Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

USUSAN DEVELOPMENT CORPORATION, represented by ATTY. ROEL A. PACIO,
Petitioner,

- versus -

REPUBLIC OF THE PHILIPPINES,
Respondent.

G.R. No. 209462

Present:

PERALTA, *C.J.*, *Chairperson*,
CAGUIOA,
J. REYES, JR.,
LAZARO-JAVIER, and
LOPEZ, *JJ.*

Promulgated:

JUL 15 2020

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RESOLUTION

CAGUIOA, *J.*:

Before the Court is a Petition for Review on Certiorari[1] (Petition) under Rule 45 of the Rules of Court (Rules) assailing the Decision[2] dated March 12, 2013 and Resolution[3] dated October 1, 2013 of the Court of Appeals[4] (CA) in CA-G.R. CV No. 94909, which granted the appeal of the Republic of the Philippines (Republic), through the Office of the Solicitor General (OSG), and reversed as well as set aside the Decision[5] dated December 7, 2009 of the Regional Trial Court, Branch 153 of Pasig City (RTC) in LRC Case No. N-11571-TG, which granted petitioner Ususan Development Corporation's (now DMCI Project Developers, Inc., petitioner) application for registration and confirmation of title of a parcel of land (Psu-244418) situated at Pusawan, Barangay Ususan, Taguig City with an area of 3,975 square meters (subject lot). The CA Resolution denied petitioner's motion for reconsideration.

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1 *Rollo*, pp. 9-30, excluding Annexes.
2 Id. at 31-42. Penned by Associate Justice Manuel M. Barrios, with Associate Justices Remedios A. Salazar-Fernando and Normandie B. Pizarro concurring.
3 Id. at 43-45.
4 Second Division.
5 *Rollo*, pp. 46-49. Penned by Judge Briccio C. Ygaña.

The Facts

The CA Decision narrates the antecedents as follows:

> In his lifetime, Jose Carlos owned a 3,975 square meter parcel of land situated in Ususan, Taguig City. Upon his death in 1948, Jose's daughter – Maria Carlos – inherited said property and later declared the same in her name for taxation purposes and paid the realty taxes due thereon. In 1968, Maria Carlos caused the survey of the lot under a conversion plan which was approved by [the] Bureau of Lands on [December 9, 1970].
>
> On [October 16, 1996], Maria Carlos sold subject lot to applicant-appellee Ususan Development Corporation (now DMCI Project Developers, Inc.). Wanting to have said land titled in its name, applicant-appellee filed this instant application for registration and confirmation of title before the RTC asserting that the subject realty formed part of the alienable and disposable land of the public domain as evidenced by a Certification dated [June 6, 2007] of one Ali Bari, then the Regional Technical Director of the Forest Management Service of the Department of Environment and Natural Resources (RTD-FMS-DENR) as well as the Taguig City Land Registration Case Map No. 2623 that was approved on [January 3, 1968], and as confirmed by a Decision of the Supreme Court dated [August 31, 2005] in the registration suit earlier filed by Maria Carlos over such lot. It also averred that said land, now classified as industrial, is not located within any military or naval reservations, and that the same is not tenanted or being claimed by any other persons or entity, and neither is it mortgaged or encumbered.
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> Applicant-appellee further averred that, along with its predecessors-in-interest, it has been in open, exclusive, continuous and notorious possession and occupation of said realty in the concept of an owner as early as [June 12, 1945]. To prove such claim, Maria Carlos' daughter, Teresita Victoria testified that her deceased mother used to own and occupy said lot openly, peacefully, exclusively and continuously since she acquired it from her father, which realty she devoted to planting rice and other crops as well as to her piggery and poultry business. In addition, the former adjacent owner Pilar Guillermo testified that everybody in their community confirmed and recognized Jose and Maria Carlos' successive ownership and possession of the subject realty. Hence, [applicant-]appellee contended that its total length of possession of such land, tacked with that of its predecessors-in-interest, add up to over sixty (60) years already.
>
> Appellant Republic of the Philippines, through the Office of [the] Solicitor General, filed an Opposition arguing that subject property cannot be owned by a private person nor can it be registered to applicant[-appellee] as it still remained part of the public domain that belonged to the State, and thus, not subject to private ownership. It likewise asserted that the Certification of the RTD-FMS-DENR is not competent evidence to prove that such land is within the alienable and disposable land of public domain because under the present system, it is only the Community and/or Provincial Environment and Natural Resources Offices of DENR, as the case may be that has the power to issue classification certificates, and always subject to the approval of the DENR Secretary. It further averred that neither applicant[-appellee] nor its predecessors-in-interest had

