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[G.R. No. 242781. June 21, 2022]

SUPERIORA LOCALE DELL' ISTITUTO DELLE SUORE DI SAN GIUSEPPE DEL CABURLOTTO, INC., *Petitioner*, *v.* **REPUBLIC OF THE PHILIPPINES,** *Respondent.*

D E C I S I O N

LOPEZ, J., *J.*:

The principle of *res judicata* does not apply to registration proceedings because there is no conclusive adjudication of rights between the parties or no contentious issue essential to the application of the principle. Certainly, defects in the original application may be remedied by the discovery of new evidence or the effluxion of time—the eventual compliance with the requirements of a present statute or the curative effect of a new statute, as in the present case.

This Court resolves the Petition for Review on *Certiorari*[1] challenging the Decision[2] dated April 6, 2018 and the Resolution[3] dated October 23, 2018 of the Court of Appeals (*CA*) in CA-G.R. CV No. 106867, which affirmed the Order[4] dated April 11, 2016, of the Regional Trial Court (*RTC*), Branch 18, Tagaytay City, Cavite, which dismissed Superiora Locale Dell' Istituto Delle Suore Di San Giuseppe Del Caburlotto, Inc.'s (*petitioner*) application for registration of title over Lots No. 1341-A and No. 1341-B in LRC No. TG-13-1841.

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1 *Rollo*, pp. 14-43.

2 Penned by Associate Justice Zenaida T. Galapate-Laguilles, with Associate Justices Remedios A. Salazar-Fernando (now Presiding Justice of the Court of Appeals) and Jane Aurora C. Lantion, concurring; *id.* at 62-71.

3 *Id.* at 73-74.

4 Penned by Acting Presiding Judge Jaime B. Santiago; *id.* at 98-104.

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Antecedents

On March 22, 2013, Superiora Locale filed an Application for Registration[5] praying for the issuance of a Decree and Original Certificate of Title over Lots No. 1341-A and No. 1341-B, Cad-482, Amadeo Cadastre, in its name.

In its Application, Superiora Locale claimed that it is the absolute owner of Lot No. 1341-A with an area of 2,876 square meters and Lot No. 1341-B with an area of 136 square meters.[6] Lots No. 1341-A and No. 1341-B are declared in its name and are covered by Tax Declaration Nos. 02-0015-0068 and 02-0015-00070, respectively.[7] At the last assessment for taxation, Lot No. 1341-A was assessed at ₱299,100.00, and Lot No. 1341-B at ₱14,140.00.[8]

Superiora Locale further averred that it acquired both lots by purchase from Servando M. Baurile, Sr., Antonio M. Baurile, Yuvilla Baurile-Legaspi, Norberta Baurile-Legaspi, and Benigno M. Baurile, as evidenced by a Deed of Extrajudicial Settlement with Absolute Sale.[9] It likewise claimed that by itself or through its predecessors-in-interest, it has been in open, continuous, exclusive, and notorious possession and occupation of both lots under a *bona fide* claim of ownership since June 12, 1945 or earlier, and that the lots are within alienable and disposable lots of the public domain.[10]

The Office of the Solicitor General (*OSG*) filed its Opposition[11] on Superiora Locale's Application, contending that, as to Lot No. 1341-A, the application is barred by *res judicata*. The issue on Superiora Locale's registrable title over the said lot has already been

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5 Records, pp. 2-6.

6 *Id.* at 2.

7 *Id.* at 3.

8 *Id.*

9 *Id.*

10 *Id.*

11 *Id.* at 44-45.

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decided by the CA in a Decision[12] dated March 28, 2012 in CA-G.R. CV No. 92767 (*first CA decision*).[13] This CA decision reversed the Municipal Circuit Trial Court's (*MCTC*) Decision[14] dated January 18, 2008 in LRC No. 2006-327, thereby resulting in the dismissal of Superiora Locale's first application for registration due to its failure to prove possession of the lots from June 12, 1945 or earlier and to prove that the property is part of the alienable and disposable lands of the public domain.[15] As for Lot No. 1431-B, the OSG opposed the application arguing that the RTC of Cavite had no jurisdiction over the case since Lot No. 1341-B was assessed for taxation at ₱14,140.00 only or below the jurisdictional amount required before a RTC may take cognizance of a cadastral or land registration case.[16]

In its Reply,[17] Superiora Locale contended that the principle of *res judicata* is not applicable. It claimed that the judgment dismissing an application for land registration does not operate as a conclusive adjudication between the applicant and the oppositor.

