Republic of the Philippines
Supreme Court
Manila

SUPREME COURT OF THE PHILIPPINES
PUBLIC INFORMATION OFFICE
RECEIVED
MAY 27 2022
BY:
TIME:

EN BANC

REPUBLIC OF THE PHILIPPINES,
Petitioner,

- versus -

PASIG RIZAL CO., INC.,*
Respondent.

G.R. No. 213207

Present:

GESMUNDO, *C.J.*,
PERLAS-BERNABE,
LEONEN,
CAGUIOA,
HERNANDO,
LAZARO-JAVIER,
INTING,
ZALAMEDA,
M. LOPEZ,
GAERLAN,
ROSARIO,
J. LOPEZ,
DIMAAMPAO and
MARQUEZ, *JJ.*

Promulgated:

February 15, 2022

x - x

DECISION

CAGUIOA, *J.*:

The Case

This is a petition for review on *certiorari*[1] (Petition) filed under Rule 45 of the Rules of Court against the Decision[2] dated February 25, 2014 (assailed Decision) and Resolution[3] dated June 27, 2014 (assailed Resolution) in CA-G.R. CV. No. 98531 rendered by the Court of Appeals (CA) First Division and Special First Division, respectively.

---

* Also appears as "Pasig Rizal Lumber Company, Inc." in some parts of the *rollo*.

[1] *Rollo*, pp. 10-26, excluding Annexes.

[2] Id. at 28-38. Penned by Associate Justice Manuel M. Barrios, with Presiding Justice Andres B. Reyes, Jr. (a retired Member of this Court) and Associate Justice Normandie B. Pizarro concurring.

[3] Id. at 50-52. Penned by Associate Justice Manuel M. Barrios, with Presiding Justice Andres B. Reyes, Jr. (a retired Member of this Court) and Associate Justice Pedro B. Corales concurring.

The assailed Decision and Resolution stem from an appeal from the Decision[4] dated December 1, 2011 rendered by the Regional Trial Court of Pasig City, Branch 167 (RTC) in LRC Case No. N-11633, confirming the title of respondent Pasig Rizal Co., Inc. (PRCI) over a 944-square meter parcel of land situated in Barangay Caniogan, Pasig City (Subject Property), and directing the issuance of the corresponding Decree of Registration.[5]

The Facts

Sometime in 1958, Manuel Dee Ham (Manuel) caused the survey of the Subject Property under Plan Psu-169919.[6] The plan was subsequently approved by the Director of Lands, and the Subject Property was declared in Manuel's name for tax purposes.[7]

Manuel died in 1961. Consequently, the Subject Property was inherited by his surviving wife Esperanza Gerona (Esperanza), and their children, who, in turn, collectively transferred their beneficial ownership over the Subject Property to the Dee Ham family corporation, PRCI.[8] Thereafter, PRCI began paying the real property taxes due in its name.[9]

On November 6, 2009, Esperanza executed an Affidavit to formalize the transfer.[10]

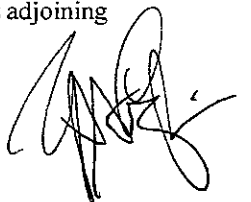
RTC proceedings

In 2010, Esperanza, as President of PRCI, filed before the RTC an application for original registration of title over the Subject Property, for and on behalf of the latter.[11] There, Esperanza asserted that PRCI is the owner of the Subject Property and all improvements found thereon, and that PRCI and its predecessors in interest have been in open, continuous, exclusive, and notorious possession of the Subject Property for more than fifty (50) years.[12] Esperanza also averred that the Subject Property has neither been encumbered, nor has it been adversely possessed or claimed by any other party.[13]

No opposition was entered against the application after due notice and publication.[14] Thus, an order of general default was entered against the whole

---

[4] Id. at 60-63. Penned by Judge Rolando G. Mislang.
[5] Id. at 63.
[6] Id. at 29.
[7] Id.
[8] Id. The exact date of the conveyance in favor of PRCI cannot be ascertained from the records.
[9] Id.
[10] Id.
[11] Id. at 30.
[12] Id.
[13] Id.
[14] Id. Notice of initial hearing was sent to the Land Registration Authority, the Office of the Solicitor General, the Land Management Bureau, the Department of Environment and Natural Resources, the City Engineer of Pasig City, the Office of the Pasig City Prosecutor, and the owners of the properties adjoining the Subject Property, id. at 61.



world, with the exception of the Republic of the Philippines (Republic).[15] Subsequently, PRCI presented its evidence *ex-parte*.[16]

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

> x x x [PRCI] appended the following documents, to wit: a) the Approved Survey Plan, Technical Description and Surveyor's Certification of [the Subject Property] showing its area and boundaries; b) Tax Declarations and Tax Receipts proving that since 1956, [the Subject Property] was already declared for tax purposes and the corresponding realty taxes were paid; c) Affidavit of Esperanza Gerona establishing the transfer of ownership and possession of the subject realty to [PRCI]; d) Certification of the Regional Technical Director of Forest Management Service of the Department of Environment and Natural Resources (DENR) proving that the subject lot is within the alienable and disposable land of public domain, as verified under Project No. 21 of Pasig pursuant to [Land Classification] Map 639 which was approved on [March 11, 1927 and] per ocular inspection on the ground on [September 12, 2011]; and e) Affidavit of Bernarda Lu, a friend and neighbor of the Dee Ham family, attesting to [PRCI's] ownership of the [Subject Property] and its uninterrupted possession as well as the payment of land taxes thereon.[17]

After trial, the RTC issued a Decision[18] dated December 1, 2011 (RTC Decision) "confirming and affirming" PRCI's title over the Subject Property.[19] The dispositive portion reads:

> **WHEREFORE**, affirming the Order of general default heretofore entered, judgment is hereby rendered ***CONFIRMING*** and ***AFFIRMING*** the title to [PRCI] under the coverage and operation of PD 1529 otherwise known as the Property Registration Decree.
>
> After this decision shall have become final and executory, the Order for the issuance of a Decree of Registration shall accordingly issue.
>
> SO ORDERED.[20]

The RTC found that the evidence on record convincingly established that PRCI and its predecessors in interest had been in open, actual, continuous, adverse, and notorious possession of the Subject Property in the concept of an owner for the period required by law for the acquisition of title.[21]

On January 3, 2012, the Republic, through the Office of the Solicitor General (OSG), assailed the RTC Decision before the CA *via* Rule 41 (Appeal).[22]

---

[15] Id. at 61.
[16] Id.
[17] Id. at 30.
[18] Supra note 4.
[19] Id. at 63.
[20] Id.
[21] Id. at 62-63.
[22] See id. at 14.

CA proceedings

On February 25, 2014, the CA issued the assailed Decision dismissing the Appeal, thus:

> **WHEREFORE**, foregoing considered, the [RTC Decision] is **AFFIRMED.**
>
> **SO ORDERED.**[23]

The CA held that the evidence presented by PRCI sufficiently established that the Subject Property is alienable and disposable.[24]

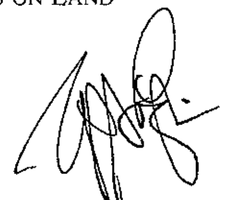
In so ruling, the CA particularly relied on (i) the Certification dated September 15, 2011 (2011 Certification) issued by the Regional Technical Director of the Forest Management Bureau[25] (FMB) of the Department of Environment and Natural Resources (DENR) attesting to such fact,[26] and (ii) the Certification dated March 18, 2013 (2013 Certification) subsequently issued by the DENR Regional Executive Director for the National Capital Region (RED-NCR) affirming and validating the statements in the 2011 Certification.[27]

The CA found that the RED-NCR possessed the authority to issue certifications of land classification status pursuant to DENR Administrative Order No. 09, series of 2012[28] (DENR AO 2012-09), and that consequently, the 2011 and 2013 certifications constitute competent and convincing proof of the status of the Subject Property.[29] The CA also found that the 2011 and 2013 certifications refer to Land Classification (LC) Map No. 639[30] (LC Map 639), which was approved on March 11, 1927.[31]

According to the CA, the approval of LC Map 639 had the effect of placing the Subject Property within the contemplation of private lands subject

---

23 Id. at 37.
24 Id. at 33.
25 Also "Forest Management Service" in some parts of the *rollo*.
26 *Rollo*, p. 33.
27 Id. at 34.
28 Id.
29 See id. at 35.
30 A land classification map shows the classification of lands of the public domain based on the land classification system undertaken by the then Department of Agriculture and Natural Resources through the Bureau of Forestry, the Ministry of Natural Resources through the Bureau of Forest Development, and the DENR. A land classification map results from a delimitation survey conducted by the National Mapping and Resource Information Authority (NAMRIA) to establish the permanent forest land and protected area boundaries through actual ground survey. See the GUIDELINES FOR THE ASSESSMENT AND DELINEATION OF BOUNDARIES BETWEEN FORESTLANDS, NATIONAL PARKS AND AGRICULTURAL LANDS, DENR Administrative Order No. 2008-24, December 8, 2008 and REVISED REGULATIONS ON LAND SURVEYS, DENR Administrative Order No. 2007-29, July 31, 2007.
31 *Rollo*, pp. 33-34.



of prescription,[32] giving PRCI the right to have it registered in its name under Section 14(2) of Presidential Decree No. (PD) 1529.[33]

The CA also upheld the RTC's findings on the nature and period of PRCI's possession.[34]

Aggrieved, the Republic filed a Motion for Reconsideration[35] (MR) on March 19, 2014. The CA denied said MR through the Assailed Resolution,[36] which the Republic received on July 7, 2014.[37]

On July 22, 2014, the Republic filed a Motion for Extension of Time to File Petition,[38] praying for an additional period of thirty (30) days within which to file its petition for review on *certiorari* before the Court.

