



Republic of the Philippines  
Supreme Court  
Manila

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*Wilfredo L. Lapitan*  
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Division Clerk of Court  
Third Division  
OCT 03 2017

THIRD DIVISION

SUPREME COURT OF THE PHILIPPINES  
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TRINIDAD DIAZ-ENRIQUEZ  
represented by her Attorney-in-fact,  
JOSE MARCEL E. PANLILIO,  
substituted by MONTESOL  
DEVELOPMENT CORPORATION,  
Petitioner,

G.R. No. 168065

- versus -

DIRECTOR OF LANDS, COURT OF  
APPEALS, GERONIMO SACLOLO,  
JOSEFINO SACLOLO and  
RODRIGO SACLOLO  
Respondents,

X-----X

GERONIMO SACLOLO, JOSEFINO  
SACLOLO and RODRIGO  
SACLOLO  
Petitioners,

G.R. No. 168070

Present:

CARPIO, J.,\*  
BERSAMIN,  
Acting Chairperson,  
LEONEN,  
MARTIRES, and  
GISMUNDO, JJ.

-versus-

COURT OF APPEALS, TRINIDAD  
DIAZ-ENRIQUEZ and DIRECTOR  
OF LANDS  
Respondents.

Promulgated:

September 6, 2017

*Wilfredo L. Lapitan*

X-----X

## DECISION

### MARTIRES, J.:

These consolidated petitions for review on certiorari<sup>1</sup> seek to reverse and set aside the 26 May 2004 Decision<sup>2</sup> and 13 May 2005 Resolution<sup>3</sup> of the Court of Appeals (*CA*) in CA – G.R. CV No. 53838, which nullified the 6 July 1995 Decision<sup>4</sup> and the 30 January 1996 Order<sup>5</sup> of the Regional Trial Court, Branch 15, Naic, Cavite (*RTC*), in LRC Case No. TM-95, a case for application of registration of title.

### THE FACTS

On 27 December 1974, Geronimo, Josefino, and Rodrigo, all surnamed Saclolo (*the Saclolos*) filed before the then Court of First Instance, now Regional Trial Court, Naic, Cavite, a joint application for registration of title over three (3) parcels of land (*subject lands*), with a total area of 3,752,142 square meters (375.2 hectares) and located at Sitio Sinalam, Barrio Sapang, Ternate, Cavite.<sup>6</sup> The Saclolos averred that they had acquired title to the subject lands through purchase and that together with their predecessors-in-interest, they had been in actual and exclusive possession, occupation, and cultivation of the subject lands since time immemorial.<sup>7</sup>

The government, thru the Director of Lands, Abdon Riego de Dios, and Angelina Samson filed oppositions to the application.<sup>8</sup> The Director of Lands argued that the subject lands are not alienable and disposable because: they are located within the Calumpang Point Naval Reservation, segregated from the public domain by Proclamation No. 307, dated November 20, 1967; that by virtue of Republic Act (*R.A.*) No. 6236, the right to judicial confirmation of imperfect title under Section 48 of the Public Land Law, with respect to lands having an area of more than 144 hectares, has expired; that the Saclolos had not acquired title over the subject lands through any recognized mode of acquisition of title; that the Saclolos and their predecessors-in-interest had not been in open, continuous, exclusive, and notorious possession and occupation of the subject lands for at least 30 years immediately preceding the filing of the application; and that PSU 68, 69, and

\* Additional member per raffle dated 16 January 2017.

<sup>1</sup> The petitioner in G.R. No. 168065 invokes both Rule 45 and Rule 65 of the Rules of Court.

<sup>2</sup> *Rollo* (G.R. No. 168065), pp. 22-33; penned by Associate Justice Eliezer R. De Los Santos, and concurred in by Associate Justices Conrado M. Vasquez, Jr. and Associate Justice Rosalinda Asuncion-Vicente.

<sup>3</sup> *Id.* at 48.

<sup>4</sup> *Id.* at 49-54; penned by Judge Enrique M. Almario.

<sup>5</sup> *Id.* at 55-56; penned by Assisting Judge Emerito M. Agcaoil.

<sup>6</sup> *Rollo* (G.R. No. 168070), pp. 44-45.

<sup>7</sup> *Id.* at 45.

<sup>8</sup> *Rollo* (G.R. No. 168065), p. 49.

