



Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

AQUILINO MANIGBAS,
Petitioner,

G.R. No. 222123

Present:

- versus -

LEONEN, J., Chairperson,
HERNANDO,
INTING,
DELOS SANTOS, and
LOPEZ, J., JJ.

MELO ABEL, FROILAN
YLAGAN, and DENNIS DE
GUZMAN,

Promulgated:

Respondents.

June 28, 2021

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DECISION

LOPEZ, J., J.:

Aquilino Manigbas (*Manigbas*) filed the instant Petition for Review on *Certiorari*¹ dated February 19, 2016, assailing the Court of Appeals Eleventh Division's (*Court of Appeals*) Decision² dated June 25, 2015 and Resolution³ dated January 4, 2016 in CA-G.R. SP No. 136655, both of which affirmed the Office of the President's (*OP*) Decision⁴ dated November 28, 2013 and Resolution⁵ dated July 8, 2014 in O.P. Case No. 09-I-463, in turn affirming the Secretary of the Department of Environment and Natural Resources' (DENR) Decision⁶ dated March 11, 2008 and Order⁷ dated August 18, 2009

¹ *Rollo*, pp. 20-24.

² Penned by Associate Justice Florito S. Macalino, with Associate Justices Mariflor P. Punzalan Castillo and Zenaida T. Galapate-Laguilles, concurring; *rollo*, pp. 28-40.

³ *Id.* at 51-53.

⁴ *Id.* at 115-117.

⁵ *Id.* at 124-125.

⁶ *Id.* at 91-96.

⁷ *Id.* at 97-100.

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in DENR Case No. 8304, which reversed the DENR-MIMAROPA Regional Executive Director's Order⁸ dated November 6, 2006.

Factual and Procedural Antecedents

Manigbas' Property Vis-A-Vis The Provincial Road And The Land Accreted From The San Agustin River

Manigbas is the registered owner of Lot 2070-K, covered by Transfer Certificate of Title (*TCT*) No. RT-179 (T-52092), located in Barangay San Agustin I, Naujan, Oriental Mindoro.⁹ The eastern portion of Lot 2070-K serves as a *barangay* road, supposedly constructed pursuant to the Provincial Government of Oriental Mindoro's power of eminent domain, although Manigbas has not received just compensation therefor.¹⁰ A Certification dated March 21, 2006, from the Municipality of Naujan's Office of the Municipal Treasurer, indicates that Manigbas regularly paid the realty taxes on Lot 2070-K, including the portion serving as *barangay* road, from 1980 to 2006.¹¹ Adjoining the *barangay* road is 0.3112 hectares of land accreted from the San Agustin River (*accreted lot*),¹² the subject of the instant controversy.

Proceedings Before The DENR-MIMAROPA

On June 10, 2005, as a first step to validate his ownership claim over the accreted lot, Manigbas requested the DENR-MIMAROPA for a survey authority, for which Survey Authority No. 045208-116 dated July 21, 2005 (*Survey Authority*) was issued.¹³ Accordingly, Proposed Survey Plan No. F-045208-675 (*Proposed Survey Plan*) was drawn up for the accreted lot, to which Manigbas later on filed Free Patent Application No. 045208-675 (*FPA*).¹⁴ Melo Abel (*Abel*), Froilan Ylagan, and Dennis de Guzman (collectively, *respondents*) filed unverified protests before the Community Environment and Natural Resources Office, raising irregularities in the conduct of the survey, and pointing out that the accreted lot is subject to easement restrictions.¹⁵

⁸ *Id.* at 72-76.

⁹ *Id.* at 54.

¹⁰ *Id.* at 56.

¹¹ *Id.* at 57.

¹² *Id.* at 55.

¹³ *Id.* at 72.

¹⁴ *Id.* at 55.

¹⁵ *Id.* at 29.

