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THIRD DIVISION

[G.R. No. 205641; October 5, 2022]

SUPERIOR GENERAL OF THE RELIGIOUS OF THE VIRGIN MARY (R.V.M.), *Petitioner*, *v*. **REPUBLIC OF THE PHILIPPINES,** *Respondent*.

D E C I S I O N

GAERLAN, *J.*:

The present petition for review on *certiorari*[1] assails the Decision[2] and the Resolution[3] of the Court of Appeals (CA) in CA-G.R. CV No. 82917, which granted the appeal of respondent Republic of the Philippines (the Republic) and reversed the decision[4] of the Regional Trial Court of Borongan, Eastern Samar, Branch 1, in Land Registration Case (LRC) No. N-04-99.

The Religious of the Virgin Mary (RVM) is a religious congregation which is principally engaged in the education of Filipino youth in the Catholic faith.[5] For this purpose, the RVM operates numerous schools in the Philippines.[6] Prior to 1987, it was organized as a religious corporation aggregate; but it reorganized as a corporation sole with its Superior General as incorporator.[7]

On October 25, 1999, the RVM filed an application for registration of a 4,539-square meter parcel of land located at

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1 *Rollo*, pp. 8-37.

2 CA *rollo*, pp. 99-114. Promulgated on July 30, 2010. Penned by Associate Justice Pampio A. Abarintos, with Associate Justices Ramon A. Cruz and Myra V. Garcia-Fernandez, concurring.

3 *Rollo*, pp. 62-63. Promulgated on January 15, 2013. Penned by Associate Justice Pampio A. Abarintos, with Associate Justices Ramon Paul L. Hernando (now a Member of the Court) and Gabriel T. Ingles, concurring.

4 Id. at 38-43. Rendered on June 3, 2002. Penned by Acting Judge Arnulfo O. Bugtas.

5 Id. at 28.

6 Id. at 74-75.

7 Id. at 71-72.

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Libertad Street, Taboc, Borongan, Eastern Samar.[8] The lot was designated in the application as Lot 3618, Cad. 434-D, St. Joseph's High School.[9] The application alleged that: 1) the RVM obtained the property through a series of sales and a donation from five individuals; 2) the land was occupied by the high school department of St. Joseph's College, which is operated by the RVM; 3) the land is not subject to any encumbrance; 4) the RVM is a non-stock, non-profit corporation organized under Philippine law and is qualified to acquire and possess real property; 5) the claimed parcel was surveyed on August 16, 1973, but the surveyor's certificate was lost;[10] and 6) the RVM has been in open, continuous, exclusive, and notorious possession of the land under a bona fide claim of ownership for more than thirty (30) years.[11] Accordingly, the RVM prayed that the property be registered in its name on the basis of either the Property Registration Decree (PRD) or the Public Land Act (PLA), as amended by Republic Act (R.A.) No. 6940 and Presidential Decree No. 1073.[12]

The Republic opposed the RVM's application on the following grounds: 1) the RVM and its predecessors-in-interest have not been in open, continuous, exclusive, and notorious possession of the parcel since June 12, 1945 or prior thereto; 2) the deeds, tax declarations, and receipts attached to the application do not suffice to prove open, continuous, exclusive, and notorious possession of the parcel in the concept of owner since June 12, 1945 or prior thereto; 3) the RVM can no longer claim the parcel on the basis of Spanish titles or grants; and 4) the parcel is part of the public domain and therefore not subject to private appropriation.[13]

The RVM presented three witnesses. Sister Ma. Socorro Alvarez (Sr. Alvarez) testified that she was among the RVM members who first served at the St. Joseph's High School shortly after its

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[8] Id. at 64-67.

[9] Id. at 64.

[10] Id. at 65-66.

[11] Records, p. 5.

[12] *Rollo*, p. 67.

[13] Records, pp. 49-50.

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foundation in 1946.[14] She also testified that operation of the school was turned over to the RVM in 1947;[15] the parcel in question was formed from several lots that were either sold or donated to the RVM from 1946 to 1953;[16] and the St. Joseph's elementary school building was built thereon in 1951.[17] She also identified the documents evidencing the transactions by which the RVM acquired the parcel, as well as the signatures thereon.[18] Emma Ladera-Reago testified that she worked as supervising instructor at the elementary department of the then-renamed St. Joseph's College from 1958 to 1962;[19] the elementary department was housed in a building which stood on the claimed parcel.[20] On cross-examination, she admitted that there were no buildings on the parcel as of 2001.[21] Sister Lilibeth Monteclaro, the then-incumbent Superior and Directress of the school, testified that she was assigned to oversee the registration of the RVM's unregistered lands in the Visayas, including the herein claimed parcel.[22] She identified the Department of Environment and Natural Resources (DENR) certification, blue print, tax declaration, and technical description of the claimed parcel.[23] On cross examination, she affirmed that the parcel was exempted from real property tax;[24] while there were no longer any buildings on the land, the school still uses it for outreach programs and extension services required by the Commission on Higher Education.[25]

The RVM offered the following pieces of documentary evidence: Application for Land Registration, Superior of the Religious of the Virgin Mary, petitioner, dated October 18, 1999;

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14 Id. at 118-120.
15 Id. at 119-120.
16 Id. at 121-128.
17 Id. at 121.
18 Id. at 121-128.
19 Transcript of Stenographic Notes, July 26, 2001, pp. 2-3.
20 Id. at 3-4.
21 Id. at 6.
22 Id. at 8-9.
23 Id. at 9-12.
24 Id. at 12.
25 Id. at 12-13.

