the said report noted that the subject property was "not retained for public use or service or for the development of the natural wealth," and that "[t]he property is utilized as a garage and a warehouse for construction supply of NEW TOP STEEL CONSTRUCTION BUILDERS CENTER, INC."[22]

As for the testimonies during trial, respondent Rolly D. Tan testified on August 16, 2010[23] that he and his wife owned and occupied the subject property, and that they had been paying the real estate taxes thereon. Respondent Rolly D. Tan also testified that they acquired the subject property from the heirs of Simeon Garcia and Cirilo Garcia in 2003 and 2004, respectively, that there was a small house and a small hut on the premises put up and utilized by the previous owners for residential purposes when respondents acquired the subject property, and that they built and erected a garage thereon upon taking possession of the same.

On the same trial date, Felicidad Lumanglas (Lumanglas), a resident of *Barangay* Gulod Labac and whose family owned a lot adjacent to the subject property, testified[24] that she had lived nearby the subject property since her birth in 1941, and that based on her personal knowledge, respondents' predecessors-in-interest, *i.e.*, the Garcias, had resided on the subject property prior to 1946 as neighbors. Moreover, she testified that there indeed was a house on the subject property, but the same was "removed" upon respondents' occupation. However, upon being questioned by the trial court, she revealed an inconsistency with regard to the start of her personal knowledge of the ownership of the subject property, *viz.*:

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[22] Id. at 370.

[23] Transcript of Stenographic Notes (TSN). August 16, 2010, pp. 1-13.

[24] Id. at 13-23.

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THE COURT:

Q: Question [*sic*] from the Court.

Before you are required to answer to [*sic*] all the questions propounded by the direct examiner, you were required to raise your right hand[,] to tell the truth and nothing but the truth to all the questions to be propounded to you. Do you know the consequences of that oath?

A: Yes, your Honor.

Q: Can you tell the Court your responsibility if ever you did not tell the truth to the questions propounded to you by the Court?
A: Yes, Sir.

Q: What will be the consequences? That you can be prosecuted for Perjury and if ever the Court finds you guilty of perjury, you can be sentenced to prison?
A: Yes, your Honor.

Q: What is the year of your birthday?
A: November 23, 1941, your Honor.

Q: Not 1942?
A: 1941, your Honor.

Q: So, in 1945, how old were you?
A: Four (4) years old, your Honor.

Q: And in that particular year, do you know who were the owners of the property subject of this petition?
A: It is Adela Marasigan,[25] your Honor.

Q: How were you able to know that? Were you already conscious on those matters as to who were the owners of this property instead of playing with your playmates?
A: Not yet, your Honor.

Q: Now, you are changing your answer because awhile ago, you narrated to the Court that you knew the owners of this property.
A: Because they are the ones living there, your Honor.

Q: Where were you during the Japanese occupation?
A: I was still young, Sir.

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[25] Id. at 16.

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Q: So, where were you when these Japanese left the Philippines particularly Batangas Province, could you recall where [you were]?
A: Still in Gulod, your Honor.

Q: Were you present at the time when the survey was conducted?
A: It was my husband who was present then, your Honor.

Q: You are the predecessor-in-interest before the applicant acquired possession of the property[?]
A: No, your Honor, I am the neighbor.

Q: Do you know from where the neighbor acquired this property?
A: Maybe from the parents of Simeon Garcia, your Honor.

x x x x[26]

On February 21, 2011,[27] Local Assessment Operations Officer IV Arturo F. Fajilan (LAOO IV Fajilan) of the Office of the City Assessor of Batangas City testified as to the history of the subject property. Being the signatory to the Certifications dated May 5, 2006[28] and March 9, 2007,[29] which outlined the history of the declaration of ownership over the two portions of the subject property, he testified that the earliest tax declaration was dated 1968 in the name of spouses Simeon Garcia and Adela Marasigan (covering the 110-square meter portion covered by Tax Declaration No. 049-01240). LAOO IV Fajilan also testified that the Office of the City Assessor of Batangas City no longer had any records relative to the subject property dating to any time earlier than 1968 due to a fire on May 23, 1979 that razed part of the office's records.

On March 30, 2011,[30] Special Investigator I Hernandez of CENRO-Batangas City testified that he had conducted an ocular inspection of the subject property on March 9, 2011 with Forester

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[26] Id. at 21-22.

[27] TSN, February 21, 2011, pp. 1-19.

[28] Records, p. 17.

[29] Id. at 18.

[30] TSN, March 30, 2011, pp. 1-13.

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I Maglinao. His observations, including his conclusion that the land was alienable and disposable, his notation of respondents' occupation of the same and that it was not devoted to any general public use, and his verification that no previous patent or title covering the subject property had been issued, were all reflected in his report dated March 24, 2011. He also testified as to the position of CENRO-Batangas City *vis-à-vis* respondents' application, *i.e.*, that CENRO-Batangas City had no objection thereto.

On the same trial date,[31] Forester I Maglinao testified that she indeed accompanied Special Investigator I Hernandez to the subject property for their ocular inspection of the same on March 9, 2011, and that she also issued her own certification as to the subject property's alienability and disposability dated March 28, 2011.

Ruling of the Trial Court

In its Decision dated September 26, 2012, the MTCC-Batangas City granted respondents' application, *viz.*:

> WHEREFORE, finding the application for registration of title to be well-founded and fully substantiated by evidence, the Court hereby decrees that the property covered by LOT 9192-D[32] as shown by Plan CSD-0-034313-D [*sic*] situated at Brgy. Gulod Labac, Batangas City described and identified on the Technical Exhibit "D" be registered in favor of herein applicant spouses.
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> Once this judgment shall have become final, let an Order be issued directing the Administrator, Land Registration Authority of Quezon City to issue the corresponding decree.
>
> SO ORDERED. September 26, 2012.[33]

The trial court reasoned thus:

> After a careful scrutiny of the pieces of evidence submitted by the Applicants, this Court finds that it is beyond dispute that herein

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[31] Id. at 13-24.

[32] This was subsequently identified as Lot No. 9192-D in the dispositive portion of the Decision dated September 26, 2012 of the trial court.