Finally, the Republic filed the present Petition on August 22, 2014. PRCI filed its Comment[39] on September 25, 2014, to which the Republic filed its Reply.[40]

Following a thorough review of the records, the Court found that the issues raised in the Petition could be resolved by delving into two significant points — the requirements for original registration of land acquired through prescription, and the evidence sufficient to prove the alienable and disposable status of land for purposes of registration under PD 1529. However, since these matters were not squarely addressed in the proceedings below and in the submissions of the parties, the Court, on August 3, 2021, issued a Resolution[41] requiring the parties to file their respective memoranda within a non-extendible period of thirty (30) days from notice. Moreover, due to the nature of the issues involved, the Court also designated the Land Registration Authority (LRA) as *amicus curiae* and requested it to file its brief within the same period.

Based on the records, the August 3, 2021 Resolution was served on the OSG, PRCI, and LRA by personal service on August 13, 2021, giving said parties until September 13, 2021 to comply with the Court's directives, considering that the 30th day from August 13, 2021, that is, September 11, 2021, falls on a Saturday.

---

32 Id. at 36.
33 See id. PD 1529 is entitled "AMENDING AND CODIFYING THE LAWS RELATIVE TO REGISTRATION OF PROPERTY AND FOR OTHER PURPOSES," otherwise known as the "PROPERTY REGISTRATION DECREE," approved on June 11, 1978.
34 Id. at 36-37.
35 Id. at 39-45.
36 Id. at 50-52.
37 Id. at 3.
38 Id. at 3-8.
39 Id. at 67-69. Denominated as "Comment and/or Opposition (To the Petition for Review on Certiorari under Rule 45 of the Rules of Court filed by the Petitioner)."
40 Filed on April 30, 2015, id. at 89-99.
41 Id. at 103-108.

On September 9, 2021, counsel for PRCI, Atty. Severino T. De Guzman (Atty. De Guzman) filed a "Notice of Retirement from the Practice of the Law Profession" informing the Court that he has retired from the legal profession after having attained the age of eighty (80). Atty. De Guzman explained that all his former clients, including PRCI, have been informed of such fact and were advised to engage the services of another counsel to take over pending cases. Nevertheless, upon notice of the Court's August 3, 2021 Resolution, PRCI requested his assistance to file the necessary pleading praying for additional time to look for substitute counsel.[42]

The records further show that Atty. Joseph Vernon B. Patano and Aeron Aldrich B. Halos subsequently filed a motion for extension to file the required memorandum on behalf of PRCI since they only started their engagement with PRCI on September 6, 2021. PRCI, through said counsels, timely filed its Memorandum[43] on September 13, 2021.

In its Memorandum, PRCI maintains that the classification of the Subject Property as alienable and disposable means that it has become patrimonial property of the State which may be acquired by prescription.[44] Hence, it has complied with the statutory requirements for judicial confirmation of title.

Relating its claim to the requirements for registration set forth in *Heirs of Mario Malabanan v. Republic*[45] (*Malabanan*), PRCI adds:

> x x x The 2011 and 2013 [certifications] from the DENR along with LC Map 639 are sufficient proof not only of the fact that the State has classified the [S]ubject [P]roperty as alienable and disposable for the last ninety-four years, but also that the same is not intended for public use.
>
> x x x While [PRCI] maintains that the statement in the 2011 and 2013 certifications "[h]ence not needed for forest purposes" satisfies the requirement in *Malabanan* that there should be an express declaration from x x x the State [that] the [S]ubject [P]roperty is no longer intended for public use, public service, or the development of national wealth, it is respectfully submitted that the very act of classifying the land as alienable and disposable should be deemed as the express State declaration that the particular land is no longer retained for public use, as the act of classifying it into alienable and disposable makes it no longer beyond the commerce of man and therefore susceptible to acquisitive prescription.
>
> x x x The Honorable Court in *Malabanan* classified land as either of public dominion or of private ownership. Lands that are of public dominion are further classified between those held by the State in its public capacity for public use or intended for public service and patrimonial property, which are held by the State in its private capacity.

---

[42] Id. at 121-122.
[43] Id. at 126-141.
[44] Id. at 126.
[45] G.R. No. 179987, April 29, 2009, 587 SCRA 172.

x x x Articles 421 and 422 of the Civil Code further classifies patrimonial properties of the State between those that are inherently patrimonial in nature and those that are of the public dominion but are no longer intended for public use or public service, respectively.

x x x From the foregoing, it may be interpreted that Article 422 pertains to those lands which were formerly part of the public dominion but were classified as alienable and disposable, thus converting them into patrimonial properties of the State. Since patrimonial property is held by the State in its private capacity, they are rid of their inalienability and cease to be beyond the commerce of man upon their classification as alienable and disposable. At the same time, the public land becomes susceptible to prescription.

x x x This is not without basis in jurisprudence. In *Spouses Modesto v. Urbina,*[46] the Honorable Court ruled that classification of public land as alienable and disposable renders it susceptible to the possessory rights of private persons, to wit:

> "Unless a public land is shown to have been reclassified as alienable or actually alienated by the State to a private person, that piece of land remains part of the public domain, and its occupation in the concept of owner, no matter how long, cannot confer ownership or possessory rights. It is only after the property has been declared alienable and disposable that private persons can legally claim possessory rights over it."

x x x Justice Edgardo L. Paras also had the same view on the effect of classifying public lands as alienable and disposable, thus:

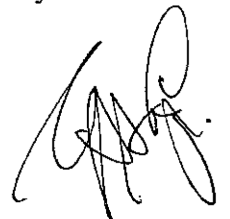
> "Upon the other hand, public agricultural lands before being made available to the general public should also be properties of public dominion for the development of the national wealth (and as such may not be acquired by prescription); but after being made so available, they become patrimonial property of the state, and therefore subject to prescription. Moreover, once already acquired by private individuals, they become private property[.]"

x x x It should also be noted that agricultural free patents operate on the same principle, *i.e.*[,] the classification of public land as alienable and disposable already amounts to the State's [express] declaration that a subject land is no longer intended for public use.

x x x From the foregoing, it is respectfully submitted that the act of classifying public lands as alienable and disposable operates as an express State declaration by the State that the public dominion property is no longer intended for public service or the development of the national wealth.

x x x As such, the mere act of classifying public lands as alienable and disposable should be deemed sufficient proof that the land is no longer intended for public use, especially in particular circumstances similar to the instant case, where the land has been classified as alienable and disposable for the last ninety-four (94) years and the occupants thereof have openly

[46] G.R. No. 189859, October 18, 2010, 633 SCRA 383.



> occupied the subject property and constructed structures thereon without any opposition from either public or private entities.
>
> x x x At the very least, given its ramifications, the act of classifying public land as alienable and disposable must have the effect of shifting to the State the burden of proof that the public land so classified is intended for public service or the development of the national wealth.
>
> x x x [PRCI] is mindful that the foregoing interpretation of what constitutes "express State declaration", if it is to be applied, may be tantamount to a relaxation of the requirements set forth in *Malabanan*. This "relaxation" of the requirements, however, does not mean that the process for original registration of title will be vulnerable to fraudulent and/or inaccurate claims as the proceedings will still be subject to the participation and scrutiny of the State.
>
> x x x By applying the foregoing interpretation, the only difference is that the applicant will not be unduly burdened [with] proving the intentions (*sic*) of the State which is, most of the time, beyond the knowledge of ordinary citizens.[47] (Emphasis omitted)

The Republic also filed its Memorandum[48] on September 13, 2021.