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Notice of Initial of Hearing as published, found on pages 4809-4810 of the Official Gazette, Vol. 96, No. 30 dated July 24, 2000; Certificate of Posting; Notices of Hearing; Certification issued by the Office of the Philippine Postal Corporation, Borongan, Eastern Samar; Deed of Sale dated January 3, 1950, executed by Catalina Chavaria and signed by Sr. Alvarez, Catalina Chavaria, and Domingo Chavaria; Deed of Absolute Sale dated June 8, 1951, executed and signed by Dominico Aquino; Deed of Sale dated January 22, 1946, executed and signed by Antonio Alpez; Deed of Absolute Sale dated July 6, 1953, executed and signed by Fernando Cada (Cada); Deed of Donation of Real Property dated October 10, 1952, executed by Inocenta B. Lagarto and signed by Sr. Ma. Candelaria Clement, RVM (Sr. Clement), Sr. Alvarez, Inocenta B. Lagarto, and Aquilino Logarto; Transcript of the deposition of Sr. Alvarez; Certification dated June 20, 2001 issued by the Community Environment and Natural Resources Office of Borongan, Eastern Samar, certifying that Lot No. 3618, C-4, CAD.434-D of the Borongan Cadastre, located at Brgy. Taboc, Borongan, Eastern Samar with an area of 4,539 sq. meters more or less was surveyed for St. Joseph's High School, is not the subject of an application for Free Patent Title, and is within the alienable and disposable portion of the public domain under Land Classification Map No. 3292, Project No. 22-D; Blue print of the plan, technical description, and certification of the approval of the technical description of the claimed parcel; and Certification dated September 13, 1999 from the Office of the Municipal Treasurer of Borongan, Eastern Samar, stating that the claimed parcel is exempt from real property tax.[26]

After presentation of evidence by the RVM, the case was submitted for judgment.[27]

On June 3, 2002, the trial court granted the RVM's application. It found that the RVM was able to prove ownership of the claimed parcel since 1946.[28] The Republic filed an appeal.[29]

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[26] Records, pp. 146-150.

[27] *Rollo*, p. 42.

[28] Id. at 42-43.

[29] Records, p. 166.

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In a decision dated July 30, 2010, the CA granted the Republic's appeal and denied the RVM's application. The CA ruled that the RVM failed to establish the provenance and the duration of the titles of its predecessors-in-interest. The evidence it presented only proves open, continuous, exclusive, and notorious possession of the parcel from 1946.[30] However, the 1973 and 1987 Constitutions prohibit private corporations from acquiring lands of the public domain; thus, the RVM's possession cannot be counted for purposes of acquiring title to the parcel.[31] Furthermore, the CA

> noted that the right to seek original registration of alienable public lands through possession in the concept of an owner for at least thirty (30) years granted by Republic Act No. 1942 enacted in 1957, which amended Section 48(b) of the Public Land Act, is no longer existing. Said provision was repealed in 1977 with the passing of P.D. 1073, which pegged the reckoning point to June 12, 1945. Thus, with the repeal of the 30-year-possession-in-the-concept-of an-owner rule, possession must now be reckoned from June 12, 1945, or earlier, which is the present provision under Section 14(1) of the Property Registration Decree (P.D. 1529) [PRD].[32]

Thus, under the then-prevailing law, 30 years of possession can only be invoked as a ground for original registration under Section 14(2) of the PRD, which applies only to *private lands*.[33] Thus, the only way for the RVM to acquire registrable title to the parcel was to prove that it had become private land by 1946, when the RVM acquired the land. There being no such proof, the application should be denied. Parenthetically, the CA noted that had the RVM been able to show that the land had become private prior to the effectivity of the 1973 Constitution, it would have acquired a vested right thereto.[34]

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[30] CA *rollo*, pp. 108-109, CA Decision.

[31] Id. at 109-111.

[32] Id. at 113, citing *Heirs of Mario Malabanan v. Rep. of the Phils.*, 605 Phil. 244, 264 (2009).

[33] Id.

[34] Id. at 112.

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The RVM filed a motion for reconsideration,[35] which the CA denied in a resolution dated January 15, 2013;[36] hence this petition, wherein the RVM argues that: 1) the claimed parcel had become private property even before the constitutional ban on corporate land ownership took effect; and 2) assuming that the claimed parcel is not a private property, the RVM, being a religious corporation, should be entitled to acquire lands of the public domain through the modes provided for by law.[37] On the first point, the RVM argues that the possession of its predecessors-in-interest can be inferred from the fact that St. Joseph's High School was already in operation when it was handed over to the congregation.[38] On the second point, the RVM argues that the constitutional ban on corporate land ownership cannot apply to a group of Filipino citizens who have "*voluntarily joined together in the exercise of their freedom[s] of religion and association x x x as a religious congregation that through sheer necessity was required to formally organize* [as a religious corporation] *under the Corporation Code*."[39] The RVM essentially argues that with respect to incorporated religious congregations, the legal effects and implications of the corporate fiction should not detract from the fact that such corporations are composed of individual Filipino citizens who are entitled to acquire lands of the public domain, because the corporate fiction is imposed on them solely for the purposes of vesting their congregation with legal capacity and the right of succession.[40]

In its comment, the Republic echoes the CA's reasoning. It asserts that the Constitution prohibits private corporations, *religious corporations included*, from acquiring alienable and disposable lands of the public domain. Thus, the RVM can only register the claimed parcel if it can prove that the land had become private at the time of acquisition. However, the RVM failed to

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35 Id. at 117-129.

36 *Rollo*, pp. 62-63.

37 Id. at 16-17.

38 Id. at 18-19.

39 Id. at 24.

40 Id. at 23.

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adduce such proof; and such proof cannot be replaced with mere inference of possession.[41]

In its reply and subsequent pleadings, the RVM reiterates its argument that the constitutional ban on corporate landholding "*should not be applied or interpreted as to deprive the RVM sisters, who had originally organized themselves as a religious society, of their right, as Filipino citizens, to the judicial confirmation of their imperfect title to the subject parcel of land*."[42] The RVM argues that the CA decision, by sanctioning such an interpretation, violates the RVM sisters' rights to equal protection and religious freedom.

