Republic of the Philippines
Supreme Court
Manila

SECOND DIVISION

REPUBLIC OF THE PHILIPPINES,
Petitioner,

- versus -

SPOUSES DANTE and LOLITA BENIGNO,
Respondents.

G.R. No. 205492

Present:

CARPIO, *Chairperson,*
BRION,
DEL CASTILLO,
MENDOZA, *and*
LEONEN, *JJ.*

Promulgated:
MAR 11 2015

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DECISION

DEL CASTILLO, *J.*:

This Petition for Review on *Certiorari*[1] seeks to set aside the January 22, 2013 Resolution[2] of the Court of Appeals (CA) in CA-G.R. CV No. 97995, which denied the herein petitioner's Omnibus Motion[3] seeking reconsideration of the CA's October 9, 2012 Resolution[4] denying petitioner's Motion for Extension[5] of time to file its Appellant's Brief.

Factual Antecedents

On November 2, 1995, spouses Dante and Lolita Benigno (respondents, collectively) filed with the Regional Trial Court of Calamba, Laguna (Calamba RTC) an Application for Registration[6] of title under Presidential Decree No. 1529 or the Property Registration Decree (PD 1529) to a 293-square meter lot in

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1 *Rollo*, pp. 7-26.
2 Id. at 27-29; penned by Associate Justice Agnes Reyes Carpio and concurred in by Associate Justices Rosalinda Asuncion-Vicente and Priscilla Baltazar-Padilla.
3 CA *rollo*, pp. 71-80.
4 Id. 64-66.
5 Id. at 60-62.
6 *Rollo*, pp. at 30-34.

Barangay Batong Malake, Los Baños, Laguna. The case was docketed as LRC Case No. 105-95-C and assigned to Branch 35 of the Calamba RTC.

After trial, the Calamba RTC issued a December 9, 2005 Decision[7] granting respondents' application for registration, decreeing thus:

> WHEREFORE, this Court affirms the Order of general default against the whole world heretofore entered in this case, and judgment is hereby rendered confirming the title of the applicants spouses Dante Benigno and Lolita Z. Benigno covered by Tax Declaration No. 0284 and designated as Lot 6489, Cad. Lot No. 450 situated in Brgy. Batong Malake, of the Municipality of Los Baños, Laguna and ordering the registration of said title in the name of the said applicants spouses Dante Benigno and Lolita Z. Benigno.
>
> Once this decision has become final, let an order issued [sic] directing the Land Registration Authority to issue the corresponding decree of registration.
>
> SO ORDERED.[8]

Petitioner filed its notice of appeal[9] on January 10, 2006. In an April 10, 2006 Order,[10] the trial court approved the notice of appeal and directed that the entire records of the case be forwarded to the CA.

The appeal was docketed as CA-G.R. CV No. 97995.

On March 9, 2010, respondents filed a Motion to Dismiss the Appeal and Issue a Final Decree of Registration,[11] claiming among others that petitioner has abandoned its appeal. It also filed a Motion to Resolve[12] seeking among others the denial of petitioner's appeal on the ground of abandonment. But in a July 2, 2010 Order,[13] the Calamba RTC denied both motions, stating that it was respondents' failure to submit certain required documents – the Affidavit of Publication[14] and Certificate of Posting[15] – as earlier directed by the court in a March 26, 2010 Order[16] which caused the non-transmittal of the records of the case to the CA, thus delaying the appeal proceedings. On July 26, 2010, respondents filed a Motion for Reconsideration[17] of the said Order.

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7 Id. at 71-74; penned by Judge Romeo C. de Leon.
8 Id. at 74.
9 CA *rollo*, p. 24.
10 Id. at 27.
11 *Rollo*, pp. 78-80.
12 Id. at 82-83.
13 Id. at 84-85.
14 Exhibit "E," id. at 92.
15 Exhibit "G," as corrected. Id. at 94. In its March 26, 2010 Order, the trial court mistakenly referred to the Certificate of Posting as Exhibit "F", when it should be Exhibit "G", as marked during the proceedings.
16 Id. at 81.
17 Id. at 86-87.