[33] *Rollo*, p. 80; records, p. 458.

applicants [*sic*] had been in possession of LOT 9192-A CSD-04-03-4313-D for more than 40 years by tacking their possession with that of their predecessors-in-interest. The un[-]rebutted testimony of Felicidad Lumanglas stating that Cirilio [*sic*] and Simeon Garcia were the previous owners of the subject lots until it was eventually subdivided by the heirs of the siblings Cirilio [*sic*] and Simeon and eventually pertained [*sic*] and owned by spouses Rolly and Grace Tan coupled by [*sic*] the testimony of Arturo Fajilan that the earliest Tax Declaration was on [*sic*] 1968 convinces this court that the predecessors-in-interest have been in open, continuous, adverse and notorious possession and occupation of the land under a bona fide claim of ownership. By virtue of an Extra-judicial settlement of Estate with waiver of rights and Absolute sale dated April 13, 2004 and another Extra-Judicial settlement for a [*sic*] Tax Declaration No. 049-00343 dated September 15, 2003, ownership and possession of the land subject of this application was transferred to the applicant spouses. Furthermore, the Reports [*sic*] prepared by Ben Hur Hernandez and the Certification issued by Forester Loida Maglinao, CENRO Batangas City clearly stated that the subject lots are within the alienable and disposable zone under Project No. 13, Land Classification Map no. 718 certified on March 26, 1920.[34]

Petitioner, through the Office of the Solicitor General (OSG), duly filed its Notice of Appeal.[35]

Ruling of the Appellate Court

In its Decision dated October 26, 2016, the CA denied petitioner's appeal and affirmed the trial court's ruling on respondents' application *in toto*, *viz.*:

WHEREFORE, premises considered, the instant appeal is hereby DENIED. The decision dated September 26, 2012 is hereby AFFIRMED *IN TOTO*.

SO ORDERED.[36]

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[34] Id. The date "March 26, 1920" should be "March 26, 1928," as specified in the Certification dated March 28, 2011 of Forester I Maglinao, records, p. 368.

[35] Records, p. 464.

[36] *Rollo*, p. 65.

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The appellate court applied the Court's reasoning in *Republic v. Vega*[37] (*Vega*), whereby the exception of substantial compliance in proving a positive act of the Philippine Government classifying the nature and character of the land subject of registration proceedings was applicable to respondents' application, which were pending at the time of the promulgation of the Court's ruling in *Vega*. The CA further noted that three documents were sufficient to prove the Philippine Government's positive act of classifying the land as alienable and disposable: (1) the Report dated March 24, 2011 of Special Investigator I Hernandez of CENRO-Batangas City; (2) the Certification dated March 28, 2011 of Forester I Maglinao, also of CENRO-Batangas City; and (3) the subject property's original tracing paper, identified by the CA as the subject property's original subdivision/*diazo* polyster plan labeled "CSD-04-034313-D," which was approved on December 14, 2007 by the Regional Technical Director of the DENR-Land Management Services in Region IV-A with the following handwritten annotation:

> Surveyed in accordance with the Survey Authority No. (10.3) 9660 dated June 27, 2007, as issued by the OIC, CENR Officer, Batangas City. The Survey Returns were indorsed by the same officer on July 26, 2007. This survey is inside alienable and disposable area as per Project No. 13, L-C Map No. 718, certified on March 26, 1928 as per Inspection Report dated June 26, 2007 of Mardonio M. Alcantara, Land Mgt. Inspector, CENRO, Batangas City.[38]

Moreover, the CA found that the Land Registration Authority never interposed any objection to respondents' application, nor raised any issue with regard to the subject property's alienability and disposability. Also, aside from the *pro forma* opposition filed by the OSG, no other opposition was interposed by any other interested party *vis-à-vis* the proceedings below.

As to the issue of respondents' possession and occupation of the subject property, the CA held that they had sufficiently proven the same. Respondents' payment of real estate taxes thereon

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[37] 654 Phil. 511 (2011).

[38] Records, p. 21.

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dating back to 2000, plus their fencing and utilization of the subject property for the setup of a garage, and the fact that their predecessors-in-interest had built a hut and a house thereon for residential purposes, all indicate a display of open, continuous, exclusive, notorious, and adverse possession and occupation of the subject property, which is bolstered by the relevant tax declarations dating back to 1968. With regard to the last issue relative to the testimony of Lumanglas, the CA ruled thus:

> Appellant also casts doubt on the credibility of applicants' witness Felicidad Lumanglas who testified that applicants' predecessors-in-interest had possessed and occupied the property even before June 12, 1945. While Lumanglas may have been just 4 years old in 1945, this would not necessarily diminish the credibility of her testimony or her capability to recall who owned the subject property at the time. It was not disputed that Lumanglas had lived on the adjacent property all throughout her life. Neither was it contested that her husband is related to applicants' predecessor-in-interest. Her testimony, therefore, is formed not only of her memory when she was four (4) years old but of all knowledge and information she had gained throughout the years until she stepped on the witness stand in 2010 at 68 years of age.
>
> While it would have been ideal to corroborate Lumanglas' testimony with tax declarations in the name of applicants' predecessors-in-interest prior to 1945. We note that this would have been impossible as the City Assessor's Office, along with the tax declarations and other documents it kept, was gutted by fire on May 23, 1979, as testified to by Arturo Fajilan of the City Assessor's Office.
>
> Accordingly, under the circumstances, like the trial court, We are convinced by Lumanglas' clear and positive testimony on the nature and extent of possession by the applicants and their predecessors-in-interest.
>
> All the foregoing considered, We hold that the trial Court did not err in ruling that the applicants were able to prove beyond dispute that they are entitled to the issuance of a certificate of title for the subject property.[39]

Petitioner duly filed its Motion for Reconsideration[40] relative to the CA's Decision, which the CA denied *via* its Resolution dated July 7, 2017, *viz*.:

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[39] *Rollo*, pp. 64-65.

[40] Id. at 114-121.

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Before us is the Motion for Reconsideration dated 21 November 2016 to our Decision dated 26 October 2016 filed by oppositor-appellant Office of the Solicitor General. Applicants-appellees did not file their Comment despite notice. Hence, the motion was thereafter submitted for resolution sans applicants-appellees' Comment.

After going over the issues brought to the fore by the oppositor-appellant in its motion, we find the same bereft of merit. The motion discloses neither substantial argument nor cogent reason to warrant reconsideration or modification of our earlier judgment. The motion contains merely a reiteration of what had already been submitted to, and resolved by, us in our assailed Decision.

