



Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

REPUBLIC OF THE PHILIPPINES,
Petitioner,

G.R. No. 256194

- versus -

Present:

HEIRS OF ROGELIO P. LAUDES,
NAMELY, VICTORIA ORDIZ VDA.
DE LAUDES, ROVI ROVILLE
LAUDES-CORNELIO, ROVIN
LAUDES, ROVIROSE LAUDES
AND ROVCOR LAUDES,
REPRESENTED BY VICTORIA
ORDIZ VDA. DE LAUDES,
Respondents.

CAGUIOA, J., Chairperson,
INTING,
GAERLAN,
DIMAAMPAO, and
SINGH, JJ.

Promulgated:

January 31, 2024

x

DECISION

SINGH, J.:

This is a Petition for Review on *Certiorari* (**Petition**),¹ filed under Rule 45 of the Rules of Court, assailing the Decision,² dated June 30, 2020, and the Resolution,³ dated March 9, 2021, of the Court of Appeals (CA), in CA-G.R.

¹ *Rollo*, pp. 10–39.

² *Id.* at 40–56. Penned by Associate Justice Danton Q. Bueser and concurred in by Associate Justices Geraldine C. Fiel-Macaraig and Alfredo D. Ampuan of the Sixteenth Division, Court of Appeals, Manila.

³ *Id.* at 57–58. Penned by Associate Justice Danton Q. Bueser and concurred in by Associate Justices Geraldine C. Fiel-Macaraig and Alfredo D. Ampuan of the Former Sixteenth Division, Court of Appeals, Manila.

CV No. 111651. The CA affirmed the Joint Decision,⁴ dated June 21, 2018, of the Regional Trial Court of Daet, Camarines Norte (**RTC**), Branch 39 (**RTC Branch 39**), which ruled that Victoria Ordiz Vda. de Laudes (**Victoria**), Rovi Rovile Laudes-Cornelio (**Rovi**), Rovin Laudes (**Rovin**), Rovirose Laudes (**Rovirose**), and Rovicor Laudes (**Rovicor**), all represented by Victoria (collectively, **the Heirs of Laudes**), were able to prove that the properties covered by Tax Declaration (**TD**) No. 006-0168 and TD No. 006-0279 (collectively, **the subject properties**), that they sought to be registered, were alienable and disposable lands, and that their predecessors-in-interest have been in open, continuous, exclusive, and notorious possession and occupation under a *bona fide* claim of ownership over the subject properties.

The Facts

On September 19, 1984, Rogelio P. Laudes (**Rogelio**) died when the Chevrolet Truck owned by Jesus E. Enova (**Jesus**) and driven by Elias Pilo (**Pilo**) hit him. As a result of Rogelio's death, his heirs filed both civil and criminal cases against Jesus and Pilo. Both Civil Case No. 5175 and Criminal Case No. 4040 were consolidated before the RTC, Branch 40 (**RTC Branch 40**). In its Joint Decision, dated January 6, 1989, RTC Branch 40 found Pilo guilty for reckless imprudence resulting to homicide, slight physical injuries, and damage to property, while Jesus was ordered to pay civil liability in the total amount of PHP 205,000.00.⁵

Thereafter, a Writ of Execution was issued, followed by the issuance of a Notice of Levy against the properties of Jesus, including those covered by TD No. 006-0168 and TD No. 006-0279. The sheriff then issued a Notice of Sheriff's Sale, setting the levied properties of Jesus for public auction on September 25, 1990, in satisfaction of the civil liability adjudged by RTC Branch 40.⁶

During the said public auction, Victoria emerged as the highest bidder and was awarded the properties levied, giving Jesus and his heirs, assigns, administrator or executor one (1) year from the date of the auction sale to redeem the said properties. However, the subject properties were not redeemed. Thus, the Sheriff's Final Deed, dated October 16, 1991, was issued. Thereafter, a Writ of Possession was issued by RTC Branch 40.⁷

In the Sheriff's Return, dated January 3, 1992, the sheriff was able to place the Heirs of Laudes in possession of some of the properties including

⁴ *Id.* at 59–72. Penned by Judge Winston S. Racoma.