70, the plans which cover the subject lands, have not been verified by the Bureau of Lands as required by Presidential Decree (*P.D.*) No. 239.<sup>9</sup>

On 27 December 1993, Trinidad Diaz-Enriquez (*Enriquez*) filed a motion for intervention alleging that the Saclolos had sold to her all their interests and rights over the subject lands on 19 September 1976. The RTC allowed Enriquez's claim to be litigated.<sup>10</sup>

### **The RTC Ruling**

In its Decision, dated 6 July 1995, the RTC ruled that the subject lands are alienable and disposable lands of the public domain because Proclamation No. 307 itself stressed that the segregation of the Calumpang Point Naval Reservation was subject to private rights. It opined that the pieces of evidence presented by the Saclolos proved that their rights over the subject lands, being private in nature and character, were excluded from the reservation for military purposes. The *fallo* reads:

Wherefore, finding the evidence of applicants sufficient, their titles to the parcels of land applied for are hereby confirmed. The Land Registration Authority is hereby Ordered to issue the corresponding decrees of registration and certificates of title in the names of the applicants subject to the intervenor's rights upon finality of judgment.<sup>11</sup>

In its Order, dated 30 January 1996, the RTC modified its earlier decision by ordering the issuance of the decree of registration to Enriquez.<sup>12</sup>

### **The CA Ruling**

In its assailed decision, dated 26 May 2004, the CA declared that the subject lands are all within the Calumpang Point Naval Reservation, as testified to by Eleuterio R. Paz, Chief of the Survey Division of the Bureau of Lands—Region 4; thus, the said lands could not be privately titled. It held that even if Proclamation No. 307 qualifies the reservation as being subject to private rights, the Saclolos have not established by adequate proof their open, continuous, exclusive, and notorious possession over the subject lands.

The appellate court observed that the *informacion posesoria*, upon which the Saclolos heavily rely to support their claim, did not at all indicate the area covered by the claim. It added that the tax declarations, technical

<sup>9</sup> *Rollo* (G.R. No. 168070), pp. 52-53.

<sup>10</sup> *Rollo* (G.R. No. 168065), p. 49.

<sup>11</sup> *Id.* at 53-54.

<sup>12</sup> *Id.* at 55-56.



descriptions, sketch plans, tax receipts, deeds of sale, and surveyor's certificates did not show the nature of the Saclolos' possession.

The CA stated that the trial court disregarded the fact that judicial confirmation of imperfect title under Section 48 of the Public Land Act with respect to lands having an area of more than 144 hectares had lapsed pursuant to R.A. No. 6236, approved on 19 June 1971. It further noted that the trial court's jurisdiction to entertain the application was not established since the plans had not been verified by the Bureau of Lands as required by P.D. No. 239 and the alleged verifications in the plans were not authentic. The appellate court concluded that the subject lands could not be registered because they lie within a naval reservation and most of them are forest and foreshore lands. It disposed the case thus:

WHEREFORE, premises considered, the January 30, 1996 order of the trial court is REVERSED and SET ASIDE, and a new judgment is entered DISMISSING the applications for registration of title to the subject three (3) lots in LRC Case No. TM-95 for lack of jurisdiction and failure to prove acquisitive prescription.<sup>13</sup>

Aggrieved, the Saclolos and Enriquez moved for reconsideration, but the same was denied by the CA in its Resolution, dated 13 May 2005.

Hence, these consolidated petitions.

### **THE ISSUES**

In G.R. No. 168070, the Saclolos raised the following issues:

- I. WHETHER OR NOT THE RESPONDENT COURT OF APPEALS HAS DECIDED THE CASE ( CA- G.R. CV NO. 53838 (LRC CASE NO. TM – 95 OF RTC, BRANCH XV, NAIC, CAVITE) IN A WAY NOT PROBABLY IN ACCORDANCE WITH LAW OR WITH THE APPLICABLE DECISIONS OF THE SUPREME COURT.
- II. WHETHER OR NOT THE RESPONDENT COURT OF APPEALS IN MAKING ITS FINDING, WENT BEYOND THE ISSUES RAISED ON APPEAL AND THE SAME IS CONTRARY TO THE ADMISSIONS OF BOTH APPELLANTS AND APPELLEES.
- III. WHETHER OR NOT THE RESPONDENT COURT OF APPEALS MANIFESTLY OVERLOOKED CERTAIN RELEVANT FACTS NOT DISPUTED BY THE PARTIES AND

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<sup>13</sup> Id. at 33.



WHICH, IF PROPERLY CONSIDERED, WOULD JUSTIFY A DIFFERENT CONCLUSION.