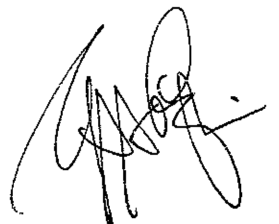
For its part, the Republic argues that the classifications of land pertaining to the State under the Civil Code are mutually exclusive, thus:

> x x x The classifications of land pertaining to the State under the Civil Code are mutually exclusive. Property under the Civil Code may belong to the public dominion (or property pertaining to the State for public use, for public service or for the development of the national wealth) or it may be of private ownership (which classification includes patrimonial property or property held in private ownership by the State). Significantly, the Civil Code expressly provides that "property of public dominion, when no longer intended for public use or for public service, shall form part of the patrimonial property of the State."
>
> x x x The classification of a land into a public dominion or public land automatically prevents it from being acquired by private individuals without complying with the process of converting it to patrimonial property. On the other hand, when a land is classified as a patrimonial property, it can be freely acquired by private individuals. The classification of a land to any of these two would prevent or allow its alienability.[49]

In this connection, the Republic asserts that lands of the public domain become patrimonial only when there is an express government manifestation that the property is no longer retained for public service or the development of national wealth.[50] It explains:

---

47 Id. at 134-137.
48 Id. at 143-176.
49 Id. at 153-154.
50 Id. at 154.



> x x x In exploring the effects under the Civil Code of a declaration by the President or any duly authorized government officer of alienability and disposability of lands of the public domain[,] [o]ne may [ask]: would such lands so declared alienable and disposable be converted, under the Civil Code, from property of the public dominion into patrimonial property? After all, by connotative definition, alienable and disposable lands may be the object of the commerce of man; Article 1113 provides that all things within the commerce of man are susceptible to prescription; and the same provision further provides that patrimonial property of the State may be acquired by prescription.
>
> Nonetheless, Article 422 of the Civil Code states that "[p]roperty of public dominion, when no longer intended for public use or for public service, shall form part of the patrimonial property of the State." It is this provision that controls how public dominion property may be converted into patrimonial property susceptible to acquisition by prescription. After all, Article 420 (2) makes clear that those [properties] "which belong to the State, without being for public use, and are intended for some public service or for the development of the national wealth" are public dominion property. For as long as the property belongs to the State, although already classified as alienable or disposable, it remains property of the public dominion if when (*sic*) it is "intended for some public service or for the development of the national wealth."
>
> x x x Accordingly, there must be an express declaration by the State that the public dominion property is no longer intended for public service or the development of the national wealth or that the property has been converted into patrimonial. Without such express declaration, the property, even if classified as alienable or disposable, remains property of the public dominion, pursuant to Article 420(2), and thus incapable of acquisition by prescription. It is only when such alienable and disposable lands are expressly declared by the State to be no longer intended for public service or for the development of the national wealth that the period of acquisitive prescription can begin to run. Such declaration shall be in the form of a law duly enacted by Congress or a Presidential Proclamation in cases where the President is duly authorized by law.[51]

With respect to proof of land classification status, the Republic echoes the requirements set forth in *Republic v. T.A.N Properties, Inc.*[52] (*T.A.N. Properties*) and *Republic v. Hanover Worldwide Trading Corporation*[53] (*Hanover*), as follows:

> x x x [PRCI] did not present as evidence a copy of the classification of the land approved by the DENR Secretary, and certified as a true copy by the legal custodian of the official records as required by *Hanover*. It is not enough for the DENR RED[-NCR] to certify that a land is alienable and disposable. The applicant for land registration must prove that the DENR Secretary had approved the land classification and released the land of the public domain as alienable and disposable, and that the land subject of the application for registration falls within the approved area per verification through survey by the PENRO, CENRO or the RED[-NCR] (for lands

---

[51] Id. at 155-156.
[52] G.R. No. 154953, June 26, 2008, 555 SCRA 477.
[53] G.R. No. 172102, July 2, 2010, 622 SCRA 730.

> situated in the NCR). [PRCI] failed to do so because the certifications presented by it did not prove that the land is alienable and disposable.
>
> x x x More importantly, the government officers who issued the certifications were not presented before the trial court to testify on their contents. The trial court should not have accepted the contents of the certifications as proof of the facts stated therein. Even if the certifications are presumed duly issued and admissible in evidence, they have no probative value in establishing that the land is alienable and disposable. Hence, even if admitted in evidence, the certification is useless to prove the facts stated therein unless the proper government officers are presented before the court to testify on its contents.[54]

In sum, the Republic maintains that the CA erred when it affirmed the RTC Decision granting PRCI's application for registration in the absence of proof that: (i) the government officials who issued the certifications on land classification status testified on their contents pursuant to the Court's ruling in *T.A.N. Properties* and *Hanover*; and (ii) the DENR RED-NCR attached a copy of the original classification approved by the DENR Secretary, certified as true by the legal custodian of DENR records.[55]

The records show that the LRA did not file its brief within the non-extendible period provided in the August 3, 2021 Resolution.

Based on these premises and in consideration of the recent enactment of Republic Act No. (RA) 11573[56] which took effect on September 1, 2021, the Petition is now deemed submitted for resolution.

The Issue

The Petition calls on the Court to determine whether PRCI sufficiently proved that it is entitled to a decree of registration over the Subject Property.

The Court's Ruling

The Court resolves to remand the Petition to the CA for the reasons set forth below.

As a starting point, it bears recalling that the RTC held that PRCI was able to establish that it had been in open, actual, continuous, adverse, and notorious possession of the Subject Property in the concept of an owner for the period then required by law for the acquisition of title.[57] While the

---

54 *Rollo*, p. 171-172.
55 Id. at 173.
56 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", July 16, 2021.
57 *Rollo*, pp. 61-62.

Republic filed an appeal to assail the Subject Property's land classification status, it did not impugn the evidence presented by PRCI to prove the nature and period of its possession. Consequently, the fact that PRCI has been in possession of the Subject Property in the concept of owner since 1956 is not disputed.

Thus, the crux of the present controversy hinges on a single question — whether PRCI has established that the Subject Property forms part of the alienable and disposable agricultural land of the public domain in accordance with the requirements set by prevailing law.

To resolve this question, a preliminary discussion on the relevant concepts relating to property, ownership, and land classification is in order.

Land classification under the 1987 Constitution and the Civil Code

The Regalian doctrine has long been recognized as the foundation of the State's property regime[58] and has been consistently adopted under the 1935, 1973, and 1987 Constitutions.[59] In essence, the Regalian doctrine espouses that lands not appearing to be clearly under private ownership are generally presumed to form part of the public domain belonging to the State.

As explained in the recent case of *Federation of Coron, Busuanga, Palawan Farmer's Association, Inc. v. The Secretary of the Department of Environment and Natural Resources*[60] (*Federation*), and as cogently pointed out by Associate Justice Marvic M.V.F. Leonen, this general rule admits of a single exception: native title to land. Claims of private ownership pursuant to native title are presumed to have been held even before the Spanish conquest. Thus, lands subject of native titles are deemed excluded from the mass of lands forming part of the public domain.

The Court's ruling in *Federation* elucidates:

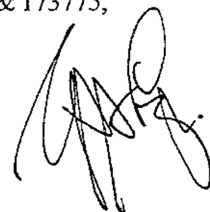
> Pursuant to the Regalian [d]octrine (*Jura Regalia*), a legal concept first introduced into the country from the West by Spain through the Laws of the Indies and the Royal Cedulas, all lands of the public domain belong to the State. This means that the State is the source of any asserted right to ownership of land, and is charged with the conservation of such patrimony. **All lands not appearing to be clearly under private ownership are presumed to belong to the State. Also, public lands remain part of the**

---

[58] *Republic v. Espinosa,* G.R. No. 186603, April 5, 2017, 822 SCRA 317, 332, citing *SAAD Agro-Industries, Inc. v. Republic,* G.R. No. 152570, September 27, 2006, 503 SCRA 522, 535.

[59] *Secretary of the Department of Environment and Natural Resources v. Yap,* G.R. Nos. 167707 & 173775, 568 SCRA 164, 184-185.

[60] G.R. No. 247866, September 15, 2020.



inalienable land of the public domain unless the State is shown to have reclassified or alienated them to private persons.

To further understand the Regalian [d]octrine, a review of the previous Constitutions and laws is warranted. The Regalian [d]octrine was embodied as early as in the Philippine Bill of 1902. Under Section 12 thereof, it was stated that all properties of the Philippine Islands that were acquired by the United States through the treaty with Spain shall be under the control of the Government of the Philippine Islands, to wit:

> SECTION 12. That all the property and rights which may have been acquired in the Philippine Islands by the United States under the treaty of peace with Spain, signed December tenth, eighteen hundred and ninety-eight, except such land or other property as shall be designated by the President of the United States for military and other reservations of the Government of the United States, are hereby placed under the control of the Government of said Islands, to be administered for the benefit of the inhabitants thereof, except as provided in this Act.

The only exception in the Regalian [d]octrine is native title to land, or ownership of land by Filipinos by virtue of a claim of ownership since time immemorial and independent of any grant from the Spanish Crown. In *Cariño v. Insular Government*, the United States Supreme Court at that time held that:

> It might, perhaps, be proper and sufficient to say that when, as far back as testimony or memory goes, the land has been held by individuals under a claim of private ownership, it will be presumed to have been held in the same way from before the Spanish conquest, and never to have been public land.

> As pointed out in the case of *Republic v. Cosalan*:

> Ancestral lands are covered by the concept of native title that "refers to pre-conquest rights to lands and domains which, as far back as memory reaches, have been held under a claim of private ownership by ICCs/IPs, have never been public lands and are thus indisputably presumed to have been held that way since before the Spanish Conquest." To reiterate, they are considered to have never been public lands and are thus indisputably presumed to have been held that way.