ACCORDINGLY, the motion for reconsideration is hereby DENIED for lack of merit.

SO ORDERED.[41]

Hence, the instant Petition for Review on *Certiorari*.

Arguments of the Parties

Petitioner puts forward the following assertions in support of its case:

1) The CA's rulings are not in accord with standing jurisprudence relative to the requirements needed to prove the alienability and disposability of public land. In particular, petitioner cites the landmark case of *Republic v. T.A.N. Properties, Inc.*[42] (*T.A.N. Properties*), wherein the Court had previously ruled that CENRO certifications as to the classification of any land of the public domain as alienable and disposable were insufficient without a certified true copy of the original classification approved by the DENR Secretary.

2) Additionally, the CA had virtually ignored the fact that the *Vega* ruling that it relied on heavily for its reasoning actually affirmed the Court's ruling in *T.A.N. Properties*, the additional requirement of a certified true copy of the original classification of the subject property as approved by the DENR Secretary.

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[41] Id. at 51-52.

[42] 578 Phil. 441 (2008).

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3) Finally, respondents failed to prove that their alleged possession and occupation of the subject property had been of the length and character as required by law. In particular, petitioner assails the weight given by both the trial and appellate courts to the testimony of the neighbor Lumanglas, the casual reference to the fact that respondents' predecessors-in-interest built structures thereon, and the notion that respondents' payment of real estate taxes covering the subject property since 2003 or 2004 were sufficient *indicia* of respondents' possession and occupation.

For their part, respondents interpose in their Comment[43] that the requirement of presenting a copy of the original classification of the subject property by the DENR Secretary was an impossible requirement to fulfill, considering that there was no DENR in 1945 and prior. Moreover, respondents assert that the original 1928 land classification map[44] had already indicated that the subject property was already alienable and disposable as early as that year. Finally, respondents reiterate that they have validly tacked their possession and occupation of the subject property to that of their predecessors-in-interest, which is buttressed by the supposedly credible testimony of their neighbor Lumanglas.

Issue before the Court

The sole issue before the Court here is whether the CA erred in affirming the trial court's grant of respondents' application for the registration of the subject property in accordance with Commonwealth Act (CA) No. 141, otherwise known as the "Public Land Act," as amended, and Presidential Decree (P.D.) No. 1529, otherwise known as the "Property Registration Decree," as amended.

Ruling of the Court

The instant petition must be denied in part and immediately remanded to the appellate court for the reception of new evidence

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[43] *Rollo*, pp. 122-133.

[44] Respondents indicate in their Comment that the said land classification map is dated March 26, 1920. It is important to note as well that there is no copy of the said map attached to the *rollo* and the records.

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in light of new statutory and jurisprudential pronouncements that have overtaken the pendency of the case.

The Court takes judicial notice of the enactment of Republic Act (R.A.) No. 11573, which was approved and signed into law on July 16, 2021 and is quoted below in full for easy and immediate reference, *viz.*:

H. No. 7440
S. No. 1931

Republic of the Philippines
CONGRESS OF THE PHILIPPINES
Metro Manila
Eighteenth Congress
Second Regular Session

Begun and held in Metro Manila, on Monday, the twenty-seventh day of July, two thousand twenty.

[REPUBLIC ACT NO. 11573]

AN ACT IMPROVING THE CONFIRMATION PROCESS FOR IMPERFECT LAND TITLES, AMENDING FOR THE PURPOSE COMMONWEALTH ACT NO. 141, AS AMENDED, OTHERWISE KNOWN AS "THE PUBLIC LAND ACT," AND PRESIDENTIAL DECREE NO. 1529, AS AMENDED, OTHERWISE KNOWN AS THE "PROPERTY REGISTRATION DECREE"

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

SECTION 1. *Declaration of Policy*. – It is the declared policy of the State to simplify, update and harmonize similar and related provisions of land laws in order to simplify and remove ambiguity in its [*sic*] their interpretation and implementation. It is also the policy of the State to provide land tenure security by continuing judicial and administrative titling processes.

SECTION 2. Section 44 of Commonwealth Act No. 141, as amended by Republic Act 6940, is hereby further amended to read as follows:

> "SEC. 44. Any natural-born citizen of the Philippines who is not the owner of more than twelve (12) hectares of land, and who, for at least twenty (20) years prior to the filing of an application for agricultural free patent, has continuously occupied and cultivated,

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either personally or through a predecessor-in-interest, a tract or tracts of alienable and disposable agricultural public lands subject to disposition, and who shall have paid the real estate tax thereon shall be entitled, under the provisions of this Chapter, to have a free patent issued for such tract or tracts of such land not to exceed twelve (12) hectares."

SECTION 3. Section 45 of Commonwealth Act No. 141, as amended, is hereby further amended to read as follows:

"SEC. 45. All applications for agricultural free patents shall be filed before the Community Environment and Natural Resources Office (CENRO) of the Department of Environment and Natural Resources (DENR). For provinces with no CENRO, the application shall be filed with the Provincial Environment and Natural Resources Office (PENRO).

"The CENRO or the PENRO, as the case may be, is mandated to process the application within one hundred and twenty (120) days from filing, including compliance with the required notices and other legal requirements. The CENRO shall thereafter forward its recommendation to the PENRO if the area of the land is below five (5) hectares; to the DENR Regional Director is the area of the land is at least five (5) up to ten (10) hectares; and to the Secretary of the DENR if the area of the land is more than ten (10) up to twelve (12) hectares.

"Upon receipt of the recommendation from the CENRO, or upon the completion of the processing of the application within the reglementary period, the PENRO, DENR Regional Director, or the Secretary of the DENR, as the case may be, shall approve or disapprove the application for agricultural free patent within five (5) days. In case of approval, the agricultural free patent shall forthwith be issued.

"In case of conflicting, claims among different claimants, the parties may seek the proper administrative and judicial remedies."

SECTION 4. Section 47 of Commonwealth Act No. 141, as amended by Republic Act No. 9176, is hereby repealed.

SECTION 5. Section 48 of Commonwealth Act No. 141, as amended, is hereby further amended to read as follows:

"SEC. 48. The following-described citizens of the Philippines, occupying lands of the public domain or claiming to own any

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such lands or an interest therein, but whose titles have not been perfected or completed, may file a petition at any time, whether personally, or through their duly authorized representatives, in the Regional Trial Court of the province where the land is located, for confirmation of their claims and the issuance of a certificate of title to land not exceeding twelve (12) hectares:

"(a) 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 agricultural lands of the public domain, under a *bona fide* claim of ownership, for at least twenty (20) years immediately preceding the filing of the application for confirmation of title except when prevented by war or *force majeure*. They 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.