On April 11, 2016, the RTC issued an Order[18] dismissing the application filed by Superiora Locale over Lot No. 1341-A on the ground of *res judicata* and over Lot No. 1341-B on the ground of lack of jurisdiction, thus:

x x x x

Clearly, there is *res judicata* since all the elements are present in this case. As to the first element, (a) the judgment or order must be final, evidently the ruling of the Court of Appeals in the previous case (*In re: Application for Registration of Title, Superiora Locale Dell' Istituto*

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[12] Penned by Associate Justice Rodil V. Zalameda (now a member of this Court), with Associate Justices Normandie B. Pizarro and Marlene Gonzales-Sison, concurring; *id.* at 48-59.

[13] *Id.* at 44.

[14] Penned by Presiding Judge Ma. Victoria N. Cupin-Tesorero; *id.* at 106-116.

[15] Records, p. 44.

[16] *Id.*

[17] *Id.* at 103-106.

[18] *Rollo*, pp. 98-104.

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Delle Suore Di San Giuseppe Del Caburlotto, Inc. v. Republic of the Philippines, CA-G.R. No. 92767) is deemed final since the reglementary period lapsed without perfecting an appeal. The applicant never questioned the decision of the Court of Appeals despite having a remedy in law and instead filed this present case one year after the Court of Appeals rendered judgment against the applicant in the previous case raising the same issue and cause of action notwithstanding the fact of its failure to prove its case in the previous case.

As to the second element, (b) the court rendering said judgment or order must have jurisdiction of the subject matter and of the parties, the Court of Appeals correctly ruled upon the previous case appealed to it from the decision of the *Municipal Circuit Trial Court of Amadeo-Silang Cavite*.

x x x x

As to the third element, (c) said judgment or order must be on the merits. Verily the Court of Appeals' decision in the previous case is deemed judgment on the merits having in mind the very purpose of land registration whereby a person's claim of ownership over a particular land is determined and confirmed or recognized so that such land and the ownership thereof may be recorded in a public registry. x x x

Finally, as to the last element, between the first case in which the judgment or order was rendered and the second case in which said judgment or order is invoked as ***res judicata***, the following identities are present: **(i)** identity of parties, **(ii)** identity of subject matter and **(iii)** identity of causes of action. Obviously, the first case and the second case have identity of parties, identity of subject matter and identity of cause of action.

From the foregoing, it is evident that ***res judicata*** is present in the case at bar and to avoid conflict of judicial findings and a healthy respect for final judgments, this case is to be dismissed.

Anent the second issue on whether or not this Court has jurisdiction over **Lot No. 1341-B**, the ***Solicitor General*** correctly pointed out that since the assessed value of said lot at the last assessment for taxation was assessed at **Php14,140**, this Court has *no jurisdiction* instead it is the **MTC** which has jurisdiction over **Lot 1341-B**. x x x

ALL THE FOREGOING CONSIDERED, the **Opposition** filed by the ***Office of the Solicitor General*** (OSG) is given merit and the application for registration of title filed by the applicant **Superiora**

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Locale Dell' Istituto Delle Suore Di San Giuseppe Del Caburlotto over **Lot No. 1341-A** is hereby **DENIED**. As to **Lot 1341-B**, this Court hereby resolves to **DISMISS** the case for lack of jurisdiction.

SO ORDERED.[19]

Superiora Locale filed a Notice of Appeal[20] dated May 3, 2016, which was granted by the RTC in an Order[21] dated May 10, 2016.

In a Decision[22] dated April 6, 2018, the CA denied Superiora Locale's appeal and affirmed the RTC's Order.

Concerning Lot No. 1341-A, the CA reasoned that all the requisites of *res judicata* under the concept of bar by prior judgment are present in this case. *Regarding the first requisite*, the CA found that the first CA decision had already become final for the parties' failure to appeal the same. Its finality, therefore, has made it unalterable. *As to the second requisite*, the first CA decision was a judgment on the merits, with the CA reversing the decision of the MCTC in LRC No. 2006-327, resulting in the dismissal of the application for registration, for failure of the applicant to prove possession from June 12, 1945 or earlier, and to prove that the property is part of the alienable and disposable lands of the public domain. *On the third requisite*, the CA had jurisdiction over the first CA decision and correctly ruled over the case appealed to it from the decision of the MCTC.[23] *Anent the fourth requisite*, between the present application and the first CA decision, there is identity of parties, of subject matter, and of causes of action. In sum, since "[t]he same facts or evidence would sustain both cases, the actions are considered the same within the rule that the judgment in the former is a bar to the subsequent action."[24] The RTC, therefore, correctly dismissed the case on the ground of *res judicata* as to the application for registration of Lot No. 1341-A.

