



Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

PUNONG BARANGAY DANTE G.R. No. 260415
PADAYAO,

Petitioner, Present:

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

- versus -

GOV. LUIS RAYMUND F.
VILLAFUERTE, JR., ATTY.
JANIS IAN REGASPI-CLEOFE,
JOSE FRANCISCO L. MUSA,
JR., LUIS ZULUETA, JOVIE
VILLAREAL, DONDON OBIAS
and THE PROVINCIAL
GOVERNMENT OF
CAMARINES SUR, as well as
every other individual and/or
individuals, whether claiming,
using and/or exercising rights
under them,

Respondents.

Promulgated:

JAN 15 2025

X-----X

DECISION

INTING, J.:

* On official business.

** Designated as Acting Chairperson per Special Order No. 3156 dated January 10, 2025.

*** On leave.

Before the Court is an Appeal by *Certiorari*¹ under Rule 45 of the Rules of Court filed by Punong Barangay Dante Padayao (Dante) assailing the Decision² dated May 25, 2021, and Resolution³ dated April 22, 2022, of the Court of Appeals (CA) in CA-G.R. CV No. 112165. The CA affirmed with modification the Decision⁴ dated April 27, 2018, and Order⁵ dated September 25, 2018, of Branch 30, Regional Trial Court (RTC), San Jose, Camarines Sur in Civil Case No. T-1133.

The Antecedents

The subject of this case is Pitogo Island, Caramoan, Camarines Sur, consisting of Lot Nos. 6972 and 6973. Lot No. 6973 is covered by *Katibayan ng Orihinal na Titulo Bilang 35669*⁶ (KOT Blg. 35669) issued in the name of the Heirs of Mario Padayao (Mario), represented by Dante, and has a total area of 74,407 square meters.⁷

In a Letter⁸ dated January 6, 2009, the Provincial Government of Camarines Sur (Provincial Government), through its co-respondent Atty. Janis Ian Regaspi-Cleofe (Atty. Cleofe), informed Rowel Padayao⁹ and other residents of Pitogo Island that they must vacate it within 10 days from receipt of the letter because it is considered a protected area and is part of the danger zone.¹⁰

On January 20, 2009, armed men, together with respondents Luis Zulueta, Jovie Villareal (Villareal), and Dondon Obias, went to Pitogo Island and informed its residents that they must vacate the island; otherwise, their structures will be demolished. The incident was recorded

¹ *Rollo*, pp. 29–58.

² *Id.* at 60–70. Penned by Associate Justice Louis P. Acosta and concurred in by Associate Justices Myra V. Garcia-Fernandez and Bonifacio S. Pascua of the Special Thirteenth Division, Court of Appeals, Manila.

³ *Id.* at 73–76. Penned by Associate Justice Louis P. Acosta and concurred in by Associate Justices Myra V. Garcia-Fernandez and Bonifacio S. Pascua of the Former Special Thirteenth Division, Court of Appeals, Manila.

⁴ *Id.* at 91–96. Penned by Presiding Judge Noel D. Paulite.

⁵ *Id.* at 98–99. Issued by Presiding Judge Noel D. Paulite.

⁶ Records, p. 178.

⁷ *Rollo*, pp. 61, 92.

⁸ Records, p. 24.

⁹ Also spelled as Rowell in some parts of the *rollo*, p. 61.

¹⁰ *Id.*



in a blotter report¹¹ made by Dante at the Caramoan Municipal Police Station.¹²

In a Letter¹³ dated February 2, 2009 to Atty. Cleofe, Atty. Thomas C. Uy, Jr., the counsel of the Padayaos, asserted that Pitogo Island is covered by Free Patent No. 18000 issued in favor of Julio Padayao (Julio), son of Mario Padayao, who has been occupying Pitogo Island since 1931 in the concept of an owner and whose possession has been public, open, continuous, exclusive, notorious, and adverse. Unfortunately, Free Patent No. 18000 was lost during World War II and is beyond recovery, as evidenced by the Certification¹⁴ from the Register of Deeds of Camarines Sur stating that all Registry documents and records were burned during the June 26, 1976¹⁵ fire that razed the Provincial Capitol in Naga City.

On February 4, 2009, the Provincial Government, through respondent Jose Francisco L. Musa, Jr. (Musa) and Villareal, together with armed men, demolished the structures in Pitogo Island, including that of Dante's.¹⁶

This led Dante to file a Complaint¹⁷ for recovery of possession and damages with application for the issuance of a temporary restraining order and/or a writ of preliminary mandatory injunction against respondents before the RTC.¹⁸

Evidence for the Petitioner

Dante testified that he and his predecessors-in-interest have been in possession of Pitogo Island in the concept of an owner since 1920. The Office of the Municipal Treasurer issued a Certification¹⁹ dated February 13, 2009 attesting that Mario had religiously paid real property taxes from 1945 to 2009 for Pitogo Island. In addition, a survey plan²⁰ (Survey Plan) was issued in favor of Julio on December 6, 1934. Their occupation was

¹¹ Records, p. 108.