Without awaiting the resolution of its July 26, 2010 Motion for Reconsideration of the July 2, 2010 Order, respondents filed on September 21, 2011 its Compliance[18] and submitted the documents required by the trial court. In a September 26, 2011 Order[19] of the trial court, the branch clerk of court was directed to immediately mark the documents and thereafter forward the records of the case to the CA. Thus, on December 21, 2011, the acting branch clerk of court of the Calamba RTC forwarded the entire records of LRC Case No. 105-95-C to the Calamba Office of the Clerk of Court for transmittal to the CA.

On December 21, 2011, the entire records of LRC Case No. 105-95-C was received by the CA.[20]

On February 21, 2012, respondents filed a Motion for Early Resolution[21] of the appeal, seeking dismissal thereof on the ground of alleged inaction and failure to prosecute on the part of the petitioner.

Respondents then filed with the CA a Manifestation and Motion to Suspend Proceedings[22] dated May 8, 2012. Respondents contended that since its Motion for Reconsideration of the Calamba RTC's July 2, 2010 Order and Motion for Early Resolution of the appeal remained unresolved, the filing of an appellant's brief by the petitioner would be premature; thus, the appeal proceedings should be suspended until the said motions are resolved.

In an April 26, 2012 Notice,[23] the CA directed petitioner to file its appellant's brief within 45 days from receipt of the notice.

On June 22, 2012, petitioner filed a Motion for Extension[24] of time to file its brief. It sought an extension of 60 days from June 21, 2012, or until August 20, 2012, within which to file the same.

In a Resolution[25] dated June 26, 2012, the CA required petitioner to comment on respondents' Manifestation and Motion to Suspend Proceedings. It likewise granted petitioner's Motion for Extension.

On July 16, 2012, petitioner filed an Opposition[26] to respondent's Manifestation and Motion to Suspend Proceedings, with a prayer that the said

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18 Id. at 88-94.
19 Id. at 96.
20 Id. at 97.
21 Id. at 109-114.
22 Id. at 104-106.
23 CA *rollo*, p. 35.
24 Id. at 48-50.
25 Id. at 51.
26 Id. at 52-58.

manifestation and motion be denied for lack of merit.

On August 13, 2012, the CA issued a Resolution[27] stating that with the filing of petitioner's Opposition, respondents' Manifestation and Motion to Suspend Proceedings are deemed submitted for resolution.

On August 17, 2012, petitioner filed a second Motion for Extension[28] of time to file its appellant's brief, praying for an extension of 30 days from August 20, 2012, or until September 19, 2012, within which to file its brief.

However, petitioner did not file its brief within the period stated in its second motion for extension. Thus, on October 9, 2012, the CA issued another Resolution[29] denying petitioner's second motion for extension and dismissing its appeal pursuant to Section 1(e), Rule 50 of the 1997 Rules of Civil Procedure (Rules). It held:

> For resolution is oppositor-appellant's motion for extension of time to file the appellant's brief, which prays that it be granted an additional period of thirty (30) days or until September 19, 2012 to file the aforesaid brief.
>
> The records, however, will show the We have already granted oppositor-appellant's previous motion for extension of time to file its brief. In our Resolution dated June 26, 2012, We granted oppositor-appellant an additional period of sixty (60) days or until August 20, 2012 within which to file its brief. However, oppositor-appellant failed to file its appellant's brief on or before August 20, 2012. Hence, the instant motion.
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> Oppositor-appellant should be reminded that the right to appeal is a mere statutory privilege, and should be exercised only in the manner prescribed by law. The statutory nature of the right to appeal requires the one who avails of it to strictly comply with the statutes or rules that are considered indispensable interdictions against needless delays and for an orderly discharge of judicial business. Since oppositor-appellant has not been able to file its brief within the proper period, We deem it appropriate to dismiss its appeal, pursuant to Section 1(e), Rule 50 of the Rules of Civil Procedure, *viz*:
>
> > "SECTION 1. *Grounds for dismissal of appeal.* – An appeal may be dismissed by the Court of Appeals, on its own motion or on that of the appellee, on the following grounds:
> >
> > x x x x
> >
> > (e) Failure of the appellant to serve and file the required number of copies of his brief or memorandum within the time provided by these Rules;

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27 Id. at 59.