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[19] *Id.* at 102-103. (Emphasis supplied)

[20] Records, pp. 234-235.

[21] *Id.* at 241.

[22] *Rollo*, pp. 62-71.

[23] *Id.* at 68-69.

[24] *Id.* at 62-71.

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As for Lot No. 1341-B, the CA ruled that the RTC correctly dismissed the application for registration over it on the ground of lack of jurisdiction. Lots No. 1341-A and No. 1341-B are separate properties subject of different applications for registration. Thus, the assessed value of each one must be the basis in determining jurisdiction and not the aggregate value of the two.

Superiora Locale filed a motion for a reconsideration,[25] which was denied by the CA in a Resolution[26] dated October 23, 2018.

Hence, this petition for review on *certiorari*.

Issue

The core issue to be resolved is whether the CA was correct in affirming the RTC's dismissal of petitioner's application for registration over Lot No. 1341-A on the ground of *res judicata* and over Lot No. 1341-B on the ground of lack of jurisdiction.

Ruling

This Court grants the petition.

Res judicata does not apply to registration proceedings

The main thrust of the petition is the RTC's and the CA's alleged erroneous application of the doctrine of *res judicata*. It is petitioner's view that "a judgment dismissing an application for registration of land does not constitute *res judicata*, and the unsuccessful applicant, or any person deriving title from him/her, may file another proceeding for the registration of the same land."[27] This especially holds true where the dismissal of the first case was predicated on insufficiency of evidence and did not determine the issue of ownership.[28] Petitioner likewise advances that not all the requisites for *res judicata* are present in this case.

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[25] *Id.* at 76-95.

[26] *Id.* at 73-74.

[27] *Id.*

[28] *Id.* at 31-32.

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The doctrine of *res judicata* rests on the principle that parties should not be permitted to litigate the same issue more than once.[29] When a right or fact has been judicially tried and determined by a court of competent jurisdiction, or an opportunity for such trial has been given, the judgment of the court, so long as it is not reversed, should be conclusive upon the parties and those in privity with them in law or estate.[30] In *Filinvest Land, Inc. v. Court of Appeals, et al.*[31] the Court enumerated the requirements in order that a prior judgment may bar a subsequent action:

> The following requisites must concur in order that a prior judgment may bar a subsequent action: (1) the former judgment or order must be final; (2) it must be a judgment or order on the merits, that is, it was rendered after a consideration of the evidence or stipulations submitted by the parties at the trial of the case; (3) it must have been rendered by a court having jurisdiction over the subject matter and the parties; and (4) there must be, between the first and second actions, identity of parties, of subject matter and of cause of action.[32]

This Court finds that the principle of *res judicata* does not apply to registration proceedings because there is no conclusive adjudication of rights between adversarial parties. This occurs where the previous application for registration was not opposed, had been dismissed without a hearing or for insufficiency of evidence, or like circumstances.[33] In such cases, there is no contentious issue that is essential to the application of the principle of *res judicata*.

In *Vda. de Santos v. Diaz*,[34] the lower court dismissed the applicants' petition for registration on the ground of *res judicata*, among others. Apparently, the applicants had filed two previous cases, both of which had been dismissed: *the first one*, for

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[29] *Filinvest Land, Inc. v. Court of Appeals, et al.*, 539 Phil. 181, 198 (2006).

[30] *Id.*

[31] *Supra* note 29.

[32] *Id.* at 199.

[33] *Vda. de Santos v. Diaz*, 120 Phil. 1477 (1964).

[34] *Supra*.