¹² *Rollo*, p. 61.

¹³ Records, pp. 25–27.

¹⁴ *Id.* at 28.

¹⁵ The Letter from Atty. Cleofe states that the fire happened on June 6, 1976. However, the Certification from the Register of Deeds annexed to the Letter states that the fire happened on June 26, 1976.

¹⁶ *Rollo*, p. 62.

¹⁷ Records, pp. 1–9.

¹⁸ *Rollo*, p. 62.

¹⁹ Records, p. 91.

²⁰ *Id.* at 10.

interrupted on January 20, 2009 when the Provincial Government required them to vacate Pitogo Island. On February 4, 2009, more than 20 armed men demolished the structures erected on Pitogo Island.²¹

Fr. Joaquin Camano likewise testified that he witnessed the demolition on February 4, 2009.²² Dante was thus forced to leave Pitogo Island and sell his goats and cows at a lower price. He reported the demolition to the Protected Area Management Board (PAMB), which then held a meeting. During the meeting, it was confirmed that Pitogo Island was not a protected area of the Department of Environment and Natural Resources (DENR) but was alienable and disposable.²³ Dante posited that they were removed from Pitogo Island because the Provincial Government wanted to use it for the reality show, "Survivor."²⁴

Manuel Tengco, Jr. (Tengco), Protected Area Superintendent and deputized Public Land Inspector of the DENR, testified that Pitogo Island is alienable and disposable based on the Land Classification Cadastral Map 882²⁵ (Land Map 882), which was certified by the DENR Bureau of Forestry dated April 28, 1931, and a Certification²⁶ from the Community Environment and Natural Resources Office. He also confirmed that during a meeting of the PAMB, Provincial Budget Officer Fortunato Peña explained that the notice of demolition was erroneously served to the residents of Pitogo Island, as said island is not covered by the DENR protected area. Tengco further stated that the Survey Plan approved by the Director of Lands on December 6, 1934 shows that the Padayaos applied for free patent over Lot Nos. 6972 and 6973. KOT Blg. 35669 was later issued in favor of the Heirs of Mario for Lot No. 6973. The houses demolished by respondents were within Lot No. 6972.²⁷

Evidence for the Respondents

Villareal, Executive Assistant at the Provincial Government, testified for the defense. He averred that he was tasked to negotiate with the residents of Pitogo Island to vacate the premises. He informed them that the Provincial Government would give each of them financial assistance in the amount of PHP 5,000.00 to PHP 15,000.00 and

²¹ *Rollo*, pp. 92-93.

²² TSN, Fr. Joaquin Camano, September 28, 2010, pp. 20-21.

²³ *Rollo*, p. 93.

²⁴ *Id.* at 52.

²⁵ Records, p. 154.

²⁶ *Id.* at 177.

²⁷ *Rollo*, p. 93.



transportation services. Except for Dante and his brother, all the residents agreed to voluntarily leave Pitogo Island. The Padayaos asserted their ownership over Pitogo Island. In 2014, Villareal stated that he saw a “No Trespassing” sign on the area formerly occupied by the residents of Pitogo Island. He further clarified that the show Survivor was not shot in Pitogo Island in 2009.²⁸

The defense also presented Musa as a witness. As the Head of Sagip Kalikasan Task Force, Bantay Dagat Task Force, and Civil Security Unit of the Provincial Government, he oversaw the demolition in Pitogo Island, which was declared a danger zone. His men assisted the residents in dismantling their houses.²⁹

The defense likewise presented Arturo Manamtam (Manamtam) and Kevin Pacifico (Pacifico). Manamtam, an Ecologist at the Environment Disaster Management and Emergency Response Office of the Provincial Government, conducted a study on Pitogo Island. In his report entitled, “Rapid Assessment of Pitogo Island, Caramoan Peninsula, Camarines Sur,”³⁰ he found that Pitogo Island was ecologically threatened and concluded that the inhabitants in the area would produce domestic waste and contribute to pollution that would adversely affect the Island’s fragile terrestrial and marine ecosystems. Pacifico, a marine biologist, also submitted a report entitled, “Assessment of Benthos Cover Marine Component [of Pitogo Island],”³¹ wherein he recommended that Pitogo Island be declared a protected area. He found that the status of live coral in the waters surrounding Pitogo Island was relatively low because of the presence of coral rubbles caused by blast fishing and exploitations.³²

On May 16, 2012, the RTC issued an Order³³ granting Dante’s prayer for the issuance of a writ of preliminary mandatory injunction.