The RVM also argues that the decisions cited by the Republic in support of its stance that corporations sole cannot acquire alienable lands of the public domain are not applicable to the present case, since the RVM acquired its rights to the claimed parcel when it was still organized as a corporation aggregate. Relying on the 1955 case of *Register of Deeds of Rizal v. Ung Siu Si Temple*,[43] the RVM asserts that corporations aggregate which are composed of Filipino citizens should be allowed to acquire alienable lands of the public domain. Assuming that the RVM was already a corporation sole when the constitutional ban on corporate land ownership took effect, the RVM is still entitled to registration because lands held by corporations sole actually belong the congregation, and as such, the ownership of lands held by the RVM actually pertains to its members, who are all Filipinos.[44]

The RVM also points out that in *Spouses Fortuna v. Republic of the Philippines*, the Supreme Court adjusted the cut-off date set by Presidential Decree No. 1073 for the possession of alienable lands of public domain to May 8, 1947. Thus, by 1977, the RVM had already completed the required period of possession to qualify for registration of the claimed parcel under Section 48

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41 Id. at 95-104.

42 Id. at 114.

43 97 Phil. 58 (1955).

44 *Rollo*, pp. 113-115.

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(b) of the PLA, as amended.[45] Finally, the RVM argues that the certification issued by the Community Environment and Natural Resources Office (CENRO) of Borongan stating that the claimed parcel is within the alienable and disposable portion of the public domain constitutes sufficient proof of the parcel's alienable-and-disposable status, in line with the Supreme Court's rulings in *Republic v. Alora*[46] and *Republic v. Vega*,[47] since the RVM's petition for registration was filed, tried, and decided prior to ruling in *Republic v. T.A.N. Properties*,[48] which required that alienable-and-disposable status be proven through a certification issued by the Secretary of the DENR.

Thus, the issues posed by the pleadings are: 1) whether the RVM was able to prove the requisite possession under the PLA, as amended; 2) whether the claimed parcel is alienable and disposable; and 3) if the claimed parcel is alienable and disposable land of the public domain, whether the RVM may acquire ownership thereof.

I. The applicable law

Applications for judicial confirmation of title to alienable lands of the public domain are governed by the PRD[49] and the PLA.[50] Both laws have been recently amended by R.A. No. 11573,[51] which took effect on September 1, 2021. R.A. No. 11573 provides in part:

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

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45 Id. at 129-130.

46 762 Phil. 695 (2015).

47 654 Phil. 511 (2011).

48 578 Phil. 441 (2008).

49 PRESIDENTIAL DECREE NO. 1529, as amended.

50 COMMONWEALTH ACT NO. 141, as amended.

51 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," approved on July 16, 2021.

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"SEC. 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 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:

"SEC. 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.

x x x x"

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.

In the recently promulgated landmark case of *Republic v. Pasig Rizal Co., Inc.*[52] (*Pasig Rizal*), the Supreme Court *en banc* clarified that while alienable lands of the public domain remain property of the State, they are nevertheless patrimonial in character, *i.e.*, held by the State in its private capacity; and may therefore be acquired by prescription under the Civil Code in relation to Section 14(2) of the PRD.[53] Coupled with the abovecited amendments introduced by R.A. No. 11573, Sections

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[52] G.R. No. 213207, February 15, 2022.

[53] Id.

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14(1) and (2) of the PRD have been essentially rendered identical, since Section 14(1) of the PRD also contemplates lands acquired through *bona fide* possession in the concept of owner, albeit under Section 48 of the PLA. Possession for the time period required by Section 48 of the PLA has the effect of converting public domain land into private land;[54] thus leading to the same result as in Section 14(2) being made realizable in a shorter period of time. The *Pasig Rizal* court explains:

> 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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> 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 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* requirement has been addressed.
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> In line with the shortened period of possession under the new Section 14(1) [as amended by RA 11573], 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

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[54] *Basilio v. Callo*, G.R. No. 223763, November 23, 2020; *Director of Lands v. IAC*, 230 Phil. 590, 612-613 (1986).

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registration on the basis of the new Section 14(1) without waiting for prescription to set in years later.[55]

Pasig Rizal also laid down definitive guidelines on the application of R.A. No. 11573:

> 1. RA 11573 shall apply retroactively to all applications for judicial confirmation of title which remain pending as of September 1, 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 appeal before the Court of Appeals.
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> 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.
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> 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 classification status based on the parameters set forth in Section 7 of RA 11573.

Thus, under the presently applicable law, the RVM must prove that: 1) it has been in open, continuous, exclusive and notorious possession and occupation of the claimed parcel under bona fide claim of ownership for at least twenty (20) years immediately preceding the filing of its application; and 2) the claimed parcel is within the alienable and disposable portion of the public domain.

I.A. Provenance of the RVM's possession

Since the RVM's possession began at different dates with respect to different portions of the parcel, the CA tried to solve

[55] *Republic v. Pasig Rizal Co., Inc.*, supra note 52.