⁵ *Id.* at 41, CA Decision.

⁶ *Id.*

⁷ *Id.* at 41–42, CA Decision.



the property with TD No. 006-0279. However, the sheriff failed to do the same for the other properties, including the property with TD No. 006-0168.⁸

Upon issuance of an Alias Writ of Possession, the sheriff, in his Partial Return, dated January 11, 1993, reported that the Heirs of Laudes were again dispossessed of the property with TD No. 006-0168 after placing them in possession on January 8, 1993, and that the property with TD No. 006-0279 has not yet been placed in their possession.⁹

Meanwhile, records reveal that Gregorio Zantua, Jr. (**Zantua**), Jose Enova (**Jose**), Leopoldo Enova (**Leopoldo**), and Ricardo Lotik (**Lotik**) filed a complaint before RTC Branch 40, docketed as Civil Case No. 6118, against the Heirs of Laudes for recovery of real properties and annulment of sale. They alleged that the properties subject of the public auction were sold to them prior to the levy made by the sheriff. Zantua, Jose, and Lotik eventually withdrew as party-plaintiffs in Civil Case No. 6118, but filed separate civil cases for the same cause of action against Victoria.¹⁰

In Civil Case No. 6118, the Heirs of Laudes moved that they be declared as the true, lawful, and absolute owner of the properties with TD No. 006-0168 (now TD No. 006-1347) and TD No. 006-0279 (now TD No. GR-2008-FF-06-006-00539). Thus, in its Order, dated January 5, 2000, the RTC Branch 40 declared the Heirs of Laudes as the true and lawful owner of the subject properties.¹¹

By virtue of the said Order, the Heirs of Laudes filed the application for registration of the property covered by TD No. 006-0279, before the Municipal Trial Court of Paracale (**MTC**), on June 20, 2001. The MTC then issued an Order, dated June 25, 2001, directing the Bureau of Lands and the National Land Title and Deeds Registration Administration to submit a report before the scheduled initial hearing.¹²

In compliance with the said Order, the Land Registration Authority (**LRA**) submitted its Report, and the Notice of Initial Hearing, with instructions that the said notice must be posted and published. Junior Process Server Loreto C. Banal (**Banal**) then executed a Certificate of Posting. Subsequently, the LRA submitted its Certificate of Publication, with the attached Certificate of Publication from the National Printing Office (**NPO**), and a Certificate of Notification.¹³

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.* at 42.

¹¹ *Id.* at 42–43, CA Decision.

¹² *Id.* at 43–44, CA Decision.

¹³ *Id.* at 44, CA Decision.



Meanwhile, an Urgent Opposition to Application for Registration was filed by Zantua, claiming ownership of the subject properties. Due to the said opposition, the MTC issued an Order, dated December 3, 2001, declaring that it has no jurisdiction to hear and decide the case, thereby directing that the records of the case be transmitted to the Executive Judge of the RTC. The case was raffled to RTC Branch 39.¹⁴

In the ensuing trial, the Heirs of Laudes manifested before RTC Branch 39 that a similar case was pending before it, and prayed that the cases be tried jointly, to which the trial court acceded. Thus, LRC Case No. N-873, involving a parcel of land covered by Plan Psu-214678, and LRC Case No. N-875, involving a parcel of land designated as Lot 9150, Pls-1047-D of Paracale Public Land Subdivision, were tried jointly.¹⁵

The Heirs of Laudes presented the following witnesses: Victoria herself, Pio T. Oco, Sr., Teofilo T. Oco (**Teofilo**), Ponciano M. Mabeza, Jr. (**Mabeza, Jr.**), Officer-In-Charge (**OIC**) of the Community Environment and Natural Resources Office (**CENRO**) of the Department of Environment and Natural Resources (**DENR**), and Ramily Urbano (**Urbano**), Administrative Officer I of CENRO. In addition, the Heirs of Laudes attached Certification Nos. RS DCN-2015-40 and RS DCN-2015-41, both dated April 13, 2015, issued by the Secretary of the DENR, delegating the authority to reclassify the land to the CENRO. The Office of the Prosecutor, on behalf of the State, did not present any evidence.¹⁶

The Ruling of RTC Branch 39

On June 21, 2018, RTC Branch 39 rendered a Joint Decision.¹⁷ The dispositive portion of the Joint Decision reads:

WHEREFORE, foregoing premises considered, and finding the Applications for Registration meritorious, the same are hereby **GRANTED**.

