



Republic of the Philippines
Supreme Court
Manila

SECOND DIVISION

REPUBLIC OF THE PHILIPPINES, G.R. No. 175760
Petitioner,

Present:

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

-versus-

SOGOD DEVELOPMENT
CORPORATION,
Respondent.

Promulgated:
17 FEB 2016

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DECISION

LEONEN, J.:

For a judicial confirmation of title under Section 48(b) of the Public Land Act, the land subject of the application needs only to be alienable and disposable as of the time of the application, provided the applicant's possession and occupation of the land dates back to June 12, 1945, or earlier.

This Petition for Review on Certiorari¹ seeks to annul and set aside the Decision² dated August 25, 2005 and Resolution³ dated November 7, 2006

* On leave.

¹ Rollo, pp. 102-147. The Petition was filed pursuant to Rule 45 of the Rules of Court.

² Id. at 150-160. The Decision was penned by Senior Associate Justice Pampio A. Abarintos and concurred in by Executive Justice Mercedes Gozo-Dadole and Junior Associate Justice Ramon M. Bato, Jr. of the Eighteenth Division.

³ Id. at 174. The Resolution was penned by Associate Justice Pampio A. Abarintos (Chair) and concurred in by Associate Justices Agustin S. Dizon and Priscilla Baltazar-Padilla of the Twentieth Division.

of the Court of Appeals Cebu City in CA-G.R. CV No. 72389.⁴ The Court of Appeals affirmed⁵ the Decision dated May 10, 2001 of the Municipal Circuit Trial Court of Catmon-Carmen-Sogod, Cebu, which granted respondent Sogod Development Corporation's (Sogod) application for original registration of title over Lot No. 2533, Cadastre 827-D, situated in Tabunok, Sogod, Cebu.⁶

On December 9, 1999, Sogod filed an application for registration and confirmation of land title over Lot No. 2533, Cad. 827-D with an area of 23,896 square meters and situated in Brgy. Tabunok, Municipality of Sogod, Province of Cebu.⁷ The case was docketed as Land Registration Case No. 016-SO.⁸

Sogod claimed that it purchased the land "from Catalina Rivera per deed of absolute sale dated Oct[ober] 28, 1996[.]"⁹ It also averred that "by itself and through its predecessors-in-interest[,] [it had] been in open, continuous, exclusive[,] and notorious possession and occupation of [the land] since June 12, 1945[.]"¹⁰

On February 11, 2000, the Office of the Solicitor General moved to dismiss the Petition¹¹ on the ground that Sogod was disqualified from applying for original registration of title to alienable lands pursuant to Article XII, Section 3 of the 1987 Constitution.¹²

The trial court issued an Order dated June 15, 2000 pronouncing a "general default against all persons except against the Solicitor General[.]"¹³

On September 19, 2000, the Regional Executive Director of the Department of Environment and Natural Resources, Region VII, Banilad, Mandaue City filed an Opposition on the ground that the land was previously forest land and "was certified and released as alienable and disposable only on January 17, 1986."¹⁴ Thus, it could not be registered without violating Section 48, paragraph (b) of Commonwealth Act No. 141, otherwise known as the Public Land Act, as amended by Republic Act No. 6940.¹⁵

⁴ Id. at 102–103.

⁵ Id. at 160, Court of Appeals Decision.

⁶ Id. at 150.

⁷ Id. at 150–151.

⁸ Id. at 107, Petition for Review on Certiorari.

⁹ Id. at 151, Court of Appeals Decision.

¹⁰ Id.

¹¹ Id.

¹² Id. at 109, Petition for Review on Certiorari.

¹³ Id. at 151, Court of Appeals Decision.

¹⁴ Id. at 152.

¹⁵ Id.