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the problem by fixing the commencement date of the RVM's possession to January 1946:

> If we trace appellee's possession of the subject land by itself alone, it dates back to January 22, 1946 with respect to a certain portion, to January 3, 1950, June 8, 1951, October 12, 1952 and July 6, 1953 with respect to the other portions. Let us just fix the reckoning point at January, 1946. x x x[56]

Based on the deeds submitted by the RVM, the areas and the dates of transfer of each portion are as follows:

Transferor	Date of Transfer	Area
Antonio Alpez	January 22, 1946	645 m^2
Sps. Catalina & Domingo Chavarria	January 3, 1950	not stated
Dominico Aquino	June 8, 1951	15.75 m^2
Inocenta Lagarto	October 12, 1952	3,788 m^2
Fernando Cada	July 6, 1953	402.90 m^2
		TOTAL: 4,851.65 m^2

The deeds evincing the RVM's acquisition of the claimed parcel, by themselves, do not shed much light on the provenance of the lots, apart from the obligatory statement that the seller or donor owned of the land at the time of the transfer.[57] The deed of sale executed by Catalina and Domingo Chavarria simply states that the lot conveyed thereby "was acquired by us thru purchase from the former owner."[58] Three of the deeds of sale commonly state that the parcels thereby conveyed to the RVM were "not registered under Act No. 496 [or] under the Spanish Mortgage Law."[59] As the CA points out, there is no evidence on record "*to show how* [the RVM's] *predecessors-in-interest acquired their portions, from whom and when they acquired the same, or that they had been in possession and occupation of the land in the concept of an owner since time immemorial or that, by themselves,*

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[56] CA *rollo*, p. 112.

[57] Records, pp. 13-19.

[58] Id. at 13.

[59] Id. at 14, 16, 17.

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the said predecessors-in-interest had been in possession of the land for 30 years or more."[60] Such proof is material in view of the above-mentioned rule that "*possession of public land which is of the character and duration prescribed by statute as the equivalent of an express grant from the State.*"[61]

Nevertheless, the Republic does not contest the RVM's possession over other portions of the parcel prior to 1953, by virtue of the transfers made between 1946 and 1952. Furthermore, the RVM exercised its ownership over the parcel when it had a schoolhouse built thereon in 1951. It must also be noted that the total area of the lands covered by the deeds exceeds the area of the claimed parcel as alleged in the RVM's application, even without factoring in the portion received by the RVM from the spouses Chavarria in 1950, the area of which was not stated in the deed of sale.[62] However, under Sections 5 and 6 of the PLA, as amended by R.A. No. 11573, applicants may tack the previous possession of their predecessors-in-interest to their own possession, in order to fulfill the requisite period and character of possession under the law.[63]

In the 1953 notarized Deed of Sale executed between Cada and the RVM, the former declared and warranted "*[t]hat [he is] the absolute owner of the [subject portion and] that [he will] hereby warrant and forever defend unto [the RVM] their right to said land by virtue of this sale and any claim of any person whatsoever*."[64] Likewise, as pointed out by the Chairperson during the deliberations for this case, the RVM, through the depositions of Sr. Alvarez and Sr. Clement,[65] was able to adduce evidence showing how the RVM and its predecessors-in-interest came to possess and occupy the subject land in the concept of owner. Thus, in accordance with the curative nature of R.A. No. 11573

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60 CA *rollo*, pp. 108-109.

61 *Basilio v. Callo*, supra note 54; *Director of Lands v. IAC*, supra note 54.

62 Records, p. 13.

63 See *Republic of the Phils. v. Intermediate Appellate Court*, 239 Phil. 393, 400-401 (1987).

64 Id. at 17.

65 *Rollo*, p. 42.

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as expounded in *Pasig Rizal*, we find it most just and equitable to allow the RVM to present additional evidence on the prior possession of its predecessors-in-interest.

II. Land classification status of the claimed parcel

As regards the claimed parcel's land classification status, the survey plan and the technical description submitted by the RVM are not indicative. Notably, the DENR admitted that the Surveyor's Certificate for the claimed parcel was submitted but could not be located in the agency's records.[66] Nevertheless, the Certification dated June 20, 2001 issued by the CENRO of Borongan categorically states that

> per records on file in this office Lot No. 3618, C-4, CAD-434-D Borongan Cadastre, Borongan, Eastern Samar located at Brgy. Taboc, Borongan, Eastern Samar with an area of 4,539 sq. meters more or less was surveyed for ST. JOSEPH'S HIGH SCHOOL and has not yet been applied for Free Patent Title.
>
> This certifies further that the above[-]mentioned parcel of land is within the Alienable and Disposable portion of the public domain under Land Classification Map No. 3292, Project No. 22-D.[67]

However, a CENRO certification, by itself, is not sufficient proof of alienable and disposable status, for reasons explained in *Dumo v. Republic*:[68]

> Moreover, we have repeatedly stated that a CENRO or PENRO certification is not enough to prove the alienable and disposable nature of the property sought to be registered because the only way to prove the classification of the land is through the original classification approved by the DENR Secretary or the President himself. This Court has clearly held:
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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

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[66] Id. at 9.

[67] Id. at 140.

[68] 832 Phil. 656 (2018).

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> 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.

A CENRO or PENRO certification is insufficient to prove the alienable and disposable nature of the land sought to be registered—it is the original classification by the DENR Secretary or the President which is essential to prove that the land is indeed alienable and disposable. This has been consistently upheld by this Court in subsequent land registration cases.[69]

Even Associate Justice Alfredo Benjamin S. Caguioa (Justice Caguioa), who dissented from the aforequoted discussion, conceded that for a CENRO certification to suffice as proof of alienable and disposable status, it must expressly refer to the land classification maps and the documents issued by the officers empowered to make the classification:

> [I]n view of DENR AO 2012-09, certifications of land classification status issued by the CENRO, PENRO and the RED-NCR should be deemed already sufficient for purposes of proving the alienable and disposable character of property subject of land registration proceedings, provided that these certifications expressly bear references to: (i) the LC map; and (ii) the document through which the original classification had been effected, such as a Bureau of Forest Development Administrative Order 7 (BFDAO) issued and signed by the DENR Secretary.[70]

In *Pasig Rizal*, Justice Caguioa, this time speaking for the Court, further explained why a CENRO certification, by itself, does not suffice to prove land classification status:

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[69] Id. at 681. Citations omitted.

