Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

CENTRAL MINDANAO UNIVERSITY, represented by its President, DR. MARIA LUISA R. SOLIVEN,	**G.R. No. 195026**
Petitioner,	**Present:**
- *versus* -	VELASCO, JR., *J.*, *Chairperson*, PERALTA, PEREZ, REYES, and JARDELEZA, *JJ.*
REPUBLIC OF THE PHILIPPINES, represented by the Department of Environment and Natural Resources,	**Promulgated:**
Respondent.	February 22, 2016

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DECISION

PERALTA, *J.*:

For this Court's resolution is a petition for review on *certiorari* dated January 14, 2011 filed by petitioner Central Mindanao University (*CMU*), seeking to reverse and set aside the Decision[1] dated December 30, 2010 of the Court of Appeals (*CA*), which annulled the Decision[2] dated December 22, 1971, the Amended Decision[3] dated October 7, 1972 and the Second Amended Decision[4] dated September 12, 1974 rendered by the then Court of First Instance (*CFI*), 15th Judicial District, Branch II of Bukidnon and annulled the Decrees No. N-154065, N-154066 and N-154067 issued in favor of petitioner and the Original Certificate of Title (*OCT*) No. 0-160, OCT No. 0-161 and OCT No. 0-162 registered in petitioner's name on January 29, 1975.

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1 Penned by Associate Justice Romulo V. Borja, with Associate Justices Edgardo T. Lloren and Ramon Paul L. Hernando, concurring, *rollo*, pp. 51-66.

2 Penned by Judge Abundio Z. Arrieta, CA *rollo*, pp. 30-71.

3 *Id.* at 72-81.

4 *Id.* at 82-98.

The facts follow:

Petitioner Central Mindanao University (*CMU*) is an agricultural educational institution owned and run by the State established by virtue of Republic Act No. 4498.[5] It is represented by its President, Dr. Maria Luisa R. Soliven in accordance with CMU Board of Regents Resolution No. 02, s. 2011.[6]

The subjects of the controversy are two parcels of land situated at Musuan, Maramag, Bukidnon identified as "Sheet 1, Lot 1 of Ir-1031-D" consisting of 20,619,175 square meters, and "Sheet 2, Lot 2 of Ir-1031-D" consisting of 13,391,795 square meters, more or less.[7]

In 1946, CMU took possession of the subject parcels of land and started construction for the school site upon the confirmation of the Secretary of Public Instruction.[8] However, during the final survey in 1952, CMU discovered that there were several adverse claimants, holders, possessors and occupants of the portions of lots identified as school sites.[9]

On January 16, 1958, upon the recommendation of the Secretary of Agriculture and Natural Resources and pursuant to the provisions of Section 83[10] of Commonwealth Act (*C.A.*) No. 141, otherwise known as *Public Land Act*, President Carlos P. Garcia issued Proclamation No. 476[11] which reserved certain portions of the public domain in Musuan, Maramag, Bukidnon for petitioner CMU's (formerly Mindanao Agricultural College) site purposes.[12] The said parcels of land were withdrawn from sale or settlement and reserved for CMU's school site purposes, "subject to private rights, if any there be."

In a letter dated October 27, 1960, the Director of Lands Zoilo Castrillo formally requested the Secretary of Agriculture and Natural

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5 *AN ACT TO CONVERT MINDANAO AGRICULTURAL COLLEGE INTO CENTRAL MINDANAO UNIVERSITY AND TO AUTHORIZE THE APPROPRIATION OF ADDITIONAL FUNDS THEREFOR.*

6 *Rollo*, pp. 5-6.

7 *Id.* at 52.

8 *Id.* at 9.

9 *Id.* at 11.

10 Section 83. Upon the recommendation of the Secretary of Agriculture and Commerce, the President may designate by proclamation any tract or tracts of land of the public domain as reservations for the use of the Commonwealth of the Philippines or of any of its branches, or of the inhabitants thereof, in accordance with regulations prescribed for this purpose, or for quasi-public uses or purposes when the public interest requires it, including reservations for highways, rights of way for railroads, hydraulic power sites, irrigation systems, communal pastures or *leguas comunales*, public parks, public quarries, public fishponds, workingmen's village and other improvements for the public benefit.

11 *Reserving for the Mindanao Agricultural College Site Purposes Certain Portions of the Public Domain Situated in the Barrio of Musuan, Municipality of Maramag, Province of Bukidnon, Island of Mindanao.*

12 *Rollo*, p. 11.