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failure to comply with an order of the court, and *the second*, for insufficiency of evidence. In setting the lower court's order aside and remanding the case back for further proceedings, the Court ruled that a decree dismissing an application for registration does not necessarily constitute *res judicata*, especially where no opposition was filed in the previous registration case and the first was dismissed without a hearing and the second for insufficiency of evidence. Thus:

> It is obvious, that if the decree dismissing the application stated that it is "without prejudice," no conclusive adjudication is made, in the sense of barring another application for registration by the same party. ***But, even if the order of dismissal were not so qualified, it does not follow necessarily that the order constitutes res judicata. This is particularly true in a situation like the one at bar, for no opposition was filed in the previous registration cases, and the first was 'dismissed without a hearing and the second for insufficiency of evidence. No contentious issue essential to the application of the principle of res judicata existed, therefore, in said proceedings. Moreover, the dismissal of the second case, predicated as it was upon the insufficiency of evidence, meant no more than this. The order did not entail, either expressly or by necessary implication, a determination of the question whether or not the lands involved in the case belong to the applicants*** x x x.

In the language of Mr. Justice Street, speaking for this Court in *Henson v. Director of Lands*:

> "We are not insensible of the fact that weighty considerations may be adduced in favor of the proposition that a matter once litigated should not again be drawn in question between the same parties. *Interest rei publicae ut finis si litium*. This saying is undoubtedly well supported by experience, and no judicial tribunal will lightly ignore its precept. It is believed, however, that when reference is had to the purposes and practical application of the Land Registration Act, considerations of public interest will be found largely to preponderate in favor of the doctrine announced in this decision. To hold that a decree dismissing an application for the registration of a parcel of land precludes the applicant and his successors in interest from ever afterwards renewing the application, if the party who opposed the original proceeding or his successors see fit to make further objection, would lead to consequences much impaling the usefulness of the system of registration created by said Act.

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> "***In passing upon applications of this character the courts are constantly compelled to deny the registration of title which are comparatively good though technically imperfect; and it is important that as defects are cured by the effluxion of time or discovery of new evidence***, the owners, usually the persons in possession, should again present their titles for registration. Rare abuses may possibly occur, and sometimes a disappointed litigant, not having possession, may maliciously harass the occupant of a coveted parcel of ground. This inconvenience, or danger, in our opinion by no means offsets the beneficial results to be attained by encouraging owners to bring their land under the operation of the land registration law with all convenient dispatch. ***Of course no one could question the right of a person to renew his application upon acquiring a new title; and we now hold that the application can be renewed notwithstanding the applicant stands upon the same title that was previously rejected***.
>
> "If the case should occur where a person in possession finds himself unreasonably molested, he will sometimes be able, to meet the difficulty by filing an application for the registration of the land in his own name; and where this is not practicable, relief might possibly be found in an injunction against repeated vexation.
>
> "From what has been said it is apparent that the court below was in error in sustaining the motion of the opponents to dismiss the application and in refusing to determine the case on its merits."[35]

The foregoing is simply a necessary pronouncement stemming from the Court's recognition that defects in the original application may be remedied by the discovery of new evidence[36] or the effluxion of time[37]—the eventual compliance with the requirements of a present statute[38] or the curative effect of a new statute, as in the present case.

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[35] *Id.* at 1480-1482. (Citations omitted; emphasis and italics supplied)

[36] *Id.* at 1481, citing *Henson v. Director of Lands*, 55 Phil. 586 (1931).

[37] *Id.*

[38] *See Director of Lands v. Court of Appeals and Pastor*, 193 Phil. 581 (1981), where the Court ruled that a previous declaration that the land is public does not operate as *res judicata*. It will not prevent an applicant from subsequently seeking a judicial confirmation of their title to the same land, provided they

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With respect to Lot No. 1341-A, the petition is granted in view of Republic Act (R.A.) No. 11573

While ordinarily, under Section 14(1) of P.D. No. 1529, petitioner must prove possession under a *bona fide* claim of ownership since June 12, 1945 or earlier, R.A. No. 11573 has lowered the required length of possession to twenty (20) years immediately preceding the filing of the application. In the same vein, the evidence that used to be insufficient for proving a cause of action under Section 14(1) of P.D. No. 1529 may now be considered sufficient to prove the 20-year possession requirement under the amendatory law.

As originally worded, Section 14(1) of P.D. No. 1529 states:

> Sec. 14. Who may apply. The following persons may file in the proper Court of First Instance an application for registration of title to land, whether personally or through their duly authorized representatives:
>
> (1) Those who by themselves or through their predecessors-in-interest have been in open, continuous, exclusive and notorious possession and occupation of alienable and disposable lands of the public domain under a *bona fide* claim of ownership since June 12, 1945, or earlier.