The Ruling of the RTC

After due proceedings, the RTC rendered its Decision³⁴ on April 27, 2018 in favor of Dante:

²⁸ *Id.* at 94.

²⁹ *Id.*

³⁰ Records, pp. 437–441.

³¹ *Id.* at 442–443.

³² *Rollo*, pp. 94–95.

³³ Records, pp. 572–577. Issued by Presiding Judge Noel D. Paulite.

³⁴ *Rollo*, pp. 91–96.



WHEREFORE, Judgment is hereby rendered, ordering defendants, their agents and representatives and those individuals claiming, using and exercising rights of possession and occupation under them to peacefully VACATE and TURN OVER the Pitogo Island consisting of Lot No. 6972 and Lot No. 6973, the latter covered by Katibayan ng Orihinal na Titulo Blg. 35669, and RESTORE the same to the plaintiff.

SO ORDERED.³⁵

Based on the evidence submitted by the parties as well as the ocular inspection it conducted, the RTC concluded that Pitogo Island is classified as alienable and disposable, as certified by the DENR and Bureau of Forestry, contrary to the allegation of respondents that it is a protected area. The RTC gave weight to the Survey Plan and KOT Blg. 35669 presented by Dante. The RTC held that Dante has a better right to peacefully possess and occupy Pitogo Island.³⁶

Respondents subsequently filed a motion for reconsideration, which the RTC denied in its Order³⁷ dated September 25, 2018. Thus, respondents appealed to the CA.

The Ruling of the CA

The CA affirmed with modification the ruling of the RTC in its Decision³⁸ dated May 25, 2021:

ACCORDINGLY, the appeal is GRANTED ONLY IN PART. The Decision dated 27 April 2018 of the Regional Trial Court, Branch 30, San Jose, Camarines Sur in Civil Case No. T-1133 is AFFIRMED WITH THE MODIFICATION that plaintiff-appellee Dante Padayao must be restored possession only as to Lot No. 6973 covered by *Katibayan ng Orihinal na Titulo Bilang 35669*.

SO ORDERED.³⁹

First, the CA held that Dante has a better right of possession over Lot No. 6973 as one of the owners thereof under KOT Blg. 35669. However, it ruled that Dante cannot rely on KOT Blg. 35669 because it

³⁵ *Id.* at 96.

³⁶ *Id.* at 95–96.

³⁷ *Id.* at 98–99.

³⁸ *Id.* at 60–70.

³⁹ *Id.* at 69.

only refers to Lot No. 6973; hence, he failed to prove ownership of Lot No. 6972 and did not overcome the presumption that the lot is inalienable public land.⁴⁰

Second, the CA opined that the free patent granted to Dante is presumed valid and can only be assailed through a reversion suit by the government. It determined that respondents did not cause the institution of the appropriate action against Dante and even admitted the tax declarations and Field Appraisal and Assessment Sheet from Dante. It also stressed that respondents failed to cause the preparation of the proper report that will establish the identity of the lands that they are claiming as public.⁴¹

Both parties moved for the reconsideration of the CA Decision, but the CA denied both motions.⁴² Thereafter, Dante filed the present petition before the Court.

The Issue

Whether the CA erred in ruling that Dante has a better right of possession only with respect to Lot No. 6973.

The Arguments of Petitioner

Dante argues that he presented sufficient proof that he is entitled to possession of both Lot Nos. 6972 and 6973. *First*, based on the testimony of Tengco as well as the certifications of the DENR and Bureau of Forestry, Pitogo Island is alienable and disposable, which was confirmed by the RTC during an ocular inspection. *Second*, the Survey Plan issued to Julio on December 6, 1934 covers both Lot Nos. 6972 and 6973. He adds that his possession was interrupted only in 2009, when the structures erected on the properties were demolished by respondents.⁴³

⁴⁰ *Id.* at 64–69.

⁴¹ *Id.* at 66–69.

⁴² *Id.* at 73–76.

⁴³ *Id.* at 38–53 and 129–131.

The Arguments of Respondents

Respondents aver that Dante failed to prove that Pitogo Island is alienable and disposable as he did not present proof of a positive act by the government declaring the Island as alienable and disposable. They opine that the certifications presented by Dante are insufficient to prove the matter. As for Land Map 882, respondents argue that Tengco is not authorized to classify or reclassify lands of public domain. Given that Dante failed to prove that Pitogo Island is alienable and disposable, respondents argue that Dante's possession cannot ripen into ownership no matter how long it is.⁴⁴

The Court's Ruling

The Court grants the petition.

*Jurisdiction over the case
remains with the RTC*

Preliminarily, the Court notes that Dante filed the Complaint with the RTC to recover possession of Lot Nos. 6972 and 6973 within a period of one year from the time that he was forcibly evicted therefrom.