Resources that he be authorized under Section 87 of C.A. No. 141, to file in the CFI of Bukidnon an application for the compulsory registration of the parcels of land reserved by President Garcia under Proclamation No. 476 as CMU's school site purposes.[13]

In the first indorsement dated November 9, 1960, the Office of the Secretary of Agriculture and Natural Resources, through its Undersecretary Salvador F. Cunanan, forwarded to the Executive Secretary a recommendation that the Director of Lands be authorized to file the said application.[14]

Thereafter, the Office of the President, through the Assistant Executive Secretary Enrique C. Quema, in the second indorsement dated December 12, 1960, authorized and directed the Director of Lands to file the necessary petition in the CFI of Bukidnon for the compulsory registration of the parcels of land reserved for CMU.[15]

Department Legal Counsel Alejandro V. Recto, in the indorsement dated December 28, 1960, communicated the said directive and authority granted to the Director of Lands to file the application for compulsory registration.[16]

On January 31, 1961, the Director of Lands filed a petition with the then Court of First Instance of Bukidnon for the settlement and adjudication of the title of the parcels of land reserved in favor of CMU, and for the determination of the rights of adverse claimants in relation to the reservation of the land.[17]

The cadastral court, in its Decision dated December 22, 1971 in Land Registration Case Cadastral Rec. No. 414, declared that the subject parcels of land as public land included in the reservation for CMU, and be registered in its name, except for specified portions adjudicated to other persons.[18] The court also gave the other 18 claimants an opportunity to acquire full ownership in the subject parcels of land.[19] Hence, the court reduced the claim of CMU to 3,041 hectares of total land area.[20] The dispositive portion of the decision reads:

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13 *Id.* at 12.
14 *Id.* at 13.
15 *Id.*
16 *Id.* at 14.
17 CA *rollo*, pp. 104-106.
18 *Rollo*, pp. 52-53.
19 *Id.* at 53.
20 *Supra* note 11.

In view of the foregoing considerations, judgment is hereby rendered declaring Lot No. 1 containing an approximate area of 20,619,175 square meters and Lot No. 2 containing an area of 13,391,795 square meters, both situated in the barrio of Musuan, municipality of Maramag, Bukidnon, as described in the survey plans and technical descriptions approved by the Director of Lands as IR-1031-D, marked as Exhibits "D" and "D-1" of the Central Mindanao University, as public land included in the reservation in favor of said University by virtue of Proclamation No. 476, series of 1958, of the President of the Philippines, which may be registered in its name, except such portions hereinbelow specified which are adjudicated in favor of the following:

1. Venancio Olohoy, married, and Esmeralda Lauga, married to Julio Sagde, both of legal ages and residents of Valencia, Bukidnon- 17.75 hectares of Lot No.1 as shown in the survey plan (Exh. "D");
2. Martina Songkit, of legal age, married to Martin Binanos and resident of Maramag, Bukidnon – 3 hectares of Lot No. 2 as shown in the plan Exh. "D-1";
3. Pablo Saldivar, widower, of legal age and resident of Dologon, Maramag, Bukidnon– 12 hectares of Lot No. 2 as indicated in the survey plan Exh. "D-1" above-mentioned;
4. Fernando Bungcas, married to Feliciana Gayonan and resident of Dologon, Maramag– 6 hectares of Lot No. 2;
5. Cerilo Salicubay, married to Valentina Bento, and Virginia Salicubay, married to Ricardo Tunasan, both of legal ages and residents of Panalsalan, Maramag, Bukidnon, share and share alike, – 4 hectares of Lot No. 2
6. Rosita Lupiahan, of legal age, married to Simplicio Alba and resident of Maramag, Bukidnon – 4 hectares of Lot No. 2.

The areas herein adjudicated to the above-named private individuals should be surveyed and each lot given a separate number with their corresponding technical descriptions.

Considering, however, that the Court rejected most of the claim due to the dubious nature of the occupation of the claimants prior to the take-over by the College, now University, in 1946 but most of them remained on the land up to the present time, in order to avoid possible injustice and in line with the national objective of providing land for the landless, it is hereby recommended that the claimants enumerated hereunder who filed answers and presented evidence which, nevertheless, was found short of the requirements for a decree of registration, be given the opportunity to acquire full ownership thereof through a homestead, or free patent application if they are landless persons, otherwise by means of a sales application if they are already owners of other pieces of real estate, after a corresponding amendment of the Executive Proclamation through the avenues allowed by law. The following claimants may be considered for that purpose, namely:

1. Geronimo Aniceto and his sister Francisca Aniceto- 12 hectares of Lot No. 2;
2. Bonifacio Aniceto- 6 hectares of Lot No. 2;
3. Julita Aniceto- 12 hectares of Lot No. 2;
4. Maximo Nulo- 5 hectares of Lot No. 2;
5. Magno Sepada- 3 hectares of Lot No. 1;
6. Eulogio Guimba- 12 hectares of Lot No. 2;
7. Mario Baguhin and his wife, Treponia Dagoplo 18 hectares of Lot No. 2;
8. Aniceto Nayawan- 12 hectares of Lot No. 2;
9. Eduardo Saloay-ay- 13 hectares of Lot No. 2;
10. Arcadio Belmis and his wife Beatriz Lauga- 24 hectares of Lot No. 1;
11. Vitaliano Lauga- 24 hectares of Lot No. 1;
12. Procopio Abellar- 12 hectares of Lot No. 1;
13. Rufino Dador- 12 hectares of Lot No. 1;
14. Roque Larayan- 12 hectares of Lot No. 1;
15. Benito Lutad- 12 hectares of Lot No. 1;
16. Juliana Pasamonte- 11 hectares of Lot No. 1;
17. Tirso Pimentel- 19 hectares of Lot No. 1; and
18. Dativa P. Velez- 18 hectares of Lot No. 1.

Should the above recommendation be given due course, it is further suggested that those claimants included in the said recommendation who are now occupying portions of Lot No. 2 situated above the university grounds on the hillside which they have already denuded, should be transferred to the lower portions of the land near or along the Pulangi river in order to enable the University to reforest the hillside to protect the watershed of its irrigation system and water supply.

After this decision become final and the portions adjudicated to private persons have been segregated and their corresponding technical descriptions provided, the order of the issuance of the corresponding decree and the certificates of title shall be issued.

SO ORDERED.[21]

Upon the submission of the parties of the compromise agreement through a Joint Manifestation, the cadastral court rendered its Amended Decision dated October 7, 1972 adjudicating in full ownership of some portions of the subject lots to the 29 groups of claimants.[22] A portion of the *fallo* of the amended decision reads:

WHEREFORE, pursuant to the evidence presented and the compromise agreement submitted by the parties, the decision rendered by this Court on December 22, 1971 is hereby AMENDED and another one entered ADJUDICATING in full ownership to the claimants hereinbelow specified the following portions of the lots in questions, to wit:

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21 *Supra* note 2, at 69-71.

22 *Supra* note 19.

> The remaining portions of Lots 1 and 2 not otherwise adjudicated to any of the above-named private claimants are hereby ADJUDICATED in full ownership to the Central Mindanao State University. It is hereby directed that the different portions of Lots 1 and 2 hereinabove granted to private claimants must [be segregated] by a competent surveyor and given their technical descriptions and corresponding lot numbers for purposes of the issuance of certificates of title in their favor.
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> It is, however, ordered that the area adjacent and around or near the watersheds or sources of Lot No. 2 adjudicated to any of the private claimants specified in the foregoing paragraph may be replaced or substituted to the Central Mindanao State University with other areas of equal extent in either Lot 1 or 2, should said University desire to do so in order to protect and conserve the watersheds.
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> The findings and resolutions made by the Court in its original decision not affected by the amendments incorporated elsewhere herein shall stand.
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> The petition from relief from judgment presented by Lucio Butad which the Court finds without merit is hereby denied.
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> Once the decision becomes final and the subdivision directed in the preceding paragraph has been accomplished, the order for the issuance of the corresponding decree of registration and the certificates of title in favor of each and every adjudicatee shall likewise issue.
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> SO ORDERED.[23]

Based on the Order made by the court that those portions of the private claimants in the area adjacent and around, or near the watersheds of Lot No. 2 may be replaced or substituted by CMU with areas of equal extent, the 16 grantees entered into an agreement with CMU for the replacement of the areas adjudicated to them with those outside the watershed vicinity or beyond the area necessary for the proper development, administration, supervision and utilization of the portion adjudicated to CMU.[24]

Thereafter, the cadastral court, in its second amendment of the Decision dated September 12, 1974, ordered that the specific portions of the subject lots be adjudicated to the 33 claimants as indicated in their agreement.[25] It also awarded to CMU Lot 1-S (18,531,671 square meters), Lot 2-A (10,001 square meters), and Lot 2-Q (12,266,524 square meters).[26] On January 25, 1975, the court issued Decrees No. N-154065, N-154066, and N-154067 in favor of CMU.[27] Consequently, OCT Nos. 0-160, 0-161

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23 *Supra* note 3, at 78-81.
24 *Supra* note 4, at 91.
25 *Id.* at 94-98.
26 *Id.* at 98.
27 *Rollo*, p. 54.