> The CA has correctly relied on the case of *Cruz v. Secretary of DENR*, which institutionalized the concept of native title. Thus:

>> Every presumption is and ought to be taken against the Government in a case like the present. It might, perhaps, be proper and sufficient to say that when, as far back as testimony or memory goes, the land has been held by individuals under a claim of private ownership, it will be presumed to have been

> held in the same way before the Spanish conquest, and never to have been public land.
>
> **From the foregoing, it appears that lands covered by the concept of native title are considered an exception to the Regalian [d]octrine embodied in Article XII, Section 2 of the Constitution which provides that all lands of the public domain belong to the State which is the source of any asserted right to any ownership of land.**[61] (Emphasis supplied; original emphasis omitted)

At present, Section 3, Article XII of the 1987 Constitution classifies lands of the public domain into five (5) categories — agricultural lands, forest lands, timber lands, mineral lands, and national parks. The provision states:

> 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.** x x x (Emphasis supplied)

In turn, Section 3 mandates that only lands classified as agricultural may be declared *alienable* and susceptible of private ownership. It bears noting, however, that private ownership contemplates not only ownership by private persons, but also ownership by the State, provinces, cities, and municipalities in their private capacity.[62]

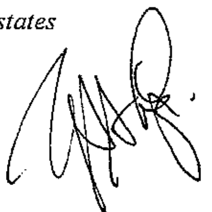
On the other hand, the Civil Code classifies the property of the State into two (2) categories, thus:

> ART. 420. The following things are property of public dominion:
>
> (1) Those intended for public use, such as roads, canals, rivers, torrents, ports and bridges constructed by the State, banks, shores, roadsteads, and others of similar character;
>
> (2) Those which belong to the State, without being for public use, and are intended for some public service or for the development of the national wealth.
>
> ART. 421. All other property of the State, which is not of the character stated in the preceding article, is patrimonial property.
>
> ART. 422. Property of public dominion, when no longer intended for public use or for public service, shall form part of the patrimonial property of the State.

---

[61] Id. at 6-8.

[62] See generally *J.* Bellosillo, Separate Concurring and Dissenting Opinion in *Chavez v. Public Estates Authority,* G.R. No. 133250, May 6, 2003, 403 SCRA 1, 34-52.



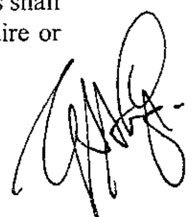
In the 2013 Resolution[63] in the case of *Malabanan,* the Court attempted to harmonize the classification of land under the 1987 Constitution and the classification of property under the Civil Code, thus:

> Land, which is an immovable property, may be classified as either of public dominion or of private ownership. Land is considered of public dominion if it either: (a) is intended for public use; or (b) belongs to the State, without being for public use, and is intended for some public service or for the development of the national wealth. Land belonging to the State that is not of such character, or although of such character but no longer intended for public use or for public service forms part of the patrimonial property of the State. Land that is other than part of the patrimonial property of the State, provinces, cities and municipalities is of private ownership if it belongs to a private individual.
>
> x x x x
>
> Alienable and disposable lands of the State fall into two categories, to wit: (*a*) patrimonial lands of the State, or those classified as lands of private ownership under Article 425 of the *Civil Code*, without limitation; and (*b*) lands of the public domain, or the public lands as provided by the Constitution, but with the limitation that the lands must only be agricultural. x x x[64] (Italics in the original)

During the deliberations, Associate Justice Samuel H. Gaerlan astutely raised that this classification of "alienable and disposable lands of the State" into patrimonial lands and lands of the public domain appears to be inconsistent with the intent of the framers. Indeed, the record of the Constitutional Commission deliberations on what was then Section 6, Article XII[65] is illuminating:

> MR. SUAREZ. If it is reflective of the thinking of the Committee insofar as Section 4 is concerned, we propose that the words "lands of the public domain" appearing on line 26 of Section 6 be changed to "PUBLIC AGRICULTURAL LANDS"; but basically, it is "agricultural land."
>
> MR. MONSOD. Maybe to be consistent and to harmonize, we just use the same phrase as we used in Section 4: "AGRICULTURAL LANDS of the public domain."
>
> MR. SUAREZ. Thank you.
>
> MR. RODRIGO. Madam President, may I call attention to the fact that the words "public domain" are the words used in the 1935 as well as in the 1973 Constitutions.
>
> MR. VILLEGAS. We retained it that way.

63 *Heirs of Mario Malabanan v. Republic*, G.R. No. 179987, September 3, 2013, 704 SCRA 561.
64 Id. at 574-577.
65 Now Section 7, Article XII, which states "[s]ave in cases of hereditary succession, no private lands shall be transferred or conveyed except to individuals, corporations, or associations qualified to acquire or hold lands of the public domain."



MR. RODRIGO. So, they have already adopted a meaning and I suppose there is even a jurisprudence on this matter. Unless it is absolutely necessary, I do not think we should change that.

MR. SUAREZ. What we are suggesting, Madam President, is to retain the words **"public domain" but qualify the word "lands" with "AGRICULTURAL lands of the public domain."**

MR. VILLEGAS. We are retaining "public domain."

MR. CONCEPCION. Madam President.

THE PRESIDENT. Commissioner Concepcion is recognized.

MR. CONCEPCION. If the Committee does not intend to change the original implication of this provision — and by original I mean the Constitutions of 1935 and 1973 — may I suggest the advisability of retaining the former phraseology. Otherwise, there might be a question as to whether the same meaning attached thereto by jurisprudence will apply or another meaning is sought to be imparted to this provision.

MR. VILLEGAS. As long as it is clear in our record that we really mean agricultural lands, can we ask Commissioner Suarez to just retain the existing phraseology?

MR. SUAREZ. I would have no objection to that. I just want to make it very clear, whether in the record or in the constitutional provisions, **when we speak of "lands of the public domain" under Section 6 we are thinking in terms of agricultural lands.**

THE PRESIDENT. So, there will be no need anymore to insert the word "AGRICULTURAL"?

MR. SUAREZ. That is right. We will not press on our amendment, Madam President.

THE PRESIDENT. We already have that interpretation.

x x x x

MR. TINGSON. There are no more registered speakers for Section 6; so we may now vote on Section 6, Madam President.

THE PRESIDENT. Will the honorable Chairman please read Section 6?

MR. VILLEGAS. Section 6 will read: "Save in cases of hereditary succession, **no private lands shall be transferred or conveyed except to individuals, corporations, or associations qualified to acquire or hold lands of the public domain.**"[66]

As the quoted exchange shows, it was initially suggested that the term "lands of the public domain" under then Section 6, Article XII[67] be qualified with the term "agricultural" in order to clarify that only private agricultural

---

[66] 3 RECORD OF THE CONSTITUTIONAL COMMISSION, No. 63, August 22, 1986, p. 597.
[67] Supra note 65.

lands of the public domain may be acquired and/or held by individuals, corporations, or associations.

This initial suggestion, albeit not pursued, clearly shows that the concept of public **domain** under the Constitution is indeed broader than the concept of public **dominion** under the Civil Code.

Hence, while lands of the public **domain** under the Constitution pertain to all lands owned or held by the State both in its public and private capacity, lands forming part of the public **dominion** under the Civil Code pertain only to those which are intended for public use, public service, or the development of national wealth, and **excludes** patrimonial property. Therefore, property of public dominion and patrimonial property, as defined by the Civil Code, both fall within the scope of public domain contemplated under the 1987 Constitution. Excepted from the scope of public domain are lands subject of a claim of ownership based on native title as explicitly recognized in *Cariño v. Insular Government.*[68]

Patrimonial property

As stated, the Civil Code classifies property into two (2) categories: (i) property of public dominion (that held by the State in its public capacity for public use, public service or the development of national wealth for the common and public welfare),[69] or (ii) patrimonial property (that held by the State in its private capacity to attain economic ends).[70]

Being private in nature, patrimonial property is subject to alienation and disposition in the same way as properties owned by private individuals,[71] and may thus be subject to prescription and be the object of ordinary contracts or agreements.[72] Examples of patrimonial property of the State include those acquired by the government in execution sales and tax sales, friar lands, mangrove lands and mangrove swamps.[73]

Article 420 suggests that at any given point in time, all property of the State may either be classified as property of public dominion or patrimonial property. The Republic recognizes this dichotomy inasmuch as it asserts that "[t]he classifications of land pertaining to the State under the Civil Code are mutually exclusive."[74]

---

[68] 212 U.S. 449 (1909).

[69] See 2 Arturo M. Tolentino, COMMENTARIES AND JURISPRUDENCE ON THE CIVIL CODE OF THE PHILIPPINES 30 (1992).

[70] Id. at 32. See also II Edgardo L. Paras, CIVIL CODE OF THE PHILIPPINES ANNOTATED 47 (10th ed. 1981).

[71] I Eduardo P. Caguioa, COMMENTS AND CASES ON CIVIL LAW 485 (1961).

[72] See CIVIL CODE, Art. 1113. See also I Eduardo P. Caguioa, id. and Ernesto L. Pineda, LAW ON PROPERTY 32-33 (2009).

[73] I Eduardo P. Caguioa, id. at 485-486, citing *Jacinto v. Director of Lands,* 49 Phil. 853 (1926) and *Commonwealth v. Gungun,* 70 Phil. 194 (1940).

[74] *Rollo*, p. 153.

In turn, patrimonial property of the State may be further classified into two sub-categories: (i) those which are *not* property of public dominion or imbued with public purpose based on the State's current or intended use, and may thus be classified as patrimonial property "by nature" pursuant to Article 421; and (ii) those which *previously* assumed the nature of property of public dominion by virtue of the State's use, but which are no longer being used or intended for said purpose, and may thus be classified as "converted" patrimonial property pursuant to Article 422.

Thus, the proper interpretation of Article 422 in relation to Articles 420 and 421 is that "converted" patrimonial property can only come from property of public dominion under Article 420. Hence, "converted" patrimonial property should not be understood as a subset of patrimonial property "by nature" under Article 421.