Relevantly, it is a cardinal rule that the jurisdiction of the court and the nature of the action are determined based on the allegations in the complaint. Dante expressly stated in his Complaint that it is in the nature of an *accion publiciana*.⁴⁵ An *accion publiciana* is the "plenary action to recover the better right of possession (possession *de jure*), which should be brought in the proper inferior court or Regional Trial Court (depending upon the value of the property) when the dispossession has lasted for more than one year (or for less than a year in cases other than those mentioned in Rule 70 of the Rules of Court)."⁴⁶

Notwithstanding the statement of Dante, his Complaint was filed on January 20, 2010,⁴⁷ or *within one year* from the date of loss of

⁴⁴ *Id.* at 110–118.

⁴⁵ Records, p. 1.

⁴⁶ *The Heirs of Alfredo Cullado v. Gutierrez*, 858 Phil. 580, 593–594 (2019).

⁴⁷ Records, p. 1.

possession on February 4, 2009, when the demolition took place.⁴⁸ Even if it is counted from the time that the letter of Atty. Cleofe was delivered, or on January 20, 2009,⁴⁹ this still falls within the period of one year. Clearly then, the dispossession has not exceeded one year at the time of the filing of the complaint.

In addition, the Complaint provides:

8.0. On 4th of February 2009, to plaintiff's [Dante] surprise and consternation, as well as his immediate family members, relatives and constituents residing thereat, several unidentified heavily armed men comprising of more or less 20 in strength asserting themselves as belonging to Civil Security Unit headed by defendant [Musa], acting under the direct instructions and express orders of the Acting Chief Provincial Legal Officer, arriving thereat with drawn firearms and thereupon commanded all of them right away to get out, vacate their respective residential dwellings, herded them at a nearby distance and did there and then, *by means of force, violence, coercion and intimidation*, without showing them any demolition or eviction order or proper authority of law whatsoever, instantaneously carried out and commenced with the illegal and arbitrary demolition of their residential houses afore-described and other existing structures erected thereat and thereafter threatened and compelled them against their will to sign certain documents without giving them a chance to at least read or peruse the same, refusing to give them any copy thereof despite their insistence...⁵⁰

The foregoing allegation qualifies for forcible entry under Rule 70 of the Rules of Court, which applies when the complainant is deprived of physical possession of his land or building by means of *force, intimidation, threat, strategy, or stealth*.⁵¹

Further, the assessed value of the property is a jurisdictional element to determine the court that can take cognizance of an action involving title to or possession of real property.⁵² As a rule, jurisdiction is determined based on the assessed value of the real property *as alleged in the complaint*.⁵³ If the assessed value is not stated in the complaint, it may still be identified through "a facial examination of the documents already attached to the complaint."⁵⁴

⁴⁸ *Rollo*, p. 62.

⁴⁹ *Id.* at 93.

⁵⁰ Records, p. 3. Italics supplied.

⁵¹ *Barcelo v. Riparip*, 900 Phil. 359, 370 (2021).

⁵² *Regalado v. Vda. de de la Pena*, 822 Phil. 705, 714 (2017).

⁵³ *Foronda-Crystal v. Son*, 821 Phil. 1033, 1046 (2017).

⁵⁴ *Id.*

Here, Dante's Complaint *lacks* a statement on the assessed value of Pitogo Island. Further, none of the documents attached to the Complaint contain the assessed value of Pitogo Island. It thus appears that Dante's Complaint was dismissible outright as it failed to allege the necessary matters for the RTC to exercise jurisdiction over the case.

The only document that Dante offered in evidence and from which the assessed value of the properties in issue may be inferred is the Certification⁵⁵ from the Office of the Municipal Treasurer of Caramoan, Camarines Sur dated February 13, 2009, as to the payment of taxes which Dante offered as evidence. The Certification states that the assessed value of the properties as of 1998, which is the latest available therein, is PHP 18,680.00.⁵⁶ Dante did not submit any other evidence showing the latest assessed value of Pitogo Island.

Notably, the defense presented Engr. Levy Septimo (Engr. Septimo), Geodetic Engineer at the Provincial Assessor's Office of the Provincial Government,⁵⁷ as its witness. Engr. Septimo identified Field Appraisal and Assessment Sheets (FAAS) for Lot Nos. 6972 and 6973. The FAAS for Lot No. 6972 states that its assessed value is PHP 26,130.00,⁵⁸ while the FAAS for Lot No. 6973 states that its assessed value is PHP 18,680.00.⁵⁹ The FAAS for Lot No. 6972 is undated while the FAAS for Lot No. 6973 is dated November 2009.⁶⁰ Although the FAAS were identified by Engr. Septimo, respondents failed to file their formal offer of evidence.⁶¹

All the same, neither the Certification from the Office of the Municipal Treasurer nor the FAAS were attached to Dante's Complaint or his Amended Complaint.⁶² It is well-settled that courts should only look into the facts alleged in the complaint to determine whether a suit is within its jurisdiction.⁶³ If only Dante submitted the necessary documents, he would have been able to show that the jurisdictional threshold for the RTC under Batas Pambansa Blg. 129, as amended by Republic Act No. 7691, at the time of the filing of the complaint, has been met:

⁵⁵ Records, p. 91.