28 Id. at 60-62.

29 Id. at 64-66; penned by Associate Justice Agnes Reyes Carpio and concurred in by Associate Justices Rosalinda Asuncion-Vicente and Priscilla Baltazar-Padilla

x x x x"

> It should also be noted that the appealed Decision was rendered on December 9, 2005 and the court a quo's Order letting the entire records of the instant case be forwarded to this Court was issued on April 10, 2006. Thus, We believe that it is high time for the applicants-appellees, as the prevailing party in the court a quo's Decision, to enjoy the fruits of their victory.
>
> WHEREFORE, appellant's motion for extension of time to file its brief, dated August 16, 2012, is hereby DENIED. Accordingly, the instant appeal is DISMISSED, pursuant to Section 1(e), Rule 50 of the Rules of Civil Procedure.
>
> Considering the foregoing, applicants-appellees *Manifestation and Motion to Suspend Proceedings*, due to Our alleged inaction on its *Motion for Early Resolution*, is hereby declared MOOT.
>
> SO ORDERED.[30]

On October 18, 2012, petitioner filed a third Motion for Extension,[31] praying for another 20 days from October 19, 2012, or until November 8, 2012, within which to file its appellant's brief.

On November 5, 2012, petitioner filed its Appellant's Brief.[32] It likewise filed an Omnibus Motion[33] seeking a reconsideration of the CA's October 9, 2012 Resolution and, consequently, the admission of its appellant's brief. Apologizing profusely for the fiasco, it begged for the appellate court's leniency, claiming that it cannot be faulted for the delay in the proceedings on appeal; that in fact, the delay was caused by the failure to transmit the records of LRC Case No. 105-95-C to the CA, for which the respondents and Calamba City Office of the Clerk of Court should be faulted; that in the interest of substantial justice, the CA should instead adopt a relaxed interpretation of Section 1(e), Rule 50 of the Rules in order to afford the State an opportunity to present its case fully.

Respondents filed their Comment[34] arguing that only petitioner should be faulted for its failure to prosecute the appeal; that from its repeated motions for extension, it can be seen that petitioner lacked diligence in pursuing its appeal; and that consequently, the CA committed no error in issuing its October 9, 2012 Resolution.

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30 Id. at 64-65.
31 Id. at 67-69.
32 Id. at 81-108.
33 Id. at 71-80.
34 Id. at 119-126.

Assailed Ruling of the Court of Appeals

On January 22, 2013, the CA issued the assailed Resolution, pronouncing thus:

> A careful reading of oppositor-appellant's motion, however, reveals that it does not raise any matter of substance that would justify the reconsideration being sought. We, therefore, find no compelling reason to disturb Our findings and conclusion in Our aforementioned *Resolution*.
>
> **WHEREFORE**, the *Omnibus Motion* is **DENIED**. Our *Resolution* dated October 9, 2012 stands.
>
> **SO ORDERED**.[35]

Thus, the instant Petition was filed.