[70] Caguioa, *J.*, Concurring and Dissenting Opinion, id. at 703. Citations omitted.

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Like certifications issued by the CENROs, Regional Technical Directors, and other authorized officials of the DENR with respect to land classification status, certifications of similar import issued by DENR geodetic engineers do not fall within the class of public documents contemplated under Rule 132 of the Rules of Court. Accordingly, their authentication in accordance with said rule is necessary.[71]

R.A. No. 11573, Section 7 does not change the evidentiary weight of CENRO certifications as regards land classification status. Rather, it remedies the situation by deeming sufficient the land classification certification issued by the DENR-designated geodetic engineer as imprinted in the survey plan of the claimed parcel. This obviates the need to seek certification from the local ENROs,[72] as the finding of the duly-designated geodetic engineer is already deemed sufficient, provided that such finding is based on an applicable Forestry Administrative Order, DENR Administrative Order, Executive Order, Proclamation, or land classification map.

Considering the evidence on record and the applicable law, we hold that while the RVM was able to prove possession of the claimed parcel in the manner required by law, the proof it submitted in support of the parcel's alienable and disposable status does not conform with the requirements of R.A. No. 11573. In line with the ruling in *Pasig Rizal*, the equitable and just solution would be to remand the case to the CA for reception of additional evidence on the land classification status of the claimed parcel, as provided in Section 7 of R.A. No. 11573. Specifically, the RVM must prove that the claimed parcel has been declared alienable and disposable through an applicable Forestry Administrative Order, DENR Administrative Order, Executive Order, Proclamation, or land classification map, at the time it filed its application in 1999.

III. Qualification of the RVM to hold alienable lands of the public domain

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[71] *Republic v. Pasig Rizal Co., Inc.*, supra note 52.

[72] The Environment and Natural Resources Officers of the provincial, city, and municipal governments.

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The Constitution disqualifies private corporations or associations from holding alienable lands of the public domain;[73] but allows them to acquire private lands.[74] The disqualification is meant to promote the constitutional policy of diffusing land ownership by preventing corporate accumulation of land,[75] with special reference to the historical circumstances that attended the ownership of large estates by religious orders during the Spanish colonization of the Philippines.[76] The disqualification also prevents the use of corporate entities to skirt the limitation on the area of alienable public domain lands which may be acquired by individuals.[77]

The RVM argues that the constitutional ban on holding alienable lands of the public domain by corporations should not be extended to religious societies which are composed of Filipino citizens but organized as religious corporations, either aggregate or sole. The RVM asserts that such application of the ban to Filipino-composed religious societies tramples upon the equal protection and free religious exercise rights of Filipino religious congregants. Corporations aggregate which are composed of Filipino citizens should be allowed to acquire alienable lands of the public domain. Assuming that the RVM was already a corporation sole when the constitutional ban on corporate land ownership took effect, it is still entitled to registration because lands held by corporations sole actually belong the congregation, and as such, the ownership of lands held by the RVM actually pertains to its members, who are all Filipinos.[78]

Section 3, Article XII of the Constitution states in part:

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[73] CONSTITUTION, Article XII, Section 3.

[74] CONSTITUTION, Article XII, Section 7.

[75] *Chavez v. Public Estates Authority*, 433 Phil. 506, 536 (2002); *Ayog v. Hon. Cusi, Jr.*, 204 Phil. 126, 134 (1982).

[76] *Register of Deeds of Rizal v. Ung Siu Si Temple*, supra note 43; Charles H. Cunningham, *Origin of the Friar Lands Question in the Philippines*, 10 AM. POL. SCI. REV. (No. 3) 465 (1916).

[77] *Chavez v. Public Estates Authority*, supra.

[78] *Rollo*, pp. 113-115.

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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. Private corporations or associations may not hold such alienable lands of the public domain except by lease, for a period not exceeding twenty-five years, renewable for not more than twenty-five years, and not to exceed one thousand hectares in area.** Citizens of the Philippines may lease not more than five hundred hectares, or acquire not more than twelve hectares thereof, by purchase, homestead, or grant. (Emphasis and underlining supplied)

The prevailing rule on the qualification of religious corporations to hold and own alienable lands of the public domain remains embodied in the 1982 *en banc* decision in *Rep. of the Phil. v. Judge Villanueva etc., et al*.[79] (*Villanueva*), which involved an application for original registration based on Section 48(b) of the PLA filed by a corporation sole. The majority reversed the trial court's grant of the application, on the ground that Article XIV, Section 11 of the 1973 Constitution[80] disqualified the applicant corporation from holding and acquiring alienable lands of the public domain:

As correctly contended by the Solicitor General, the [applicant], as a corporation sole or a juridical person, is disqualified to acquire or hold alienable lands of the public domain, like the two lots in question, because of the constitutional prohibition already mentioned and because the [applicant] church is not entitled to avail itself of the benefits of

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[79] 200 Phil. 367 (1982).

[80] SECTION 11. The Batasang Pambansa, taking into account conservation, ecological, and developmental requirements of the natural resources, shall determine by law the size of lands of the public domain which may be developed, held or acquired by, or leased to, any qualified individual, corporation or association, and the conditions therefor. **No private corporation or association may hold alienable lands of the public domain except by lease not to exceed one thousand hectares in area**; nor may any citizen hold such lands by lease in excess of five hundred hectares or acquire by purchase or homestead in excess of twenty-four hectares. No private corporation or association may hold by lease, concession, license, or permit, timber or forest lands and other timber or forest resources in excess of one hundred thousand hectares; however, such area may be increased by the Batasang Pambansa upon recommendation of the National Economic and Development Authority.