Pursuant to the Survey Authority, Engineer II Jocelyn Sarile submitted an Investigation Report to the DENR-MIMAROPA, detailing that: (1) Manigbas is the registered owner of Lot 2070-K, over the entirety of which Manigbas has paid realty taxes; (2) a portion of Lot 2070-K serves as a *barangay* road for which the Provincial Government of Oriental Mindoro had not paid just compensation; (3) Manigbas is the riparian owner; and (4) over the accreted lot are structures erected by Manigbas and the respondents, as well as a *barangay* hall. The Investigation Report recommended that: the FPA be amended to indicate a twenty (20) meter strip of legal easement in the portion where the accreted land meets the San Agustin River; and that the manner of application under the FPA be amended to refer to lands disposable by sale or lease.¹⁶

Those findings notwithstanding, DENR-MIMAROPA's Officer-in-Charge Regional Technical Director (*OIC-RTD*) Lydia Lopez issued an Order dated May 30, 2006, sustaining respondents' protests, finding that the accreted lot is subject to legal easements and can only be acquired by lease, recommending that the survey plan be dropped and the FPA cancelled, and directing respondents to file their respective claims over the accreted lot.¹⁷ Manigbas filed a Motion for Reconsideration¹⁸ dated July 4, 2006 and Supplemental Motion for Reconsideration¹⁹ dated August 24, 2006, arguing that the OIC-RTD erred in issuing the Order dated May 30, 2006, as she went beyond the issues of the Survey Authority, ruled contrary to established facts and law, and that respondents had no interest to file their protests.

DENR-MIMAROPA Regional Executive Director Vicente Paragas sustained Manigbas in his Order²⁰ dated November 6, 2006, disposing:

WHEREFORE, foregoing premises considered, the Order dated May 30, 2006 is set aside. The Respondent is hereby directed to follow-up the approval of the survey plan by virtue of Survey Authority No. 045 208-116 and consequently file the appropriate land registration proceedings in court.

SO ORDERED.²¹

The DENR-MIMAROPA Regional Executive Director found that: (1) the OIC-RTD had acted with grave abuse of discretion; (2) the Survey Authority was carried out properly; (3) Manigbas was the riparian owner of the accreted lot; and (4) the FPA was properly cancelled, considering that the accreted lot is not land of the public domain, hence, beyond the DENR's authority to dispose.

¹⁶ *Id.* at 55-56.

¹⁷ *Id.* at 58.

¹⁸ *Id.* at 59-66.

¹⁹ *Id.* at 67-71.

²⁰ *Id.* at 72-76.

²¹ *Id.* at 76.

*Proceedings Before The
Office of the DENR Secretary*

Respondents filed before the Office of the DENR Secretary a Notice of Appeal dated January 17, 2007, docketed as DENR Case No. 8304, for which an Order²² dated January 19, 2007 was issued, requiring the parties to submit their memoranda and proposed draft decisions, and ordering the DENR-MIMAROPA to transmit the complete case records. Manigbas filed a Motion to Dismiss²³ dated February 12, 2007, arguing that: (1) he was not furnished a copy of the Notice of Appeal dated January 17, 2007; (2) the reglementary period for appeal had already lapsed; and (3) the Order dated November 6, 2006 had attained finality. Respondents countered with a Petitioner Request dated July 11, 2007, moving for the denial of Manigbas' Motion to Dismiss dated February 12, 2007,²⁴ and attaching a Petition for Relief²⁵ dated February 14, 2007, where respondents argued that the Order dated November 6, 2006 was issued through mistake, fraud, and misappreciation of the facts.

The DENR Secretary rendered a Decision dated March 11, 2008, the dispositive of which reads:

WHEREFORE, in view of all the foregoing, the assailed decision is hereby ordered SET ASIDE. The Regional Office is hereby directed to determine the actual occupation and possession of the parties and resolve the controversy in accordance thereof.

SO ORDERED.²⁶

While conceding that the accreted lot adjoined Lot 2070-K, the DENR Secretary ruled that Manigbas could not be the riparian owner, since the accreted lot adjoined the *barangay* road portion of Lot 2070-K. Moreover, Manigbas had not established the requisites of accretion. Despite Manigbas moving for reconsideration, the Office of the DENR Secretary sustained the Decision dated March 11, 2008 in its Order²⁷ dated August 18, 2009.

Proceedings Before the OP

Manigbas filed a Petition for Review²⁸ dated September 14, 2009 before the OP, docketed as OP Case No. 09-I-463, arguing that the Office of

²² *Id.* at 77-78.