- IV. WHETHER OR NOT THE RESPONDENT COURT OF APPEALS HAS COMMITTED A GRAVE ABUSE OF DISCRETION WHEN IT DECLARED THAT THE TRIAL COURT HAD NO JURISDICTION TO TRY THE CASE AND WHETHER OR NOT IN RENDERING THE QUESTIONED DECISION DATED MAY 26, 2004, AND IN ISSUING THE QUESTIONED RESOLUTION, DATED MAY 13, 2005 THE RESPONDENT COURT OF APPEALS COMMITTED A MISAPPREHENSION OF FACTS.
- V. WHETHER OR NOT THE RESPONDENT COURT OF APPEALS ALSO COMMITTED A GRAVE ABUSE OF DISCRETION WHEN IT DID NOT RESOLVE THE ISSUES RAISED BY PETITIONERS AS APPLICANTS- APPELLANTS IN CA- G.R. CV NO. 53838 OF THE RESPONDENT COURT.<sup>14</sup>

On the other hand, in G.R. No. 168065, Enriquez submits the following assignment of errors:

- I. The HONORABLE COURT OF APPEALS COMMITTED GRAVE ABUSE OF DISCRETION WHEN IT VIOLATED AND CONTRAVENED SECTION 3, RULE 41 OF THE REVISED RULES ON CIVIL PROCEDURE.
- II. THE HONORABLE COURT OF APPEALS COMMITTED GRAVE ABUSE OF DISCRETION IN FINDING THAT INTERVENOR HAS NO REGISTRABLE TITLE.
- III. THE HONORABLE COURT OF APPEALS CAPRICIOUSLY, ARBITRARILY AND WHIMSICALLY FOUND THAT THE REGIONAL TRIAL COURT HAD NO JURISDICTION TO TRY THE CASE.<sup>15</sup>

In sum, the issues are: 1) Whether the appellate court may declare that the lands sought to be registered are not alienable and disposable notwithstanding the failure of the Director of Lands to appeal from the decision of the trial court decreeing the issuance of certificates of title; 2) Whether the appellate court may resolve issues which are not raised as errors on appeal; and 3) Whether the applicants for registration of title have sufficiently proved that the subject lands are alienable and disposable.

In G.R. No. 168070, the Saclolos argue that the Director of Lands did not appeal from the RTC decision, thus, the facts pertaining to the

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<sup>14</sup> *Rollo* (G.R. No. 168070), pp. 23-24.

<sup>15</sup> *Rollo* (G.R. No. 168065), p. 11.



registration of titles are already final and settled; and that Proclamation No. 307 even strengthens their rights over the subject lands for the same proclamation expressly recognizes the rights of private parties.

In G.R. No. 168065, Enriquez, citing *Carrion v. CA*,<sup>16</sup> avers that the appellate court committed a reversible error when it modified the decision of the trial court and granted to the Director of Lands, who did not appeal from such decision, affirmative reliefs other than those granted to them by the trial court's judgment; that Proclamation No. 1582-A excluded the private occupants from the coverage of the Calumpang Point Naval Reservation; that based on uncontroverted evidence, it has been established that the Saclolos' predecessors-in-interest have declared the subject lands for taxation purposes as early as 1945; and that the Director of Lands should have raised the plans' lack of verification during the trial of the case.

In his Comment,<sup>17</sup> the Director of Lands, citing *Baquiran v. CA*, counters that issues, though not specifically raised in the pleadings in the appellate court, may, in the interest of justice, be properly considered by the said court in deciding a case, if there are questions raised in the trial court and are matters of record having some bearing on the issue submitted which the parties failed to raise or which the lower court ignored; that Delfin Buhain, the alleged caretaker of the Saclolos and the husband of the Saclolos' alleged predecessor-in-interest Pasencia Ruffy, testified that since he came to know of the land and up to the time it was sold to the Saclolos, his parents-in-law, his wife, and brother-in-law Roman Bernardo Ruffy had possessed the same in the concept of a true and legal owner, though he could not remember when the Saclolos bought it from his wife and brother-in-law; that the deed of sale between the Ruffys and Geronimo Saclolo covers only 170 hectares, 156 of which are mountainous areas and only 14 hectares are planted to rice and corn; that the *informacion posesoria* on which the Ruffys rely to prove that they had inherited the land from their parents does not even mention the area subject thereof; that no effort was ever taken by the Saclolos to reconcile the glaringly disproportionate areas allegedly occupied by them and their predecessors-in-interest, and the area being applied for, i.e., 325.1 hectares; that Marte Saclolo, son of Geronimo Saclolo and the alleged administrator of the whole property, could only account for about 150 hectares devoted to rice, bamboo, mangoes, bananas and other fruit-bearing trees while admitting that the rest of the area applied for are forest, foreshore, and mountain lands; and that the subject lands form part of the Calumpang Point Naval Reservation, thus cannot be privately titled.