The title of the applicants, the Heirs of Rogelio P. Laudes, namely, Victoria Ordez Vda. de (sic) Laudes, Rovi Laudes-Crisang, Josephine Hernandez, Rovile Laudes-Cornelio, Rovin Laudes, Rovirose Laudes and Rovicor Laudes, who are all represented by Victoria Ordez Vda. [d]e Laudes, to the followings parcels of land:

For LRC No. N-873: A parcel of land covered by Plan Psu-214678, situated in the Barrio of Batobalani, Municipality of

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ *Id.* at 44–45, CA Decision.

¹⁷ *Id.* at 59–72



Paracale, Province of Camarines Norte, Island of Luzon, containing an area of One Hundred Twenty (120) square meters;

For LRC No. N-875: A parcel of land designated as Lot 9150, Pls-1047-D of Paracale Public Land Subdivision, located in the Bario (sic) of Batobalani, Municipality of Paracale, Province of Camarines Norte, containing an area of One Hundred Fifty-One (151) square meters;

as well as the Technical Description of said parcels of land as approved by the Surveyor's Division of the DENR Regional Office No. V for Psu-214678 surveyed for Spouses Jesus Enova and Nora Carlos (for LRC No. N-873) and Psu-05-004627 surveyed for Elnora Carlos (for LRC No. N-875), are hereby **CONFIRMED** and ordered **REGISTERED** in the name of the **HRS. OF ROGELIO P. LAUDES**, namely: Victoria Ordez Vda. de Laudes, widow; Rovi Laudes-Crisang, married to Salvador Crisang; Josephine Laudes-Hernandez, married to Rexie Hernandez; Rovile Laudes Cornelio, married to Valerian Cornelio; Rovin Laueds, single; Rovirose Laudes, single; and Rovicor Laudes, single; all of legal age, Filipino citizens, and with postal address at Purok 1, Barangay Gahonon, Daet, Camarines, Norte.

Once this Joint Decision has become final, let an *Order for the Issuance of a Decree* issue.

SO ORDERED.¹⁸

Aggrieved, the Republic, represented by the Office of the Solicitor General (**OSG**), filed a Notice of Appeal, which was given due course by the CA in its Order, dated July 10, 2018.¹⁹ In compliance to the Notice to File Brief, dated October 16, 2018, of the CA, the OSG filed two (2) Appellant's Brief. For LRC Case No. 873, the OSG argued that the RTC erred in holding that the Heirs of Laudes have a registrable title to the subject properties. On the other hand, in LRC Case No. N-875, the OSG argued that the RTC gravely erred in adjudicating the case involving Lot 9150, Pls-1047-D of Paracale Public Land Subdivision considering the lack of proof that the same is alienable and disposable land of the public domain and that the predecessors-in-interest of the Heirs of Laudes have been in open, continuous, exclusive, and notorious possession and occupation of the said lot since June 12, 1945 or earlier.²⁰

The Ruling of the CA

The CA, in its Decision,²¹ dated June 30, 2020, denied the appeal of the Republic. The dispositive portion of the CA Decision reads:

¹⁸ *Id.* at 71–72.

¹⁹ *Id.* at 46, CA Decision.

²⁰ *Id.*

²¹ *Id.* at 40–56.



WHEREFORE, in view of the foregoing, the instant appeal is hereby **DENIED**. The Joint Decision dated 21 June 2018 rendered by the Regional Trial Court, Branch 39, Daet, Camarines Norte in LRA Rec. No. N-73666 (LRC Case No. N-873) and LRA Rec. No. N-73667 (LRC Case No. N-875), is hereby **AFFIRMED in TOTO**.