²³ *Id.* at 79-82.

²⁴ *Id.* at 83-84.

²⁵ *Id.* at 85-90.

²⁶ *Id.* at 95-96.

²⁷ *Id.* at 99-100.

²⁸ *Id.* at 101-111.

the DENR Secretary gravely abused its discretion by giving due course to the Notice of Appeal dated January 17, 2007, despite lapse of the reglementary appeal period; and by setting aside the Order dated November 6, 2006. Respondent Abel filed his Comments and/or Opposition to Petition for Review,²⁹ asking that the OP dismiss the Petition for Review dated September 14, 2009, since Manigbas failed to raise new issues or evidence, and had twisted the facts of the case.

Ruling against Manigbas, the OP rendered a Decision dated November 28, 2013, the dispositive of which reads:

WHEREFORE, in view of the foregoing, the instant Appeal is hereby DISMISSED for lack of merit.

SO ORDERED.³⁰

The OP ruled that administrative procedure could be construed liberally, and sustained the DENR Secretary's findings that Manigbas could not be a riparian owner as the accreted lot adjoined the *barangay* road portion of Lot No. 2070-K. While Manigbas moved for reconsideration, the OP sustained its Decision dated November 28, 2013 in a Resolution³¹ dated July 8, 2014.

Proceedings Before The Court of Appeals

Unfazed, Manigbas filed a Petition for Review³² dated August 26, 2014 before the Court of Appeals, docketed as CA-G.R. SP No. 136655, to which respondents submitted their Comments.³³ Manigbas countered with a Reply to Comment³⁴ dated December 27, 2014, against which respondents submitted their Rejoinder³⁵ dated January 15, 2015. Briefly, Manigbas argued that: (1) the OP erred in dismissing his Petition for Review dated September 14, 2009; (2) the Investigation Report should have been given more weight than respondents' unverified protests; (3) the Office of the DENR Secretary and the OP erred in directing the DENR-MIMAROPA to determine the actual possession and occupation of the parties, despite respondents not claiming the accreted lot; (4) he is the riparian owner; (5) respondents, as well as the DENR Secretary and OP, committed procedural lapses; and (6) respondents had leveraged their previous work with the DENR National Mapping Resource and Information Office to influence the

²⁹ *Id.* at 112-114.

³⁰ *Id.* at 117.

³¹ *Id.* at 124-125.

³² *Id.* at 126-142.

³³ *Id.* at 143-147.

³⁴ *Id.* at 148-151.

³⁵ *Id.* at 152-153.

Office of the DENR Secretary. Respondents contended that: while they do not have any direct interest over the accreted lot, they seek the faithful implementation of the laws on legal easements and riparian ownership; the OP correctly found the accreted lot to adjoin the *barangay* road, so the Provincial Government of Oriental Mindoro was the rightful riparian owner; and the insinuations regarding their previous work connections were baseless.

The Court of Appeals ruled against Manigbas in its Decision dated June 25, 2015, the dispositive of which reads:

WHEREFORE, based on the foregoing, the petition is DENIED. The 28 November 2013 Decision and the 08 July 2014 Resolution of the Office of the President (“OP”) in O.P. Case No. 09-1-463 are AFFIRMED.

SO ORDERED.³⁶

The Court of Appeals underscored the Provincial Government of Oriental Mindoro's expropriation powers, pursuant to which it owned the eastern portion of Lot 2070-K and, consequently, the accreted lot. Manigbas' only remedy was to claim just compensation for the expropriated areas. While Manigbas moved for reconsideration, the Court of Appeals sustained its Decision dated June 25, 2015 in its Resolution dated January 4, 2016.³⁷

Manigbas sought final recourse with the Court through the instant Petition for Review on *Certiorari* dated February 19, 2016. Respondents filed their Comment³⁸ dated May 31, 2016, to which Manigbas parried with a Reply (To Comment)³⁹ dated September 21, 2016. Both sides essentially rehash their arguments in the proceedings below.