Apart from presenting documentary evidence, Sogod also presented witnesses Celedonio Campos, Jr., Bonifacia Sugarol, and Ranito Quadra to prove its ownership and possession of the land.¹⁶ According to their testimonies, the land “was originally in the possession of Ignacia Rivera, the mother of Catalina.”¹⁷ “Catalina inherited this land from her mother[.]”¹⁸ On October 28, 1996, Catalina sold the land to Sogod.¹⁹ “A tax clearance dated July 30, 1999 was issued by the Office of the Municipal Treasurer, certifying that all taxes over the land covered by Tax Declaration No. 043-6156 had been paid.”²⁰ “Thereafter, Tax Declaration No. 11096 A was issued in the name of [Sogod].”²¹

The Office of the Solicitor General did not present any controverting evidence.²²

On May 10, 2001, the trial court rendered the Decision²³ granting the application.²⁴ The Decision stated, in part:

The facts presented show that the applicant corporation and its predecessor-in-interest have been in open, continuous, exclusive, notorious and undisturbed possession of the land, subject of this application for registration of title for not less than fifty (50) years or since time immemorial. The state did not present evidence to controvert these facts.

WHEREFORE, from all the foregoing undisputed facts which are supported by oral and documentary evidence, the court finds and so holds that the applicant, Sogod Development Corporation represented by Celedonio Campos, Jr. has a registrable title to the land sought to be registered, hereby confirming the same and ordering its registration under Act 494, as amended by Presidential Decree No. 1529 over Lot 2533, Cad 827-D, situated in Tabunok, Sogod, Cebu, Island of Cebu, Philippines, as described in Plan As-07-001393, and strictly in line with its Technical Description, upon the finality of this decision.²⁵

The Office of the Solicitor General appealed to the Court of Appeals.²⁶ According to the Office of the Solicitor General, the trial court erred in allowing the titling of Lot No. 2533 because:

(1) Sogod failed to prove its open, continuous, exclusive, and

¹⁶ Id. at 105–106 and 114–115, Petition for Review on Certiorari.

¹⁷ Id. at 114.

¹⁸ Id.

¹⁹ Id.

²⁰ Id. at 114–115.

²¹ Id. at 115.

²² Id. at 152, Court of Appeals Decision.

²³ Id. The Decision was penned by Judge Manuel D. Patalinghug.

²⁴ Id.

²⁵ Id.

²⁶ Id.

notorious possession and occupation of the land since June 12, 1945 or earlier;²⁷

- (2) The tax declarations presented by Sogod “are of recent vintage”²⁸ and are “not accompanied by proof of actual possession . . . since June 12, 1945[;]”²⁹
- (3) The land was only declared alienable and disposable on January 17, 1986, pursuant to Forestry Administrative Order No. 4-1611,³⁰ “making it impossible for [Sogod] and its predecessors-in-interest to have possessed the land in concept of an owner since June 12, 1945 or earlier[;]”³¹ and
- (4) “Article XII, Section 3 of the 1987 Constitution disqualifies private corporations from applying for original registration of title to alienable lands.”³²

On August 25, 2005, the Court of Appeals rendered its Decision affirming the Decision of the 6th Municipal Circuit Trial Court of Catmon-Carmen-Sogod, Cebu.³³ It ruled that Sogod was able to prove that “it and its predecessors-in-interest ha[d] been in possession of [Lot No. 2533] since June 12, 1945 or earlier and the land sought to be registered is an agricultural land[.]”³⁴ Upholding the corporation’s right to file the application before the court a quo, the Court of Appeals held that lands possessed in the manner and for the period required by Section 48 of Commonwealth Act No. 141 become *ipso jure* private lands.³⁵ Judicial confirmation in this case would only be a formality to confirm “the earlier conversion of the land into private land[.]”³⁶

The Office of the Solicitor General moved for reconsideration³⁷ of the Court of Appeals Decision. In the Resolution dated November 7, 2006, the Court of Appeals denied the Motion for Reconsideration for lack of merit.³⁸

Hence, the present Petition for Review was filed. Respondent Sogod Development Corporation assigns the following errors:

I

²⁷ Id. at 153.

²⁸ Id.

²⁹ Id.

³⁰ Id. at 155.

³¹ Id. at 153.

³² Id.

³³ Id. at 160.

³⁴ Id. at 159.

³⁵ Id. at 158–159.

³⁶ Id. at 159.

³⁷ Id. at 161–172.