Issue

In an April 23, 2014 Resolution,[36] this Court resolved to give due course to the Petition, which raises the following sole issue:

> **THE COURT OF APPEALS GRAVELY ERRED ON A QUESTION OF LAW WHEN IT ORDERED THE DISMISSAL OF THE APPEAL ALTHOUGH THE DELAY IN THE FILING OF THE APPELLANT'S BRIEF WAS CAUSED BY THE TRIAL COURT AND THE RESPONDENTS.**[37]

Petitioner's Arguments

In its Petition and Reply[38] seeking the reversal of the assailed CA Resolution as well as the dismissal of LRC Case No. 105-95-C, petitioner reiterates that it should not be faulted for the delay in the proceedings on appeal, as it resulted from the Calamba City Office of the Clerk of Court's failure to transmit the records of LRC Case No. 105-95-C to the CA; that it was the ministerial duty of the clerk of court to transmit the records of the case to the CA, and he has no authority to withhold the records on the pretext that certain exhibits were lacking; and that the CA should liberally apply Section 1(e), Rule 50 of the Rules in order to afford the State an opportunity to present its case fully.

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35 *Rollo*, p. 28.
36 Id. at 254-255.
37 Id. at 18.
38 Id. at 231-236.

Petitioner further argues, at this stage of the proceedings, that the Calamba RTC's December 9, 2005 Decision granting respondents' application for registration is null and void for lack of the required certification from the Secretary of the Department of Environment and Natural Resources (DENR) that the land applied for is alienable and disposable land of the public domain. It claims that the mere testimony of a special investigator of the Community Environment and Natural Resources Office (CENRO) cannot form the basis for the Calamba RTC's finding that the land applied for is alienable and disposable, pursuant to the ruling in *Republic v. Hanover Worldwide Trading Corporation*;[39] respondents should have submitted 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. Petitioner justifies the raising of the issue at this late stage, arguing that the State may not be estopped by the mistakes of its officers and agents; and that when the inference made by the CA is based on a misapprehension of facts, or when its findings of fact are manifestly mistaken, absurd or impossible, as in this case, its erroneous decision may be reviewed by this Court.[40]

In its Reply, petitioner further points out that the Calamba RTC's December 9, 2005 Decision is void for lack of publication;[41] in other words, petitioner suggests that respondents in fact failed to cause the publication and posting of the notice of initial hearing on its application, and that the subsequent submission through its September 21, 2011 Compliance of an Affidavit of Publication and Certificate of Posting of Notice of Initial Hearing was a mere fabrication and fraudulent submission.

Respondents' Arguments

In their Comment,[42] respondents insist that the assailed CA disposition is correct in all respects; that petitioner's failure to file its brief is not attributable to respondents; that petitioner filed no less than four motions for extension to file its brief, which is indicative of its failure to prosecute its appeal with reasonable diligence and despite having been given by the CA the opportunity to do so; that the CA's authority to dismiss an appeal for failure of the appellant to file a brief is a matter of judicial discretion;[43] that the CA exercised its discretion soundly; that

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39 G.R. No. 172102, July 2, 2010, 622 SCRA 730, 739.

40 Citing *National Steel Corporation v. Court of Appeals*, 347 Phil. 345 (1997).

41 Citing *Fewkes v. Vasquez*, 148-A Phil. 448, 452-453 (1971), which declares as follows:
x x x It is this publication of the notice of hearing that is considered one of the essential bases of the jurisdiction of the court in land registration cases, for the proceedings being *in rem*, it is only when there is constructive seizure of the land, effected by the publication and notice, that jurisdiction over the *res* is vested on the court. Furthermore, it is such notice and publication of the hearing that would enable all persons concerned, who may have any rights or interests in the property, to come forward and show to the court why the application for registration thereof is not to be granted.

42 *Rollo*, pp. 183-203.

43 Citing *Bachrach Corporation v. Philippine Ports Authority*, 600 Phil. 1, 6-7 (2009); *Beatingo v. Gasis*, G.R. No. 179641, February 9, 2011, 642 SCRA 539, 546-548; and other cases.

Section 12[44] of Rule 44 of the Rules states that extensions of time for the filing of briefs will not be allowed except for good and sufficient cause; that petitioner should not expect that every motion for extension it files will be granted; and that the rules on appeal are not trivial technicalities that petitioner can simply disregard at will.