There is no doubt that forest lands, timber lands, mineral lands, and national parks which are lands of the public domain under the Constitution fall under property of public dominion under Article 420(2) of the Civil Code, as do agricultural lands. It is also clear that land classified as agricultural and subject to the State's current or intended use remains property of public dominion. However, these agricultural lands, once declared as alienable and disposable, become "converted" patrimonial property of the State.[75]

In effect, the classification of agricultural land as alienable and disposable serves as unequivocal proof of the withdrawal by the State of the said land from the public dominion, and its "conversion" to patrimonial property. The clear intention of such conversion is to open the land to private acquisition or ownership. Again, as keenly observed by Justice Gaerlan, such converted patrimonial property remains within the broader constitutional concept of public domain precisely as alienable and disposable land of the public domain.[76]

To recall, property of public dominion is outside the commerce of man. Consequently, it can neither be appropriated nor be the subject of contracts; hence, they cannot be alienated or encumbered.[77] Property falling under Article 420 is outside the commerce of man precisely because it is property of public dominion. Conversely, those falling under Articles 421 and 422 are necessarily within the commerce of man, as they are not property of public dominion.

Clearly, any specific property of the State may either be outside or within the commerce of man; it cannot be both. Prior to the classification of such property to alienable and disposable, agricultural lands (being property of public

---

[75] See Oswaldo D. Agcaoili, PROPERTY REGISTRATION DECREE AND RELATED LAWS (LAND TITLES AND DEEDS) 647 (2015). See also 2 Arturo M. Tolentino, supra note 69, at 38; *J.* Bellosillo, Separate Concurring and Dissenting Opinion in *Chavez v. Public Estates Authority,* supra note 62.

[76] *J.* Gaerlan, Concurring Opinion, pp. 22-23.

[77] See CIVIL CODE, Arts.1347 and 1409.

dominion) are beyond the commerce of man. It is the classification of agricultural lands as alienable and disposable which places them within the commerce of man, and renders them capable of being the subject matter of contracts (such as a patent, the latter being a contract between the State and the grantee). In turn, the power to classify (and re-classify) land is vested solely in the Executive Department.[78] Once a parcel of land forming part of public dominion is classified as alienable and disposable, they become subject to private acquisition but only through the prescribed modes of acquisition of ownership.

Prescription as a mode of acquisition of real property

PD 1529 governs the registration of land under the Torrens System. Since PD 1529 merely prescribes the manner through which existing title (ownership) may be confirmed, registration thereunder presupposes that the ownership of the land subject of the application for registration had already been acquired through any one of the modes prescribed by law.

At the time when PRCI filed its application for registration, ordinary registration proceedings were governed by Section 14 of PD 1529, thus:

> Section 14. *Who may apply.* — The following persons may file in the proper Court of First Instance an application for registration of title to land, whether personally or through their duly authorized representatives:
>
> (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.
>
> (2) Those who have acquired ownership of private lands by prescription under the provision of existing laws.
>
> (3) Those who have acquired ownership of private lands or abandoned river beds by right of accession or accretion under the existing laws.
>
> (4) 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.

---

[78] See Commonwealth Act No. 141, Sec. 6.

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

Notably, PRCI did not specify the statutory provision invoked as basis for its application for registration. Nevertheless, PRCI hinged its application on the allegation that it and its predecessors in interest have been in open, continuous, exclusive, and notorious possession of the Subject Property for more than fifty (50) years,[79] particularly since the year 1956, and not 1945 as prescribed by what was then Section 14(1). Thus, the inevitable conclusion which may be drawn from this is that PRCI's application for registration could only fall within the rubric of what was then Section 14(2) of PD 1529 which covered the registration of land acquired through prescription under existing laws.

The reference made by then Section 14(2) to "existing laws" necessarily includes the Civil Code — the statute which governs the acquisition of lands through prescription.[80] By prescription, ownership over real property may be acquired through the lapse of time in the manner and under the conditions laid down by law,[81] that is: (i) through uninterrupted possession in good faith and with just title for a period of ten (10) years for ordinary acquisitive prescription;[82] or (ii) through uninterrupted possession for thirty (30) years without need of just title or good faith for extraordinary acquisitive prescription.[83]

As to the requirements of possession, just title, and good faith, the Civil Code further provides:

> ART. 1118. Possession has to be in the concept of an owner, public, peaceful and uninterrupted.
>
> x x x x
>
> Art. 1127. The good faith of the possessor consists in the reasonable belief that the person from whom he received the thing was the owner thereof, and could transmit his ownership.
>
> x x x x
>
> ART. 1129. For the purposes of prescription, there is just title when the adverse claimant came into possession of the property through one of the modes recognized by law for the acquisition of ownership or other real rights, but the grantor was not the owner or could not transmit any right.

The provisions governing prescription only permit the acquisition of private unregistered lands.[84] As previously noted, lands of private ownership

---

79 *Rollo*, p. 137.
80 See CIVIL CODE, Art.712.
81 See id., Arts. 1106 and 1113.
82 See id., Art. 1134.
83 See id., Art. 1137.
84 Section 47 of PD 1529 states that "[n]o title to registered land in derogation of the title of the registered owner shall be acquired by prescription or adverse possession."

may either be lands owned by private persons, or, pursuant to Article 425 of the Civil Code, patrimonial property of the State, provinces, cities, or municipalities, owned by them in their private capacity.[85]

Thus, excepted from acquisitive prescription are real properties belonging to the State which are not patrimonial in character (that is, property of public dominion under Article 420 of the Civil Code), as they fall outside the commerce of man.[86]

In *Malabanan,* the Court laid down the requirements for original registration under what was then Section 14(2). Reconciling Section 14(2) with the Civil Code provisions governing prescription, the Court held:

> x x x Section 14(2) explicitly refers to the principles on prescription under existing laws. Accordingly, we are impelled to apply the civil law concept of prescription, as set forth in the Civil Code, in our interpretation of Section 14(2) x x x
>
> The critical qualification under Article 1113 of the Civil Code is thus: "[p]roperty of the State or any of its subdivisions not patrimonial in character shall not be the object of prescription." The identification [of] what consists of patrimonial property is provided by Articles 420 and 421, which we quote in full:
>
> > Art. 420. The following things are property of public dominion:
> >
> > (1) Those intended for public use, such as roads, canals, rivers, torrents, ports and bridges constructed by the State, banks, shores, roadsteads, and others of similar character;
> >
> > (2) Those which belong to the State, without being for public use, and are intended for some public service or for the development of the national wealth.
> >
> > Art. 421. All other property of the State, which is not of the character stated in the preceding article, is patrimonial property.
>
> It is clear that property of public dominion x x x cannot be the object of prescription or, indeed, be subject of the commerce of man. Lands of the public domain, whether declared alienable and disposable or not, are property of public dominion and thus insusceptible to acquisition by prescription.
>
> x x x x

---

[85] Article 425 of the Civil Code provides:

ART. 425. Property of private ownership, besides the patrimonial property of the State, provinces, cities, and municipalities, consists of all property belonging to private persons, either individually or collectively.

[86] See CIVIL CODE, Art. 1113.

> Nonetheless, Article 422 of the Civil Code states that "[p]roperty of public dominion, when no longer intended for public use or for public service, shall form part of the patrimonial property of the State." It is this provision that controls how public dominion property may be converted into patrimonial property susceptible to acquisition by prescription. After all, Article 420(2) makes clear that those property "which belong to the State, without being for public use, and are intended for some public service or for the development of the national wealth" are public dominion property. For as long as the property belongs to the State, although already classified as alienable or disposable, it remains property of the public dominion x x x when it is "intended for some public service or for the development of the national wealth."
>
> Accordingly, there must be an express declaration by the State that the public dominion property is no longer intended for public service or the development of the national wealth or that the property has been converted into patrimonial. Without such express declaration, the property, even if classified as alienable or disposable, remains property of the public dominion, pursuant to Article 420(2), and thus incapable of acquisition by prescription. It is only when such alienable and disposable lands are expressly declared by the State to be no longer intended for public service or for the development of the national wealth that the period of acquisitive prescription can begin to run. Such declaration shall be in the form of a law duly enacted by Congress or a Presidential Proclamation in cases where the President is duly authorized by law.
>
> It is comprehensible with ease that this reading of Section 14(2) of the Property Registration Decree limits its scope and reach and thus affects the registrability even of lands already declared alienable and disposable to the detriment of the *bona fide* possessors or occupants claiming title to the lands. Yet this interpretation is in accord with the Regalian doctrine and its concomitant assumption that all lands owned by the State, although declared alienable or disposable, remain as such and ought to be used only by the Government.[87] (Emphasis omitted)

Based on the foregoing discussion in *Malabanan*, the requirements for original registration under then Section 14(2) were: (i) a declaration that the land subject of the application is alienable and disposable; (ii) an 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; and (iii) proof of possession for the period and in the manner prescribed by the Civil Code for acquisitive prescription, reckoned from the moment the property subject of the application becomes patrimonial property of the State.

The second *Malabanan* requirement, that is, the express government manifestation that the land constitutes patrimonial property, was anchored on the premise that "**all** lands owned by the State, although declared alienable or disposable, remain as [property of public dominion] and ought to be used only

---

[87] *Heirs of Mario Malabanan v. Republic*, supra note 45, at 201-204.

by the Government."[88] However, this premise was not meant to be adopted in absolute terms.