⁵⁶ *Id.*

⁵⁷ *Id.* at 746.

⁵⁸ *Id.* at 751.

⁵⁹ *Id.* at 752.

⁶⁰ *Id.* at 751-752.

⁶¹ *Id.* at 891.

⁶² *Id.* at 657-664.

⁶³ *Foronda-Crystal v. Son*, *supra* note 53, at 1044.

Sec. 19. *Jurisdiction in civil cases. — Regional Trial Courts shall exercise exclusive original jurisdiction. .*

(2) In all civil actions which involve the title to, or possession of, real property, or any interest therein, where the assessed value of the property involved exceeds Twenty thousand pesos ([PHP] 20,000.00) or for civil actions in Metro Manila, where such value exceeds Fifty thousand pesos ([PHP] 50,000.00) except actions for forcible entry into and unlawful detainer of lands or buildings, original jurisdiction over which is conferred upon the Metropolitan Trial Courts, Municipal Trial Courts, and Municipal Circuit Trial Courts[.]⁶⁴

Given the circumstances, the RTC should have dismissed the Complaint filed by Dante.

Nevertheless, the Court shall not dismiss Dante's Complaint considering that respondents *never* pointed out the foregoing errors. They actively participated in the case and sought reliefs before the RTC. The parties having failed to even raise this issue, the Court shall not dismiss the present case on the ground of lack of jurisdiction of the RTC as respondents are estopped from averring it.⁶⁵

Dante has a better right of possession over Lot Nos. 6972 and 6973

To reiterate, the action filed by Dante is *accion publiciana*, one which seeks to determine who has the better right of possession. The Court agrees with the CA that Dante has a better right of possession over Lot No. 6973 considering that it is titled under KOT Blg. 35669,⁶⁶ a patent title. Even though KOT Blg. 35669 was approved on January 27, 2010 and was registered on July 27, 2010,⁶⁷ or *after* Dante filed his Complaint on

⁶⁴ Section 19 was later amended by Republic Act No. 11576, approved on July 30, 2021: Section 19. *Jurisdiction of the Regional Trial Courts in Civil Cases. —* Regional Trial Courts shall exercise exclusive original jurisdiction:

(2) In all civil actions which involve the title to, or possession of, real property, or any interest therein, where the assessed value exceeds Four hundred thousand pesos ([PHP] 400,000.00), except for forcible entry into and unlawful detainer of lands or buildings, original jurisdiction over which is conferred upon the Metropolitan Trial Courts, and Municipal Trial Courts in Cities, Municipal Trial Courts, and Municipal Circuit Trial Courts[.]

⁶⁵ See *Quizon-Arciga v. Baluyut*, G.R. No. 256612, June 14, 2023 at 9, citing *Lagundi v. Bautista*, 908 Phil. 494 (2021). This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.

⁶⁶ Records, p. 178.

⁶⁷ TSN, Manuel Tengco, Jr., August 19, 2010, p. 4.

January 20, 2010,⁶⁸ the issuance of a patent title under Commonwealth Act No. 141 requires that the applicant has continuously occupied and cultivated, either by themselves or their predecessors-in-interest, the subject land. Tengco testified that Dante submitted his application in 2008,⁶⁹ or before the demolition took place on February 4, 2009. Absent evidence to the contrary, the Court may presume that KOT Blg. 35669 was issued in compliance with the requirement for occupation and cultivation.⁷⁰ Hence, Dante is entitled to and has a better right of possession over Lot No. 6973, as its title holder.⁷¹

Aside from KOT Blg. 35669, Dante also presented Land Map 882, whose veracity was confirmed by Tengco. According to Tengco, Land Map 882,⁷² a land classification map for the Province of Camarines Sur approved on May 22, 1931 by the DENR, indicates that Pitogo Island is alienable and disposable.⁷³ Importantly, Tengco certified in open court that he produced a copy of Land Map 882 based on the blueprint of the same Map found in the DENR Office.⁷⁴

In contrast, respondents only questioned the classification of Pitogo Island as alienable and disposable land without presenting evidence in support of their position. In the absence thereof, Dante's patent title over Lot No. 6973 stands uncontroverted; hence, the CA correctly held that Dante has a better right of possession over Lot No. 6973.

