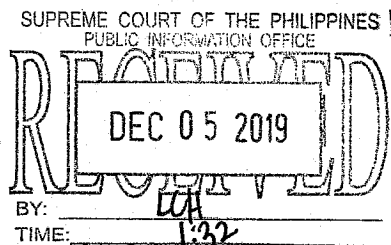




Republic of the Philippines
Supreme Court
Manila



FIRST DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, First Division, issued a Resolution dated **October 16, 2019** which reads as follows:

“G.R. No. 204377 (SPOUSES ENRICO T. BATUNGBACAL and MA. VICTORIA BATUNGBACAL and ERNESTO T. BATUNGBACAL, Petitioners, v. REPUBLIC OF THE PHILIPPINES, Respondent.) – We resolve this appeal from the decision¹ and the resolution² promulgated on April 23, 2012 and November 5, 2012, respectively, by the Court of Appeals (CA) in CA-G.R. CV No. 87738.

The CA held that the petitioners failed to convincingly prove that they and their predecessors-in-interest have been in open, continuous, exclusive and notorious possession and occupation of the contested property under a *bona fide* claim of ownership since June 12, 1945 or earlier;³ that the petitioners did not have a registrable right over the property through acquisitive prescription absent any competent evidence of any declaration from the State, particularly Congress, that the subject property is no longer intended for public service or for the development of national wealth or that the property has been converted into patrimonial property.⁴

We agree.

Preliminarily, We uphold the authority of the CA to conduct its own factual determination of the case. Section 9 of *Batas Pambansa Blg. 129*, as amended by Republic Act No. 7902, provides:

- over – four (4) pages ...

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¹ *Rollo*, pp. 50-61; penned by Associate Justice Rosalinda Asuncion-Vicente, with Associate Justice Antonio L. Villamor and Associate Justice Ramon A. Cruz, concurring.

² *Id.* at 64-65; penned by Associate Justice Rosalinda Asuncion-Vicente, with Associate Justice Mariflor P. Punzalan-Castillo and Associate Justice Ramon A. Cruz, concurring.

³ *Id.* at 56.

⁴ *Id.* at 59-60.

The Court of Appeals shall have the power to try cases and conduct hearings, receive evidence and perform any and all acts necessary to resolve factual issues raised in cases falling within its original and appellate jurisdiction, including the power to grant and conduct new trials or further proceedings. Trials or hearings in the Court of Appeals must be continuous and must be completed within three (3) months unless extended by the Chief Justice. (Emphasis and underscoring supplied)

Also, as a matter of long and sound appellate practice, the factual findings of the CA are accorded respect, if not finality, save for the most compelling and cogent reasons.⁵ Indeed, while the Court could review the CA's factual findings when the same is contrary to those of the trial court,⁶ Our review is limited to errors of law and cannot touch errors of facts unless the petitioner shows that the trial court overlooked facts or circumstances that warrant a different disposition of the case, or that the findings of fact have no basis on record.⁷ In here, We find that the CA had been circumspect in its analysis of the pieces of evidence presented. Hence, We have no reason to reverse its findings.

Finally, We agree with the CA that the subject property is not susceptible to registration by reason of acquisitive prescription.⁸ In *Republic of the Philippines v. Tan*,⁹ We ruled:

While a prior declaration that the property has become alienable and disposable is sufficient in an application for judicial confirmation of title under Section 14 (1) of the *PRD*, it does not suffice for the purpose of prescription under the Civil Code. Before prescription can even begin to run against the State, the following conditions must concur to convert the subject into patrimonial property:

1. The subject lot must have been classified as agricultural land in compliance with Sections 2 and 3 of Article XII of the Constitution;
2. The land must have been classified as alienable and disposable;
3. There must be a declaration from a competent authority that the subject lot is no longer intended for public use, thereby converting it to patrimonial property.

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⁵ *Lacson v. Lacson*, G.R. No. 150644, August 28, 2006, 499 SCRA 677, 685.

⁶ *Macadangdang v. Court of Appeals*, G.R. No. L-49542, September 12, 1980, 100 SCRA 73, 80.

⁷ *Mitra v. People*, G.R. No. 191404, July 5, 2010, 623 SCRA 673, 681.

⁸ *Rollo*, pp. 57-58.

⁹ G.R. No. 199537, February 10, 2016, 783 SCRA 643, 652-653.

Only when these conditions are met can applicants begin their public and peaceful possession of the subject lot in the concept of an owner.

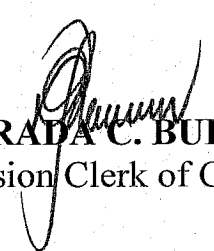
In the present case, the third condition is absent. Even though it has been declared alienable and disposable, the property has not been withdrawn from public use or public service. Without this, prescription cannot begin to run because the property has not yet been converted into patrimonial property of the State. It remains outside the commerce of man and the respondent's physical possession and occupation thereof do not produce any legal effect. In the eyes of the law, the respondent has never acquired legal possession of the property and her physical possession thereof, no matter how long, can never ripen into ownership. (Underscoring supplied)

It is settled that the declaration shall be in the form of a law duly enacted by Congress or a Presidential Proclamation in cases where the President is duly authorized by law.¹⁰ The petitioners failed to present evidence showing that such declaration had been made. The CENRO certification that the petitioners had presented will not suffice.¹¹

WHEREFORE, We **DENY** the petition for review for lack of merit and **AFFIRM** the April 23, 2012 decision and November 5, 2012 resolution rendered by the Court of Appeals in CA-G.R. CV No. 87738.

SO ORDERED.” *Perlas-Bernabe, J., on official business; Gesmundo, J., designated as Acting Working Chairperson per Special Order No. 2717 dated October 10, 2019.*

Very truly yours,


LIBRADA C. BUENA
Division Clerk of Court *ffs 12/5*

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¹⁰ *Heirs of Malabanan v. Republic*, G.R. No. 179987, September 3, 2013, 704 SCRA 561, 577-578.

¹¹ *Id.*



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Court of Appeals (x)
Manila
(CA-G.R. CV No. 87738)


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The Hon. Presiding Judge
Regional Trial Court, Branch 6
Tanauan, 4232 Batangas
(LRC Case No. T-599)

The Hon. Presiding Judge
Municipal Trial Court
Santo Tomas, 4234 Batangas
(LRA Case No. 2001-091)

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