ISSUE

As delimited by the instant Petition for Review on *Certiorari* dated February 19, 2016, the Court resolves the issue of whether the Court of Appeals Eleventh Division erred in rendering the Decision dated June 25, 2015 and the Resolution dated January 4, 2016 in CA-G.R. SP No. 136655. Subsumed in the foregoing issue is the decisive question of whether or not the Proposed Survey Plan No. F-045208-675 may be withheld from Manigbas on allegations that the accreted lot adjoins the *barangay* road.

³⁶ *Id.* at 28-40.

³⁷ *Id.* at 51-53.

³⁸ *Id.* at 181-186.

³⁹ *Id.* at 193-201.

RULING

The Court grants the instant Petition for Review on *Certiorari*, ruling in favor of Manigbas, and finding that the Court of Appeals ruled contrary to established law and jurisprudence.

Alluvion In Relation To Land Registration Proceedings And Legal Easement

Article 457 of the Civil Code provides: “To the owners of lands adjoining the banks of rivers belong the accretion which they gradually receive from the effects of the current of the waters.” This provision pertains to *alluvion*, a mode of acquiring property⁴⁰ which gives to the owners of lands adjoining the banks of rivers or streams any accretion which is gradually received from the effects of the current of waters.⁴¹ These accretions belong to riparian owners upon whose lands the alluvial deposits were made.⁴²

The reason for this principle is, if lands bordering on streams are exposed to floods and other damage due to the destructive force of the waters, and if by virtue of law they are subject to encumbrances and various kinds of easements, it is only just that such risks or dangers as may prejudice the owners thereof should in some way be compensated by the right of accretion.⁴³

Accretion benefits a riparian owner when the following requisites are present: (1) that the deposit be gradual and imperceptible; (2) that it resulted from the effects of the current of the water; and (3) that the land where accretion takes place is adjacent to the bank of a river.⁴⁴

It was precisely to trace the metes and bounds of the alluvial deposits along Lot 2070-K that Manigbas, pursuant to Section 2.1.b of the then prevailing DENR Administrative Order (AO) No. 99-21,⁴⁵ set out to request

⁴⁰ *New Regent Sources, Inc. v. Tanjuatco, Jr. et al.*, 603 Phil. 321, 329 (2009).

⁴¹ *Ferrer v. Hon. Bautista*, 301 Phil. 265, 270 (1994).

⁴² *Agustin v. Intermediate Appellate Court*, 265 Phil. 226, 232 (1990).

⁴³ *Id.* at 232-233; *Republic v. Court of Appeals*, 217 Phil. 483, 490 (1984).

⁴⁴ *Agustin v. Intermediate Appellate Court*, *supra* note 42, at 231-232.

⁴⁵ Department of Environment and Natural Resources (DENR) Administrative Order (AO) No. 99-21, Series of 1999, “Superseding DAO No. 97-05 and Prescribing the Revised Guidelines in the Implementation of the Pertinent Provisions of R.A. 1273, P.D. 705 and P.D. 1067”, Section 2.1.b:

“Private Lands:

Untitled private lands for registration purposes under P.D. 1529 shall be surveyed in accordance with the Revised Manual of Land Surveying Regulations in the Philippines provided that the easement for bank protection of three (3) meters in urban areas and twenty (20) meters in agricultural areas shall be marked by dotted lines in the survey plan.

the DENR-MIMAROPA for a survey authority, and for which the Investigation Report was issued and the Proposed Survey Plan drawn up.

However, for a riparian owner to definitively validate ownership over the accreted land, the registration thereof is a subsequent step entirely distinct from *alluvion* itself. The Court, in *Grande v. Court of Appeals*,⁴⁶ summarized the distinctions:

x x x The question is whether the accretion becomes automatically registered land just because the lot which receives it is covered by a Torrens title thereby making the alluvial property imprescriptible. We agree with the Court of Appeals that it does not, just as an unregistered land purchased by the registered owner of the adjoining land does not, by extension, become ipso facto registered land. Ownership of a piece of land is one thing, and registration under the Torrens system of that ownership is quite another. Ownership over the accretion received by the land adjoining a river is governed by the Civil Code. Imprescriptibility of registered land is provided in the registration law. Registration under the Land Registration and Cadastral Acts does not vest or give title to the land, but merely confirms and thereafter protects the title already possessed by the owner, making it imprescriptible by occupation of third parties. But to obtain this protection, the land must be placed under the operation of the registration laws wherein certain judicial procedures have been provided. x x x