"(b) Those who have acquired ownership of private lands or abandoned riverbeds by right of accession or accretion under the provision of existing laws; and

"(c) Those who have acquired ownership of land in any other manner provided by law."

SECTION 6. Section 14 of Presidential Decree No. 1529 is hereby amended to read as follows:

"SECTION 14. *Who may apply*. – The following persons may file at any time, in the proper Regional Trial Court in the province where the land is located, an application for registration of title to land, not exceeding twelve (12) hectares, 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 not covered by existing certificates of title or patents under a *bona fide* claim of ownership for at least twenty (20) years immediately preceding the filing of the application for confirmation of title except when prevented by war or *force majeure*. They 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 this section.

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"(2) Those who have acquired ownership of private lands or abandoned riverbeds by right of accession or accretion under the provisions of existing laws.

"(3) Those who have acquired ownership of land in any other manner provided for by law.

"Where the land is owned in common, all the co-owners shall file the application jointly.

"Where the land has been sold under *pacto de retro*, the vendor *a retro* may file an application for the original registration of the land: *Provided, however*, That should the period for redemption expire during the pendency of the registration proceedings and ownership to the property consolidated in the vendee *a retro*, the latter shall be substituted for the applicant and may continue the proceedings.

"A trustee on behalf of the principal may apply for original registration of any land held in trust by the trustee, unless prohibited by the instrument creating the trust."

SECTION 7. *Proof that the Land is Alienable and Disposable.* – For purposes of judicial confirmation of imperfect titles filed under Presidential Decree No. 1529, a duly signed certification by a duly designated DENR geodetic engineer that the land is part of alienable and disposable agricultural lands of the public domain is sufficient proof that the land is alienable. Said certification shall be imprinted in the approved survey plan submitted by the applicant in the land registration court. The imprinted certification in the plan shall contain a sworn statement by the geodetic engineer that the land is within the alienable and disposable lands of the public domain and shall state the applicable Forestry Administrative Order, DENR Administrative Order, Executive Order, Proclamations and the Land Classification Project Map Number covering the subject land.

Should there be no available copy of the Forestry Administrative Order, Executive Order or Proclamation, it is sufficient that the Land Classification (LC) Map Number, Project Number, and date of release indicated in the land classification map be stated in the sworn statement declaring that said land classification map is existing in the inventory of LC Map records of the National Mapping and Resource Information Authority (NAMRIA) and is being used by the DENR as land classification map [*sic*].

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SECTION 8. *Penalties*. – In addition to the penalties provided in the Revised Penal Code and in Republic Act No. 8560, as amended, otherwise known as the "Philippine Geodetic Engineering Act of 1998," a geodetic engineer who shall prepare, willfully or through gross inexcusable negligence, a projection map that contains false, fraudulent, or incomplete data or information, and the DENR official who shall certify and approve such projection map, shall be penalized with a fine of not less than One hundred thousand pesos (₱100,000.00) but not more than Five hundred thousand pesos (₱500,000.00), or imprisonment of not less than six (6) months but not exceeding six (6) years, or both, at the discretion of the court.

SECTION 9. *Removal of Restrictions*. – The provisions of Republic Act No. 11231 shall be applicable to Free Patents issued under this Act.

SECTION 10. *Implementing Rules and Regulations*. – Within sixty (60) days from the effectivity of this Act, the Secretary of the DENR shall promulgate the implementing rules and regulations to carry out the provisions of this Act.

SECTION 11. *Separability Clause*. – If any provision or part of this Act is declared invalid or unconstitutional, the remaining parts or provisions not affected shall remain in full force and effect.

SECTION 12. *Repealing Clause*. – All laws, decrees, executive orders, executive issuances, letters of instruction, rules and regulations, or any part thereof which are inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

SECTION 13. *Effectivity*. – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,

(Signed)
VICENTE C. SOTTO III
President of the Senate

(Signed)
LORD ALLAN JAY Q. VELASCO
Speaker of the House of Representatives

This Act which is a consolidation of House Bill No. 7440 and Senate Bill No. 1931 was passed by the House of Representatives and the Senate of the Philippines on May 19, 2021 and May 18, 2021, respectively.

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(Signed)
MYRA MARIE D. VILLARICA
Secretary of the Senate

MARK LLANDRO L. MENDOZA
Secretary General
House of Representatives

Approved: Jul. 16, 2021

(Signed)
RODRIGO ROA DUTERTE
President of the Philippines. (Emphases supplied)

In tandem with, and in recognition of, the aforementioned law, the Court's recent ruling in *Republic v. Pasig Rizal Co., Inc.*[45] (*Pasig Rizal*) provides the most instructive and most determinative conceptual and jurisprudential framework for the resolution of the present controversy — in fact, the said case is almost virtually on all fours with the present Petition.

In *Pasig Rizal*, therein respondent filed for an application for original registration over a 944-square meter parcel of land in *Barangay* Caniogan, Pasig City. Therein respondent had acquired the land from the heirs of the late Manuel Dee Ham, who had collectively transferred their beneficial ownership over the same to therein respondent, which is their family corporation. Said transfer was formalized in 2009, and in 2010 therein respondent's president and widow of the late Manuel Dee Ham, caused the filing of the said application with the allegation that the family corporation and its predecessors-in-interest (*i.e.*, the late Manuel Dee Ham himself), had been in open, continuous, exclusive, and notorious possession of the land for more than 50 years, and that the land had neither been encumbered nor adversely possessed nor claimed by any other party.

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[45] G.R. No. 213207, February 15, 2022. See also *Superiora Locale dell 'Instituto delle Suore di San Giuseppe del Caburlotto, Inc. v. Republic*, G.R. No. 242781, June 21, 2022; and *Republic v. Buenaventura*, G.R. No. 198629, April 5, 2022.