and 0-162 were registered in the name of CMU on January 29, 1975.[28] The decretal portion of the decision reads:

> WHEREFORE, finding said manifestation and agreement of the parties in order, the dispositive portions of the amended decision rendered by this Court on October 7, 1972 aforementioned is further amended such that the lots specified hereunder and more particularly indicated in the revised plans and technical descriptions above-mentioned are hereby adjudicated as follows:.
>
> 1. To Roque Larayan, Lot 1-A with an area of 120.001 square meters;
> 2. To Fernanda Bungcas, Lot 1-B with an area of 60.00 square meters;
> 3. To Tirso Pimentel, Lot 1-C with an area of 190.000 square meters;
> 4. To Juliana Pasamonte, Lot 1-D with an area of 109.999 square meters;
> 5. To Dativa Velez, Lot 1-E with an area of 180.00 square meters;
> 6. To Mario Bagubin, Lot 1-F with an area of 60.00 square meters;
> 7. To Triponia Dagoplo, Lot 1-G with an area of 60.001 square meters;
> 8. To Mario Baguhin, Lot 1-H with an area of 60.001 square meters;
> 9. To Celerina Guimba, Lot 1-I with an area of 30.001 square meters;
> 10. To Constantino Baston, Lot 1-J with an area of 30.001 square meters;
> 11. To Maximo Nulo, Lot 1-K with an area of 49.999 square meters;
> 12. To Beatriz Lauga, Lot 1-L with an area of 100.00 square meters;
> 13. To Evorcio Olohoy, Lot 1-M with an area of 177.500 square meters;
> 14. To Arcadio Belmis, Lot 1-N with an area of 140.000 square meters;
> 15. To Luciano Namuag, Lot 1-O with an area of 240.000 square meters;
> 16. To Vitaliano Lauga, Lot 1-P with an area of 240.000 square meters;
> 17. To Rufino Dador, Lot 1-Q with an area of 120.00 square meters;
> 18. To Procopio Abellar, Lot 1-B with an area of 120.001 square meters;
> 19. To Eduardo Saloay-ay, Lot 2-B with an area of 130.000 square meters;
> 20. To Francisco Anecito, Lot 2-C with an area of 120.000 square meters;
> 21. To Julita Anecito, Lot 2-D with an area of 60.000 square meters;

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28 *Id.*

22. To Vicente Buntan, Lot 2-E with an area of 30.000 square meters;
23. To Victoriano Lacorda, Lot 2-F with an area of 130.000 square meters;
24. To Cerilo Salicubay, Lot 2-G with an area of 40.000 square meters;
25. To Julita Anecito, Lot 2-H with an area of 60.000 square meters;
26. To Benito Butad, Lot 2-I with an area of 120.000 square meters;
27. To Pablo Zaldivar, Lot 2-J with an area of 120.000 square meters;
28. To Magno Sepada, Lot 2-K with an area of 30.000 square meters;
29. To Anecito Nayawan, Lot 2-L with an area of 120.000 square meters;
30. To Bonifacio Anecito, Lot 2-M with an area of 60.001 square meters;
31. To Eulogio Guimba, Lot 2-N with an area of 120.001 square meters;
32. To Martina Songkit, Lot 2-O with an area of 30.000 square meters;
33. To Rosita Lapianan, Lot 2-P with an area of 40.000 square meters;
34. To Central Mindanao State University; Lot 1-S with an area of 18,531.671 square meters;
35. To Central Mindanao State University; Lot 2-A with an area of 10.001 square meters;
36. To Central Mindanao State University, Lot 2-Q with an area of 12,266,524 square meters;

The findings and resolutions made by this Court in its original decision not affected by the amendments incorporated herein shall remain in force.

Once this decision becomes final, the order for the issuance of the corresponding decrees of registration and the certification of title in favor of each and every adjudicates shall likewise issue.

SO ORDERED.[29]

On December 15, 2003, the Republic of the Philippines, represented by the Department of Environment and Natural Resources through the Office of the Solicitor General (*OSG*), filed before the CA a petition for annulment of the Decision dated September 12, 1974 by the cadastral court granting in favor of CMU the title to the subject parcels of land.

The Republic argued that the cadastral court should have summarily dismissed the registration proceedings since the Solicitor General did not sign or file the petition for compulsory registration of the parcels of land,

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29 CA *rollo*, pp. 94-98.

as provided in Sections 53[30] and 87[31] of Commonwealth Act No. 141.[32] It also alleged that the subject parcels of land are inalienable lands of public domain.[33] It maintained that the cadastral court did not acquire jurisdiction over the *res*; hence, the entire proceedings of the case should be null and void.