³⁸ Id. at 174.

THE HONORABLE COURT OF APPEALS COMMITTED GRAVE ABUSE OF DISCRETION WHEN IT ALLOWED THE TITLING OF LOT NO. 2533 DESPITE RESPONDENT'S FAILURE TO SHOW THAT IT AND ITS 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 BONAFIDE CLAIM OF OWNERSHIP SINCE JUNE 12, 1945 OR PRIOR THERETO.

II

THE HONORABLE COURT OF APPEALS COMMITTED REVERSIBLE ERROR IN AFFIRMING THE TRIAL COURT'S DECISION, GRANTING RESPONDENT'S APPLICATION FOR REGISTRATION OF LOT NO. 2533 IN VIEW OF THE OPPOSITION DATED SEPTEMBER 13, 2000 OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES (DENR) STATING THAT SAID PROPERTY WAS ONLY DECLARED ALIENABLE AND DISPOSABLE ON JANUARY 17, 1986.

III

THE HONORABLE COURT OF APPEALS ERRED IN GRANTING RESPONDENT'S APPLICATION FOR REGISTRATION OF TITLE SINCE ARTICLE XII, SECTION 3 OF THE 1987 CONSTITUTION DISQUALIFIES PRIVATE CORPORATIONS FROM APPLYING FOR ORIGINAL REGISTRATION OF ALIENABLE LANDS.

IV

THE HONORABLE COURT OF APPEALS ERRED WHEN IT AFFIRMED THE TRIAL COURT'S DECISION DATED AUGUST 2, 2001, GRANTING THE APPLICATION FOR REGISTRATION OF TITLE OF THE RESPONDENT ON THE BASES OF TAX DECLARATIONS WHICH ARE OF RECENT VINTAGE.³⁹

Respondent filed its Comment,⁴⁰ to which petitioner filed its Reply.⁴¹ On May 30, 2011, the court gave due course to the Petition and required the parties to submit their respective memoranda.⁴²

Petitioner and respondent filed their memoranda on January 4, 2012⁴³ and October 15, 2014,⁴⁴ respectively.

³⁹ Id. at 116–117, Petition for Review on Certiorari.

⁴⁰ Id. at 192–194.

⁴¹ Id. at 204–211.

⁴² Id. at 219, Supreme Court Resolution.

⁴³ Id. at 245–259.

⁴⁴ Id. at 326–342.

Petitioner raises the following issues in its Memorandum:

First, “whether the occupation of forest land prior to its classification as alienable and disposable land may be considered for purposes of complying with the requirements for judicial confirmation of title[;]”⁴⁵ and

Second, “whether [respondent] and its predecessors-in-interest have possessed the property in the manner and length of time required by law.”⁴⁶

Petitioner contends that since the “application for registration was filed on December 9, 1999, respondent could only be considered in bona fide possession for a period of 13 years from the time [the land] was classified as alienable and disposable [in 1986].”⁴⁷ It adds that any possession or occupation of the land prior to its declaration as “alienable and disposable cannot be counted for purposes of acquisitive prescription because forest lands are not susceptible of [private appropriation].”⁴⁸ It further argues that Section 48(b) of Commonwealth Act No. 141, as amended, “applies exclusively to alienable and disposable public agricultural land[,] [and] [f]orest lands are excluded.”⁴⁹

Moreover, petitioner contends that possession in good faith “is important in the consideration of whether the applicant has acquired a grant of registrable title from the government.”⁵⁰ “The alienable nature of the land is essential to the bona fide claim of ownership and possession since June 12, 1945.”⁵¹

Even if the court’s ruling in *Heirs of Mario Malabanan v. Republic*⁵² is applied, respondent’s possession would allegedly be short of the length of time required by law.⁵³ The earliest tax declaration presented by respondent is 1947, which was “short of the June 12, 1945 requirement of [the] law.”⁵⁴ According to petitioner, “[a] statement that a tax declaration for the year 1945 existed does not equate to clear and convincing proof of possession required by law considering further that the person who declared the property [could not] be precisely determined.”⁵⁵ Petitioner also “point[s] out that the total area . . . declared by respondent’s predecessor’s-in-interest [sic]

⁴⁵ Id. at 248, Republic’s Memorandum.