Thus, since title to accreted land vests from the time the alluvial deposit is formed, then the land registration proceedings thereon are effectively a request for confirmation of title already vested in the riparian owner by law.⁴⁷ The land registration court cannot confer to the riparian owner the ownership over what is already his. Land registration proceedings seek only to judicially declare the riparian owner as such over the accreted land.⁴⁸

Accordingly, lest this ruling be misunderstood, the Court makes no explicit pronouncement on whether or not Manigbas is the riparian owner of the accreted lot. Such is a question properly addressed to the land registration court. Thus, the DENR-MIMAROPA Regional Executive Director, in his Order dated November 6, 2006, correctly directed the completion of the Proposed Survey Plan, in order that Manigbas may file the necessary land registration proceedings to judicially confirm his ownership over the accreted lot. In the same vein, the DENR Secretary inaccurately counted against Manigbas his supposed failure to establish the requisites of

The survey of these lands shall proceed only after an investigation shall have been conducted by the CENRO and after it has been ascertained that the survey claimant or his predecessor-in-interest has been in continuous, open, exclusive, notorious possession of the land since time immemorial.

The findings of the CENRO shall form part of the supporting documents of the survey returns to be submitted to the Regional Office for approval.”

⁴⁶ 115 Phil. 521, 521-522 (1962). (Underscoring supplied).

⁴⁷ *Fernandez v. Tañada*, 148-A Phil. 596, 600 (1971).

⁴⁸ *Id.*

accretion. Indeed, the instant controversy is neither the time nor the avenue for such issues.

The foregoing discussion is consistent with the principle that alluvial deposits do not form part of the public domain as the alluvial property automatically belongs to the owner of the estate to which it is added.⁴⁹ Accordingly, no free patent application is necessary for the riparian owner to lay claim over the accreted land, and any such disposition granted by the pertinent authorities would be beyond their jurisdiction, hence, null and void.⁵⁰ Thus, Manigbas' FPA was properly cancelled, but not because Manigbas has no ostensible right over the accreted lot, but, really, because there was no need therefor.

Still, Presidential Decree No. 1067, otherwise known as "*The Water Code of the Philippines*", being the basic law that governs the rights to land related to water resources,⁵¹ provides a legal easement over properties like the accreted lot next to the San Agustin River. Article 51 thereof provides:

ARTICLE 51. The banks of rivers and streams and the shores of the seas and lakes throughout their entire length and within a zone of three (3) meters in urban areas, twenty (20) meters in agricultural areas and forty (40) meters in forest areas, along their margins, are subject to the easement of public use in the interest of recreation, navigation, floatage, fishing and salvage. No person shall be allowed to stay in this zone longer than what is necessary for recreation, navigation, floatage, fishing or salvage or to build structures of any kind.

This legal easement is a limitation on the right of ownership and possession,⁵² meant to preserve the public's interest of recreation, navigation, floatage, fishing and salvage, as well as to curb the construction of illegal structures and abate pollution.⁵³

It was for purposes of reflecting such legal easement, and to carry out the then applicable DENR AO No. 98-12,⁵⁴ that the Investigation Report

⁴⁹ *Office of the City Mayor of Parañaque City v. Ebio*, 635 Phil. 528, 537 (2010).

⁵⁰ *Ferrer v. Bautista*, *supra* note 42.

⁵¹ Article 2.c.

⁵² *Pilar Development Corp. v. Dumadag*, 706 Phil. 93, 102 (2013).

⁵³ *Metropolitan Manila Development Authority v. Concerned Residents of Manila Bay*, 595 Phil. 305, 344 (2008).

⁵⁴ DENR AO No. 98-12, Series of 1998, "Revised Manual of Land Surveying Regulations in the Philippines", Sections 323-325:

"Section 323 - For the purpose of recreation, navigation, floatage, fishing and salvage, the banks of esteros, arroyos, creeks and rivers throughout their entire lengths, situated in urban areas, agricultural areas, and forested areas shall be subject to the three meter, twenty-meter, and forty-meter easement of public use, respectively. The shorelines of seas and lakes, throughout their entire lengths are subject to twenty-meter easement pursuant to P.D. 705.