Once property of public dominion is classified by the State as alienable and disposable land of the public domain, it immediately becomes open to private acquisition, since "[a]lienable lands of the public domain x x x [form] part of the patrimonial [property] of the State."[89] **The operative act which converts property of public dominion to patrimonial property is its classification as alienable and disposable land of the public domain, as this classification precisely serves as the manifestation of the State's lack of intent to retain the same for some public use or purpose.**

To emphasize, all lands not otherwise appearing to be clearly within private ownership are generally presumed to be part of the public domain pursuant to the Regalian doctrine.[90]

Consequently, those who seek registration on the basis of title over land forming part of the public domain must overcome the presumption of State ownership.[91] To do so, the applicant must establish that the land subject of the application is alienable or disposable and thus susceptible of acquisition and subsequent registration.[92] However, once the presumption of State ownership is discharged by the applicant, the burden to refute the applicant's claim that the land in question is patrimonial in nature necessarily falls on the State. For while the burden to prove that the land subject of the application is alienable and disposable is placed on the applicant, the burden to prove that such land is retained for public service or for the development of the national wealth, notwithstanding its previous classification as alienable and disposable, rests, as it should, with the State.

Where the property subject of the application had not been utilized by the State, and the latter had not manifested any intention to utilize the same, proof of conversion into patrimonial property requires the establishment of a negative fact — the lack of intent on the part of the State to retain the property and utilize the same for some public purpose. In such situations, what precludes the conversion of property of public dominion to patrimonial property is an existing intention to use the same for public purpose, and not one that is merely forthcoming. This is clear from the language of Article 420 of the Civil Code:

---

[88] Id. at 204.

[89] Oswaldo D. Agcaoili, supra note 75. See also 2 Arturo M. Tolentino, supra note 69, at 38; *J.* Bellosillo, Separate Concurring and Dissenting Opinion in *Chavez v. Public Estates Authority,* supra note 62.

[90] Again, this general rule is subject to a single exception which excludes privately held lands based on native title from the mass of the public domain. See *Cariño v. Insular Government,* supra note 68 cited in *Federation of Coron, Busuanga, Palawan Farmer's Association, Inc. v. The Secretary of the Department of Environment and Natural Resources,* supra note 60, at 7.

[91] *Federation of Coron, Busuanga, Palawan Farmer's Association, Inc. v. The Secretary of the Department of Environment and Natural Resources,* id. at 16-17.

[92] Id. at 17.

> ART. 420. The following things are property of public dominion:
>
> x x x x
>
> (2) Those which belong to the State, without being for public use, **and <u>are</u> intended** for some public service or for the development of the national wealth. (Emphasis and underscoring supplied)

In other words, placing on the applicant the burden to prove the State's lack of intent to retain the property would be unreasonable, and totally beyond the text and purpose of PD 1529. Further, this renders illusory the legal provisions in the Civil Code for the acquisition of property. After all, it is the State which has the capacity to prove its own intent to use such property for some public purpose in the absence of any overt manifestation thereof through prior use, occupation, or express declaration.

Jurisprudence instructs that when the plaintiff's case depends upon the establishment of a negative fact, and the means of proving the fact are *equally* within the control of each party, the burden of proof is placed upon the party averring the negative fact.[93] **Conversely, if the means to prove the negative fact rests easily, if not only, upon the defendant, the plaintiff should not be made to bear the burden of proving it.**

In cases where land held by the State has not been previously utilized for some public purpose, the State has no prior use to abandon or withdraw the land from. It would therefore be unreasonable to require the applicant to present a law or executive proclamation expressing such abandonment for there never will be one. The imposition of this additional requirement in cases where the land so possessed had never been utilized by the State has dire consequences for those who have occupied and cultivated the land in the concept of owners for periods beyond what is required by law.

However, and to be clear, where the property subject of the application **had been previously utilized** by the State for some public purpose, proof of conversion requires the establishment of a positive fact — the abandonment by the State of its use and the consequent withdrawal of the property from the public dominion. To establish this *positive* fact, it becomes incumbent upon the applicant to present an express government manifestation that the land subject of his application already constitutes patrimonial property, or is no longer retained for some public purpose. **It is within this context that the second requirement espoused in *Malabanan* was crafted.** This second requirement covered "converted" patrimonial property of the State, or those falling within the scope of Article 422 of the Civil Code.

The early case of *Cebu Oxygen & Acetylene Co., Inc. v. Bercilles*[94] (*Cebu Oxygen*) already established this interpretation of Article 422 of the

---

[93] *O v. Javier*, G.R. No. 182485, July 3, 2009, 591 SCRA 656, 660-661.

[94] No. L-40474, August 29, 1975, 66 SCRA 481.

Civil Code. In *Cebu Oxygen*, the applicant therein sought the registration of a parcel of land previously used by the local government as a public road. The Court held that the registration of the property should be permitted since the petitioner therein had been able to prove that the parcel of land had been explicitly withdrawn from public use by virtue of a city resolution authorizing its sale in a public bidding.

The fact that explicit withdrawal from public use finds relevance only with respect to "converted" patrimonial property under Article 422 (*i.e.*, property subject to prior state-use) was further emphasized in *Laurel v. Garcia*[95] (*Laurel*), which involved consolidated petitions for prohibition to enjoin government officials from selling a 3,179-square meter property in Roponggi, Tokyo which had been acquired by the State through the Reparations Agreement executed between the Philippines and Japan in 1956. The Roponggi property initially served as the site of the Philippine embassy before it was relocated to Nampeidai, Tokyo when the embassy building had to undergo major repairs.

In *Laurel*, the Court held that the Roponggi property assumes the nature of property of public dominion under Article 420(2) of the Civil Code (*i.e.*, intended for some public service or the development of national wealth). Noting that the Roponggi property had been subject of prior state-use, the Court held that its conversion from property of public dominion under Article 420(2) to patrimonial property under Article 422 must be explicit. The Court ruled:

> The Roppongi property is correctly classified under paragraph 2 of Article 420 of the Civil Code as property belonging to the State and intended for some public service.
>
> Has the intention of the government regarding the use of the property been changed because the lot has been idle for some years? Has it become patrimonial?
>
> **The fact that the Roppongi site has not been used for a long time for actual Embassy service does not automatically convert it to patrimonial property. Any such conversion happens only if the property is withdrawn from public use.** A property continues to be part of the public [dominion], not available for private appropriation or ownership "until there is a formal declaration on the part of the government to withdraw it from being such["] x x x.
>
> The respondents enumerate various pronouncements by concerned public officials insinuating a change of intention. We emphasize, however, that an abandonment of the intention to use the Roppongi property for public service **and to make it patrimonial property under Article 422** of the Civil Code *must be definite*. **Abandonment cannot be inferred from the non-use alone specially if the non-use was attributable not to the government's own deliberate and indubitable will but to a lack of financial support to repair and improve the property** x x x.

[95] G.R. Nos. 92013 & 92047, July 25, 1990, 187 SCRA 797.

> **Abandonment must be a certain and positive act based on correct legal premises.**[96] (Emphasis supplied; italics in the original)

From these referenced cases, it becomes clear that the need for an express government manifestation confirming that the property in question is "no longer retained" by the State for public use, public service, or the development of national wealth, stems from the principle that abandonment of property of public dominion under Article 420 cannot be inferred solely from non-use. In turn, the determination of whether property has in fact been abandoned by the State is necessary only in cases where there has been prior state-use. **To repeat, there is no abandonment to speak of in the absence of prior state-use.**

The application of the second *Malabanan* requirement[97] in cases where there has been no prior state-use, in addition to the requirement of proof that the property in question had been declared alienable and disposable, is thus improper.

Amendments introduced by RA 11573

In a serendipitous turn of events, RA 11573 took effect on September 1, 2021, days after the Court directed the parties to file their respective memoranda. RA 11573 was passed with the intention of improving the confirmation process for imperfect land titles.[98]

Among the changes introduced by RA 11573 is the amendment of Section 14 of PD 1529, thus:

> SEC. 6. Section 14 of [PD 1529] is hereby amended to read as follows:
>
> > "SECTION 14. *Who may apply.* — The following persons may file at any time, in the proper Regional Trial Court in the province where the land is located, an application for registration of title to land, not exceeding twelve (12) hectares, whether personally or through their duly authorized representatives:
> >
> > "(1) Those who by themselves or through their predecessors-in-interest have been in open, continuous, exclusive and notorious possession and occupation of alienable and disposable lands of the public domain not covered by existing certificates of title or patents under a *bona fide* claim of ownership **for at least twenty (20) years immediately preceding the filing of the application for confirmation** of title except when prevented by war

---

[96] Id. at 808-809. Citations omitted.

[97] That is, an express government manifestation confirming that the property in question is "no longer retained" by the State for public use, public service, or the development of national wealth.

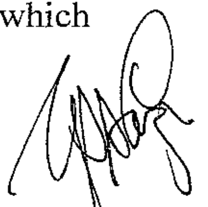
[98] See RA 11573, Sec. 1.

> 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.
>
> "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."