Accordingly, the CA ruled in favor of the respondent. The dispositive portion of the decision reads:

> ACCORDINGLY, the instant petition is GRANTED. The 1) Decision dated December 22, 1971, 2) Amended Decision dated October 7, 1972 and 3) Second Amended Decision dated September 12, 1974, all rendered by the Court of First Instance, 15th Judicial District, Branch II, Bukidnon Province, in "L.R.C. Cad. Rec. No. 414, Sec. 87 of Commonwealth Act 141, Ir-1031-D (Lots 1 & 2), Maramag, Bukidnon, insofar as they adjudicated a portion of the land covered by Proclamation No. 476 to the Central Mindanao University, are declared NULL and VOID.
>
> Consequently, 1) Decrees No. N-154065, N-154066 and N-154067 issued in favor of the University on January 24, 1975; and 2) Original Certificates of Title (OCT) No. 0-160 (covering Lot 1-S), No. 0-161 (for Lot 2-A) and No. 0-162 (for Lot 2-Q) registered in the University's name on January 29, 1975, are likewise declared NULL AND VOID.
>
> SO ORDERED.[34]

The CA ruled that there was no sufficient proof of a positive act by the government, such as presidential proclamation, executive order, administrative action, investigation reports of Bureau of Lands investigators, or a legislative act or statute, which declared the land of the public domain alienable and disposable.[35] The documents adduced by CMU did not expressly declare that the covered land is already alienable and disposable

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30 Section 53. It shall be lawful for the Director of Lands, whenever in the opinion of the President the public interests shall require it, to cause to be filed in the proper Court of First Instance, through the Solicitor-General or the officer acting in his stead, a petition against the holder, claimant, possessor, or occupant of any land who shall not have voluntarily come in under the provisions of this chapter or of the Land Registration Act, stating in substance that the title of such holder, claimant, possessor, or occupant is open to discussion; or that the boundaries of any such land which has not been brought into court as aforesaid are open to question; or that it is advisable that the title to such lands be settled and adjudicated, and praying that the title to any such land or the boundaries thereof or the right to occupancy thereof be settled and adjudicated. The judicial proceedings under this section shall be in accordance with the laws on adjudication of title in cadastral proceedings.

31 Section 87. If all the lands included in the proclamation of the President are not registered under the Land Registration Act, the Solicitor-General, if requested to do so by the Secretary of Agriculture and Commerce, shall proceed in accordance with the provision of section fifty-three of this Act.

32 CA *rollo*, pp. 14 and 16.

33 *Id.* at 15.

34 *Rollo*, pp. 65-66.

35 *Id.* at 59-60.

and that one of such documents was merely signed by the Assistant Executive Secretary.[36]

According to the CA, CMU was unable to prove that the subject land ceased to have the status of a reservation.[37] However, the CA clarified that despite nullification of the titles in its favor, CMU is still the rightful possessor of the subject property by virtue of Proclamation No. 476.[38]

Hence, the petitioner CMU filed the present petition before this Court raising the sole issue:

> Whether or not the Court of Appeals:
> 1. committed a serious and grave error and gravely abused its discretion on a question of law, and
> 2. ruled and decided a question of substance in a way and manner not in accord with law and applicable decisions of this Honorable Court
>
> in granting the petition for annulment of judgment filed by respondent on the ground that the cadastral court has no jurisdiction over the subject matter or the specific res of the subject matter of the petition below for the reason that the subject lands are inalienable and non-disposable lands of the public domain.[39]

CMU maintains that the CA has completely misconstrued the facts of the cadastral proceedings since the documents it presented showed that the subject property has already been declared, classified, and certified by the Office of the President as alienable and disposable lands.[40]

Particularly, CMU alleges that the specific and express authorization and the directive, as embodied in the Second Indorsement[41] dated December 12, 1960, from the President, through the then Assistant Executive Secretary Enrique C. Quema, authorizing the Director of Lands to file the necessary petition in the CFI of Bukidnon for compulsory registration of the parcels of land reserved for CMU's site purposes is equivalent to a declaration and certification by the Office of the President that the subject parcels of land are alienable and disposable.[42]

CMU has cited the case of *Republic v. Judge De la Rosa*[43] wherein the then President Quirino issued on June 22, 1951 a directive authorizing the

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36 *Id.* at 60.
37 *Id.*
38 *Id.* at 65.
39 *Id.* at 21.
40 *Id.* at 23.
41 *Id.* at 70.
42 *Id.* at 26.
43 255 Phil. 11 (1989).