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The evidence of therein respondent included, among other documents, tax declarations and tax receipts covering the land since 1956, the affidavit of a friend and neighbor of the Dee Ham family attesting to the uninterrupted possession of the land and payment of real estate taxes thereon, and crucially, the "Certification of the Regional Technical Director of [the] Forest Management Service of the Department of Environment and Natural Resources (DENR) proving that the subject lot is within the alienable and disposable land of [the] public domain, as verified under Project No. 21 of Pasig pursuant to [Land Classification] [*sic*] Map 639 which was approved on [March 11, 1927 and] [*sic*] per ocular inspection on the ground on [September 12, 2011] [*sic*]."[46]

The trial court therein ruled in therein respondent's favor and ordered the confirmation/affirmation of therein respondent's title to the land, and the appellate court affirmed the trial court's ruling. During the pendency of the said case before the Court, R.A. No. 11573 had taken effect on September 1, 2021. In discussing Section 6 thereof, which amends Section 14 of P.D. No. 1529, the Court elaborated thus:

> Notably, Section 6 of RA 11573 shortens the period of possession required under the old Section 14(1). Instead of requiring applicants to establish their possession from "June 12, 1945, or earlier," the new Section 14(1) only requires proof of possession "at least twenty (20) years immediately preceding the filing of the application for confirmation of title except when prevented by war or *force majeure*."
>
> Equally notable is the final *proviso* of the new Section 14(1) which expressly states that upon proof of possession of alienable and disposable lands of the public domain for the period and in the manner required under said provision, the applicant/s "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 this section." **This final *proviso* unequivocally confirms that the classification of land as alienable and disposable immediately places it within the commerce of man, and renders it susceptible to private acquisition through adverse possession**.

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[46] Id.

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The final *proviso* thus clarifies that for purposes of confirmation of title under PD 1529, no further "express government manifestation that said land constitutes patrimonial property, or is 'no, longer retained' by the State for public use, public service, or the development of the national wealth" shall henceforth be required. This harmonizes the language of PD 1529 with the body of principles governing property of public dominion and patrimonial property in the Civil Code. Through the final *proviso*, any confusion which may have resulted from the wholesale adoption of the second *Malabanan*[47] requirement has been addressed.

In line with the shortened period of possession under the new Section 14(1), the old Section 14(2) referring to confirmation of title of land acquired through prescription has been deleted. The rationale behind this deletion is not difficult to discern. The shortened twenty (20)-year period under the new Section 14(1) grants possessors the right to seek registration without having to comply with the longer period of thirty (30) years possession required for acquisitive prescription under the Civil Code. It is but logical for those who have been in adverse possession of alienable and disposable land for at least twenty (20) years to resort to the immediate filing of an application for registration on the basis of the new Section 14(1) without waiting for prescription to set in years later.[48] (Emphasis supplied)

The Court also noted that Section 7 of R.A. No. 11573, which now prescribes a simplified requirement to prove the alienability and disposability for lands subject of judicial confirmation of their imperfect titles, had effectively superseded the previously requirements set forth in *T.A.N. Properties* and as reiterated in *Republic v. Hanover Worldwide Trading Corp.*[49] (*Hanover*). In *T.A.N. Properties*, the Court had previously held that a CENRO certification alone was insufficient for purposes of proving alienability and disposability, *viz.*:

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[47] *Malabanan v. Republic*, 717 Phil. 141 (2013). The Court notes in *Pasig Rizal* that the "second Malabanan requirement" refers to "the express government manifestation that the land constitutes patrimonial property," and that "[t]he operative fact which converts property of public dominion to patrimonial property is classification as alienable and disposable land of the public domain, as this classification precisely serves as the manifestation of the State's lack of intent to retain the same for some public use or purpose."

[48] *Republic v. Pasig Rizal Co., Inc.,* supra note 45.

[49] 636 Phil. 739 (2010).

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Further, it 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. Respondent failed to do so because the certifications presented by respondent do not, by themselves, prove that the land is alienable and disposable.[50]

In *Hanover*, the Court simply clarified the additional requirements in *T.A.N. Properties* to mean that the certified true copy of the DENR Secretary's approval of the original classification of the land was required 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."[51] Thus, with the enactment of R.A. No. 11573, the Court's precedents in *T.A.N. Properties, Hanover*, and in subsequent reiterations[52] that dealt with the required proof of

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[50] *Republic v. T.A.N. Properties, Inc.,* supra note 42 at 452-453.

[51] *Republic v. Hanover Worldwide Trading Corp.,* supra note 49 at 752.

[52] *Republic v. Philippine National Police*, G.R. No. 198277, February 8, 2021; *Republic v. Banal na Pag-aaral, Phil., Inc.*, G.R. No. 193305, January 27, 2021; *Republic v. Herederos de Ciriaco Chunaco Disteleria Incorporada*, G.R. No. 200863, October 14, 2020; *Republic v. Caraig*, G.R. No. 197389, October 12, 2020; *Republic v. Spouses Dela Cruz,* 874 Phil. 74 (2020); *Republic v. San Lorenzo Development Corp.*, 870 Phil. 805 (2020); *Republic v. Spouses Alonso*, 859 Phil. 315 (2019); *Republic v. Bautista*, 843 Phil. 16 (2018); *Highpoint Development Corp. v. Republic*, 842 Phil. 1135 (2018); *Republic v. Alaminos Ice Plant & Cold Storage, Inc.*, 836 Phil. 62 (2018); *Leonidas v. Vargas*, 822 Phil. 940 (2017); *Espiritu, Jr. v. Republic*, 811 Phil. 506 (2017); *Republic v. Santos*, 802 Phil. 800 (2016); *Republic v. Heirs of Spouses Ocol*, 799 Phil. 514 (2016); *Republic v. Lao*, 799 Phil. 211 (2016); *Republic v. Alora*, 762 Phil. 695 (2015); *Republic v. Lualhati*, 757 Phil. 119 (2015); *Republic v. San Mateo*, 746 Phil. 394 (2014); *Gaerlan v. Republic*, 729 Phil. 418 (2014); *Republic v. Vda. de Joson*,

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alienability and disposability of agricultural land in proceedings for judicial confirmation of imperfect titles have all been overtaken and rendered obsolete by *Pasig Rizal*:

> Hence, at present, the presentation of the approved survey plan bearing a certification signed by a duly designated DENR geodetic engineer stating that the land subject of the application for registration forms part of the alienable and disposable agricultural land of the public domain shall be sufficient proof of its classification as such, *provided* that the certification bears references to: (i) the relevant issuance (*e.g.*, Forestry Administrative Order, DENR Administrative Order, Executive Order, or Proclamation); and (ii) the LC Map number covering the subject land.
>
> In the absence of a copy of the relevant issuance classifying the subject land as alienable and disposable, the certification of the DENR geodetic engineer must state: (i) the LC Map number; (ii) the Project Number; and (iii) the date of release indicated in the LC Map; and (iv) the fact that the LC Map forms part of the records of the National Mapping and Resource Information Authority (NAMRIA) and is therefore being used by the DENR as such.
>
> In addition, the DENR geodetic engineer must be presented as witness for proper authentication of the certification so presented.[53] x x x

The Court in *Pasig Rizal* also expressly ruled that R.A. No. 11573 had retroactive application due to its nature as a curative statute, *viz.*:

> On this basis, the Court finds that RA 11573, particularly Section 6 (amending Section 14 of PD 1529) and Section 7 (prescribing the required proof of land classification status), may operate retroactively to cover applications for land registration pending as of September 1, 2021, or the date when RA 11573 took effect.
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> To be sure, the curative nature of RA 11573 can easily be discerned from its declared purpose, that is, "to simplify, update and harmonize

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728 Phil. 550 (2014); *Republic v. Remman Enterprises, Inc.*, 727 Phil. 608 (2014); *Republic v. Cortez*, 726 Phil. 212 (2014); *Republic v. De Tensuan*, 720 Phil. 326 (2013); *Republic v. Medida*, 692 Phil. 454 (2012); *Republic v. Bantigue Point Development Corp.*, 684 Phil. 192 (2012); *Republic v. Vega,* supra note 37; *Republic v. Roche*, 638 Phil. 112 (2010); *Republic v. Serrano*, 627 Phil. 350 (2010).

[53] *Republic v. Pasig Rizal Co., Inc.,* supra note 45.

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similar and related provisions of land laws in order to simplify and remove ambiguity in its [*sic*] interpretation and implementation." Moreover, by shortening the period of adverse possession required for confirmation of title to twenty (20) years prior to filing (as opposed to possession since June 12, 1945 or earlier), the amendment implemented through Section 6 of RA 11573 effectively created a new right in favor of those who have been in possession of alienable and disposable land for the shortened period provided. The retroactive application of this shortened period does not impair vested rights, as RA 11573 simply operates to confirm the title of applicants whose ownership already existed prior to its enactment.[54] (Italics in the original)

Belaboring the point are the Court's guidelines on the application of R.A. No. 11573 as stated in *Pasig Rizal, viz.*:

1. RA 11573 shall apply retroactively to all applications for judicial confirmation of title which remain pending as of September 01, 2021, or the date when RA 11573 took effect. These include all applications pending resolution at the first instance before all Regional Trial Courts, and applications pending before the Court of Appeals.

2. Applications for judicial confirmation of title filed on the basis of the old Section 14(1) and 14(2) of PD 1529 and which remain pending before the Regional Trial Court or Court of Appeals as of September 1, 2021 shall be resolved following the period and manner of possession required under the new Section 14(1). Thus, beginning September 1, 2021, proof of "open, continuous, exclusive, and notorious possession and occupation of alienable and disposable lands of the public domain not covered by existing certificates of title or patents under a *bona fide* claim of ownership for at least twenty (20) years immediately preceding the filing of the application for confirmation" shall be sufficient for purposes of judicial confirmation of title, and shall entitle the applicant to a decree of registration.

3. In the interest of substantial justice, the Regional Trial Courts and Court of Appeals are hereby directed, upon proper motion or *motu proprio*, to permit the presentation of additional evidence on land

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[54] Id. See also *Superiora Locale dell 'Instituto delle Suore di San Giuseppe del Caburlotto, Inc. v. Republic,* supra note 45.

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classification status based on the parameters set forth in Section 7 of RA 11573.

a. Such additional evidence shall consist of a certification issued by the DENR geodetic engineer which (i) states that the land subject of the application for registration has been classified as alienable and disposable land of the public domain; (ii) bears reference to the applicable Forestry Administrative Order, DENR Administrative Order, Executive Order, or proclamation classifying the land as such; and (iii) indicates the number of the LC Map covering the land.

b. In the absence of a copy of the relevant issuance classifying the land as alienable and disposable, the certification must additionally state (i) the release date of the LC Map; and (ii) the Project Number. Further, the certification must confirm that the LC Map forms part of the records of NAMRIA and is precisely being used by the DENR as a land classification map.

c. The DENR geodetic engineer must be presented as a witness for proper authentication of the certification in accordance with the Rules of Court.[55]

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[55] Id. See also DENR Administrative Order No. 2021-38 dated December 9, 2021, which contain the Implementing Rules and Regulations of R.A. No. 11573. Section 11 thereof states the following:

Section 11. *Issuance of Alienable and Disposable (A&D) Agricultural Land Certification for Judicial Confirmation of Imperfect or Incomplete Titles*. – The duly designated Chief of the Surveys and Mapping Division (CSMD) of the Regional Office is authorized to issue the Alienable and Disposable Agricultural Land of the Public Domain Certification for purposes of judicial confirmation of imperfect or incomplete title. The said Certification shall state the corresponding Forestry Administrative Order (FAO), Executive Order (EO), Proclamation, or other similar issuances as basis for the classification of the land as alienable and disposable.

The A&D Certification shall be stamped on the sepia or blueprint copy of the plan, in case of an approved plan. Thereafter, an update on the LAMS will be made. For those Advanced Plans submitted for approval, the said certification shall be annotated in the lower left portion of the plan and signed correspondingly by the Chief, SMD (Annex I).