While respondents are correct that the Court has laid down guidelines on proving the classification of land, they forget that the case does not concern the validity of the grant of free patent in favor of the Heirs of Mario. In an *accion publiciana*, ownership and the validity of a certificate of title may be *provisionally* resolved only insofar as to determine who is the rightful possessor of the property, and any ruling thereon shall not be conclusive on the matter.⁷⁵

The proper remedy to assail the grant of the free patent is an

⁶⁸ Records, p. 1.

⁶⁹ TSN, Manuel Tengco, Jr., June 10, 2010, p. 7 states that the application was filed on May 2, 2008; while TSN, Manuel Tengco, Jr., August 19, 2010, p. 4 states that it was filed on March 11, 2008.

⁷⁰ *Spouses Fernandez v. Spouses Co*, 639 Phil 383, 396 (2010).

⁷¹ See *Magsi v. Heirs of Lopez, Jr.*, G.R. No. 262034, May 22, 2024, at 8–9. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website. See also *The Heirs of Alfredo Cullado v. Gutierrez*, *supra* note 46, at 601–602.

⁷² Records, p. 154.

⁷³ TSN, Manuel Tengco, Jr., June 10, 2010, p. 4.

⁷⁴ TSN, August 19, 2010, p. 2.

⁷⁵ *The Heirs of Alfredo Cullado v. Gutierrez*, *supra* note 46, at 601.



action for reversion under Section 101⁷⁶ of Commonwealth Act No. 141, as amended, that must be instituted by the Solicitor General.⁷⁷ The recognized exception to this is “where plaintiff-claimant seeks direct reconveyance from defendant public land unlawfully and in breach of trust titled by him, on the principle of enforcement of a constructive trust,”⁷⁸ which finds no application in the present case.

As for Lot No. 6972, the CA ruled that it is presumed to be inalienable public land given Dante’s failure to prove that he had acquired *title* to it, unlike Lot No. 6973 which is covered by KOT Blg. 35669. The Court reiterates that the case concerns an *accion publiciana*, which seeks restoration of possession, not ownership.

The Court also disagrees with the CA as to the nature of Lot No. 6972. Both Lot Nos. 6972 and 6973 are located at Pitogo Island. Thus, if Land Map 882 and the testimony of Tengco are given credence as to the nature of Lot No. 6973, then it should be the same with Lot No. 6972.

Notably, the Court held in *Republic v. Pasig Rizal Co., Inc.*⁷⁹ that “[t]he operative act which converts property of public dominion to patrimonial property is its classification as alienable and disposable land of the public domain, as this classification precisely serves as the manifestation of the State’s lack of intent to retain the same for some public use or purpose.”⁸⁰ This is further qualified by the requirements under Presidential Decree No. 1529, or the Property Registration Decree, as amended by Republic Act No. 11573, and the guidelines laid down in *Pasig Rizal Co., Inc.*

Following Section 7⁸¹ of Republic Act No. 11573, as interpreted in

⁷⁶ SECTION 101. All actions for the reversion to the Government of lands of the public domain or improvements thereon shall be instituted by the Solicitor-General or the officer acting in his stead, in the proper courts, in the name of the Commonwealth of the Philippines.

⁷⁷ See *Magay v. Estiandan*, 161 Phil 586, 590 (1976).

⁷⁸ *Basilio v. Callo*, 890 Phil. 802, 817 (2020).

⁷⁹ 919 Phil. 622 (2022).

⁸⁰ *Id.* at 649.

⁸¹ Section 7. *Proof that the Land is Alienable and Disposable.* — For purposes of judicial confirmation of imperfect titles filed under Presidential Decree No. 1529, a duly signed certification by a duly designated DENR geodetic engineer that the land is part of alienable and disposable agricultural lands of the public domain is sufficient proof that the land is alienable. Said certification shall be imprinted in the approved survey plan submitted by the applicant in the land registration court. The imprinted certification in the plan shall contain a sworn statement by the geodetic engineer that the land is within the alienable and disposable lands of the public domain and shall state the applicable Forestry Administrative Order, DENR Administrative Order, Executive Order, Proclamations and the Land Classification Project Map Number covering the subject land.

Pasig Rizal Co., Inc., a land classification map, such as Land Map 882, is reliable proof that a parcel of land has been classified as alienable and disposable. There being no evidence to the contrary, Lot No. 6972 is therefore alienable and disposable.

In any event, Dante does not seek to obtain title over Lot No. 6972 but only to establish that he has a better right of possession than respondents. Dante may *not* have proven that he has a *certificate of title* over Lot No. 6972, but the records before the Court show that his *prior possession* of the lot is *uncontested* and is adequately established by evidence.