### THE COURT'S RULING

The petitions are without merit.



<sup>16</sup> 329 Phil. 698, 704 (1996); *Rollo*, pp. 13-14.

<sup>17</sup> *Rollo* (G.R. No. 168065), p. 91

***The subject lands may still be declared public lands notwithstanding the Director of Lands' failure to appeal from the RTC decision.***

In *Laragan v. Court of Appeals*,<sup>18</sup> petitioners therein averred that the appellate court could not declare the parcel of land in question as public land, because the decision of the Court of First Instance of Isabela ordering the registration of said parcel of land in their favor, had already become final and executory for failure of the Director of Lands to appeal therefrom. The Court found such argument untenable, *viz*:

x x x While it may be true that the Director of Lands did not appeal from the decision of the trial court, his failure to so appeal did not make the decision of the trial court final and executory, in view of the appeal interposed by the other oppositors, Teodoro Leaña, Tomas Leaña, Francisco Leaña, and Consolacion Leaña, who also seek the confirmation of their imperfect title over the land in question.

**Neither did such failure of the Director of Lands to appeal foreclose the appellate court from declaring the land in question to be public land, since the oppositors and the herein petitioners are both seeking the registration of their title pursuant to the provisions of Section 48 (b) of the Public Land Law where the presumption always is that the land pertains to the state, and the occupants and possessors claim an interest in the same, by virtue of their imperfect title or continuous, open, exclusive and notorious possession and occupation under a *bona fide* claim of ownership for the required number of years. Thus, in their application for registration, the petitioners alleged that they "hereby apply to have the land hereinafter described brought under the operation of the Land Registration Act, and to have the title thereto registered and confirmed." The petitioners are deemed to thereby admit that, until such confirmation, the land remains public.<sup>19</sup> (emphasis supplied and citations omitted)**

In addition, an applicant is not necessarily entitled to have the land registered under the Torrens system simply because no one appears to oppose his title and to oppose the registration of his land. He must show, **even though there is no opposition** to the satisfaction of the court, that he is the absolute owner, in fee simple.<sup>20</sup>

Consequently, the appellate court may still determine whether the subject lands are indeed alienable and disposable lands of the public domain,

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<sup>18</sup> 237 Phil. 172-184 (1987).

<sup>19</sup> Id. at 181.

<sup>20</sup> *Republic v. Bacas*, 721 Phil. 808, 837 (2013).

notwithstanding the Director of Lands' failure to appeal from the RTC decision.

***The appellate court may reverse the decision of the trial court on the basis of grounds other than those raised as errors on appeal.***

As a general rule, only matters assigned as errors in the appeal may be resolved. Section 8, Rule 51 of the Rules of Court provides:

SECTION 8. *Questions that May Be Decided.* — No error which does not affect the jurisdiction over the subject matter or the validity of the judgment appealed from or the proceedings therein will be considered unless stated in the assignment of errors, or closely related to or dependent on an assigned error and properly argued in the brief, save as the court may pass upon plain errors and clerical errors.

The exceptions to this rule have been enumerated in *Catholic Bishop of Balanga v. Court of Appeals*:<sup>21</sup>

[T]he appellate court is accorded a broad discretionary power to waive the lack of proper assignment of errors and to consider errors not assigned. It is clothed with ample authority to review rulings even if they are not assigned as errors in the appeal. Inasmuch as the Court of Appeals may consider grounds other than those touched upon in the decision of the trial court and uphold the same on the basis of such other grounds, the Court of Appeals may, with no less authority, reverse the decision of the trial court on the basis of grounds other than those raised as errors on appeal. We have applied this rule, as a matter of exception, in the following instances:

- (1) Grounds not assigned as errors but affecting jurisdiction over the subject matter;
- (2) Matters not assigned as errors on appeal but are evidently plain or clerical errors within contemplation of law;
- (3) Matters not assigned as errors on appeal but consideration of which is necessary in arriving at a just decision and complete resolution of the case or to serve the interest of justice or to avoid dispensing piecemeal justice;
- (4) Matters not specifically assigned as errors on appeal but raised in the trial court and are matters of record having some bearing on the issue submitted which the parties failed to raise or which the lower court ignored;
- (5) Matters not assigned as errors on appeal but closely related to an error assigned; and



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<sup>21</sup> 332 Phil. 206-226 (1996).

