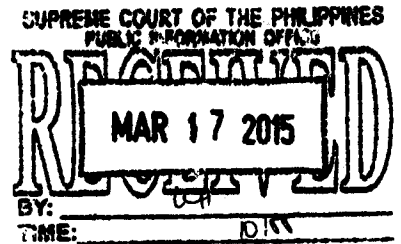




Republic of the Philippines
Supreme Court
Manila



SPECIAL THIRD DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, Third Division, issued a Resolution dated **February 23, 2015**, which reads as follows:

“G.R. No. 203560 (*Republic of the Philippines vs. Apostolita San Mateo, et al.*). – Acting on the Motion for Reconsideration filed by the respondents on December 22, 2014, the Court resolves to **DENY** the same with **FINALITY** for failure to raise any substantial argument that would warrant the reversal of this Court’s November 10, 2014 Decision.

Respondents’ Motion for Reconsideration is hinged solely on their promise that “respondents are now working for the issuance of the certification by the DENR Secretary,”¹ and their promise to submit the said proof of approval of alienability by the DENR Secretary once they have obtained the same.

This, however, does not change the insufficiency of the evidence they presented before the trial court in support of their application for registration. The present prayer of respondents for time to submit the certification of the DENR Secretary is nothing short of an express admission that at the time they filed their application for registration, and throughout the proceedings in the trial court, they have not yet obtained the required certification. As We have held in Our November 10, 2014 Decision, such proof of alienability is a condition *sine qua non* in applications for land registration.

Respondents are reminded that this Court is not a trier of facts,² and that it should have been before the trial court that they should have submitted all their evidence to prove the alienability of the land they are seeking to register. It is too late in the day for the respondents to submit their evidence now, when the case is already in its appellate stage.

¹ Rollo, p. 154.


² *Pedro Angeles v. Estelita B. Pascual, et al.*, G.R. No. 157150, September 21, 2011.

Consequently, there is no basis to grant respondents' prayer to hold in abeyance the resolution of the Motion for Reconsideration pending their submission of the certification from the DENR Secretary. Such prayer must be denied for utter lack of merit.

IN VIEW OF THE FOREGOING, the instant Motion for Reconsideration is hereby **DENIED** with **FINALITY**. (**Perlas-Bernabe, J.**, designated Acting Member per Special Order No. 1866 dated November 4, 2014; **Bersamin, J.**, designated Additional Member per Special Order No. 1912 dated January 12, 2015 in lieu of **Brion, J.**)

SO ORDERED."

Very truly yours,


WILFREDO V. LAPID
Division Clerk of Court
3/16/15

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COURT OF APPEALS
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The Presiding Judge
REGIONAL TRIAL COURT
Branch 157, 1605 Pasig City
(LRC Case No. N-11398)

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