Notably, Section 6 of RA 11573 shortens the period of possession required under the old Section 14(1). Instead of requiring applicants to establish their possession from "June 12, 1945, or earlier", the new Section 14(1) only requires proof of possession "at least twenty (20) years immediately preceding the filing of the application for confirmation of title except when prevented by war or *force majeure*."

Equally notable is the final *proviso* of the new Section 14(1) which expressly states that upon proof of possession of alienable and disposable lands of the public domain for the period and in the manner required under said provision, the applicant/s "shall be conclusively presumed to have performed all the conditions essential to a Government grant and shall be entitled to a certificate of title under this section." **This final *proviso* unequivocally confirms that the classification of land as alienable and disposable immediately places it within the commerce of man, and renders it susceptible to private acquisition through adverse possession.**

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.

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

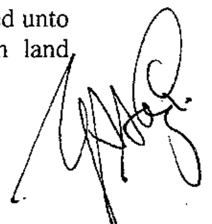
In addition to the amendments discussed, RA 11573 also prescribes the nature of proof sufficient to establish the status of land as alienable and disposable, hence:

> SEC. 7. *Proof that the Land is Alienable and Disposable.* — For purposes of judicial confirmation of imperfect titles filed under [PD 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 effect, Section 7 supersedes the requirements[99] in *T.A.N. Properties* and *Hanover*.

---

[99] In essence, *T.A.N. Properties* and *Hanover* held that in order to prove the status of land as alienable and disposable, applicants in land registration proceedings must present: (i) a certification issued by the CENRO or PENRO attesting to such fact; *and* (ii) a copy of the original classification approved by the DENR Secretary (in the form of an LC Map), coupled with an official publication of the latter's issuance declaring such land alienable and disposable. The *T.A.N. Properties* and *Hanover* requirements were affirmed by the Court in *Dumo v. Republic*, 832 Phil. 656 (2018). The majority Decision was subject to a *Concurring and Dissenting Opinion* espousing that the second requirement set forth in *T.A.N. Properties* and *Hanover* was premised on the CENRO's lack of authority to issue certified true copies of approved LC Maps, and the fact that the CENRO did not serve as the official repository of such certified true copies at such time. Following the issuance of DENR AO-2012-09, which delegated unto the CENRO, PENRO and the RED-NCR not only the authority to issue certifications on land,



Hence, at present, the presentation of the approved survey plan bearing a certification signed by a duly designated DENR geodetic engineer stating that the land subject of the application for registration forms part of the alienable and disposable agricultural land of the public domain shall be sufficient proof of its classification as such, *provided* that the certification bears references to: (i) the relevant issuance (*e.g.,* Forestry Administrative Order, DENR Administrative Order, Executive Order, or Proclamation); and (ii) the LC Map number covering the subject land.

In the absence of a copy of the relevant issuance classifying the subject land as alienable and disposable, the certification of the DENR geodetic engineer must state: (i) the LC Map number; (ii) the Project Number; and (iii) the date of release indicated in the LC Map; and (iv) the fact that the LC Map forms part of the records of the National Mapping and Resource Information Authority (NAMRIA) and is therefore being used by DENR as such.

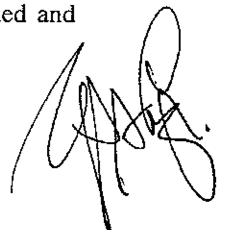
In addition, the DENR geodetic engineer must be presented as witness for proper authentication of the certification so presented. The Court's ruling in *Republic v. Galeno*[100] lends guidance:

> In *Republic v. Medida,* the Court held that certifications of the Regional Technical Director, DENR cannot be considered *prima facie* evidence of the facts stated therein, holding that:
>
> > Public documents are defined under Section 19, Rule 132 of the Revised Rules on Evidence as follows:
> >
> > > (a) The written official acts, or records of the official acts of the sovereign authority, official bodies and tribunals, and public officers, whether of the Philippines, or of a foreign country;
> > >
> > > (b) Documents acknowledged before a notary public except last wills and testaments; and
> > >
> > > (c) Public records, kept in the Philippines, of private documents required by law to be entered therein.
> >
> > Applying Section 24 of Rule 132, the record of public documents referred to in Section 19(a), when admissible for any purpose, may be evidenced by an official publication thereof or by a copy attested by the officer having legal custody of the record, or by his deputy x x x.

---

classification status, but also certified true copies of approved land classification maps, said opinion further espoused that 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 (BFDAO) issued and signed by the DENR Secretary.

[100] G.R. No. 215009, January 23, 2017, 815 SCRA 191.



> Section 23, Rule 132 of the Revised Rules on Evidence provides:
>
> > "Sec. 23. *Public documents as evidence.*—Documents consisting of entries in public records made in the performance of a duty by a public officer are *prima facie* evidence of the facts stated therein. All other public documents are evidence, even against a third person, of the fact which gave rise to their execution and of the date of the latter."
>
> The CENRO and Regional Technical Director, FMS-DENR, certifications [do] not fall within the class of public documents contemplated in the first sentence of Section 23 of Rule 132. The certifications do not reflect "entries in public records made in the performance of a duty by a public officer," such as entries made by the Civil Registrar in the books of registries, or by a ship captain in the ship's logbook. The certifications are not the certified copies or authenticated reproductions of original official records in the legal custody of a government office. The certifications are not even records of public documents. x x x
>
> As such, *sans* the testimonies of Acevedo, Caballero, and the other public officers who issued respondent's documentary evidence to confirm the veracity of its contents, the same are bereft of probative value and cannot, by their mere issuance, prove the facts stated therein. At best, they may be considered only as *prima facie* evidence of their due execution and date of issuance but do not constitute *prima facie* evidence of the facts stated therein.[101] (Emphasis supplied)

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.

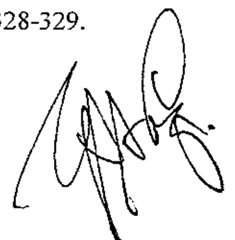
Retroactive application of RA 11573

As stated, RA 11573 took effect on September 1, 2021, or fifteen (15) days after its publication on August 16, 2021.[102] 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.[103] However, this rule is subject to certain recognized exceptions, as when the statute in question is curative in nature, or creates new rights, thus:

---

[101] Id. at 196-198, citing *Republic v. Medida,* G.R. No. 195097, August 13, 2012, 678 SCRA 317, 328-329.
[102] RA 11573, Sec. 13.
[103] CIVIL CODE, Art. 4.



> As a general rule, laws have no retroactive effect. But there are certain recognized exceptions, such as when they are remedial or procedural in nature. This Court explained this exception in the following language:
>
> > "It is true that under the Civil Code of the Philippines, '(l)aws shall have no retroactive effect, unless the contrary is provided.' But there are settled exceptions to this general rule; such as when the statute is CURATIVE or REMEDIAL in nature or when it CREATES NEW RIGHTS.["][104] (Italics omitted)

In *Frivaldo v. Commission on Elections,*[105] 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) are <u>intended to supply defects, abridge superfluities in existing laws, and curb certain evils</u>.** 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."[106] (Emphasis and underscoring supplied; italics omitted)

In *Nunga, Jr. v. Nunga III,*[107] 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."[108] 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),

---

[104] *Zulueta v. Asia Brewery, Inc.,* G.R. No. 138137, March 8, 2001, 354 SCRA 100, 106, citing *Frivaldo v. Commission on Elections,* G.R. Nos. 120295 & 123755, June 28, 1996, 257 SCRA 727, 754.
[105] Id.
[106] Id. at 754.
[107] G.R. No. 178306, December 18, 2008, 574 SCRA 760.
[108] RA 11573, Sec. 1.

the amendment implemented through Section 6 of RA 11573 effectively created a new right in favor of those who have been in possession of alienable and disposable land for the shortened period provided. The retroactive application of this shortened period does not impair vested rights, as RA 11573 simply operates to confirm the title of applicants whose ownership already existed prior to its enactment.

Here, PRCI presented the following evidence to prove the fact of possession: (i) the testimony of Esperanza detailing the manner through which the Subject Property had been transferred from Manuel to PRCI; (ii) the testimony of Bernarda Lu, a neighbor of the Dee Ham family, confirming that Manuel, and, thereafter, PRCI, had openly and exclusively occupied the Subject Property, and had built significant improvements thereon including a warehouse presently used by PRCI in the conduct of its business; (iii) the original land survey plan in Manuel's name, duly approved by the Bureau of Lands on December 22, 1958; and (iv) tax receipts and declarations in the name of PRCI's predecessors in interest, which date back to 1956.[109]

PRCI's application stood unopposed before the RTC. As explained, the Republic did not present any controverting evidence to impugn the veracity of PRCI's claims as to the nature and period of its possession over the Subject Property. Instead, the Republic's subsequent appeal primarily raised PRCI's alleged failure to establish the Subject Property's classification as alienable and disposable agricultural land of the public domain.

In effect, PRCI's assertions anent possession stand uncontroverted, and thus establish that PRCI, through its predecessors in interest, had been in open, continuous, and exclusive possession of the Subject Property in the concept of owner since 1956, or for a period of over fifty-four (54) years prior to the filing of its application for registration. This period amounts to more than three (3) decades beyond the twenty (20)-year period required under the new Section 14(1).