- (6) Matters not assigned as errors on appeal but upon which the determination of a question properly assigned, is dependent.<sup>22</sup>  
(citations omitted)

In this case, there is no doubt that the application for registration of title hinges upon the determination of whether the subject lands are alienable and disposable. Further, this is consistent with the appellate court's authority to review the totality of the controversy brought on appeal.<sup>23</sup>

*Applicants failed to prove that the subject lots are alienable and disposable.*

The application of the Saclolos was filed on December 27, 1974. Accordingly, the law governing the application was Commonwealth Act (C.A.) No. 141, as amended by R.A. No. 1942, particularly Section 48 (b) which provides that:

Those who by themselves or through their predecessors in interest have been in open, continuous, exclusive and notorious possession and occupation of **agricultural lands of the public domain, under a *bona fide* claim of acquisition of ownership, for at least thirty years 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.

As can be gleaned therefrom, the necessary requirements for the grant of an application for land registration are the following:

1. The applicant must, by himself or through his predecessors-in-interest, have been in possession and occupation of the subject land;
2. The possession and occupation must be open, continuous, exclusive, and notorious;
3. The possession and occupation must be under a *bona fide* claim of ownership for at least thirty years immediately preceding the filing of the application; and
4. The subject land must be an agricultural land of the public domain.<sup>24</sup>

<sup>22</sup> Id. at 216-217.

<sup>23</sup> *Heirs of Loyola v. Court of Appeals*, G.R. No. 188658, 11 January 2017.

<sup>24</sup> *Republic v. Bacas*, supra note 20 at 830-831.

Among these requirements, the question of whether the subject lands were declared alienable and disposable is of primordial importance because it is determinative if the land can in fact be subject to acquisitive prescription and, thus, registrable under the Torrens system. Without first determining the nature and character of the land, all the other requirements such as the length and nature of possession and occupation over such land do not come into play. The required length of possession does not operate when the land is part of the public domain.<sup>25</sup>

In *Republic v. Heirs of Fabio*,<sup>26</sup> the Court similarly tackled the issue of whether certain parcels of land located within the Calumpang Point Naval Reservation are alienable and disposable, to wit:

The three proclamations cited reserving the Calumpang Point Naval Reservation for the exclusive use of the military are the following: (1) U.S. War Department Order No. 56 issued on 25 March 1904, (2) Proclamation No. 307 issued on 20 November 1967, and (3) Proclamation No. 1582-A issued on 6 September 1976. Such proclamations state:

**U.S. War Department General Order No. 56**

U.S. War Department General Order No. 56  
Washington, March 25, 1904.

For the knowledge and governance of all interested parties, the following is hereby announced:

The President of the United States, by the Order dated March 14, 1904, which provides that the reservations made by Executive Order of April 11, 1902 (General Order No. 38, Army Headquarters, Office of the Adjutant General, April 17, 1902), at the entrance of Manila Bay, Luzon, Philippine Islands, are arranged in such a way that will include only these lands as later described, whose lands were reserved by the Order of March 14, 1904 for military purposes, by virtue of Article 12 of the Act of Congress approved on July 1, 1902, entitled "Act providing for the Temporary Administration of Civil Affairs of the Government of the Philippine Islands and for Other Purposes" (32 Stat. L., 691); namely:

1. In the northern side of the entrance to Manila Bay, in the province of Bataan, Luzon (Mariveles Reservation), all public lands within the limits that are described as follows:

"Starting from the mouth of the Mariveles River in the eastern border and from here straight North to a distance of 5,280 feet; from this point straight to the East to intercept a line, in a straight direction to the South from a stone monument marked U.S. (Station 4); from there straight from the North until the aforementioned Station 4; from here straight to

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<sup>25</sup> Id. at 833.

<sup>26</sup> 595 Phil. 664, 678-683 (2008).



the East to a distance of 6,600 feet until a stone monument marked U.S. (Station 5); from here straight South to a distance of 6,600 feet until a stone monument marked U.S. (Station 6); from here straight to the East to a distance of 8,910 feet until a stone monument marked U.S. (Station 7); from here straight to the South to a distance of 7,730 feet until a stone monument marked U.S. (Station 8), situated at the northwest corner of the second creek to the east of Lasisi Point, 30 feet North of the high-tide mark; from there in the same direction until the high-tide mark; from here towards the East following the shoreline up to the starting point."