Section 324 - Lands bordering the seas, gulfs, bays, or ports are subject to easements of salvage zone of twenty meters measured landward from the interior limit of the shoreline and an easement of coast police of six meters wide from the shoreline within the salvage

properly recommended the amendment of Manigbas' survey application. Consequently, should Manigbas successfully secure a judicial confirmation as riparian owner over the accreted lot, he would not be able to lay claim over the entirety of it, as the length thereof along the San Agustin River, within a zone of twenty (20) meters, is subject to the easement of public use in the interest of recreation, navigation, floatage, fishing and salvage.

*The Proposed Survey Plan
Should Be Issued To Manigbas*

Against the above backdrop, the Court of Appeals exceeded the issues of the controversy and erred in ruling that it “cannot adjudicate the subject lot in favor of” Manigbas, considering that the accreted lot adjoins a portion of Lot 2070-K used as a *barangay* road, hence, the Provincial Government of Oriental Mindoro was the rightful riparian owner. Such ruling is premature since, to reiterate, the issue in the instant controversy is whether or not the Proposed Survey Plan may be withheld from Manigbas on allegations that the accreted lot adjoins the *barangay* road. Only thereafter may the decisive issue of riparian ownership be threshed out in the appropriate land registration proceedings.

Granted, the proceedings below could have more informedly taken course had the Provincial Government of Oriental Mindoro participated and presented evidence on the status of its expropriation of the *barangay* road. Yet, what remains unrebutted on record is that the Provincial Government of Oriental Mindoro had converted the portion of Lot 2070-K into a *barangay* road, without justly compensating Manigbas therefor.

A local government unit's statutory power of eminent domain⁵⁵ is Constitutionally limited in that “[p]rivate property shall not be taken for public use without just compensation.”⁵⁶ As to when title to property subject to expropriation is transferred, the Court, in the *En Banc* decision of *Republic v. Judge Gingoyon*,⁵⁷ reiterated in *Republic v. Limbonhai and Sons*,⁵⁸ pronounced: “Clearly, without full payment of just compensation, there can be no transfer of title from the landowner to the expropriator.”

zone. The easement of coast police is the obligation to leave a right of way six meters wide within the salvage zone.

Section 325 - In surveying lands which border esteros, rivers, navigable lakes, the sea or its arms, the geodetic engineer shall locate on the ground and indicate in the field notes and plans of the survey the easements for public use as defined in the preceding Sections 323 and 324 except when they are within the strip of forty meters for bank protection which is excluded from the survey as provided for in Sections 309 to 312.

In subdividing decreed or titled properties, these easement and river bank protections shall be surveyed as separate lot and is inalienable.”

⁵⁵ Republic Act No. 7160, “Local Government Code of 1991”, Section 19.

⁵⁶ Constitution, Art. III, Sec. 9.

⁵⁷ 514 Phil. 657, 706 (2005). (Underscoring ours).

⁵⁸ 800 Phil. 163, 174 (2016).

Otherwise stated, the Republic's acquisition of ownership is conditioned upon the full payment of just compensation within a reasonable time.⁵⁹ The foregoing were amplified in *San Roque Realty and Development Corp. v. Republic*,⁶⁰ where the Court emphasized “that no piece of land can be finally and irrevocably taken from an unwilling owner until compensation is paid[,]”⁶¹ and that the failure to pay just compensation “renders the taking ineffectual” and precludes the perfection of title over the subject property.⁶²

Since the Provincial Government of Oriental Mindoro had not completed just compensation to Manigbas for the *barangay* road, title thereon had not transferred to the former, but remained with the latter. For purposes of completing the Proposed Survey Plan, indicating therein that the accreted lot be appended to Lot 2070-K, the same could very well issue to Manigbas, subject to legal easement along the banks of the San Agustin River. Also, no further complication was levied against the conduct of the survey authority, hence, the Proposed Survey Plan could issue in due course. Thereafter, as aptly ruled by the DENR-MIMAROPA Regional Executive Director in his Order dated November 6, 2006, Manigbas could initiate the land registration proceedings to definitively settle the question of accretion.