Respondents add that petitioner's allegations of fraud and fabrication are not substantiated by the evidence; that the affidavit of publication and certificate of posting were already presented during the initial hearing and later submitted as part of their formal offer of evidence; that the Calamba RTC admitted the said exhibits and in fact mentioned the same in its Decision granting the application; and that with the ruling in *Republic v. Vega*,[45] it can be said that despite the absence of a certified true copy of the DENR original land classification, an application for registration could nonetheless be approved when there has been substantial compliance with the legal requirements relative to proof that the land applied for is alienable and disposable.

Our Ruling

The Court finds for petitioner.

It is true, as we have held in numerous cases – particularly *Beatingo v. Gasis*[46] – that the power conferred upon the CA to dismiss an appeal for failure to file an appellant's brief is discretionary. We likewise agree with the CA's application of Section 1(e), Rule 50 of the Rules. Indeed, petitioner took its liberties in the prosecution of its appeal, filing at least three motions for extension of time before finally turning in its appellant's brief, and taking the demeanor consistent with expecting that each motion for extension of time would be granted.

However, while petitioner, through the Office of the Solicitor General, was admittedly ornery in the prosecution of its case, it is nonetheless true that "[a]s a matter of doctrine, illegal acts of government agents do not bind the State," and "the Government is never estopped from questioning the acts of its officials, more so if they are erroneous, let alone irregular."[47] This principle applies in land registration cases.[48] Certainly, the State will not be allowed to abdicate its authority over lands of the public domain just because its agents and officers have

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44 Sec. 12. Extension of time for filing briefs. – Extension of time for the filing of briefs will not be allowed, except for good and sufficient cause, and only if the motion for extension is filed before the expiration of the time sought to be extended.

45 654 Phil. 511, 519 (2011).

46 Supra note 43.

47 *Heirs of Reyes v. Republic*, 529 Phil. 510, 520-521 (2006).

48 *Land Bank of the Philippines v. Republic*, 567 Phil. 427 (2008); *Republic v. Lao*, 453 Phil. 189 (2003); *Spouses Morandarte v. Court of Appeals*, 479 Phil. 870 (2004); *Spouses Palomo v. Court of Appeals*, 334 Phil. 357 (1997).

been negligent in the performance of their duties. Under the Regalian doctrine, "all lands of the public domain belong to the State, and the State is the source of any asserted right to ownership in land and charged with the conservation of such patrimony."[49]

Applicants for registration of title under PD 1529[50] must prove: "(1) that the subject land forms part of the disposable and alienable lands of the public domain; and (2) that they have been in open, continuous, exclusive and notorious possession and occupation of the land under a bona fide claim of ownership since 12 June 1945 or earlier. Section 14(1) of the law requires that the property sought to be registered is already alienable and disposable at the time the application for registration is filed."[51]

And, in order to prove that the land subject of the application is alienable and disposable public land, "the general rule remains: all applications for original registration under the Property Registration Decree must include both (1) a CENRO or PENRO[52] certification and (2) a certified true copy of the original classification made by the DENR Secretary."[53]

A perfunctory appraisal of the records indicates that respondents did not present any documentary evidence in LRC Case No. 105-95-C to prove that the land applied for is alienable and disposable public land. Their Exhibits "A" to "N"[54] are bereft of the required documentary proof – particularly, 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, and a CENRO or PENRO certification – to show that the 293-square meter land applied for registration is alienable and disposable public land. Respondents do not dispute this; in fact, they sought the application of the exceptional ruling in *Republic v. Vega*[55] precisely to obtain exemption from the requirement on the submission of documentary proof showing that the property applied for constitutes alienable and disposable public land.

Consequently, the December 9, 2005 Decision of the Calamba RTC is

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49 *Reyes v. Court of Appeals*, 356 Phil. 605, 624 (1998).

50 PRESIDENTIAL DECREE NO. 1529, Section 14(1), which provides as follows:

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.

x x x x

51 *Republic v. Vega*, supra note 45 at 520.