Thus, for registration under Section 14 (1) to prosper, the applicant for original registration of title to land must establish the following:

> x x x (1) that the subject land forms part of the disposable and alienable lands of the public domain; (2) that the applicants by themselves and their predecessors-in-interest have been in open, continuous, exclusive, and notorious possession and occupation thereof; and (3) that the possession is under a *bona fide* claim of ownership since June 12, 1945 or earlier.[39]

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comply with the provisions of Section 48 of Commonwealth Act No. 141, as amended, and as long as the public land remains alienable and disposable. *See also Director of Lands v. Court of Appeals, Manlapaz, and Pizarro*, 284 Phil. 1 (1992), which affirmed *Pastor*.

[39] *Espiritu et al. v. Republic*, 811 Phil. 506, 518 (2017).

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On September 1, 2021, R.A. No. 11573 took effect. The legislature passed R.A. No. 11573 to improve the confirmation process for imperfect land titles. It amended certain provisions of Commonwealth Act No. 141, or the Public Land Act, and Section 14 of P.D. No. 1529.

Therefore, Section 14 of P.D. No. 1529, as amended by Section 6 of R.A. No. 11573, now reads:

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.

(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.

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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.[40]

Under the new provision, the applicant for original registration of title to land must establish the following: (1) that the subject land, which does not exceed 12 hectares, forms part of disposable and alienable lands of the public domain; (2) that the applicants, by themselves or through their predecessors-in-interest, have been in open, continuous, exclusive, and notorious possession and occupation thereof; and (3) that the possession is under a *bona fide* claim of ownership for at least twenty (20) years immediately preceding the filing of the application for confirmation of title. Thus, the length of time during which the application must have possessed the subject land under a *bona fide* claim of ownership has been shortened from possession "since June 12, 1945 or earlier" to twenty (20) years immediately preceding the filing of the application for confirmation of title.

Another notable improvement ushered in by R.A. No. 11573 is Section 7 thereof on what constitutes sufficient proof to establish the alienable and disposable character of the land. It provides:

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.

The above provision does away with the requirements articulated in *Republic of the Philippines v. T.A.N. Properties,*

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[40] Emphasis and italics supplied.

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Inc.[41] Thus, petitioner need only present a duly signed certification by a duly designated Department of Environment and Natural Resources (*DENR*) geodetic engineer that the land is part of the alienable and disposable agricultural lands of the public domain, stating the applicable issuance and the Land Classification Project Map Number. As the rule now stands, petitioner need not show that the DENR Secretary had approved the land classification and present a copy of the land's original classification.

R.A. No. 11573 is a curative statute

Needless to say, R.A. No. 11573 does not provide for its retroactive application. While as a rule, laws shall have no retroactive effect, there are a few well-recognized exceptions, such as when the statute is curative or remedial, or when it creates new rights.[42]

Being a curative statute, R.A. No. 11573 can be retroactively applied. Section 1 of R.A. No. 11573 sets forth the law's objective, which is "to simplify, update and harmonize similar and related provisions of land laws in order to simplify and remove ambiguity in its interpretation and implementation. It is also the policy of the State to provide land tenure security by continuing judicial and administrative titling processes." By declaring its intention to simplify and remove ambiguity in the interpretation and implementation of land laws, the curative nature of R.A. No. 11573 cannot be denied.

The Court's pronouncement in *Philippine Health Insurance Corporation v. Commission on Audit*[43] is instructive. There, this Court ruled that Section 15 of R.A. No. 11223, which classified PhilHealth personnel as public health workers, is a curative statute that remedied the shortcomings of R.A. No. 7305 regarding the classification of PhilHealth personnel as public health workers. Thus:

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41 578 Phil. 441 (2008).

42 *Frivaldo v. Commission on Elections*, 327 Phil. 521 (1996).

43 G.R. No. 222710, September 10, 2019, 919 SCRA 20.

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Notably, R.A. No. 11223 provides for a clear and unequivocal declaration regarding the classification of all PhilHealth personnel, to wit:

> SECTION 15. PhilHealth Personnel as Public Health Workers. — All PhilHealth personnel shall be classified as public health workers in accordance with the pertinent provisions under Republic Act No. 7305, also known as the Magna Carta of Public Health Workers.

Plainly, the law states that all personnel of the PhilHealth are public health workers in accordance with R.A. No. 7305. This confirms that PhilHealth personnel are covered by the definition of a public health worker. In other words, R.A. No. 11223 is a curative statute that remedies the shortcomings of R.A. No. 7305 with respect to the classification of PhilHealth personnel as public health workers.