Indeed, in their Answer,⁸² respondents did not deny Dante's prior possession of Pitogo Island. They even admitted the same by characterizing the demolition on February 4, 2009 as a "relocation of the Pitogo island occupants"⁸³ because, supposedly, the Province of Camarines Sur "deemed it appropriate to disallow *continued habitation and residence* at the island."⁸⁴ They also categorically recognized Dante as an *occupant* of Pitogo Island.⁸⁵ Even Musa testified in open court that Dante was among the *inhabitants or residents* of Pitogo Island who had existing houses thereat, only that Dante and his family were the only ones who refused to voluntarily dismantle their houses as part of the alleged relocation in 2009.⁸⁶

It is also undisputed that Dante had structures built on Pitogo Island and kept animals such as goats and cows thereon. His predecessor-in-interest Julio was able to obtain a survey plan in his favor as far back as 1934. Dante likewise presented a certification from the Office of the Municipal Treasurer that his predecessors-in-interest have paid real property taxes for "Petogo-Pandanan" from 1945 to 2009.⁸⁷ Tengco confirmed that Dante applied for free patent over Lot No. 6972.⁸⁸ Taking these into consideration, Dante established that he has a better right of

Should there be no available copy of the Forestry Administrative Order, Executive Order or Proclamation, it is sufficient that the Land Classification (LC) Map Number, Project Number, and date of release indicated in the land classification map be stated in the sworn statement declaring that said land classification map is existing in the inventory of LC Map records of the National Mapping and Resource Information Authority (NAMRIA) and is being used by the DENR as land classification map.

⁸² Records, pp. 63–73.

⁸³ *Id.* at 67.

⁸⁴ *Id.* at 67–68.

⁸⁵ *Id.* at 69.

⁸⁶ TSN, Jose Francisco L. Musa, Jr., April 27, 2011, pp. 4–7.

⁸⁷ Records, p. 91.

⁸⁸ TSN, Manuel Tengco, Jr., June 10, 2010, p. 8. See *Ramos-Balalio v. Ramos*, 515 Phil 506, 517 (2006).

possession of Lot No. 6972 over respondents.

Respondents aver that they caused the relocation of Dante and other Pitogo Island residents in the exercise of police power because, supposedly, they were occupying a protected area and a shoreline that is “exposed at all times to the dangers posed by the ebb and rise of the tide surrounding the island.”⁸⁹

However, respondents have not presented sufficient evidence of their assertion on the classification of Lot No. 6972 as a protected area, or that they have observed due process in declaring that it should be a protected area for environmental purposes. They have not submitted any issuance from the PAMB or the DENR supporting their contention that Pitogo Island is a protected area. In fact, when Musa was confronted with the question of which government agency classified Pitogo Island as a danger zone, he could not positively identify the government body that declared the place as such and could only refer to vague and unidentified reports that the Provincial Government allegedly received concerning the matter.⁹⁰

Respondents’ allegation that Dante was occupying a shoreline at the time of the demolition in 2009 is also belied by the records. A “shore” is “that space covered and uncovered by the movement of the tide” whose “interior or terrestrial limit is the line reached by the highest equinoctial tides.”⁹¹ It is a land on the margin of the sea in which the water ebbs and flows, or “all the ground between the ordinary high-water mark and low-water mark.”⁹² Thus, the “shoreline” boundary of lands adjoining navigable waters is *the line marked by the highest tide*.⁹³ Relevantly, during the ocular inspection conducted by the RTC on July 15, 2011, the Sheriff determined that *the distance of Dante’s house from the shoreline was 60 meters*.⁹⁴ It thus appears that, contrary to respondents’ contention, the structures that Dante erected were not located at the shoreline but was a significant distance away therefrom.

Notably, Republic Act No. 7586,⁹⁵ entitled the National Integrated

⁸⁹ Records, pp. 67–69.

⁹⁰ TSN, Jose Francisco L. Musa, Jr., April 27, 2011, p. 11.

⁹¹ *Cagampang v. Morano*, 131 Phil. 138, 140 (1968), citing Article I, paragraph 3 of the Spanish Law of Waters of 1856.

⁹² Black’s Law Dictionary, Revised Fourth Edition (1968).

⁹³ Black’s Law Dictionary, Revised Fourth Edition (1968).

⁹⁴ TSN, Sheriff Sofronio Roy Clavecilla, July 15, 2011, p. 12.

⁹⁵ Approved on June 1, 1992.

Protected Areas System Act of 1992, only includes the Caramoan National Park pursuant to Proclamation No. 291⁹⁶ but does not mention Pitogo Island. Proclamation No. 291 did not declare the *entire* municipality of Caramoan as a national park; instead, the declaration was limited to a *specific* parcel of land located in Caramoan, with technical boundaries particularly described in the Proclamation itself.

In relation to the above, Section 5, paragraphs (b) and (c)⁹⁷ of Republic Act No. 7586 designated the DENR as the government agency in charge of submitting a map of each protected area under the law, including the Caramoan National Park. Respondents have not adequately proven that Pitogo Island is located *within* the boundaries of the Caramoan National Park, as specified in Proclamation No. 291 and mapped out by the DENR.