In case the copy of the above-mentioned issuances is unavailable, the SMD of the Regional Office shall secure a written statement from NAMRIA that

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Since the application here — which is inarguably one for judicial confirmation of respondents' imperfect title to the subject property — was indeed still pending on September 1, 2021 whilst still undergoing the resolution of the Court, the aforementioned guidelines are indeed applicable retroactively. Hence, the need for the immediate remand of the case to the CA for the reception of evidence in order for respondents to have the opportunity to definitively establish that the subject property was already alienable and disposable at the time of the filing of their application, *i.e.*, on March 11, 2009, in accordance with Section 7 of R.A. No. 11573. This is also in keeping with the Court's older ruling in *Republic v. Court of Appeals,*[56] *viz.*:

> Instead, the more reasonable interpretation of Section 14(1) is that it merely requires the property sought to be registered as already alienable and disposable at the time the application for registration of title is filed. If the State, at the time the application is made, has not yet deemed it proper to release the property for alienation or disposition, the presumption is that the government is still reserving the right to utilize the property; hence, the need to preserve its ownership in the State irrespective of the length of adverse possession even if in good faith. However, if the property has already been classified as alienable and disposable, as it is in this case, then there is already an intention on the part of the State to abdicate its exclusive prerogative over the property.[57]

The Court notes that the Certification dated March 28, 2011 of Forester I Maglinao and the Report dated March 24, 2011 of Special Investigator I Hernandez both point to the subject property's identification as being part of "Project No. 13, Land Classification Map No. 718" that was released and certified on March 26, 1928. Said identification also appears on the subject property's original tracing paper, but there is no indication that the same is in the form of the sworn certification by a duly designated

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the copy of the land classification (LC) map is existing in their inventory. Consequently, a sworn certification stating such fact shall be issued by the Chief, SMD. The certification is attached as Annex J.

[56] 489 Phil. 405 (2005). See also *Malabanan v. Republic,* supra note 47.

[57] Id. at 414.

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DENR geodetic engineer. In fact, the geodetic engineer whose signature appears thereon does not appear to have been a DENR employee. Moreover, no official issuance is mentioned as the basis for the classification of the subject property. It is thus incumbent upon respondents to comply with the requirements of proof as stated in Section 7 of R.A. No. 11573 before the CA upon remand of the instant petition — by submitting a new tracing paper/survey plan with the required imprints and sworn certifications, and the sworn statement of the DENR records officer as to the existence and utilization of the land classification map should a copy of the official issuance that classified the subject property be unavailable.

There is thus one remaining matter for the Court's disposition: the question of whether respondents were able to sufficiently prove the possession and occupation of the subject property by themselves and their predecessors-in-interest in accordance with Section 6 of R.A. No. 11573.

The eminent commentator and former CA Associate Justice Oswaldo D. Agcaoili (Agcaoili) notes the following relative to the evidence required to prove overt acts of possession *vis-à-vis* proceedings for judicial confirmation of imperfect titles, *viz.*:

> The law requires both "possession and occupation" of the land applies for which the applicant must show by "well-high incontrovertible [proof]."
>
> The Civil Code states that possession is the holding of a thing or the enjoyment of a right. To possess means to have, to actually and physically occupy a thing, with or without right. Possession always includes the idea of occupation. It is not necessary that the person in possession should himself be the occupant. The occupancy can be held by another in his name. Without occupancy, there is no possession. Two things are paramount in possession, *First*, there must be occupancy, apprehension or taking. *Second*, there must be intent to possess (*animus possidendi*).
>
> Possession, to constitute the foundation of a prescriptive right, must be possession under a claim of title or ownership or it must be adverse. Acts of a possessory character performed by one who holds the property by mere tolerance of the owner are clearly not in the concept of an owner, and such possessory acts, no matter how long continued, do not start the period of prescription running.

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The phrase "*claim of ownership*" means "the possession of a piece of property with the intention of claiming it in hostility to the true owner." It is also defined as "a party's manifest intention to take over land, regardless of title or right."

But possession alone is not sufficient to acquire title to alienable lands of the public domain because the law requires "possession *and* occupation." Since these words are separated by the conjunction "and," the clear intention of the law is not to make one synonymous with the other. Possession is broader than occupation because it includes constructive possession. When, therefore, the law adds the word *occupation*, it seeks to delimit the all-encompassing effect of constructive possession. Taken together with the words open, continuous, exclusive, and notorious, the word occupation serves to highlight the fact that for an applicant to qualify, his possession must not be a mere fiction. Actual possession of land consists in the manifestation of acts of dominion over it of such a nature as a party would naturally exercise over his own property.[58] (Italics in the original; citations omitted)

In particular, Agcaoili notes the following overt acts of possession as determinative of a successful application, *viz.*:

A person who seeks confirmation of an imperfect or incomplete title to a piece of land on the basis of possession by himself and his predecessors-in-interest shoulders the burden of proving by clear and convincing evidence complian[t] with the requirements of Section 48(b) of CA No. 141, as amended, or Section 14(1) of PD No. 1529. Bare assertions of possession and occupation are general statements which are mere conclusions of law rather than factual evidence of possession.

Overt acts of possession may consist in introducing valuable improvements on the property, like fruit-bearing trees, fencing the area, constructing a residential house thereon, and declaring the same for tax purposes. Evidence to be admissible must, however, be credible, substantial and satisfactory.[59] (Citations omitted)

Relative to the important evidentiary value of tax declarations, Agcaoili elaborates thus:

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[58] Oswaldo Agcaoili, PROPERTY REGISTRATION DECREE & RELATED LAWS (LAND TITLES & DEEDS) (2018 ed.), pp. 250-251.

[59] Id. at 254.

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Although tax declarations and realty tax payment or property [*sic*] are not conclusive evidence of ownership, nevertheless, they are good *indicia* of the possession in the concept of owner for no one in his right mind would be paying taxes for a property that is not in his actual or at least constructive possession. They constitute at least proof that the holder has a claim of title over the property. The voluntary declaration of a piece of property for taxation purposes manifests not only one's sincere and honest desire to obtain title to the property and announces his adverse claim against the State and all other interested parties, but also the intention to contribute needed revenues to the government. Such an act strengthens one's *bona fide* claim of acquisition of ownership.

x x x Moreover, tax declarations and receipts when coupled with actual possession constitute evidence of great weight and can be the basis of a claim of ownership through prescription. A tax declaration is a telling evidence of the declarant's possession which could ripen into ownership.[60] (Citations omitted)

A telling reference that assists the Court at present is the evidence presented by the applicant in *Pasig Rizal*, which, to recall, the Court had affirmed as sufficient to establish therein respondent's possession and occupation as required by law:

The evidence presented by PRCI was summarized by the CA, as follows:

x x x [PRCI] appended the following documents, to wit: a) the Approved Survey Plan, Technical Description and Surveyor's Certification of [the Subject Property] showing its area and boundaries; b) Tax Declarations and Tax Receipts proving that since 1956, [the Subject Property] was already declared for tax purposes and the corresponding realty taxes were paid; c) Affidavit of Esperanza Gerona establishing the transfer of ownership and possession of the subject realty to [PRCI]; d) Certification of the Regional Technical Director of [the] Forest Management Service of the Department of Environment and Natural Resources (DENR) proving that the subject lot is within the alienable and disposable land of [the] public domain, as verified under Project No. 21 of Pasig pursuant to [Land Classification] Map 639 which was approved on [March 11, 1928 and] per ocular inspection on the ground on [September 12, 2011]; and e) Affidavit of Bernarda Lu, a friend and neighbor of the Dee Ham

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[60] Id. at 258-259.