⁴⁶ Id.

⁴⁷ Id.

⁴⁸ Id. at 249.

⁴⁹ Id.

⁵⁰ Id. at 251.

⁵¹ Id. at 253.

⁵² 605 Phil. 244 (2009) [Per J. Tinga, En Banc].

⁵³ *Rollo*, p. 255, Republic’s Memorandum.

⁵⁴ Id. at 256.

⁵⁵ Id.

[was] at most 21,000 square meters as opposed to the area of 23,456⁵⁶ [square] meters [that was] sought to be registered.”⁵⁷ Finally, according to petitioner, “it does not appear that respondent submitted a document proving that Catalina Rivera inherited the property from her mother.”⁵⁸

On the other hand, respondent’s application, even when considered under Section 14(2) of Presidential Decree No. 1529, “must still be dismissed for failure to prove the existence of an express government manifestation that the property is already patrimonial.”⁵⁹

Respondent counters that factual issues could not be raised in a petition for review on certiorari, and the findings of the trial court and the Court of Appeals “that the respondent and its predecessor-in-interest have been in open, continuous, exclusive, notorious, and adverse possession of the . . . land since 12 June 1945 or earlier”⁶⁰ must be respected.⁶¹

Respondent contends that it sufficiently complied with the requirements of the law. First, the land applied for was alienable and disposable when it filed its application in 1999.⁶² Citing *Republic v. Court of Appeals and Naguit*,⁶³ respondent contends that “it [was] enough that the land [was] declared as alienable and disposable prior to the filing of the application for registration and not at the start of possession[.]”⁶⁴ Second, it and its predecessor-in-interest “occupied and possessed the land openly, continuously, exclusively, and adversely under a bona fide claim of ownership since [June 12,] 1945 or earlier.”⁶⁵

Contrary to petitioner’s claim, respondent stresses that it was able to present the tax declaration for 1945.⁶⁶ Moreover, “the various tax declarations, which prove continuity and without intermission, and the tax clearance all in the name of Catalina Rivera[,] support the claim that [she] was in possession of the . . . land since 1945 and even earlier[.]”⁶⁷ Respondent adds that “both the trial court and the Court of Appeals found that the . . . land was planted with corn[.]”⁶⁸ “[P]lanting of corn requires cultivation and fostering[,] which proves that the possession by Catalina Rivera was actual, open and continuous.”⁶⁹

⁵⁶ The land area should be 23,896 square meters.

⁵⁷ Id.

⁵⁸ Id.

⁵⁹ Id. at 257.

⁶⁰ Id. at 329, Sogod Development Corporation’s Memorandum.

⁶¹ Id. at 329–330.

⁶² Id. at 335.

⁶³ 489 Phil. 405 (2005) [Per J. Tinga, Second Division].

⁶⁴ *Rollo*, p. 332, Sogod Development Corporation’s Memorandum.

⁶⁵ Id. at 335.

⁶⁶ Id.

⁶⁷ Id. at 339.

⁶⁸ Id. at 336–337.

⁶⁹ Id. at 338.

We deny the Petition.

The main issue revolves around the proper interpretation of Section 48(b) of Commonwealth Act No. 141, as amended,⁷⁰ otherwise known as the Public Land Act, which requires possession under a bona fide claim of ownership since June 12, 1945 for a judicial confirmation of title:

SECTION 48. The following described citizens of the Philippines, occupying lands of the public domain or claiming to own any such lands or an interest therein, but whose titles have not been perfected or completed, may apply to the Court of First Instance of the province where the land is located for confirmation of their claims and the issuance of a certificate of title thereafter, under the Land Registration Act, to wit:

....

(b) *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 acquisition or ownership, since June 12, 1945, or earlier, immediately preceding the filing of the application for confirmation of title, except when prevented by war or force majeure. These shall be conclusively presumed to have performed all the conditions essential to a Government grant and shall be entitled to a certificate of title under the provisions of this chapter. (Emphasis supplied)*

A similar provision is found in Section 14(1) of Presidential Decree No. 1529, otherwise known as the Property Registration Decree, which reads:

SECTION 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.