**2. In the southern side of the Manila Bay entrance, in the province of Cavite, Luzon (Calumpang Point Reservation), all public lands within the limits that are described as follows:**

**"Starting from a stone monument marked U.S. (Station 1) situated in the cliff on the Eastern side of Asubig Point, 20 feet above the high-tide mark and about 50 feet from the edge of the cliff and continuing from there to the South 28° 10' West, a distance of up to 22,000 feet until a stone monument marked U.S. (Station 2); from here to North 54° 10' West at a distance of 5,146 feet until a stone monument marked U.S. (Station 3); from here towards South 85° 35' 30 "West, at a distance of 2,455 feet until a stone monument marked U.S. (Station 4), situated on the beach near the Northeast corner of Limbones Bay, about 50 feet from the high-tide mark and following in the same direction until the high-tide mark; from here towards North and East following the shoreline until North 28° 10 ' East from the starting point and from there encompassing more or less 5,200 acres. The markers are exact."**

3. The islands of Corregidor, Pulo Caballo, La Monja, El Fraile, and Carabao, and all other islands and detached rocks lying between Mariveles Reservation on the north side of the entrance to Manila Bay and Calumpang Point Reservation on the south side of said entrance. aETDIc

4. The jurisdiction of the military authorities in the case of reservations in the northern and southern beaches of the entrance to Manila Bay and all the islands referred to in paragraph 3, are extended from the high-tide marker towards the sea until a distance of 1,000 yards.

By Order of the Secretary of War:  
 GEORGE L. GILLESPIE,  
 General Commander, Chief of Internal General Staff,  
 Official copy.  
 W.P. HALL, Internal Adjutant General. (Emphasis supplied)

**Proclamation No. 307**

. . . do hereby withdraw from sale or settlement and reserve for military purposes under the administration of the Chief of Staff, Armed



Forces of the Philippines, subject to private rights, if any there be, a certain parcel of land of the public domain situated in the municipality of Ternate, province of Cavite, Island of Luzon, more particularly described as follows:

Proposed Naval Reservation

Calumpang Point

A parcel of land (the proposed Calumpang Point Naval Reservation), situated in the municipality of Ternate, province of Cavite. Bounded on the NW., N. and E., by Manila Bay; on the SE. and S., by municipality of Ternate; and on the W., by Manila Bay. Beginning at a point marked "1" on the attached Sketch Plan traced from Coastal Hydrography of Limbones Island.

thence N. 54 deg. 30' E., 750.00 m. to point 2;  
 thence N. 89 deg. 15' E., 1780.00 m. to point 3;  
 thence N. 15 deg. 10' E., 6860.00 m. to point 4;  
 thence N. 12 deg. 40' W., 930.00 m. to point 5;  
 thence S. 77 deg. 20' W., 2336.00 m. to point 6;  
 thence S. 49 deg. 30' W., 4450.00 m. to point 7;  
 thence S. 12 deg. 40' E., 2875.00 m. to point 8;  
 thence S. 30 deg. 30' E., 2075.00 m. to the point of beginning;  
 containing an approximate area of twenty eight million nine hundred seventy three thousand one hundred twelve (28,973,112) square meters. CHIEDS

NOTE: All data are approximate and subject to change based on future surveys."

**Proclamation No. 1582-A**

WHEREAS, **Proclamation No. 307** dated November 20, 1967 and U.S. War Department Order No. 56 dated March 25, 1904 reserved for military purposes, and withdrew from sale or settlement, a parcel of land of the public domain situated in the Municipality of Ternate, Province of Cavite, more particularly described as follows: . . .

WHEREAS, the Philippine Navy and the Philippine Marines now need that portion of this area reserved under Proclamation No. 307, particularly, Caylabne Cove, Caynipa Cove, Calumpang Cove and Sinalam Cove, for their use as official station, not only to guard and protect the mouth of Manila Bay and the shorelines of the Province[s] of Cavite, Batangas and Bataan, but also to maintain peace and order in the Corregidor area, which is now one of the leading tourist attractions in the country; . . .

. . . containing an approximate area of EIGHT MILLION EIGHTY NINE THOUSAND NINE HUNDRED NINETY (8,089,990) SQUARE METERS, more or less.

The portion that remains after the segregation which are occupied shall be released to *bona fide* occupants pursuant to existing laws/policies

regarding the disposition of lands of the public domain and the unoccupied portions shall be considered as alienable or disposable lands.