Director of Lands to file the necessary petition in the CFI of Isabela for the settlement and adjudication of the titles to the tract of land involved in the Gamu Public Lands Subdivision, Pls-62, Case 5. This Court held that the said presidential directive was equivalent to a declaration and certification that the subject land area is alienable and disposable.[44]

This Court finds the instant petition without merit.

Under the *Regalian* doctrine, all lands of the public domain belong to the State, and that the State is the source of any asserted right to ownership of land and charged with the conservation of such patrimony.[45] Also, the doctrine states that all lands not otherwise appearing to be clearly within private ownership are presumed to belong to the State.[46] Consequently, the person applying for registration has the burden of proof to overcome the presumption of ownership of lands of the public domain.[47]

To prove that a land is alienable, the existence of a positive act of the government, such as presidential proclamation or an executive order; an administrative action; investigation reports of Bureau of Lands investigators; and a legislative act or a statute declaring the land as alienable and disposable must be established.[48] Hence, a public land remains part of the inalienable public domain unless it is shown to have been reclassified and alienated by the State to a private person.[49]

As noted, Proclamation No. 476 issued by then President Garcia, decreeing certain portions of the public domain in Musuan, Maramag, Bukidnon for CMU's site purposes, was issued pursuant to Section 83 of C.A. No. 141. Being reserved as CMU's school site, the said parcels of land were withdrawn from sale and settlement, and reserved for CMU. Under Section 88 of the same Act, the reserved parcels of land would ordinarily be inalienable and not subject to occupation, entry, sale, lease or other disposition, subject to an exception, *viz.*:

> Section 88. The tract or tracts of land reserved under the provisions of section eighty-three shall be non-alienable and shall not be subject to occupation, entry, sale, lease, or other disposition **until again declared alienable under the provisions of this Act or by proclamation of the President.** (Emphasis supplied)

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44 *Republic v. Judge De la Rosa, supra,* at 22.

45 *Republic v. Capco de Tensuan,* G.R. No. 171136, October 23, 2013, 708 SCRA 367, 382.

46 *Id.*

47 *Id.*

48 *Republic of the Philippines, represented by Commander Raymond Alpuerto of the Naval Base Camillo Osias, Port San Vicente, Sta. Ana, Cagayan v. Rev. Claudio R. Cortez, Sr.,* G.R. No. 197472, September 7, 2015.

49 *Id.*

In the case of *Navy Officers' Village Association, Inc. v. Republic,*[50] it was held that parcels of land classified as reservations for public or *quasi*-public uses: (1) are non-alienable and non-disposable in view of Section 88 (in relation with Section 8) of C.A. No. 141, specifically declaring them as non-alienable and not subject to disposition; and (2) they remain public domain lands until they are actually disposed of in favor of private persons.[51] In other words, lands of the public domain classified as reservations remain to be property of the public dominion until withdrawn from the public or *quasi*-public use for which they have been reserved, by act of Congress or by proclamation of the President, or otherwise positively declared to have been converted to patrimonial property.[52]

In the case at bar, CMU relies on the Court's ruling in the *De la Rosa*[53] case that the directive from the President authorizing the Director of Lands to file the necessary petition for the compulsory registration of the parcels of land so reserved is the equivalent of the declaration and certification that the subject land is alienable and disposable. As such, CMU avows that the subject lots, as declared alienable and disposable, are properly registered in its name.

This Court finds that the *De la Rosa* case does not apply in the instant petition because of the varying factual settings, to wit:

> a. In *De la Rosa*, the Mallig Plains Reservation was reserved by the President for settlement purposes under the administration of National Land Settlement Administration (*NLSA*), later replaced by Land Settlement and Development Corporation (*LASEDECO*), while the subject lots in the present case was reserved for educational purposes, e.g. as CMU's school site, under the administration of the Board of Trustees of CMU.
> b. The National Resettlement and Rehabilitation Administration, when it replaced LASEDECO, excluded the Mallig Plains Reservation among the properties it needed in carrying out the purposes and objectives of Republic Act No. 1160,[54] thus, the Reservation eventually reverted to and became public agricultural land. There was no evidence that CMU ceased to use and occupy the reserved lots in Musuan, Maramag, Bukidnon as its school site or that its public purpose is abandoned, for the lots to revert to and become public agricultural land.