This court in *Heirs of Mario Malabanan v. Republic*⁷¹ has clarified that the fixed date of June 12, 1945 qualifies possession and occupation, not land classification, as alienable and disposable.⁷² The agricultural land

⁷⁰ Com. Act No. 141 (1936), sec. 48(b) has been amended by Pres. Decree No. 1073 (1977), sec. 4.

⁷¹ G.R. No. 179987, September 3, 2013, 704 SCRA 561 [Per J. Bersamin, En Banc].

⁷² *Id.* at 581.

subject of the application needs only to be classified as alienable and disposable as of the time of the application, provided the applicant's possession and occupation of the land dates back to June 12, 1945, or earlier.⁷³ Thus:

The dissent stresses that the classification or reclassification of the land as alienable and disposable agricultural land should likewise have been made on June 12, 1945 or earlier, because any possession of the land prior to such classification or reclassification produced no legal effects. It observes that the fixed date of June 12, 1945 could not be minimized or glossed over by mere judicial interpretation or by judicial social policy concerns, and insisted that the full legislative intent be respected.

We find, however, that the choice of June 12, 1945 as the reckoning point of the requisite possession and occupation was the sole prerogative of Congress, the determination of which should best be left to the wisdom of the lawmakers. Except that said date qualified the period of possession and occupation, no other legislative intent appears to be associated with the fixing of the date of June 12, 1945. Accordingly, the Court should interpret only the plain and literal meaning of the law as written by the legislators.

Moreover, an examination of Section 48 (b) of the *Public Land Act* indicates that Congress prescribed no requirement that the land subject of the registration should have been classified as agricultural since June 12, 1945, or earlier. As such, the applicant's imperfect or incomplete title is derived only from possession and occupation since June 12, 1945, or earlier. This means that the character of the property subject of the application as alienable and disposable agricultural land of the public domain determines its eligibility for land registration, not the ownership or title over it. Alienable public land held by a possessor, either personally or through his predecessors-in-interest, openly, continuously and exclusively during the prescribed statutory period is converted to private property by the mere lapse or completion of the period. In fact, by virtue of this doctrine, corporations may now acquire lands of the public domain for as long as the lands were already converted to private ownership, by operation of law, as a result of satisfying the requisite period of possession prescribed by the *Public Land Act*. It is for this reason that the property subject of the application of Malabanan need not be classified as alienable and disposable agricultural land of the public domain for the entire duration of the requisite period of possession.

To be clear, then, the requirement that the land should have been classified as alienable and disposable agricultural land at the time of the application for registration is necessary only to dispute the presumption that the land is inalienable.⁷⁴ (Citations omitted)

The ruling in *Heirs of Malabanan* adopted the earlier interpretation in *Republic v. Court of Appeals and Naguit*⁷⁵ that Section 14(1) of the Property Registration Decree “merely requires the property sought to be registered as already alienable and disposable at the time the application

⁷³ Id. at 581–582.

⁷⁴ Id. at 580–582.

⁷⁵ 489 Phil. 405 (2005) [Per J. Tinga, Second Division].

for registration of title is filed.”⁷⁶ This court also emphasized in *Naguit* the absurdity that would result in interpreting Section 14(1) as requiring that the public land should have already been characterized as alienable by June 12, 1945.⁷⁷

Besides, we are mindful of the absurdity that would result if we adopt petitioner's position. Absent a legislative amendment, the rule would be, adopting the OSG's view, that all lands of the public domain which were not declared alienable or disposable before June 12, 1945 would not be susceptible to original registration, no matter the length of unchallenged possession by the occupant. Such interpretation renders paragraph (1) of Section 14 virtually inoperative and even precludes the government from giving it effect even as it decides to reclassify public agricultural lands as alienable and disposable. The unreasonableness of the situation would even be aggravated considering that before June 12, 1945, the Philippines was not yet even considered an independent state.