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section 48(b) which applies only to Filipino citizens or natural persons. x x x[81]

For the reasons outlined below, we uphold and reiterate the doctrine in *Villanueva*.

First. The rationale for the prohibition on corporate holding of alienable public domain lands applies to **all** classes of private corporations. In *Ayog v. Cusi, Jr.*, this Court held that "*one purpose of the constitutional prohibition against purchases of public agricultural lands by private corporations is to equitably diffuse land ownership or to encourage 'owner-cultivatorship and the economic family-size farm' and to prevent a recurrence of cases like the instant case. Huge landholdings by corporations or private persons had spawned social unrest*."[82] *Chavez v. Public Estates Authority* further clarifies that:

> In actual practice, the constitutional ban strengthens the constitutional limitation on individuals from acquiring more than the allowed area of alienable lands of the public domain. Without the constitutional ban, individuals who already acquired the maximum area of alienable lands of the public domain could easily set up corporations to acquire more alienable public lands. An individual could own as many corporations as his means would allow him. An individual could even hide his ownership of a corporation by putting his nominees as stockholders of the corporation. The corporation is a convenient vehicle to circumvent the constitutional limitation on acquisition by individuals of alienable lands of the public domain.
>
> The constitutional intent, under the 1973 and 1987 Constitutions, is to transfer ownership of only a limited area of alienable land of the public domain to a qualified individual. This constitutional intent is safeguarded by the provision prohibiting corporations from acquiring alienable lands of the public domain, since the vehicle to circumvent the constitutional intent is removed. The available alienable public lands are gradually decreasing in the face of an ever-growing population. The most effective way to insure faithful adherence to this constitutional intent is to grant

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[81] *Rep. of the Phil. v. Judge Villanueva etc., et al.*, supra, at 371.

[82] Supra note 75. See also 6 Jose M. Aruego et al., THE PHILIPPINE CONSTITUTION: ORIGINS, MAKING, MEANING, AND APPLICATION 253-335 (1972).

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or sell alienable lands of the public domain only to individuals. This, it would seem, is the practical benefit arising from the constitutional ban.[83]

Verily, Philippine history bears witness to the fact that religious corporations can acquire and accumulate landholdings in the same manner as non-religious private corporations. It is a matter of historical record that the Catholic friars and religious orders were able to legally accumulate vast tracts of land; and in some cases, the oppressive, inefficient, or inequitable practices in these vast estates led to hardship, discontent, and social unrest among the tenant-farmers therein.[84]

Even as it invokes the equal protection of the laws, the RVM seeks to exempt religious corporations from the uniform application of the constitutional ban on corporate holding of public domain lands. However, the text of Article XII, Section 3 of the Constitution is clear and leaves no room for interpretation: *all private corporations* are prohibited from holding alienable lands of the public domain except as provided therein. There is no difference in treatment among stock, non-stock, for-profit, non-profit, educational, charitable, or religious corporations. The Constitution deprives all private corporations of the right to acquire alienable lands of the public domain, and reserves this right solely to natural persons, simply because all corporations, regardless of kind, character, or purpose, have the capacity to accumulate untenably vast landholdings. In the same vein, Article XII, Section 3 of the Constitution likewise gives all Filipino natural persons the right to occupy and hold alienable lands of the public domain *in their personal capacities*, regardless of

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[83] Id. at 559.

[84] See ACT No. 1120 (1904), which appropriated sums of money for the acquisition and redistribution of "***friar lands***"; Makasiar, *J.*, concurring in *Pamil v. Judge Teleron*, 176 Phil. 51, 66 (1978); J.B.L. Reyes, *J.*, dissenting in *Roman Cath. Apostolic Adm. of Davao, Inc. v. Land Reg. Com., et al.*, 102 Phil. 596 (1957); *Register of Deeds of Rizal v. Ung Siu Si Temple*, supra note 43; Charles H. Cunningham, *Origin of the Friar Lands Question in the Philippines*, supra note 76; Teodoro A. Agoncillo and Milagros S. Guerrero, HISTORY OF THE FILIPINO PEOPLE (7th ed.) 110-111, 308-309 (1987); Michael J. Connolly, S.J., CHURCH LANDS AND PEASANT UNREST: AGRARIAN CONFLICT IN 20TH CENTURY LUZON (1992).

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their membership or stockholding in any kind of corporation. It is therefore specious for the RVM to argue that its members are being unduly deprived of such right merely because of their membership in a religious corporation, for the Constitution does not prohibit the individual congregants of the RVM from exercising such right in their personal capacities, or even jointly among themselves in co-ownership. What the Constitution prohibits is the exercise of such right by the religious corporation which the congregants of the RVM ***willingly and voluntarily*** formed to administer the earthly possessions of the congregation which they ***willingly and voluntarily*** formed and joined. By donning the veil of corporate fiction, the RVM became enrobed in the legal effects and implications thereof. Like any other corporation, a religious corporation is an entity distinct and separate from its members, and the rights appurtenant to its members in their personal capacities do not necessarily inure to the corporation. If this Court were to subscribe to the RVM's argument, religious corporations would then become a special class of corporations exempt from the constitutional ban against corporate acquisition of alienable public domain lands. This is contrary to the plain meaning and intended purpose of the Constitutional provision. To so rule would allow any group of persons use the religious corporate form as a means to acquire alienable lands of the public domain in circumvention of the Constitution.