SO ORDERED.²² (Emphasis in the original)

The Republic filed two (2) separate Motions for Reconsideration on September 10, 2020 and September 11, 2020, but the same were denied by the CA on March 9, 2021. The dispositive portion of the CA Resolution reads:

WHEREFORE, in view of the foregoing, the Motions for Reconsideration dated 7 September 2020 and [10] September 2020 are hereby **DENIED**.

SO ORDERED.²³ (Emphasis in the original)

Still undaunted, the OSG filed the present Petition before the Court. According to the OSG, the Heirs of Laudes failed to prove that (1) the subject properties were classified as part of the disposable and alienable lands of the public domain, and (2) they have been in open, continuous, exclusive, and notorious possession and occupation thereof under a *bona fide* claim of ownership since June 12, 1945, or earlier, as required under Section 14(1) of Presidential Decree No. 1529 and affirmed by *Republic of the Philippines v. T.A.N. Properties, Inc.* because (1) the CENRO and PENRO Certifications and the Land Classification (LC) Map that bears the inscription that the subject properties are disposable and alienable lands are not sufficient proof to prove that the subject lots are disposable and alienable lands, and (2) the predecessors-in-interest of the Heirs of Laudes were not in open, continuous, exclusive, and notorious possession and occupation thereof under a *bona fide* claim of ownership since June 12, 1945 considering that they occupied the subject lots only in 1949. Further, the OSG prayed that the Petition be given due course and that the Decision, dated June 30, 2020, and Resolution, dated March 9, 2021, of the CA be reversed and set aside. The OSG likewise prayed that the applications for land registration in LRC Case Nos. N-873 and N-875 be dismissed.²⁴

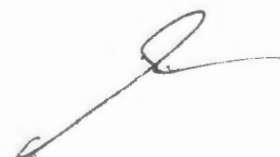
Acting on the Petition, the Court issued a Notice,²⁵ dated September 15, 2021, requiring the Heirs of Laudes to file a Comment.

²² *Id.* at 55.

²³ *Id.* at 58.

²⁴ *Id.* at 34, Petition.

²⁵ *Id.* at 95.



The Heirs of Laudes filed their Comment,²⁶ dated November 18, 2021, and averred that they already presented the (1) CENRO Certifications, (2) Certifications from the Secretary of DENR; and (3) LC Map issued by the National Mapping and Resource Information Authority (NAMRIA) to prove that the subject lands are alienable and disposable and that the presentation of the said documents constitutes substantial compliance with the legal requirement.²⁷ According to them, leniency should be accorded to them since they merely relied on the DENR Secretary's Administrative Order.²⁸ They further argued that *Dumo v. Republic*²⁹ should be applied prospectively since it was promulgated only after the case was submitted for decision in the RTC.³⁰ As to the issue of whether they were able to prove that they and their predecessors-in-interest had been in open, continuous, exclusive, and notorious possession and occupation of the subject properties, the Heirs of Laudes argued that this is a question of fact and is not within the jurisdiction of the Court considering that petitions for review on *certiorari* are limited only to the review of questions of law and not of fact.³¹ They likewise prayed that the present Petition be denied.³²

The Court issued the Notice,³³ dated September 5, 2022, noting the Heirs of Laudes' Comment on the Petition and required the Republic to file a Reply thereto.³⁴ On January 3, 2023, the OSG filed the Republic's Reply.³⁵ The Republic averred that the Heirs of Laudes failed to prove the alienability and disposability of the subject property in accordance with the parameters set forth in Republic Act No. (R.A.) 11573, specifically Section 6 thereof, which amended Section 14 of Presidential Decree No. (P.D.) 1529.³⁶ The Republic argued that to prove that the subject properties were alienable and disposable, the Heirs of Laudes only presented the following: (1) Certifications issued by OIC PENRO Mabeza, Jr. stating that the subject properties were within the Camarines Norte Project No. 3, Blk-XVII, Alienable and Disposable area per BFD-LC map 415 certified on November 15, 1924, and (2) Certification No. 39-01 of the CENRO-Paracale stating that the 151-square meter area applied by Victoria was "within the Camarines Norte Project No. 3, Blk-XVII, Alienable and Disposable area per BFD-LC map 415 certified on November 15, 1924."³⁷ According to the Republic, however, the Heirs of Laudes did not present the DENR geodetic engineer

²⁶ *Id.* at 109–117.