satisfied the possession or occupation required by law for registration or confirmation of title to real property. In any event, it asserted that the possession of a public land, no matter how long, cannot confer upon an occupant the ownership or possessory rights over the same.

After due hearing, the [RTC] rendered the x x x Decision dated [December 7, 2009] granting the application, and ordering the issuance of a decree of registration over the subject property in the name of applicant-appellee. It ruled that applicant-appellee has shown that subject property was within the alienable and disposable lands of public domain, which it and its predecessors-in-interest have been possessing openly, exclusively, continuously and notoriously in the concept of an owner for more than sixty (60) years already.

[The dispositive portion of the RTC Decision reads:

> WHEREFORE, judgment is hereby rendered declaring Ususan Development Corporation, now DMCI Project Developers, Inc., as the owner in fee simple of the parcel of land (Psu-244418), with an area of THREE THOUSAND NINE HUNDRED SEVENTY FIVE (3,975) square meters, more or less, located at Pusawan, Barangay Ususan, Taguig City.
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> After the decision shall have become final and executory, let the Land Registration Administration issue the decree of registration in favor of Ususan Development Corporation, now DMCI Project Developers, Inc.
>
> SO ORDERED.[6]]

The oppositor-State appealed to [the CA] positing that [the RTC erred in granting the application for registration in the absence of competent proof that the land applied for is within the alienable and disposable land of the public domain.][7]

Ruling of the CA

The CA in its Decision[8] dated March 12, 2013 granted the appeal of the Republic. The dispositive portion thereof states:

> **WHEREFORE**, the foregoing considered, the appeal is **GRANTED**. The Decision dated [December 7, 2009] of the Regional Trial Court, Branch 153 of Pasig City is **REVERSED** and **SET ASIDE**. The Application dated [December 11, 2008] filed by applicant-appellee is **DISMISSED** for lack of merit.
>
> **SO ORDERED**.[9]

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6 Id. at 49.
7 Id. at 32-34.
8 Supra note 2.
9 Id. at 41.

Petitioner filed a Motion for Reconsideration[10] (MR) with the CA, which the CA denied in its Resolution[11] dated October 1, 2013.

Hence the present Petition.

The Issue

The Petition raises this sole issue: whether the CA committed an error of law in reversing the RTC Decision granting the application for original registration of the subject lot.[12]

The Court's Ruling

The Petition lacks merit.

While petitioner has couched the issue as one involving an error in law, in reality it wants the Court to review the factual findings of the CA, which is not permitted in a Rule 45 *certiorari* Petition.

The Petition alleges that the CA reversed the RTC Decision because petitioner failed to prove that the subject lot is alienable and disposable (AnD) land of public domain and it also failed to sufficiently prove its possession.[13] Then, petitioner proceeds to quote the CA Decision that jurisprudence required the following accompanying requirements in an application for registration: (1) the Community Environment and Natural Resources Office (CENRO) or Provincial Environment and Natural Resources Office (PENRO) certification that the land sought to be registered is AnD and a copy of the original classification approved by the Department of Environment and Natural Resources (DENR) Secretary and certified as a true copy by the legal custodian of the official records.[14] To prove the AnD status of the subject lot, petitioner attaches these three documents: (1) the CENRO or PENRO certification that the land sought to be registered is AnD as delegated to the Regional Executive Director as Annex "E"; (2) certified true copy of the original classification approved by the DENR Secretary as Annex "F"; and (3) certified true copy of the approved Land Classification Maps (LC Maps) used as basis in the issuance of the certification on the land classification status of a particular parcel of land with certification by the legal custodian of the official records as Annex "G".[15] These attached documents, however, were not adduced in and admitted by the RTC.