Curative statutes are intended to [correct] defects, abridge superfluities in existing laws and curb certain evils. "They are intended to enable persons to carry into effect that which they have designed and intended, but has failed of expected legal consequence by reason of some statutory disability or irregularity in their own action. They make valid that which, before the enactment of the statute, was invalid."

Curative statutes have long been considered valid in this jurisdiction. Their purpose is to give validity to acts done that would have been invalid under existing laws, as if existing laws have been complied with. They are, however, subject to exceptions. For one, they must not be against the Constitution and for another, they cannot impair vested rights or the obligation of contracts. By their nature, curative statutes may be given retroactive effect, unless it will impair vested rights. A curative statute has a retrospective application to a pending proceeding.[44]

In the present case, R.A. No. 11573 intended to correct defects and abridge superfluities in our present land registration laws. To be sure, R.A. No. 11573 makes valid that which, before the enactment of the statute, was invalid because the applicant can now prove possession under a *bona fide* claim of ownership for only twenty (20) years immediately preceding the filing of the application, instead of proving possession since June 12, 1945 or earlier.

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[44] *Id.* at 36-37. (Citations and emphasis omitted).

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The foregoing is likewise in accord with the Court's recent pronouncement in *Republic v. Pasig Rizal*.[45] The Court, speaking through Justice Alfredo Benjamin S. Caguioa, thoroughly and exhaustively discussed the curative nature of R.A. No. 11573, hence:

> As stated, RA 11573 took effect on September 1, 2021, or fifteen (15) days after its publication on August 16, 2021. Notably, RA 11573 does not expressly provide for its retroactive application.
>
> As a general rule, laws shall have no retroactive effect, unless the contrary is provided. However, this rule is subject to certain recognized exceptions, as when the statute in question is curative in nature, or creates new rights, thus:
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> x x x x
>
> In *Frivaldo v. Commission on Elections*, the Court shed light on the nature of statutes that may be deemed curative and may therefore be applied retroactively notwithstanding the absence of an express provision to this effect:
>
> > According to Tolentino, curative statutes are those which undertake to cure errors and irregularities, thereby validating judicial or administrative proceedings, acts of public officers, or private deeds and contracts which otherwise would not produce their intended consequences by reason of some statutory disability or failure to comply with some technical requirement. **They operate on conditions already existing, and are necessarily retroactive in operation. Agpalo, on the other hand, says that curative statutes are "healing acts x x x curing defects and adding to the means of enforcing existing obligations x x x (and) *(sic)* are intended to supply defects, abridge superfluities in existing laws, and curb certain evils**. x x x By their very nature, curative statutes are retroactive x x x (and) reach back to past events to correct errors or irregularities and to render valid and effective attempted acts which would be otherwise ineffective for the purpose the parties intended." (Emphasis and underscoring supplied; italics omitted)

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

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In *Nunga, Jr. v. Nunga III*, the Court further clarified that while a law creating new rights may be given retroactive effect, this can only be done if the new right does not prejudice or impair any vested rights.

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.

To be sure, the curative nature of RA 11573 can easily be discerned from its declared purpose, that is, "to simplify, update and harmonize similar and related provisions of land laws in order to simplify and remove ambiguity in its 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 applications whose ownership already existed prior to its enactment.

x x x[46]

Accordingly, the Court deems it apt to echo the rules laid down by *Republic v. Pasig Rizal*[47] for the guidance of the bench and the bar:

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.
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 the Court of Appeals

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[46] Citations omitted.

[47] *Supra* note 45.

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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 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.

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 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 witness for proper authentication of the certification in accordance with the Rules of Court.

The Court would sanction an injustice were it to deny the petition, considering petitioner's legitimate chance of having its alleged land finally registered under its name. The Court is not unmindful of the CA's pronouncement in the first CA decision, where it recognized petitioner's possession since 1948 "at the most." Therefore:

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Applicant-appellee likewise failed to prove that its possession, by itself and through its predecessors-in-interest could be traced back from 12 June 1945 or earlier. In his Affidavit, Benigno Baurile, one of the previous owners of Lot No, 1341-A, claimed that he was six (6) years old when he first came to know about the property sometime in 1962. However, it cannot be inferred from his Affidavit that Baurile's possession and ownership of the subject land, as well as the possession and ownership of his grandfather and mother, commenced from 12 June 1945 or earlier. While he may have narrated details which may prove his grandfather, Vicente Mendoza, exercised acts of ownership over the subject property such as planting trees and harvesting crops, still, applicant-appellee failed to show that it dates back to 12 June 1945 or earlier.