Second. There is likewise no difference between corporations sole and corporations aggregate insofar as the constitutional ban on corporate holding of alienable lands of the public domain is concerned. As the RVM admits,[85] religious associations are given the right to organize themselves into corporations for the *sole purpose* of managing their affairs, properties, and temporalities; and this is true regardless of the corporate form (sole or aggregate) that a particular religious association chooses to assume.[86] The RVM cannot rely on the ruling in *Roman Catholic*

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[85] *Rollo*, p. 23.

[86] Section 110 of the Corporation Code (now Section 108 of the Revised Corporation Code) states in part: "**For the purpose of administering and managing, as trustee, the affairs, property and temporalities of any religious denomination, sect or church**, a corporation sole may be formed

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Apostolic Administrator of Davao, Inc. v. Land Registration Commission,[87] because the land sought to be registered in that case was ***private land*** which the corporation can legally acquire, subject only to the constitutionally required ratio of ownership or control by Filipino citizens. This was the context in which this Court held that a corporation sole merely holds the corporation's properties in trust of the congregation that it represents, such that the Davao Apostolic Administrator should be deemed a Filipino corporation for purposes of the determining the ownership or control ratio because the said office represents a congregation that is composed of Filipino citizens.[88] The qualification of the Davao Apostolic Administrator to hold ***alienable lands of the public domain*** was not an issue in that case.

Third. With respect to the alleged infringement of the free exercise clause, it must be remembered that the ban on corporate holding of alienable public domain lands is also embodied in the Constitution. While it has been argued that the provisions in the "constitution of liberty" or the Bill of Rights must be given primacy over other parts of a constitutional text,[89] the settled doctrine is that the Constitution must be construed as a coherent whole, and that "*conflicting provisions* [thereof] *should be reconciled and harmonized in a manner that may give to all of them full force and effect*."[90] This Court is therefore behooved to

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x x x"; while Section 116 (now Section 114) of the same law states in part: "Any religious society or religious order, or any diocese, synod, or district organization of any religious denomination, sect or church, x x x may x x x incorporate **for the administration of its temporalities or for the management of its affairs, properties and estate** x x x."

87 Supra note 84.

88 But see the dissent of J.B.L. Reyes. *J.*, id. at 635-641.

89 Reply of RVM, *rollo*, p. 114, citing *People v. Tudtud*, 458 Phil. 752, 788 (2003) and *Sr. Insp. Valeroso v. Court of Appeals et al.*, 614 Phil. 236, 254 (2009); Fernando, *C.J.*, dissenting in *Rep. of the Phil. v. Judge Villanueva, etc., et al.*, supra note 79 at 373-374; Teehankee, *J.*, dissenting in *Rep. of the Phils. v. Hon. Gonong, et al.*, 204 Phil. 364, 369 (1982).

90 *Kida v. Senate of the Philippines*, 675 Phil. 316, 83 (2011), quoting *Ang-Angco v. Castillo*, 118 Phil. 1468, 1479-1480 (1963); *De Castro v. Judicial and Bar Council, et al.*, 629 Phil. 629, 670-671 (2010).

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reconcile and harmonize the free exercise clause and the ban on corporate holding of alienable public domain lands.

As early as 1955, in the leading case of *Register of Deeds of Rizal v. Ung Siu Si Temple*,[91] this Court has already expressed doubts regarding the "*indispensab*[ility of the right to own alienable lands of the public domain] *to the free exercise and enjoyment of religious profession or worship*."[92] This Court has carefully parsed the RVM's arguments, and we are convinced that the congregation fails to show how the constitutional ban on the corporate holding of alienable public land infringes or hampers its ability to conduct its mission of educating Filipino children in the Catholic faith. Our prevailing laws allow religious corporations to acquire and hold not only private lands,[93] but also alienable public domain lands, albeit only through *lease*.[94] Thus, the RVM can hold and use the claimed parcel without prior occupation thereof, but it has to do so by leasing it from the State. Furthermore, the PLA likewise gives the RVM the right to benefit from the occupation and possession of its predecessors-in-interest who ***transferred*** the land to the congregation for the purpose of helping in its mission of providing Catholic education. It is for this precise reason that the Court, as discussed below, now grants the present petition and allows the RVM a second chance to prove that the occupation and possession of its predecessors-in-interest was of such character and duration that would *ipso facto* convert the parcel into private land which the congregation, by donning the veil of corporate fiction, can indisputably hold and acquire. Clearly, the law provides for different ways by which the RVM can use the claimed parcel for the purpose of following its missionary calling,

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[91] Supra note 43.

[92] *"As to the complaint that the disqualification under article XIII is violative of the freedom of religion guaranteed by the Article III of the Constitution, we are by no means convinced (nor has it been shown) that land tenure is indispensable to the free exercise and enjoyment of religious profession or worship; or that one may not worship the Deity according to the dictates of his own conscience unless upon land held in fee simple."* Id. at 61.

[93] REVISED CORPORATION CODE, Sections 111 & 114(d); BATAS PAMBANSA BLG. 68 (1980), as amended. Secs. 113 & 116, No. 4.

[94] CONSTITUTION, Article XII, Section 3.

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without violating the categorical constitutional prohibition on the corporate holding of alienable public domain lands.

IV. The RVM's possession vis-à-vis the constitutional ban on corporate holding of alienable public domain lands

As earlier mentioned, Section 6 of R.A. No. 11573, in amending Section 14(1) of the PRD to include the sentence "*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*," reiterates and codifies the long-standing principle that "*possession of public land which is of the character and duration prescribed by statute is the equivalent of an express grant from the State*," and operates to "*convert the land from public to private land x x x by operation of law from the moment the required period of possession became complete*,"[95] subject to, as explained in *Pasig Rizal*, submission by the State of proof of prior and/or continuing state use.[96]

In the case at bar, it is undisputed that the RVM has been in open, notorious, and uncontested occupation and possession of the claimed parcel in the concept of owner since July 6, 1953, and even earlier, with respect to certain portions thereof. The Republic did not make any attempt to prove prior state use of the parcel; rather it was the RVM who was able to submit evidence of the private character of the land even prior to its acquisition thereof in 1953, in the form of the deeds of sale and donation executed by its predecessors-in-interest. Even without proof of the length of the possession of its predecessors-in-interest, the RVM's own possession of the claimed parcel more than satisfies the twenty-year possession required by the PLA, as amended by R.A. No. 11573, but only with respect to certain portions.