The proclamations established that as early as 1904 a certain parcel of land was placed under the exclusive use of the government for military purposes by the then colonial American government. In 1904, the U.S. War Department segregated the area, including the Lot, for military purposes through General Order No. 56. Subsequently, after the Philippines regained its independence in 1946, the American government transferred all control and sovereignty to the Philippine government, including all the lands appropriated for a public purpose. Twenty years later, two other presidential proclamations followed, both issued by former President Ferdinand E. Marcos, restating that the same property is a naval reservation for the use of the Republic.<sup>27</sup> (emphases in the original)

From the foregoing proclamations, four (4) things are clear: *first*, a parcel of land containing 28,973,112 square meters, located in Ternate, Cavite, was withdrawn from sale or settlement and reserved for military purposes; *second*, by virtue of Proclamation No. 1582-A, the area reserved for military purposes was limited to 8,089,990 square meters instead of the original 28,973,112 square meters; *third*, the occupied portions, after segregating the 8,089,990 square meters, would be released to *bona fide* occupants; and *fourth*, the unoccupied portions were declared alienable and disposable lands.

To reiterate, the Director of Lands insists that the subject lands are within the Calumpang Point Naval Reservation. This was bolstered by the testimony of Eleutorio R. Paz, Chief of the Survey Division of the Bureau of Lands–Region 4.<sup>28</sup> Thus, it was incumbent upon the Saclolos and Enriquez to prove that the subject lands do not form part of the Calumpang Point Naval Reservation because “when a property is officially declared a military reservation, it becomes inalienable and outside the commerce of man.”<sup>29</sup>

Indeed, Proclamation No. 307 recognizes private rights over parcels of land included in the reservation. Further, Proclamation No. 1582-A provides that the occupied portions which remained after segregating the 8,089,990 square meters shall be released to *bona fide* occupants. Thus, a mere invocation of “private rights” does not automatically entitle an applicant to have the property registered in his name. “Persons claiming the protection of private rights in order to exclude their lands from military reservations must show by clear and convincing evidence that the pieces of property in question have been acquired by a legal method of acquiring public lands.”<sup>30</sup>



<sup>27</sup> Id. at 683.

<sup>28</sup> TSN, 7 January 1976; pp. 34-44.

<sup>29</sup> *Republic v. Bacas*, supra note 20 at 831.

<sup>30</sup> *Republic v. Estonilo*, 512 Phil. 644, 654 (2005).

In this case, however, none of the documents presented by the Saclolos and Enriquez prove that the subject lands are alienable and disposable.

*First*, the Investigator's Report even contradicted the claim that the subject lands are alienable and disposable as it noted that these lands are "within the extensive Calumpang Point Reservation however, the applicants assert their private rights to the subject area."<sup>31</sup>

*Further*, the *informacion posesoria* upon which the Saclolos heavily rely to support their claim neither states that the subject lands were declared alienable and disposable nor indicates the area covered thereby. It merely describes it as "capacity of three cavans seed in palay." What can only be determined from such certificate of possession is that a certain Bernabe Fabio had possessory title over a parcel of land registered in 1895 but was subsequently lost and that the children of Fabio eventually sold such parcel of land to the Spouses Ruffy.<sup>32</sup> This, however, does not prove that the subject lands were already legally acquired by the Saclolos and their predecessors-in-interest at a time when such parcels of land were declared alienable and disposable by the government. Moreover, it is worthy to note that P.D. No. 892 discontinued the system of registration under the Spanish Mortgage Law by categorically declaring all lands recorded under the latter system, not yet covered by Torrens title, unregistered lands. P.D. No. 892 divests the Spanish titles of any legal force and effect in establishing ownership over real property.<sup>33</sup>

*Finally*, in the Deed of Sale between the heirs of the Spouses Ruffy and Geronimo Saclolo, the parcel of land was described as containing 170 hectares (1,700,000 square meters).<sup>34</sup> However, in the Saclolos' application for registration of title, the total area of the subject lands is stated as 375.2 hectares. Further, Marte Saclolo, son of Geronimo, could only account for 150 hectares devoted to rice, bamboo, mangoes, bananas and other fruit-bearing trees.<sup>35</sup> Thus, the alienability and disposability of the subject lands and even the exact area covered thereof lack factual bases.

In *Heirs of Mario Malabanan v. Republic of the Philippines*,<sup>36</sup> the Court emphasized that lands of the public domain, unless declared otherwise by virtue of a statute or law, are inalienable and can never be acquired by prescription. No amount of time of possession or occupation can ripen into ownership over lands of the public domain. All lands of the public domain presumably belong to the State and are inalienable. Lands that are not clearly

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<sup>31</sup> Records, p.95

<sup>32</sup> Id. at 196.

<sup>33</sup> *Evangelista v. Santiago*, 497 Phil. 269, 292 (2005).

<sup>34</sup> Records, p. 190.

<sup>35</sup> *Rollo* (G.R. No. 168065), p. 28

<sup>36</sup> 717 Phil. 141, 168-169 2013).

under private ownership are also presumed to belong to the State and, therefore, may not be alienated or disposed.