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10 Id. at 51-68.
11 Supra note 3.
12 Id. at 14.
13 Id. at 15.
14 Id. at 16.
15 Id. at 16, 85-87.

Petitioner insists on the admission by the Court of these documents by citing *Victoria v. Republic*[16] (*Victoria*) and *Llanes v. Republic*[17] (*Llanes*), which was cited in *Victoria*.[18]

Unfortunately, *Victoria* and *Llanes* are not apropos. In *Victoria*, the Court allowed the DENR Certification which was submitted by the petitioner therein to prove the AnD status of the land applied for registration after the Court gave the OSG the opportunity to verify the authenticity of the Certification and the OSG did not contest its authenticity. In *Llanes*, the Court allowed the consideration of the CENRO Certification although it was only presented during the appeal to the CA. In both *Victoria* and *Llanes*, there was no contrary finding that the DENR and CENRO Certifications pertained to the lots subject of registration in those cases.

In this case, the CA has rejected the very same three documents that petitioner is submitting to the Court. In its MR before the CA, petitioner made the same allegations regarding those three documents and its reliance on *Victoria*, which are averred in the Petition, to wit:

> 6. In the jurisprudence that have been cited in its decision, it has been reiterated that the accompanying requirements in an application for registration like [the] one filed by appellee are[:] "(1) the CENRO or PENRO certification that the land sought to be registered is alienable and disposable; [(2)] a copy of the original classification approved by the DENR Secretary and certified as a true copy by the legal custodian of the official records["].
>
> 7. Appellee is now submitting all the stated requirements in the hope that it also be granted the same consideration that has been afforded in the case of Natividad Sta. Ana Victoria vs. Republic of the Philippines.
>
> 8. Hence the following are attached [as Annexes "B", "C" and "D" of the MR]:
>
> 8.1. the CENRO or PENRO certification that the land sought to be registered is alienable and disposable as delegated to the Regional Executive Director;
>
> 8.2. certified true copy of the original classification approved by the DENR Secretary; and
>
> 8.3. certified true copy of the approved Land Classification Maps (LC Maps) used as basis in the issuance of the certification on the land classification status of a particular parcel of land with certification by the legal custodian of the official records.[19]

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16 G.R. No. 179673, June 8, 2011, 651 SCRA 523.
17 G.R. No. 177947, November 27, 2008, 572 SCRA 258.
18 *Rollo*, pp. 16-17.
19 Id. at 53.

The CA in its Resolution[20] dated October 1, 2013 made this finding in relation to the appended three documents:

> From Our Decision of [March 12, 2013], appellee filed this Motion for Reconsideration, asserting once again that subject lot is part of alienable and disposable lands of public domain and is susceptible of private ownership and registration. It appended [DENR] Administrative Order No. 2012-09 showing delegation of authority to the Community Environment and Natural Resources Officers or the Regional Executive Director, as the case may be, to issue and certify land classification; a Certification of the Director of Forestry indicating that certain lands of public domain in Taguig City were long declared as alienable and disposable by the DENR Secretary; and a Certified True Copy of Approved Land Classification Maps of subject lot. x x x
>
> After a review of the records, We find the motion without merit.
>
> x x x Verily, the DENR Administrative Order, Certification of Director of Forestry and Land Classification Maps belatedly submitted by appellee [do] not clearly show that subject lot is part [of] alienable and disposable land. With particular reference to Taguig, the map is vague and inconclusive as to the specific lots included. For one thing, it is stated therein that portions 27 and 27-A of the Taguig area are not included in the declaration. Of no doubt, this Court cannot presume that subject lot is part of portion 27-B that is included in the declaration. Certainly, in the absence of sufficient and convincing proof that such realty is alienable and disposable land of public domain, the possessor thereof (appellee) could not acquire ownership of the same, much less, have the right to seek registration of title thereto under Section 14(1) of the Property Registration Decree.[21]

Essentially, petitioner seeks a review by the Court of the foregoing factual finding of the CA via a Rule 45 *certiorari* petition.