²⁷ *Id.* at 113.

²⁸ *Id.* at 115, Comments on the Petition for Review on *Certiorari*.

²⁹ 832 Phil. 656 (2018) [Per J. Carpio, Second Division].

³⁰ *Rollo*, pp. 111–112, Comments on the Petition for Review on *Certiorari*.

³¹ *Id.* at 115–116, Comments on the Petition for Review on *Certiorari*.

³² *Id.* at 116, Comments on the Petition for Review on *Certiorari*.

³³ *Id.* at 120–121.

³⁴ *Id.*

³⁵ *Id.* at 126–135.

³⁶ *Id.* at 126–128, Reply.

³⁷ *Id.* at 130, Reply.



who actually conducted the survey and prepared the approved survey plan with the required certifications, as mandated by RA 11573.³⁸

The Issue

Were the Heirs of Laudes able to prove that the subject properties are alienable and disposable lands of the public domain?

The Ruling of the Court

The Petition is meritorious.

Classification of lands

Pursuant to the Regalian Doctrine (*Jura Regalia*), 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.³⁹ As elucidated in *Federation of Coron, Busuanga, Palawan Farmer's Association, Inc. v. The Secretary of Department of Environment and Natural Resources*:⁴⁰

The Regalian Doctrine 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 Doctrine 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:

³⁸ *Id.*

³⁹ *Republic v. Intermediate Appellate Court*, 239 Phil. 393 (1987).

⁴⁰ 884 Phil. 564 (2020) [Per J. Gesmundo, *En Banc*].

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.⁴¹ (Citations omitted)

Lands may either be of (1) public dominion or (2) of private ownership.⁴² Lands under public dominion are either (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; or (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.⁴³

Hence, based on Article 420 of the Civil Code, there are three kinds of property of public dominion: (1) those for public use, which may be used by anybody, such as roads and canals; (2) those for public service, which may be used only by certain duly authorized persons, although used for the benefit of the public; and (3) those used for the development of national wealth, such as our natural resources. Lands of public dominion remain part of the inalienable land of the public domain unless the State is shown to have reclassified or alienated them to private persons.⁴⁴

In *Malabanan v. Republic (Malabanan)*,⁴⁵ the Court classified lands of public dominion according to their alienability:

Whether or not land of the public domain is alienable and disposable primarily rests on the classification of public lands made under the Constitution. Under the 1935 Constitution, lands of the public domain were classified into three, namely, agricultural, timber and mineral. Section 10, Article XIV of the 1973 Constitution classified lands of the public domain into seven, specifically, agricultural, industrial or commercial, residential, resettlement, mineral, timber or forest, and grazing land, with the reservation that the law might provide other classifications. The 1987 Constitution adopted the classification under the 1935 Constitution into agricultural, forest or timber, and mineral, but added national parks. Agricultural lands may be further classified by law according to the uses to which they may be devoted. The identification of lands according to their legal classification is done exclusively by and through a positive act of the Executive Department.

Based on the foregoing, the Constitution places a limit on the type of public land that may be alienated. Under Section 2, Article XII of the

⁴¹ *Id.* at 582–583.

⁴² CIVIL CODE, Art. 419.

⁴³ *Id.*, Art. 420.

⁴⁴ *Republic v. Lao*, 453 Phil. 189 (2003) [Per J. Ynares-Santiago, First Division].

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



1987 Constitution, only agricultural lands of the public domain may be alienated; all other natural resources may not be.