We are aware that there are tax declarations, the oldest of which dates from 1948, which can prove that its predecessors-in-interest, in particular, Vicente Mendoza, possessed and exercised acts of ownership over the said property. However, what the law requires is an open, exclusive, continuous and notorious possession by applicant-appellee and their predecessors-in-interest, under a *bona fide* claim of ownership from 12 June 1945 or earlier which applicant-appellee failed to satisfy. ***At the most, applicant-appellee can only prove possession since 1948 but not from 12 June 1945***.

x x x x

Unlike in Recto, however, no such testimonial evidence to support that applicant-appellee's claim that its predecessors-in-interest had been in possession of the subject property in the present case in the concept of an owner before the year 1948 was offered. As no testimony or statement in the judicial affidavits presented, in particular, that of Benigno M. Baurile who is one of the predecessors-in-interest, that would support applicant-appellee's claim that the period of possession commenced earlier than 1948, or on or before 12 June 1945, the Recto case cannot be applied to the present case.

Furthermore, it must be noted that in the alleged tax declaration for 1948, Tax Declaration No. 3099, there is no typewritten entry that the same was issued, or begins in the year 1948. ***There is only a penciled handwritten date, 1948, which appears on the lower back portion of the tax declaration in the space for "x x x this declaration begins with the year _____." Curiously, this is the only handwritten entry in an all-typewritten document. In any event, even assuming that this tax declaration was indeed issued in 1948***, still, the fact that it states therein

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that it "x x x cancels Tax Nos. 15639," would not necessarily mean that it cancels a tax declaration issued on or before 12 June 1945. To repeat, what is categorically required by law is open, continuous, exclusive, and notorious possession and occupation under a *bona fide* claim of ownership since 12 June 1945 or earlier, and thus, the applicant-appellee must show by clear, positive and convincing evidence that its alleged possession and occupation of the land is of the nature and duration required by law.

Irrefutably, since applicant-appellee failed to prove that the subject property was classified as part of the disposable and alienable land of the public domain and that it and its predecessors-in-interest had been in open, continuous, exclusive and notorious possession and occupation of the said property, under a *bona fide* claim of ownership since 12 June 1945 or earlier, applicant-appellee's Application for Registration must be denied.[48]

Supposing petitioner proves all the other requirements under R.A. No. 11573, including its possession of the subject land since 1948 up to 2013 or the time it filed an application for registration, that would mean petitioner's possession for approximately 65 years, or way beyond the 20-year possession requirement under R.A. No. 11573. Unfortunately, the RTC dismissed petitioner's application for registration without conducting a full-blown trial on the merits.

Indeed, there is nothing to be gained—instead, more to be suffered—if the Court would deny petitioner's application and thereafter, allow petitioner to re-file it later. The Court is critical about duplications of court procedures, if only to save from unnecessary expenses, lessen the number of cases that the courts must resolve, and achieve effectiveness and efficiency in the judiciary. It is more in accord with justice and fair play that petitioner be granted the opportunity to confirm, once and for all, its alleged imperfect title over Lot No. 1341-A.

Concerning Lot No. 1341-B, this Court will allow a joinder of causes of action

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[48] *Rollo*, pp. 125-128. (Citations omitted; emphasis and italics supplied)

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Although it is true that the RTC does not have jurisdiction over Lot No. 1341-B, this Court will allow a joinder of causes of action considering Sections 18 and 34 of P.D. No. 1529.

Petitioner insists that RTCs have exclusive jurisdiction over all applications for original registration of titles to land.[49] It further opines that what was conferred on first-level courts by Section 34 of *Batas Pambansa Bilang 129* (*B.P. Blg. 129*) is merely delegated jurisdiction, which, as the name implies, did not divest RTCs of their exclusive original jurisdiction over said cases.[50]

Section 34 of B.P. Blg. 129 states:

> Sec. 34. *Delegated Jurisdiction in Cadastral and Land Registration Cases*. - Metropolitan Trial Courts, Municipal Trial Courts, and Municipal Circuit 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. (As amended by R.A. No. 7691)

Therefore, there are two instances when MTCs *et al.* may exercise delegated jurisdiction over cadastral and land registration cases: *first*, covering lots where there is no controversy or opposition, or *second*, contested lots where the value of which does not exceed ₱100,000.00.[51] The law is clear and straightforward. Since the assessed value of Lot No. 1341-B is ₱14,140.00, which does not exceed ₱100,000.00, it is within the jurisdiction of the MeTCs, MTCCs, MTCs, or MCTCs.