On the other hand, PRCI presented the following evidence to prove that the Subject Property forms part of the alienable and disposable agricultural land of the public domain: (i) the 2011 Certification issued by the Regional Technical Director of the Forest Management Bureau of the DENR attesting to such fact;[110] and (ii) the 2013 Certification subsequently issued by the DENR RED-NCR affirming and validating the statements in the 2011 Certification.[111] Evidently, these certifications are not acceptable proof of the required land classification status under the new parameters set by RA 11573.

Nevertheless, in the interest of substantial justice, bearing in mind the curative nature of RA 11573, and recognizing the long period of possession by PRCI, the Court deems it proper to remand the case to the CA for reception

---

[109] See *rollo*, pp. 30, 61-62.
[110] Id. at 33.
[111] Id. at 34.

of evidence on the Subject Property's land classification status in accordance with Section 7 of RA 11573. Thereafter, the CA is directed to resolve PRCI's application for land registration with utmost dispatch following the guidelines set forth in this Decision.

Thus, to aid the bench and the bar, the Court lays down the following guidelines on the application of RA 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.

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

3. In the interest of substantial justice, the Regional Trial Courts and Court of Appeals are hereby directed, upon proper motion or *motu proprio*, to permit the presentation of additional evidence on land classification status based on the parameters set forth in Section 7 of RA 11573.

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

    b. In the absence of a copy of the relevant issuance classifying the land as alienable and disposable, the certification must additionally state (i) the release date of the LC Map; and (ii) the

Project Number. Further, the certification must confirm that the LC Map forms part of the records of NAMRIA and is precisely being used by the DENR as a land classification map.

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

Final Note

The underlying philosophy of making public land available to Filipino citizens is sewn into the foundations of the Constitution; it is reflected in the exclusive reservation of land ownership to Filipinos,[112] and is echoed in the State's mandate to promote agrarian and urban land reform through the just distribution of all agricultural lands,[113] and the establishment of urban centers and resettlement areas for the homeless.[114] Through the imposition of retention limits,[115] the provision of incentives for voluntary land-sharing, and the directive to respect the rights of small land and property owners, the Constitution further institutionalizes the policy of making land ownership accessible to each individual Filipino.

In line with this, PD 1529 provides for the judicial confirmation of imperfect title to land so as to bring the latter within the coverage of the Torrens system. The protection afforded by the Torrens system provides the necessary security to encourage land owners to make the investments needed to make productive use of their landholdings. Through this process, the law functions to aid land owners in becoming productive members of society in a manner that is consistent with the principles enshrined in the Constitution.

With the passage of RA 11573, any doubt which may have plagued the requirements for confirmation of title under Section 14 of PD 1529 have been clarified, with the expressed view of removing any ambiguity in its interpretation, and further streamlining the registration process.[116]

To this end, the Court stresses that the issues involved in a land registration proceeding rest heavily on factual considerations, as they require the determination of land classification status and the nature of actual physical possession over the property subject of the action. These factual considerations are, in turn, established not only through written documentation, but also through proof of prior acts which serve as assertions of ownership, not only of the applicant but also, of the State. Accordingly, the State's participation in land registration proceedings is imperative, not only at the appeal level, but more so,

---

[112] See 1987 CONSTITUTION, Art. III, Sec. 2.
[113] See id., Art. XIII, Sec. 4.
[114] See id., Art. XIII, Sec. 9.
[115] See id., Art. XII, Sec. 3.
[116] RA 11573, Sec. 1.

at the first instance before the trial courts. Since trial courts are "in a more advantageous position to examine x x x evidence, [and] observe the demeanor of the witnesses x x x testifying in the case,"[117] they play a unique and essential role in the fact-finding process. The State's participation in the trial court proceedings enables the parties to thresh out evidentiary issues which would not otherwise be addressed at the appeal level. Consequently, the State's belated participation at the appeal level hampers prompt and equitable resolution, and leads to protracted litigation, as in this case.

For this reason, the immediate participation and heightened vigilance of the OSG at the trial court level is strongly enjoined, the latter having been vested with the sole authority to represent the State in all land registration and related proceedings.[118]

WHEREFORE, premises considered, the petition for review on *certiorari* filed by the Republic of the Philippines is **DENIED** in part.

The February 25, 2014 Decision and June 27, 2014 Resolution respectively rendered by the Court of Appeals First Division and Special First Division in CA-G.R. CV. No. 98531 are **AFFIRMED** insofar as it holds that Pasig Rizal Co., Inc., by itself and through its predecessors in interest, has been in open, continuous, exclusive, and notorious possession and occupation of the Subject Property since 1956.

The case is **REMANDED** to the Court of Appeals for reception of evidence on the Subject Property's land classification status based on the parameters set forth in Section 7 of Republic Act No. 11573. Thereafter, the Court of Appeals is directed to resolve the present case in accordance with this Decision with due and deliberate dispatch.

SO ORDERED.

ALFREDO BENJAMIN S. CAGUIOA
Associate Justice

---

[117] *Dalion v. Court of Appeals*, G.R. No. 78903, February 28, 1990, 182 SCRA 872, 877.

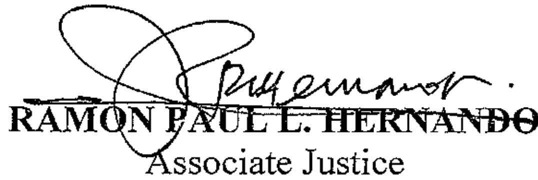
[118] See *Heirs of Atty. Jose C. Reyes v. Republic*, G.R. No. 150862, August 3, 2006, 497 SCRA 520, 528, citing PD 478, DEFINING THE POWERS AND FUNCTIONS OF THE OFFICE OF THE SOLICITOR GENERAL, June 4, 1974, Sec. 1(e).

WE CONCUR:

ALEXANDER G. GESMUNDO
Chief Justice

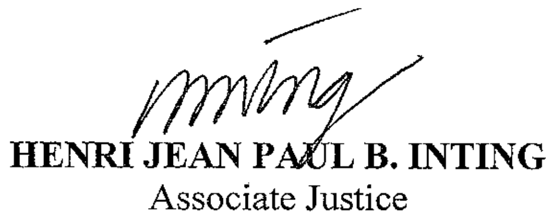
ESTELA M. PERLAS-BERNABE
Senior Associate Justice

MARVIC M.V.F. LEONEN
Associate Justice

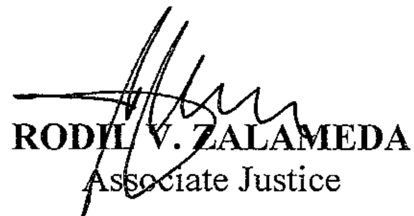


RAMON PAUL L. HERNANDO
Associate Justice

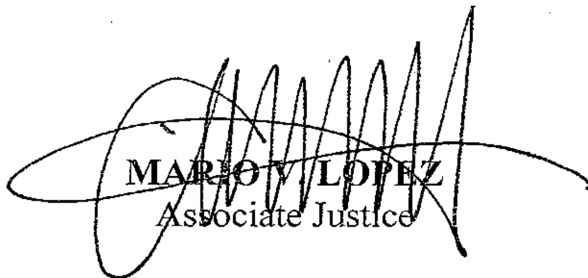
AMY C. LAZARO-JAVIER
Associate Justice



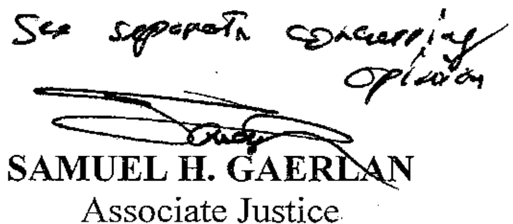
HENRI JEAN PAUL B. INTING
Associate Justice



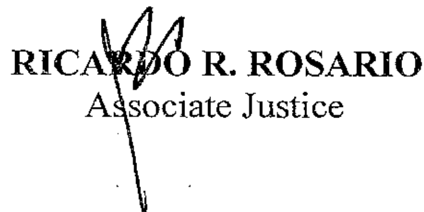
RODIL V. ZALAMEDA
Associate Justice



MARIO V. LOPEZ
Associate Justice

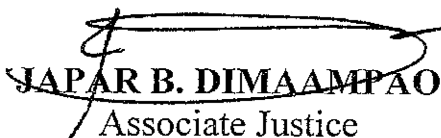


SAMUEL H. GAERLAN
Associate Justice

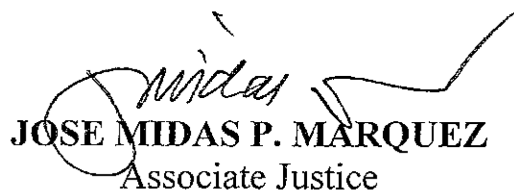


RICARDO R. ROSARIO
Associate Justice

JHOSEP Y. LOPEZ
Associate Justice



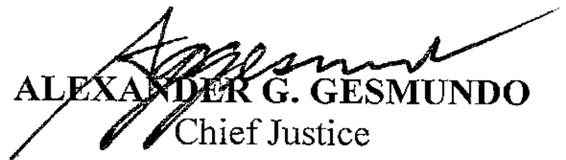
JAPAR B. DIMAAMPAO
Associate Justice



JOSE MIDAS P. MARQUEZ
Associate Justice

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court.



ALEXANDER G. GESMUNDO
Chief Justice