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family, attesting to [PRCI's] ownership of the [Subject Property] and its uninterrupted possession as well as the payment of land taxes thereon.[61]

From the records of the trial court, the Court notes that the Certifications issued by LAOO IV Fajilan of the Office of the City Assessor of Batangas City indicate that for the portion of the subject property identified by Tax Declaration No. 049-01173, respondents' predecessors-in-interest had declared the same for tax purposes as early as 1974. As for the portion of the subject property covered by Tax Declaration No. 049-01240, the same was declared for tax purposes as early as 1968 — also by respondents' predecessors-in-interest. The certifications of the Office of the City Treasurer of Batangas City indicate that respondents had paid the back taxes on the subject property dating back to the year 2000 and up to the year of their application.

However, as to respondents' other overt acts of possession and occupation, the only remaining bone of contention would be the weight of the testimony of the neighbor Lumanglas, as her testimony alone is the only other evidence that respondents could rely upon to bolster their claim of possession and occupation by themselves and their predecessors-in-interest 20 years prior to March 11, 2009. To the Court, and for present purposes, her testimony lacks sufficient details in order to establish the possession and occupation of respondents' predecessors-in-interest.

Firstly, she could not immediately recall when exactly respondents became her neighbors.[62] Inevitably, due to the fact that the proceedings were before the enactment of R.A. No. 11573, the focus of the testimony centered on the critical date of June 12, 1945. However, there is no explicit mention as to who exactly were the immediate owners who had transferred their interests in the subject property to respondents. She merely noted that a previous owner (of which portion it is not specified) was "Adela Garcia," and she did not even bother to either confirm that this was also "Adela Marasigan," *i.e.*, one of respondents' predecessors-in-

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[61] *Republic v. Pasig Rizal Co., Inc.,* supra note 45.

[62] TSN, August 16, 2010, p. 14.

interest *vis-à-vis* the portion of the subject property covered by Tax Declaration No. 049-01240.[63] She basically gave a general assertion that respondents' predecessors-in-interest had resided there, but with no specifics as to when and whose residencies began, and particularly when the small residential house was built. The critical fact that she was present at the said house when Adela Garcia died also has no reference to any particular date,[64] and this simply causes more confusion as to who exactly were respondents' predecessors-in-interest, since Adela Garcia is an heir of Simeon Garcia. Moreover, the mere fact that she knew that the house thereon was demolished/removed from the property upon the possession and occupation of respondents does not help in establishing when exactly was the said house built prior to the new possession and occupation.

Verily, Lumanglas' testimony is therefore insufficient to establish the critical fact of the possession and occupation of the subject property by respondents' predecessors-in-interest before the transfer to respondents. There needs to be proof of the possession and occupation by the said predecessors-in-interest covering the timeframe of March 11, 1989 up to the time when the transfer of the subject property and its constitutive portions were made to respondents, such as definitive proof that the small residential house and other improvements thereon were built or set up prior to March 11, 1989. Regrettably, due to the focus of the trial court on the now-defunct critical date of June 12, 1945, there exists no other evidence to prove the house's construction — not even the testimony of respondent Rolly D. Tan himself, who did not even mention any knowledge of when the small residential house and small hut thereon were constructed.

Thus, the Court sees the additional need to remand the case in order to provide respondents an opportunity to prove the possession and occupation of the subject property by their predecessors-in-interest, with the critical date of March 11, 1989 in mind. While this was not an issue included in the remand in *Pasig Rizal* due to

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[63] Id. at 15.

[64] Id. at 20.

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the respondent therein being able to sufficiently prove possession and occupation as required by law, *Pasig Rizal* is explicit in noting that "the amendment implemented through Section 6 of R.A. No. 11573 effectively created a new right in favor of those who have been in possession of alienable and disposable land for the shortened period provided."[65] Accordingly, respondents may present anew other competent witnesses or other documentary or object evidence that show the overt acts of possession and occupation by their predecessors-in-interest, such as duly authenticated photographs of structures on the subject property built or erected by the said predecessors-in-interest predating March 11, 1989, but to speculate or suggest further would be to preempt the action of the CA in its reception and consideration of future evidence that may come before as a result of the remand of the instant petition.

All in all, there is a need for respondents to comply with the new provisions set forth in R.A. No. 11573 for the judicial confirmation of their imperfect title to the subject property. The Court affords this opportunity to respondents, with due consideration and notice to petitioner, in the interest of justice and equity, and provided that respondents comply with the provisions of R.A. No. 11573 and the relevant provisions of the new 2019 Revised Rules on Evidence—as to be determined and ruled upon by the CA in a limited trial *de novo*.

WHEREFORE, premises considered, the instant Petition for Review on *Certiorari* is hereby **DENIED** in part. The Decision dated October 26, 2016 and the Resolution dated July 7, 2017 of the Court of Appeals in CA-G.R. CV No. 101418 are hereby **SET ASIDE**, and the case is hereby **REMANDED** to the Court of Appeals for reception of evidence on the subject property's land classification status based on the parameters set forth in Section 7 of Republic Act No. 11573, as well as evidence relative to the possession and occupation of the predecessors-in-interest of respondents spouses Rolly D. Tan and Grace Tan dating back to March 11, 1989 or prior. Thereafter, the Court of Appeals

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[65] *Republic v. Pasig Rizal Co., Inc.,* supra note 45.

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is **DIRECTED** to resolve the present case in accordance with this Decision with due and deliberate dispatch.

SO ORDERED.

Caguioa (Chairperson), Dimaampao, and *Singh, JJ.*, concur.

Inting, J., on leave.

APPEARANCES OF COUNSEL

Office of the Solicitor General for petitioner.
Ariel M. Reyes for respondents.