A positive act declaring land as alienable and disposable is required. In keeping with the presumption of State ownership, the Court has time and again emphasized that there must be a positive act of the government, such as an official proclamation,<sup>37</sup> declassifying inalienable public land into disposable land for agricultural or other purposes.<sup>38</sup> In fact, Section 8 of CA No. 141 limits alienable or disposable lands only to those lands which have been officially delimited and classified.<sup>39</sup>

The burden of proof in overcoming the presumption of State ownership of the lands of the public domain is on the person applying for registration (or claiming ownership), who must prove that the land subject of the application is alienable or disposable.<sup>40</sup> To overcome this presumption, incontrovertible evidence must be established that the land subject of the application (or claim) is alienable or disposable.<sup>41</sup> There must still be a positive act declaring land of the public domain as alienable and disposable. To prove that the land subject of an application for registration is alienable, the applicant must establish the existence of a positive act of the government such as a presidential proclamation or an executive order; an administrative action; investigation reports of Bureau of Lands investigators; and a legislative act or a statute.<sup>42</sup> The applicant may also secure a certification from the government that the land claimed to have been possessed for the required number of years is alienable and disposable.<sup>43</sup>

In the case at bar, no such proclamation, executive order, administrative action, report, statute, or certification was presented to the Court. The records are bereft of evidence showing that the subject lands were proclaimed by the government to be alienable and disposable. Time and again, it has been held that matters of land classification or reclassification cannot be assumed. They call for proof.<sup>44</sup>

On a final note, it is worth emphasizing that as early as 1904, a certain parcel of land has already been reserved for military purposes. It behooves the Court how the Saclolos remained oblivious to such fact despite a considerable lapse of time. Certainly, there would have been several people who knew of such reservation considering that the same is not confidential information. The Saclolos and even Enriquez failed to exercise such

<sup>37</sup> *Republic v. Court of Appeals*, 278 Phil. 1, 13 (1991).

<sup>38</sup> *Heirs of the Late Spouses Pedro S. Palanca and Soterranea Rafols Vda. De Palanca v. Republic*, 531 Phil. 602, 617 (2006).

<sup>39</sup> *Chavez v. Public Estates Authority*, 433 Phil. 506, 541 (2002).

<sup>40</sup> *Republic v. Lao*, 453 Phil. 189, 195 (2003).

<sup>41</sup> *Id.* at 198.

<sup>42</sup> *Republic of the Philippines v. Muñoz*, 562 Phil. 103, 116 (2007).

<sup>43</sup> *Id.* at 37 at 619.

<sup>44</sup> *Republic v. Naguiat*, 515 Phil. 560, 566 (2006).

diligence as prudent men ordinarily would. As such, they only have themselves to blame for their predicament. They should have taken full advantage of the opportunity to present during trial all pieces of evidence to prove that the subject lands are alienable and disposable especially in the light of the fact that the government vehemently opposes the registration. Thus, in view of the glaring lack of evidence as regards the alienability and disposability of the subject lands, the Court is constrained to deny their registration of title.

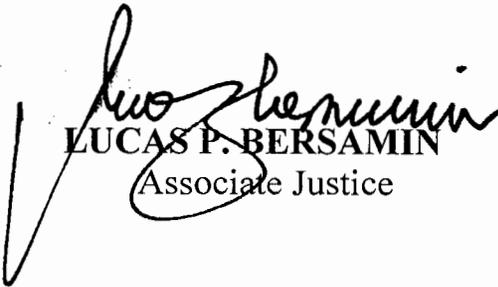
**WHEREFORE**, the 26 May 2004 Decision and 13 May 2005 Resolution of the Court of Appeals in CA-G.R. CV No. 53838 are **AFFIRMED *in toto***.

**SO ORDERED.**

  
**SAMUEL R. MARTIRES**  
Associate Justice

**WE CONCUR:**

  
**ANTONIO T. CARPIO**  
Senior Associate Justice

  
**LUCAS P. BERSAMIN**  
Associate Justice

  
**MARVIC M.V.F. LEONEN**  
Associate Justice

  
**ALEXANDER G. GESMUNDO**  
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.

  
**LUCAS P. BERSAMIN**  
Associate Justice  
Acting Chairperson, Third 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.

**CERTIFIED TRUE COPY**  
  
**WILFREDO V. LAPITAN**  
Division Clerk of Court  
Third Division  
OCT 03 2017

  
**ANTONIO T. CARPIO**  
Acting Chief Justice