In addition, Section 6 of Republic Act No. 7586 states that “the Secretary [of the DENR] shall propose the inclusion in the System of additional areas with outstanding physical features, anthropological significance and biological diversity in accordance with the provisions of Section 5(d).”⁹⁸ Respondents have not proven that, at the time material to the present case, the DENR proposed the inclusion of Pitogo Island as an additional protected area and that the President favorably acted thereon.⁹⁹

⁹⁶ Entitled “Establishing as Caramoan National Park for the Benefit and Enjoyment of the People of the Philippines the Parcel of the Public Domain Situated in the Municipality of Caramoan, Province of Camarines Sur, Island of Luzon,” approved on July 20, 1938.

⁹⁷ SECTION 5. *Establishment and Extent of the System* — The establishment and operationalization of the System shall involve the following:

....
(b) Within one (1) year from the effectivity of this Act, the DENR shall submit to the Senate and the House of Representatives a map and legal description or natural boundaries of each protected area initially comprising the System. Such maps and legal descriptions shall, by virtue of this Act, constitute the official documentary representation of the entire System, subject to such changes as Congress deems necessary;

(c) All DENR records pertaining to said protected areas, including maps and legal descriptions or natural boundaries, copies of rules and regulations governing them, copies of public notices of, and reports submitted to Congress regarding pending additions, eliminations, or modifications shall be made available to the public. These legal documents pertaining to protected areas shall also be available to the public in the respective DENR Regional Offices, Provincial Environment and Natural Resources Offices (PENROs) and Community Environment and Natural Resources Offices (CENROs) where NIPAS areas are located[.]

⁹⁸ Section 6 was later amended by Republic Act No. 11038, or the Expanded National Integrated Protected Areas System Act of 2018, approved on June 22, 2018, to read as follows:

SEC. 6. *Additional Areas to be Included into the System.* — Upon the recommendation of the DENR, additional areas with unique physical features, anthropological significance and high biological diversity may be proposed for inclusion as part of the System. Such areas shall undergo the same procedure as the remaining initial components for legislative enactment.


⁹⁹ Republic Act No. 7586, Section 5(d) and (e), before its amendment by Republic Act No. 11038, which took effect in 2018.

Besides, if Pitogo Island forms part of the Caramoan National Park or any other protected area, then it would have been withdrawn from settlement and other dispositions. Yet in 2008, the DENR accepted the patent applications of Dante over Pitogo Island and even eventually caused the issuance and registration of KOT Blg. 35669 in 2010. Plainly, the records do not support respondents' contention.

Respondents acted hastily in dispossessing Dante. Whether they did so out of genuine concern for the environment or for more questionable reasons, the Court need not speculate. What is clear to the Court is that Dante should be restored to his previous possession not only of Lot No. 6973 but also of Lot No. 6972.

WHEREFORE, the petition is **GRANTED**. The Decision dated May 25, 2021 and Resolution dated April 22, 2022 of the Court of Appeals in CA-G.R. CV No. 112165 are **AFFIRMED** with **MODIFICATION** in that respondents Gov. Luis Raymund F. Villafuerte, Jr., Atty. Janis Ian Regaspi-Cleofe, Jose Francisco L. Musa, Jr., Luis Zulueta, Jovie Villareal, Dondon Obias and the Provincial Government of Camarines Sur, as well as every other individual and/or individuals, whether claiming, using and/or exercising rights under them, are **ORDERED** to vacate, turn over, and restore possession of Lot Nos. 6972 and 6973, the latter covered by *Katibayan ng Orihinal na Titulo Bilang 35669*, to petitioner Punong Barangay Dante Padayao.

SO ORDERED.

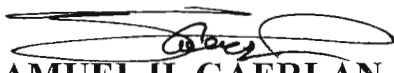


HENRI JEAN PAUL B. INTING
Associate Justice

WE CONCUR:

On official business

ALFREDO BENJAMIN S. CAGUIOA
Associate Justice


SAMUEL H. GAERLAN
Associate Justice



JAPAR B. DIMAAMPAO
Associate Justice

On leave

MARIA FILOMENA D. SINGH
Associate Justice

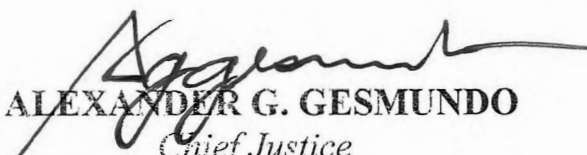
ATTESTATION

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.


HENRI JEAN PAUL B. INTING
Associate Justice
Acting Chairperson, Third Division
Per Special Order No. 3156 dated January 10, 2025

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution and the Division Acting 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