Instead, the more reasonable interpretation of Section 14(1) is that it merely requires the property sought to be registered as already alienable and disposable at the time the application for registration of title is filed. If the State, at the time the application is made, has not yet deemed it proper to release the property for alienation or disposition, the presumption is that the government is still reserving the right to utilize the property; hence, the need to preserve its ownership in the State irrespective of the length of adverse possession even if in good faith. However, if the property has already been classified as alienable and disposable, as it is in this case, then there is already an intention on the part of the State to abdicate its exclusive prerogative over the property.⁷⁸

Untenable is petitioner's reliance on *Republic v. Diloy*,⁷⁹ which pronounced that the period of possession before the declaration that land is alienable and disposable agricultural land should be excluded in the computation of possession for purposes of confirmation of imperfect title.⁸⁰ *Diloy* was based on *Republic v. Herbierto*,⁸¹ which was expressly declared in *Heirs of Malabanan* to be incorrect and without precedential value with respect to Section 14(1). The court declared that:

[T]he correct interpretation of Section 14(1) is that which was adopted in *Naguit*. The contrary pronouncement in *Herbierto*, as pointed out in *Naguit*, absurdly limits the application of the provision to the point of virtual inutility since it would only cover lands actually declared alienable and disposable prior to 12 June 1945, even if the current possessor is able to establish open, continuous, exclusive and notorious possession under a *bona fide* claim of ownership long before that date.

⁷⁶ Id. at 414.

⁷⁷ Id.

⁷⁸ Id.

⁷⁹ 585 Phil. 404 (2008) [Per J. Chico-Nazario, Third Division].

⁸⁰ Id. at 415.

⁸¹ 498 Phil. 227 (2005) [Per J. Chico-Nazario, Second Division].

Moreover, the *Naguit* interpretation allows more possessors under a *bona fide* claim of ownership to avail of judicial confirmation of their imperfect titles than what would be feasible under *Herbieto*. This balancing fact is significant, especially considering our forthcoming discussion on the scope and reach of Section 14(2) of the Property Registration Decree.

.....

Thus, neither *Herbieto* nor its principal discipular ruling *Buenaventura* has any precedential value with respect to Section 14(1). On the other hand, the ratio of *Naguit* is embedded in Section 14(1), since it precisely involved [a] situation wherein the applicant had been in exclusive possession under a *bona fide* claim of ownership prior to 12 June 1945. The Court's interpretation of Section 14(1) therein was decisive to the resolution of the case. Any doubt as to which between *Naguit* or *Herbieto* provides the final word of the Court on Section 14(1) is now settled in favor of *Naguit*.⁸²

Petitioner's claim that "[t]he alienable nature of the land is essential to the bona fide claim of ownership and possession since June 12, 1945"⁸³ is likewise untenable. In *AFP Retirement and Separation Benefits System (AFP-RSBS) v. Republic*:⁸⁴

Although adverse, open, continuous, and notorious possession in the concept of an owner is a conclusion of law to be determined by courts, it has more to do with a person's belief in good faith that he or she has just title to the property that he or she is occupying. It is unrelated to the declaration that land is alienable or disposable. A possessor or occupant of property may, therefore, be a possessor in the concept of an owner prior to the determination that the property is alienable and disposable agricultural land. His or her rights, however, are still to be determined under the law.⁸⁵

We proceed to the second issue relating to the sufficiency of evidence showing the nature and length of respondent's possession over the land. As a rule, factual findings of both the trial court and the Court of Appeals are binding on this court. Petitioner did not show the existence of any exceptions for us to depart from this rule.

The trial court and the Court of Appeals found that respondent applicant had sufficiently proved its and its predecessors-in-interest's continuous possession of the land tracing back to June 12, 1945 or earlier. Possession since 1945 was established through testimonies of respondents' witnesses, the unbroken chain of tax declarations in the name of Catalina

⁸² *Heirs of Mario Malabanan v. Republic*, 605 Phil. 244, 269–271 (2009) [Per J. Tinga, En Banc].

⁸³ *Rollo*, p. 253, Republic's Memorandum.