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50 G.R. No. 177168, August 3, 2015.
51 *Navy Officers' Village Association, Inc. v. Republic, supra.*
52 *Id.*
53 *Supra* note 42.
54 *AN ACT TO FURTHER IMPLEMENT THE FREE DISTRIBUTION OF AGRICULTURAL LANDS OF THE PUBLIC DOMAIN AS PROVIDED FOR IN COMMONWEALTH ACT NUMBERED SIX HUNDRED AND NINETY-ONE, AS AMENDED, TO ABOLISH THE LAND SETTLEMENT AND DEVELOPMENT CORPORATION CREATED UNDER EXECUTIVE ORDER NUMBERED THREE HUNDRED AND FIFTY-FIVE, DATED OCTOBER TWENTY-THREE, NINETEEN HUNDRED AND FIFTY, AND TO CREATE IN ITS PLACE THE NATIONAL RESETTLEMENT AND REHABILITATION ADMINISTRATION, AND FOR OTHER PURPOSES.*

c. At the time that President Quirino issued the directive, the Gamu Public Land Subdivision in the Mallig Plains Reservation was not reserved for public or quasi-public purpose or has ceased to be so. On the other hand, the subject lots in Bukidnon are reserved for public purpose when the President, through the Assistant Executive Secretary, issued the said directive.
d. In the *De la Rosa* case, the private respondent was a qualified private claimant with the requisite period of possession of the subject residential lot in his favor. Meanwhile, CMU is not a private claimant of the land so reserved.

It was explicated in *De la Rosa*[55] that the authority of the President to issue such a directive, held as equivalent to a declaration and certification that the subject land area is alienable and disposable, finds support in Section 7 of C.A. No. 141, to wit:

> Sec. 7. For purposes of the **administration and disposition of alienable or disposable public lands**, the President, upon recommendation by the Secretary of Agriculture and Commerce, shall from time to time declare what lands are open to disposition or concession under this Act. (Emphasis supplied).

However, the said directive by the President is limited to those enumerated in Section 8 of C.A. No.141, which provides that:

> Section 8. Only those lands shall be declared **open to disposition or concession** which have been **officially delimited and classified** and, **when practicable, surveyed**, and which have **not been reserved for public or quasi-public uses, nor appropriated by the Government, nor in any manner become private property, nor those on which a private right authorized and recognized by this Act or any other valid law may be claimed**, or which, **having been reserved or appropriated, have ceased to be so.** However, the President may, for reasons of public interest, declare lands of the public domain open to disposition before the same have had their boundaries established or been surveyed, or may, for the same reason, suspend their concession or disposition until they are again declared open to concession or disposition by proclamation duly published or by Act of the National Assembly. (Emphases supplied)

As can be gleaned from the above provision, the lands which can be declared open to disposition or concession are those which have been officially delimited and classified, or when practicable surveyed; those not reserved for public or *quasi*-public purpose; those not appropriated by the Government; those which have not become private property in any manner; those which have no private right authorized and recognized by C.A. No. 141 or any other valid law may be claimed; or those which have ceased to be reserved or appropriated.

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55 *Supra* note 42.

For the said President's directive to file the necessary petition for compulsory registration of parcels of land be considered as an equivalent of a declaration that the land is alienable and disposable, the subject land, among others, should not have been reserved for public or *quasi*-public purposes.

Therefore, the said directive on December 12, 1960 cannot be considered as a declaration that said land is alienable and disposable. Unlike in *De la Rosa*, the lands, having been reserved for public purpose by virtue of Proclamation No. 476, have not ceased to be so at the time the said directive was made. Hence, the lots did not revert to and become public agricultural land for them to be the subject of a declaration by the President that the same are alienable and disposable.

We have ruled in the case of *CMU v. DARAB*[56] that the CMU land reservation is not alienable and disposable land of public domain, *viz.*:

> It is our opinion that the 400 hectares ordered segregated by the DARAB and affirmed by the Court of Appeals in its Decision dated August 20, 1990, is not covered by the [Comprehensive Agrarian Reform Program] CARP because:
>
> > (1) It is **not alienable and disposable land** of the public domain;
> >
> > (2) The CMU land reservation is not in excess of specific limits as determined by Congress;
> >
> > (3) It is private land registered and titled in the name of its lawful owner, the CMU;
> >
> > (4) It is exempt from coverage under Section 10 of R.A. 6657 because the lands are actually, directly and exclusively used and *found to be necessary* for school site and campus, including experimental farm stations for educational purposes, and for establishing seed and seedling research and pilot production centers.

The inalienable character of the lands as part of the long term functions of autonomous agricultural educational institution is reiterated in *CMU v. Executive Secretary*:[57]

> It did not matter that it was President Arroyo who, in this case, attempted by proclamation to appropriate the lands for distribution to indigenous peoples and cultural communities. As already stated, the lands by their character have become **inalienable from the moment President Garcia dedicated them for CMU's use** in scientific and technological research in the field of agriculture. They have **ceased to be alienable public lands**.[58]

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56 G.R. No. 100091, October 22, 1992.