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. **Consequently, lands classified as forest or timber, mineral, or national parks are not susceptible of alienation or disposition unless they are reclassified as agricultural. A positive act of the Government is necessary to enable such reclassification, and the exclusive prerogative to classify public lands under existing laws is vested in the Executive Department, not in the courts.** If, however, public land will be classified as neither agricultural, forest or timber, mineral or national park, or when public land is no longer intended for public service or for the development of the national wealth, thereby effectively removing the land from the ambit of public dominion, a declaration of such conversion must be made in the form of a law duly enacted by Congress or by a Presidential proclamation in cases where the President is duly authorized by law to that effect. **Thus, until the Executive Department exercises its prerogative to classify or reclassify lands, or until Congress or the President declares that the State no longer intends the land to be used for public service or for the development of national wealth, the Regalian Doctrine is applicable.**⁴⁶ (Emphasis supplied)

Only lands that are declared alienable and disposable may be registered

Presidential Decree No. (P.D.) 1529,⁴⁷ otherwise known as the Property Registration Decree, provides:

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.

⁴⁶ *Id.* at 161–163.

⁴⁷ Approved on June 11, 1978.



(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.

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. (Emphasis supplied)

Following *Malabanan*, a land continues to be ineligible for land registration under Section 14 of the Property Registration Decree unless Congress enacts a law or the President issues a proclamation declaring the land as no longer intended for public service or for the development of the national wealth.⁴⁸ Stated otherwise, a land may not be registered unless there is a prior declaration of its alienability and disposability.

*Application of R.A. No. 11573 in
land registration*

On September 1, 2021, R.A. 11573⁴⁹ was passed, amending P.D. 1529, which simplified the requirements for land registration. Section 7 thereof particularly provides:

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

⁴⁸ *Malabanan v. Republic*, *supra* note 42 at 169.

⁴⁹ Entitled "AN ACT IMPROVING THE CONFIRMATION PROCESS FOR IMPERFECT LAND TITLES, AMENDING FOR THE PURPOSE COMMONWEALTH ACT NO. 141, AS AMENDED, OTHERWISE KNOWN AS "THE PUBLIC LAND ACT," AND PRESIDENTIAL DECREE NO. 1529, AS AMENDED, OTHERWISE KNOWN AS THE "PROPERTY REGISTRATION DECREE," approved on July 16, 2021.



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.

Accordingly, Section 6 provides:

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

“SECTION 14. Who may apply. The following persons may file at any time, in the proper Regional Trial Court in the province where the land is located, an application for registration of title to land, not exceeding twelve (12) hectares, whether personally or through their duly authorized representatives:

“(1) Those who by themselves or through their predecessors-in-interest have been in open, continuous, exclusive and notorious possession and occupation of alienable and disposable lands of the public domain not covered by existing certificates of title or patents under a bona fide claim of ownership for at least twenty (20) years immediately preceding the filing of the application for confirmation of title except when prevented by war or force majeure. They shall be conclusively presumed to have performed all the conditions essential to a Government grant and shall be entitled to a certificate of title under this section.

“(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.

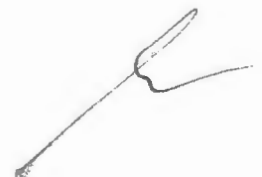
“A trustee on behalf of the principal may apply for original registration of any land held in trust by the trustee, unless prohibited by the instrument creating the trust.”



Following the advent of R.A. 11573, the Court in *Republic v. Pasig Rizal Co., Inc. (Pasig Rizal)*,⁵⁰ declared that R.A. 11573, particularly Section 6 (amending Section 14 of P.D. 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 R.A. 11573 took effect and laid down the following guidelines on the application of R.A. 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.

⁵⁰ G.R. No. 213207, February 15, 2022 [Per J. Caguioa, *En Banc*].



- c. The DENR geodetic engineer must be presented as witness for proper authentication of the certification in accordance with the Rules of Court.⁵¹

The pieces of evidence submitted by the Heirs of Laudes to prove that the subject properties are alienable and disposable lands are not sufficient to overcome the presumption of ownership of the State