To rule as the Court of Appeals did will unduly augment the power of expropriation, already considered “one of the harshest proceedings” for which “the authority to condemn is to be strictly construed in favor of the owner and against the condemnor.”⁶³ *First*, such ruling would expand the coverage of the taking since the Provincial Government of Oriental Mindoro sought to expropriate only a portion of Lot 2070-K for a *barangay* road, yet, it would also be entitled to the accreted lot, for which it had not established riparian ownership, much less instituted further expropriation proceedings. *Second*, as against the principle that title to accreted land vests from the time the alluvial deposit is formed, the Court of Appeals' ruling discards the conditional obligation of full payment of just compensation prior to the condemnor's acquisition of ownership. *Finally*, such ruling would institute a *de facto* regime of expropriation wherein the fact of occupation and public use, without strictly completing the expropriation process, already vests ownership in the government.

Citing *Alfonso v. City of Pasay*,⁶⁴ the Court of Appeals held that Manigbas' remaining remedy was to demand just compensation for the *barangay* road. However, such pronouncement must be confined to the facts of said case. Therein landowner sought to recover possession over property for which the city had not justly compensated him, but the Court held that

⁵⁹ Underscoring supplied.

⁶⁰ 559 Phil. 264 (2007).

⁶¹ *Id.* at 275, citing *Visayan Refining Co. v. Judge Camus*, 40 Phil. 550, 561 (1919).

⁶² *Id.* (Underscoring supplied).

⁶³ *Jesus is Lord Christian School Foundation, Inc. v. Municipality of Pasig*, 503 Phil. 845, 862 (2005).

⁶⁴ 106 Phil. 1017 (1960).

“restoration of possession by the City of Pasay is neither convenient nor feasible because it is now and has been used for road purposes.”⁶⁵ Meanwhile, the instant controversy concerns accretion over the alluvial deposits flanked by the *barangay* road on the west and the San Agustin River on the east, not the right of possession over the *barangay* road. There exists no inconvenience nor impracticality so as to preclude Manigbas' prospective declaration of ownership over the accreted lot. At most, there would only result a peculiar configuration wherein, upon completing just compensation, the Provincial Government of Oriental Mindoro's ownership over the *barangay* road would be wedged between Manigbas' ownership over the remaining portion of Lot 2070-K and the accreted lot.

Surely, the Provincial Government of Oriental Mindoro is not prevented from vying for riparian ownership over the accreted lot if, in the appropriate land registration proceedings, it can establish complete payment of just compensation over the *barangay* road prior to the accretion of alluvial deposits. But, again, the instant controversy only concerns the issuance of the Proposed Survey Plan for the subsequent purpose of land registration proceedings in which riparian ownership over the accreted lot would be judicially declared.

WHEREFORE, the Petition for Review on *Certiorari* dated February 19, 2016 is **GRANTED**. The Court of Appeals Eleventh Division's Decision dated June 25, 2015 and Resolution dated January 4, 2016 in CA-G.R. SP No. 136655 are **REVERSED** and **SET ASIDE**. The Department of Environment and Natural Resources-MIMAROPA is **DIRECTED** to **GIVE DUE COURSE** to and **ISSUE** Proposed Survey Plan No. F-045208-675 in favor of Aquilino Manigbas, subject to the twenty (20) meter zone for easement of recreation, navigation, floatage, fishing and salvage along the banks of the San Agustin River. Thereafter, Aquilino Manigbas may file the necessary land registration proceedings in order to judicially confirm riparian ownership over the accreted lot.

SO ORDERED.


JHOSEP Y. LOPEZ
Associate Justice

⁶⁵ *Id.* at 1022.

WE CONCUR:


MARVIC M.V.F. LEONEN
Associate Justice


RAMON PAUL L. HERNANDO
Associate Justice


HENRI JEAN PAUL B. INTING
Associate Justice


EDGARDO L. DELOS SANTOS
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.


MARVIC M.V.F. LEONEN
Associate Justice
Chairperson, Third Division

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution, and the Third 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