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[49] *Id.* at 41.

[50] *Id.* at 42.

[51] *Republic v. Bantigue Point Development Corporation*, 684 Phil. 192, 204 (2012).

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Yet, Section 34[52] of P.D. No. 1529 enunciates that the Rules of Court shall, insofar as not inconsistent with the provision of the decree, be applicable to land registration and cadastral cases by analogy or in a suppletory character and whenever practicable and convenient. This Court, therefore, looks to Section 5, Rule 2 of the 1997 Rules of Civil Procedure, which permits a joinder of causes of action:

> SECTION 5. *Joinder of Causes of Action*. — A party may in one pleading assert, in the alternative or otherwise, as many causes of action as he may have against an opposing party, subject to the following conditions:
>
> (a) The party joining the causes of action shall comply with the rules on joinder of parties;
>
> (b) The joinder shall not include special civil actions or actions governed by special rules;
>
> ***(c) Where the causes of action are between the same parties but pertain to different venues or jurisdictions, the joinder may be allowed in the Regional Trial Court provided one of the causes of action falls within the jurisdiction of said court and the venue lies therein; and***
>
> (d) Where the claims in all the causes of action are principally for recovery of money, the aggregate amount claimed shall be the test of jurisdiction. (5a) (Emphasis and italics supplied)

Here, all of the foregoing conditions have been complied with. Undoubtedly, it is practical and convenient for this Court to apply the rules on joinder of causes of action, especially in light of Section 18[53] of P.D. No. 1529, which expressly authorizes an application for registration over two or more parcels of land belonging to the applicant provided they are situated within the same province or city. Inasmuch as jurisdiction over Lot No. 1341-B pertains to the appropriate MeTCs, MTCCs, MTCs, or MCTCs, the joinder may

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[52] Section 34. *Rules of procedure*. The Rules of Court shall, insofar as not inconsistent with the provision of this Decree, be applicable to land registration and cadastral cases by analogy or in a suppletory character and whenever practicable and convenient.

[53] Section 18. *Application covering two or more parcels*. — An application may include two or more parcels of land belonging to the applicant/s provided

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still be allowed in the RTC because one of the causes of action, particularly, the application for registration over Lot No. 1341-A, falls within the RTC's jurisdiction.

This Court notes that at one point, petitioner argued that the RTC should have considered the total assessed value of all lots in determining whether it had jurisdiction.[54] This is wrong. Certainly, petitioner's posture may give rise to an absurd situation where RTCs can take cognizance of an application for registration over two lots with an assessed value of ₱90,000.00 each. Neither of the two lots falls within the RTC's jurisdiction, but following petitioner's argument, the RTC can still take cognizance of the application simply because its total assessed value of ₱180,000.00 already falls within its jurisdiction. Accordingly, for the record, this Court pronounces that the RTC may take cognizance of an application for registration over two or more parcels of land situated within the same province or city and belonging to the applicant, provided that the assessed value of one of the lots falls within the RTC's jurisdiction.

WHEREFORE, premises considered, the petition for review on *certiorari* is **GRANTED**. The Decision dated April 6, 2018 and the Resolution dated October 23, 2018 of the Court of Appeals in CA-G.R. CV No. 106867, affirming the Order dated April 11, 2016 of the Regional Trial Court, Branch 18, Tagaytay

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they are situated within the same province or city. The court may at any time order an application to be amended by striking out one or more of the parcels or by a severance of the application.

[54] *Rollo*, p. 90.

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City, Cavite, are **REVERSED and SET ASIDE**. Let this case be **REMANDED** to the Regional Trial Court, Branch 18, Tagaytay City, Cavite, for further proceedings.

SO ORDERED.

Gesmundo, C.J., Leonen, Hernando, Lazaro-Javier, Inting, M. Lopez, Gaerlan, Rosario, Dimaampao, Marquez, Kho, Jr., and *Singh, JJ.*, concur.

Caguioa, J., see concurring opinion.

Zalameda, J., no part.

APPEARANCES OF COUNSEL

Feliciano and Khan for petitioner.
The Solicitor General for respondent.