57 645 Phil. 282 (2010).

58 *CMU v. Executive Secretary, supra*, at 291. (Emphasis supplied)

This Court is not unmindful of its earlier pronouncement in *CMU v. DARAB* that the land reservation is a private land registered and titled in the name of its lawful owner, the CMU. This pronouncement, which is now being argued by CMU as one of its bases in convincing this Court that the subject property is owned by it and already alienable, is specious. The 1992 CMU case merely enumerated the reasons why the said portion of the property is beyond the coverage of CARP. Moreover, the fact that the Court had already settled the inalienable character of the subject property as part of the long term functions of the autonomous agricultural educational institution in the case of *CMU v. DARAB* and reiterated in *CMU v. Executive Secretary*, belies CMU's contention that this Court has recognized that the said land is a private property or that the land is alienable and disposable.

As to what constitutes alienable and disposable land of the public domain, this Court expounds in its pronouncements in *Secretary of the Department of Environment and Natural Resources v. Yap*:[59]

> x x x x
>
> A positive act declaring land as alienable and disposable is required. In keeping with the presumption of State ownership, the Court has time and again emphasized that there must be a positive act of the government, such as an official proclamation, declassifying inalienable public land into disposable land for agricultural or other purposes. In fact, Section 8 of CA No. 141 limits alienable or disposable lands only to those lands which have been "officially delimited and classified."
>
> The burden of proof in overcoming the presumption of State ownership of the lands of the public domain is on the person applying for registration (or claiming ownership), who must prove that the land subject of the application is alienable or disposable. To overcome this presumption, incontrovertible evidence must be established that the land subject of the application (or claim) is alienable or disposable. There must still be a positive act declaring land of the public domain as alienable and disposable. To prove that the land subject of an application for registration is alienable, the applicant must establish the existence of a positive act of the government such as a presidential proclamation or an executive order; an administrative action; investigation reports of Bureau of Lands investigators; and a legislative act or a statute. The applicant may also secure a certification from the government that the land claimed to have been possessed for the required number of years is alienable and disposable.[60]

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[59] 589 Phil. 156 (2008).

[60] *Secretary of the Department of Environment and Natural Resources v. Yap, supra,* at 182-183. (Citations and emphasis omitted)

In the case at bar, CMU failed to establish, through incontrovertible evidence, that the land reservations registered in its name are alienable and disposable lands of public domain. Aside from the series of indorsements regarding the filing of the application for the compulsory registration of the parcels of land and the said directive from the President, CMU did not present any proof of a positive act of the government declaring the said lands alienable and disposable.

For lack of proof that the said land reservations have been reclassified as alienable and disposable, the said lands remain part of inalienable public domain, hence; they are not registrable under Torrens system.

This Court will not discuss the other issue raised by CMU, *e.g.*, the filing of the petition for cadastral proceeding was pursuant to the written consent, authorization and directive of the OSG, as the same was not discussed in the assailed Decision of the CA. This Court also dismisses the other issue raised – that the titles in CMU's name were singled out by respondent – for lack of evidence.

WHEREFORE, the petition for review on *certiorari* dated January 14, 2011 filed by petitioner Central Mindanao University is hereby **DENIED**. The Decision dated December 30, 2010 of the Court of Appeals in CA-G.R. SP No. 81301 is hereby **AFFIRMED.** The proceedings in the Court of First Instance, 15th Judicial District, Branch II of Bukidnon is **NULL and VOID**. Accordingly, Original Certificate of Title Nos. 0-160, OCT No. 0-161 and OCT No. 0-162 issued in the name of petitioner, are **CANCELLED.** Sheet 1, Lot 1 of Ir-1031-D and Sheet 2, Lot 2 of Ir-1031-D are **ORDERED REVERTED** to the public domain.

SO ORDERED.

DIOSDADO M. PERALTA
Associate Justice

WE CONCUR:

PRESBITERO J. VELASCO, JR.
Associate Justice
Chairperson

JOSE PORTUGAL PEREZ
Associate Justice

BIENVENIDO L. REYES
Associate Justice

FRANCIS H. JARDELEZA
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.

PRESBITERO J. VELASCO, JR.
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.

MARIA LOURDES P. A. SERENO
Chief Justice

CERTIFIED TRUE COPY
WILFREDO V. LAPITAN
Division Clerk of Court
Third Division
MAR 15 2016