The Heirs of Laudes submitted the following documents: (1) Certification Nos. 38-01 and 39-01 from DENR-CENRO, Region IV, Antipolo City stating that “no public land application or land patent covering the subject [properties] is pending nor are the lots embraced by any administrative title”;⁵² (2) series of tax declarations issued from 1949 starting from one Domingo Gerio;⁵³ (3) Certification Nos. RS DCN-2015-40 and RS DCN-2015-41, both dated April 13, 2015, issued by the Secretary of DENR delegating the authority to reclassify the land to the CENRO printed on the dorsal portion of the sketch plans of the subject properties;⁵⁴ (4) LC map;⁵⁵ and (5) Certification from the Office of the Provincial Assessor, dated September 22, 2000, stating that their records covering the pre-war, particularly from 1948 to later years, are no longer available.⁵⁶

As intimated, under the regime of P.D. 1529, the Court in *Malabanan* laid down the requirements for original registration under Section 14(2), which are the following: (1) a declaration that the land subject of the application is alienable and disposable; (2) 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 (3) proof of possession from 1945 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.⁵⁷ Accordingly, in *Republic v. T.A.N. Properties, Inc.*,⁵⁸ the Court enunciated that the following must be submitted to prove that a land is alienable and disposable: (1) original classification approved by the DENR Secretary and certified as a true copy by the legal custodian of the official records, and (2) a certificate of land classification status issued by

⁵¹ *Id.*

⁵² *Rollo*, p. 47, CA Decision.

⁵³ *Id.* at 53–54, CA Decision; 62–63, Joint Decision.

⁵⁴ *Id.* at 44–45, CA Decision.

⁵⁵ *Id.* at 44–48, CA Decision.

⁵⁶ *Id.* at 68, Joint Decision.

⁵⁷ *Republic v. Pasig Rizal Co., Inc.*, *supra* note 50.

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



the CENRO or the PENRO of the DENR and approved by the DENR Secretary showing that the land subject of the registration falls within the approved area per verification through survey by the PENRO or CENRO.

In the advent of R.A. 11573, new requirements were set forth under Section 7 thereof for the application of original registration of land, which are: (1) 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; and (2) the certification of the duly designated DENR geodetic engineer 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) a sworn statement by the geodetic engineer that the land is within the alienable and disposable lands of the public domain, and (b) the applicable Forestry Administrative Order, DENR Administrative Order, Executive Order, Proclamations, and the LC Project Map Number covering the subject land.

Consequently, if there is no available copy of the Forestry Administrative Order, Executive Order or Proclamation, it is sufficient that the LC Map Number, Project Number, and date of release indicated in the LC map be stated in the sworn statement declaring that said LC map is existing in the inventory of LC Map records of the NAMRIA and is being used by the DENR as land classification map.

In the present case, the Heirs of Laudes insist that the CENRO certification issued in their favor was sufficient to prove that the subject properties were alienable and disposable.⁵⁹ However, the requirements set forth in R.A. 11573, specifically Section 7, are clear and did not include CENRO certifications as evidence to prove that a land is alienable and disposable. In fact, CENRO certifications with respect to land classification status, as held in *Pasig Rizal*,⁶⁰ are not considered as a public document contemplated under Rule 132⁶¹ of the Rules of Court that require no further proof. Thus, their authentication in accordance with said rule is necessary.

Notwithstanding the foregoing, in the interest of substantial justice, the Court deems it proper remand the case to the CA for reception of evidence on the subject properties' land classification status in accordance with Section 7 of R.A. 11573 and pursuant to the guidelines set forth in *Pasig Rizal*.⁶²

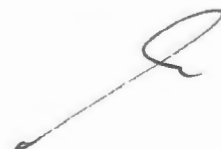
⁵⁹ *Rollo*, p. 109, Comments on the Petition for Review on *Certiorari*.

⁶⁰ *Republic v. Pasig Rizal Co., Inc.*, *supra* note 50

⁶¹ RULES OF COURT, Rule 132, section 23 provides:

Section 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 therein stated. 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.

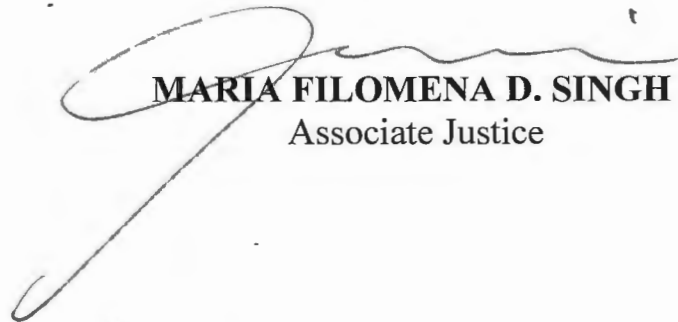
⁶² *Republic v. Pasig Rizal Co., Inc.*, *supra* note 50.