⁸⁴ G.R. No. 180086, July 2, 2014, 728 SCRA 602 [Per J. Leonen, Third Division].

⁸⁵ *Id.* at 614.

Rivera, the person from whom respondent bought the property in 1996,⁸⁶ and a certification from the municipal treasurer that all previous taxes had been paid.⁸⁷ Tax declarations or realty tax payments constitute at least proof that the holder has a sincere and honest claim of title over the property.⁸⁸ Moreover, witness Bonifacia Sugarol, the owner of the adjoining land, stated that the land was owned by Ignacia Rivera and inherited by Catalina; and the land was planted with corn and had many tenants.⁸⁹

Contrary to petitioner's claim, respondent was able to present in evidence the tax declaration for 1945. What were not presented were tax declarations before 1945 because as testified by a representative from the Office of the Municipal Assessor of Sogod, all its records before the war were destroyed. This was discussed by the Court of Appeals, thus:

The applicant also presented a representative from the Office of the Municipal Assessor of Sogod in the person Ranito Quadra relative to the tax declaration history of Lot 2533. The oldest tax declaration on file in the said government office was TD 04024 (marked and submitted as Exh. "CC") for the year 1945. In the said tax declaration, a notation was placed in the entry –

I (a) Land (Agricultural/Mineral)
ASSESSOR'S FINDINGS

Kind	Area	Class	Unit Value	Market Value
Cornland	4.0000	3 a		₱800.00
Maguey	2.0000	1 a		120.00
Pasture	4.0169			120.50
Total	10.0169			₱1040.50

As can be gleaned from the face of this evidence, the land was already devoted to the planting of corn, maguey and the rest was pastureland. Also, i[t] appears that TD 04024 cancelled the previous tax declaration with number TD 1417. A testimony was also adduced by the same witness that the previous tax declarations covering the property cannot be produced anymore because all of their records prior to the Second World War were destroyed.

Analyzing the above-quoted testimony as well as the documentary evidence submitted, it can be clearly surmised that the land was devoted to agriculture in 1945 and even prior to that year. Based on human experience, the area planted with corn and maguey is a considerable tract of land that it presupposes that the land ceased to be a forest land. Such that, even if the land was declared to be alienable and disposable only in the year 1986, the actual use of Catalina Rivera of this tract of land was already agriculture.⁹⁰ (Citations omitted)

⁸⁶ *Rollo*, pp. 338–339, Sogod Development Corporation's Memorandum.

⁸⁷ *Id.* at 114–115, Petition for Review on Certiorari.


⁸⁸ *Republic v. Court of Appeals*, 328 Phil. 238, 248 (1996) [Per J. Torres, Jr., Second Division].

⁸⁹ *Rollo*, pp. 157, Court of Appeals Decision, and 337, Sogod Development Corporation's Memorandum.

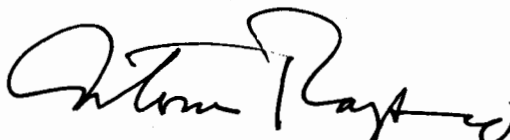
⁹⁰ *Id.* at 157–158, Court of Appeals Decision.

Thus, respondent had established (by itself and through its predecessor-in-interest) its possession in the concept of owner of the property since 1945. It is further undisputed that the property was declared alienable and disposable in 1986 prior to respondent's filing of its application in 1999.⁹¹ The Court of Appeals, therefore, did not err in affirming the Municipal Circuit Trial Court Decision granting respondent's application for original registration of title.

WHEREFORE, the Petition is **DENIED** and the Court of Appeals Decision dated August 25, 2005 and Resolution dated November 7, 2006 are **AFFIRMED**.


MARVIC M. V. LEONEN
Associate Justice

WE CONCUR:


ANTONIO T. CARPIO
Associate Justice
Chairperson

On leave
ARTURO D. BRION
Associate Justice


MARIANO C. DEL CASTILLO
Associate Justice


JOSE CATRAL MENDOZA
Associate Justice

⁹¹ Id. at 155.

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, Second Division

CERTIFICATION

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



MARIA LOURDES P. A. SERENO
Chief Justice