However, the CA held that the RVM's own possession should not count toward the required period of possession under the PLA and the PRD, because it was exercised by an entity disqualified

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[95] *Basilio v. Callo*, supra note 54; *Rep. of the Phils. v. Sps. Noval et al.*, 818 Phil. 298, 318 (2017); *Director of Lands v. IAC*, supra note 54 at 602-603.

[96] *Republic v. Pasig Rizal Co., Inc.*, supra note 52.

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from *holding* alienable lands of the public domain;[97] in other words, the *ipso jure* conversion of the parcel into private land and the simultaneous grant thereof to the possessor pursuant to the provisions of the PLA and the PRD did not happen in this case because the possessor is constitutionally disqualified from holding alienable lands of the public domain.

Pursuant to the retroactive application of R.A. No. 11573 as ordained in *Pasig Rizal*, as reckoned from the date of acquisition of the last portion of the claimed parcel by the RVM, *i.e.*, July 6, 1953, it would have, by itself, completed the requisite twenty-year possession under the PLA, as amended, on July 6, 1973; however, the 1973 Constitution, which introduced the prohibition on holding alienable lands of the public domain by private corporations or associations, took effect on January 17, 1973.[98] Following the CA's line of reasoning this means that the RVM, by itself, could not have completed the requisite period of possession, because the 1973 Constitution disqualified it from holding alienable lands of the public domain before it can complete the requisite period of possession.

It must be noted that the RVM acquired possession of different portions of the claimed parcel at different times. As tabulated above, the RVM acquired said portions on January 22, 1946, January 3, 1950, June 8, 1951, October 12, 1952, and July 6, 1953. Thus, it is clear that the RVM, by itself, was able to complete the required twenty years of possession prior to the January 17, 1973 cut-off date, except with respect to the portion acquired through the deed dated July 6, 1953. With respect to the rest of the claimed parcel, the only obstacle to the RVM's acquisition of a registrable right to these portions is the defect in the proof of the alienable and disposable status thereof. Such defect may now be remedied, pursuant to R.A. No. 11573 and our ruling in *Pasig Rizal*. Moreover, considering that most of the RVM's predecessors-in-interest transferred their lands to the congregation for the purpose

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[97] CA *rollo*, p. 112.

[98] *Yinlu Bicol Mining Corp. v. Trans-Asia Oil and Energy Dev't. Corp.*, 750 Phil. 148, 180 (2015); *Chavez v. Public Estates Authority*, supra note 75; *Pobre v. Mendieta*, 296 Phil. 634 (1993).

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of assisting in its educational mission,[99] we likewise deem it most just and equitable allow the RVM to present evidence on the nature and circumstances of the possession of its predecessors-in-interest, in particular Cada. Should the RVM be able to present clear and convincing evidence[100] of such possession compliant with the PLA, as amended, it may tack such possession to its own possession and thus prove that the twenty-year duration of possession has been met even prior to the January 17, 1973 cut-off date for corporate acquisition of alienable lands of the public domain. If it fails to do so with respect to the 402.9-square-meter portion acquired from Cada pursuant to the July 6, 1953 Deed of Sale, such portion must be excluded from the decree of registration, as the RVM is not qualified to acquire ownership thereof solely on the basis of its own possession and occupation, which was interdicted by the effectivity of the 1973 Constitution on January 17, 1973.

To recapitulate, the present case must be remanded to the CA for the following purposes: 1) the resurvey of the claimed parcel to determine the 402.9-square-meter portion acquired by the RVM from Cada pursuant to the July 6, 1953 Deed of Sale; 2) the determination of the claimed parcel's land classification status in accordance with Section 7 of RA 11573; and 3) the reception of evidence on the possession of the RVM's predecessors-in-interest, with emphasis on the aforementioned 402.9-square-meter portion.

ACCORDINGLY, the present petition is **GRANTED**. The July 30, 2010 Decision and the January 15, 2013 Resolution of the Court of Appeals in CA-G.R. CV No. 82917 are **REVERSED** and **SET ASIDE**. The case is remanded to the Court of Appeals, which is hereby **DIRECTED** to:

1) Order a resurvey of the claimed parcel, denominated as Lot 3618, C-4, Cad. 434-D of the Borongan Cadastre, located in Barangay Taboc, Borongan, Eastern Samar, in accordance with this Decision;

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[99] Records, pp. 13, 19, 121-122.

[100] *Republic of the Philippines v. Science Park of the Philippines, Inc.*, 843 Phil. 123 (2018).

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2) Receive evidence on the following matters:

   a. The land classification status of the aforementioned parcel of land, in accordance with Section 7 of Republic Act No. 11573; and

   b. The nature, period and circumstances of the possession and occupation of the predecessors-in-interest of petitioner Superior General of the Religious of Virgin Mary, with respect to the corresponding portions of Lot 3618, C-4, Cad. 434-D of the Borongan Cadastre, located in Barangay Taboc, Borongan, Eastern Samar; and

3) Resolve the case thereafter, in accordance with this Decision.

SO ORDERED.

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

Inting and *Singh*, *JJ.*, on official business.

APPEARANCES OF COUNSEL

Padilla Law Office for petitioner.
Office of the Solicitor General for respondent.