As laid down by the Court in *Dimaapi, et al. v. Golden Bell Loans and Credit Corporation, et al.*,[22] the following four **rigid** parameters limit the giving of due course and granting of review or appeal by *certiorari* under Rule 45 of the Rules:

(1) Only questions of law, which must be distinctly set forth in the petition, shall be raised (Section 1, Rule 45);

(2) To avoid the outright dismissal of the petition, there must be compliance with the payment of the docket and other required fees, deposit for costs, proof of proper service of the petition, the required contents of the petition, and the required documents that must accompany the petition (Sections 4 and 5, Rule 45);

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20 Supra note 3.
21 Id. at 43-44.
22 G.R. No. 180569, June 10, 2020 (Unsigned Resolution).

(3) The Court may on its own initiative deny the appeal by *certiorari* on the ground that it is without merit or is prosecuted manifestly for delay, or that the questions therein are too insubstantial to require consideration (second paragraph, Section 5, Rule 45); and

(4) A review by *certiorari* is not a matter of right, but of sound judicial discretion, and will be granted **only** where there are **special and important** considerations by reason of **substance** — "when the court *a quo* has decided a question of substance, not theretofore determined by the Supreme Court, or decided it in a way probably not in accord with law or with the applicable decisions of the Supreme Court" — or **procedure** — "when the court *a quo* has so far departed from the accepted and usual course of judicial proceedings, or so far sanctioned such departure by the lower court, as to call for an exercise of the power of supervision" (Section 6, Rule 45).[23]

As pointed at the outset, petitioner did not even comply with parameter 1. The singular issue raised in the Petition is not a pure question of law because its resolution requires a review of the correctness of the factual determination of the CA that the three documents which petitioner belatedly submitted to the CA are vague and inconclusive as to whether the subject lot falls within the areas in Taguig City that have been declared AnD lands of public domain.

Petitioner anchors its application for original registration of title under Section 14(1) and (2) of Presidential Decree No. (PD) 1529[24] and claims that the subject lot is an AnD land of public domain. PD 1529, Section 14 provides:

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

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23 Id. at 5.

24 AMENDING AND CODIFYING THE LAWS RELATIVE TO REGISTRATION OF PROPERTY AND FOR OTHER PURPOSES or the "Property Registration Decree," June 11, 1978.

(4) Those who have acquired ownership of land in any other manner provided for by law.

x x x x. (Italics supplied)

In the present case, petitioner does not claim that the subject lot is of private ownership. On the contrary, petitioner claims that it is a land of public dominion that has been classified as AnD. Consequently, the burden to prove its AnD classification rests with petitioner.

The CA found that petitioner was unable to do so. Not being a trier of facts and with no additional evidence presented by petitioner to refute the CA's factual finding in respect of the three documents that it submitted for the CA's consideration to convince the CA that the subject lot has indeed been classified as AnD land of public domain, the Court is left with no option but to deny its Petition. The failure of petitioner to prove the AnD status of the subject lot renders the review of the finding of the CA that it has not substantiated its claim that it and its predecessors-in-interest have possessed the subject lot in the character and for the duration required under Section 14(1) of PD 1529 superfluous.

WHEREFORE, the Petition is **DENIED** for lack of merit. The Decision dated March 12, 2013 and Resolution dated October 1, 2013 of the Court of Appeals in CA-G.R. CV No. 94909 are **AFFIRMED**.

SO ORDERED.

ALFREDO BENJAMIN S. CAGUIOA
Associate Justice

WE CONCUR:

DIOSDADO M. PERALTA
Chief Justice
Chairperson

JOSE C. REYES, JR.
Associate Justice

AMY C. LAZARO-JAVIER
Associate Justice

MARIO V. LOPEZ
Associate Justice

CERTIFICATION

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

DIOSDADO M. PERALTA
Chief Justice