52 Provincial Environment and Natural Resources Office.

53 *Republic v. Vega*, supra note 45 at 527.

54 *Rollo*, pp. 72, 264-265.

55 Supra note 45.

rendered null and void. The trial court had no basis in fact and law to grant respondents' application for registration as there was no proof of alienability adduced. As such, it "has no legal and binding effect, force or efficacy for any purpose. In contemplation of law, it is non-existent. Such judgment or order may be resisted in any action or proceeding whenever it is involved. It is not even necessary to take any steps to vacate or avoid a void judgment or final order; it may simply be ignored. x x x Accordingly, a void judgment is no judgment at all. It cannot be the source of any right nor of any obligation. All acts performed pursuant to it and all claims emanating from it have no legal effect."[56]

"The well-entrenched rule is that all lands not appearing to be clearly of private dominion presumably belong to the State. The *onus* to overturn, by incontrovertible evidence, the presumption that the land subject of an application for registration is alienable and disposable rests with the applicant."[57] "[P]ublic lands remain part of the inalienable land of the public domain unless the State is shown to have reclassified or alienated them to private persons."[58] "Unless public land is shown to have been reclassified or alienated to a private person by the State, it remains part of the inalienable public domain. Indeed, occupation thereof in the concept of owner, no matter how long, cannot ripen into ownership and be registered as a title."[59]

Therefore, even if the Office of the Solicitor General was remiss in the handling of the State's appeal, we nevertheless cannot allow respondents' application for registration since they failed to prove that the land applied for is alienable and disposable public land. Respondents cannot invoke *Republic v. Vega*[60] to claim *substantial compliance* with the requirement of proof of alienability; there is *complete absence of documentary evidence* showing that the land applied for forms part of the alienable and disposable portion of the public domain. Complete absence of proof is certainly not equivalent to substantial compliance with the required amount of proof.

Having disposed of the case in the foregoing manner, We find no need to resolve the other issues raised by the parties, as they have become irrelevant in view of the finding that respondents failed to prove that the land applied for forms part of the alienable and disposable portion of the public domain. The only available course of action is to dismiss respondents' application for registration.

We are aware that respondents have come to court at great cost and effort. The application for registration was filed way back in 1995. However, the

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56 *Land Bank of the Philippines v. Orilla*, G.R. No. 194168, February 13, 2013, 690 SCRA 610, 618-619.
57 *Republic v. T.A.N. Properties, Inc.*, 578 Phil. 441, 450 (2008).
58 *Heirs of Malabanan v. Republic*, G.R. No. 179987, September 3, 2013, 704 SCRA 561, 575.
59 *Republic v. Vda. de Joson*, G.R. No. 163767, March 10, 2014, citing *Menguito v. Republic*, 401 Phil. 274 (2000).
60 Supra note 45.

difficult lesson that must be realized here is that applicants for registration of public land should come to court prepared and complete with the necessary evidence to prove their registrable title; otherwise, their efforts will be for naught, and they would only have wasted precious time, resources and energy in advancing a lost cause.

WHEREFORE, the Petition is **GRANTED**. The October 9, 2012 and January 22, 2013 Resolutions of the Court of Appeals in CA-G.R. CV No. 97995 are **REVERSED AND SET ASIDE**. The December 9, 2005 Decision of the Regional Trial Court of Calamba, Laguna, Branch 35 in LRC Case No. 105-95-C is likewise **SET ASIDE**, and LRC Case No. 105-95-C is thus ordered **DISMISSED**.

SO ORDERED.

MARIANO C. DEL CASTILLO
Associate Justice

WE CONCUR:

ANTONIO T. CARPIO
Associate Justice
Chairperson

ARTURO D. BRION
Associate Justice

JOSE CATRAL MENDOZA
Associate Justice

MARVIC M.V. F. LEONEN
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.

ANTONIO T. CARPIO
Associate Justice
Chairperson

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