ACCORDINGLY, the Petition for Review on *Certiorari* filed by the Republic of the Philippines is **PARTLY GRANTED**.

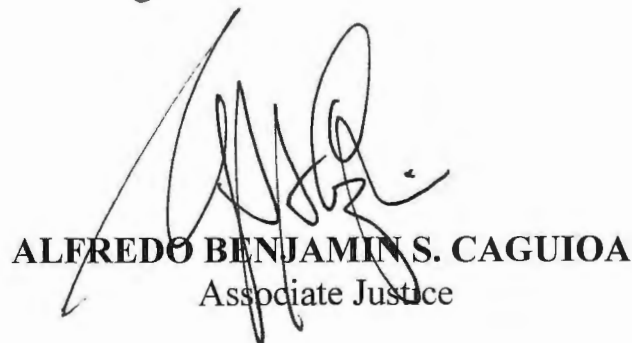
The case is **REMANDED** to the Court of Appeals for reception of evidence on the subject properties' land classification status based on the parameters set forth in Section 7 of Republic Act No. 11573. The Court of Appeals is directed to resolve the case with utmost dispatch.

SO ORDERED.

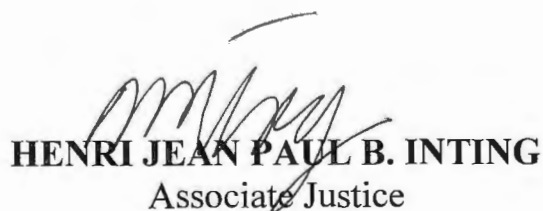


MARIA FILOMENA D. SINGH
Associate Justice

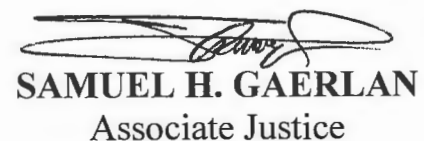
WE CONCUR:



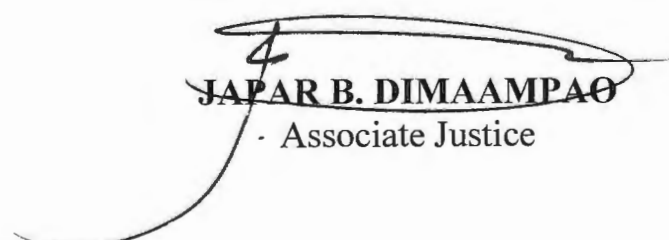
ALFREDO BENJAMIN S. CAGUIOA
Associate Justice



HENRI JEAN PAUL B. INTING
Associate Justice



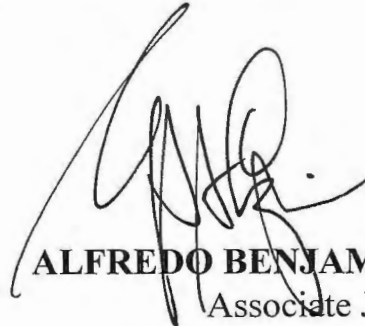
SAMUEL H. GAERLAN
Associate Justice



JAPAR B. DIMAAMPAO
Associate Justice

ATTESTATION

I attest 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's Division.

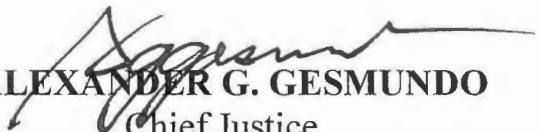


ALFREDO BENJAMIN S. CAGUIOA
Associate Justice
Chairperson, Third Division



CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution, and the Division Chairperson's Attestation, 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's Division.



ALEXANDER G. GESMUNDO
Chief Justice

