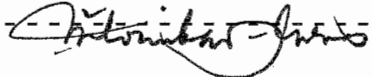


EN BANC

G.R. No. 242781 — SUPERIORA LOCALE DELL' ISTITUTO DELLE
SUORE DI SAN GIUSEPPE DEL CABURLOTTO, INC., *petitioner*,
versus REPUBLIC OF THE PHILIPPINES, *respondent*.

Promulgated:

June 21, 2022

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CONCURRING OPINION

CAGUIOA, J.:

The *ponencia* grants the Petition for Review on *Certiorari* (Petition) filed by petitioner Superiora Locale Dell' Istituto Delle Suore Di San Giuseppe Del Caburlotto, Inc. (petitioner) and reverses the April 6, 2018 Decision and October 23, 2018 Resolution of the Court of Appeals (CA), which affirmed the April 11, 2016 Order of the Regional Trial Court, Branch 18, Tagaytay City, Cavite (RTC) which, in turn, dismissed petitioner's application for registration over Lot Nos. 1341-A and 1341-B in LRC No. TG-13-1841 primarily on the ground of *res judicata*. The *ponencia* thus remands the case to the RTC for further proceedings.

I fully concur with the *ponencia*. I join the *ponencia*'s ruling that contrary to the CA's pronouncements, *res judicata* does not apply to registration proceedings considering that, in cases of this nature, "there is no conclusive adjudication of rights between adversarial parties."¹ More importantly, I fully agree that in light of the curative nature of Republic Act No. (RA) 11573,² which has been earlier recognized by the Court in *Republic v. Pasig Rizal Co., Inc.*³ (*Pasig Rizal*), RA 11573 shall be applied retroactively in this particular case.

Notably, RA 11573, which was passed by Congress "with the intention of improving the confirmation process for imperfect land titles[,]"⁴ shortens the period of possession under the old Section 14(1) of Presidential Decree No. (PD) 1529.⁵ As observed by the Court in *Pasig Rizal*, instead of requiring applicants to establish their possession from "June 12, 1945, or earlier," the new Section 14(1) under RA 11573 only requires proof of possession "at least

¹ *Ponencia*, p. 6.

² AN ACT IMPROVING THE CONFIRMATION PROCESS FOR IMPERFECT LAND TITLES, AMENDING FOR THE PURPOSE COMMONWEALTH ACT NO. 141, AS AMENDED, OTHERWISE KNOWN AS "THE PUBLIC LAND ACT," AND PRESIDENTIAL DECREE NO. 1529, AS AMENDED, OTHERWISE KNOWN AS THE "PROPERTY REGISTRATION DECREE," approved on July 16, 2021.

³ G.R. No. 213207, February 15, 2022.

⁴ *Id.* at 25, citing RA 11573, Sec. 1.

⁵ AMENDING AND CODIFYING THE LAWS RELATIVE TO REGISTRATION OF PROPERTY AND FOR OTHER PURPOSES, June 11, 1978.



twenty (20) years immediately preceding the filing of the application for confirmation of title except when prevented by war or *force majeure*.”⁶

As well, in light of the amendments introduced by RA 11573, “at present, the presentation of the approved survey plan bearing a certification signed by a duly designated DENR geodetic engineer stating that the land subject of the application for registration forms part of the alienable and disposable agricultural land of the public domain shall be sufficient proof of its classification as such, *provided* that the certification bears references to: (i) the relevant issuance (*e.g.*, Forestry Administrative Order, DENR Administrative Order, Executive Order, or Proclamation); and (ii) the LC Map number covering the subject land.”⁷

As prescribed by the Court in *Pasig Rizal*, the foregoing rules “shall apply retroactively to all applications for judicial confirmation of title which remain pending as of x x x the date when RA 11573 took effect[,]”⁸ including this case. The retroactive effect of RA 11573, as well as its curative nature, had been extensively discussed by the Court in *Pasig Rizal*, as follows:

As stated, RA 11573 took effect on September 1, 2021, or fifteen (15) days after its publication on August 16, 2021. Notably, RA 11573 does not expressly provide for its retroactive application.

As a general rule, laws shall have no retroactive effect, unless the contrary is provided. However, this rule is subject to certain recognized exceptions, as when the statute in question is curative in nature, or creates new rights, thus:

As a general rule, laws have no retroactive effect. But there are certain recognized exceptions, such as when they are remedial or procedural in nature. This Court explained this exception in the following language:

“It is true that under the Civil Code of the Philippines, ‘(l)aws shall have no retroactive effect, unless the contrary is provided.’ But there are settled exceptions to this general rule; such as when the statute is CURATIVE or REMEDIAL in nature or when it CREATES NEW RIGHTS.[”] x x x

In *Frivaldo v. Commission on Elections*, the Court shed light on the nature of statutes that may be deemed curative and may therefore be applied retroactively notwithstanding the absence of an express provision to this effect:

According to Tolentino, curative statutes are those which undertake to cure errors and irregularities, thereby validating judicial or administrative proceedings, acts of

⁶ *Republic v. Pasig Rizal Co., Inc.*, supra note 3, at 26; italics in the original.

⁷ *Id.* at 28; italics in the original.

⁸ *Id.* at 32.

public officers, or private deeds and contracts *which otherwise would not produce their intended consequences by reason of some statutory disability or failure to comply with some technical requirement.* They operate on conditions already existing, and are necessarily retroactive in operation. Agpalo, on the other hand, says that curative statutes are “healing acts x x x curing defects and adding to the means of enforcing existing obligations x x x (and) are intended to supply defects, abridge superfluities in existing laws, and curb certain evils. x x x By their very nature, curative statutes are retroactive x x x (and) reach back to past events to correct errors or irregularities and to render valid and effective attempted acts which would be otherwise ineffective for the purpose the parties intended.” x x x

In *Nunga, Jr. v. Nunga III*, the Court further clarified that while a law creating new rights may be given retroactive effect, this can only be done if the new right does not prejudice or impair any vested rights.

On this basis, the Court finds that RA 11573, particularly Section 6 (amending Section 14 of PD 1529) and Section 7 (prescribing the required proof of land classification status), may operate retroactively to cover applications for land registration pending as of September 1, 2021, or the date when RA 11573 took effect.

To be sure, the curative nature of RA 11573 can easily be discerned from its declared purpose, that is, “to simplify, update and harmonize similar and related provisions of land laws in order to simplify and remove ambiguity in its interpretation and implementation.” Moreover, by shortening the period of adverse possession required for confirmation of title to twenty (20) years prior to filing (as opposed to possession since June 12, 1945 or earlier), the amendment implemented through Section 6 of RA 11573 effectively created a new right in favor of those who have been in possession of alienable and disposable land for the shortened period provided. The retroactive application of this shortened period does not impair vested rights, as RA 11573 simply operates to confirm the title of applicants whose ownership already existed prior to its enactment.

x x x x

Thus, to aid the bench and the bar, the Court lays down the following guidelines on the application of RA 11573:

1. RA 11573 shall apply retroactively to all applications for judicial confirmation of title which remain pending as of September 1, 2021, or the date when RA 11573 took effect. These include all applications pending resolution at the first instance before all Regional Trial Courts, and applications pending appeal before the Court of Appeals.
2. Applications for judicial confirmation of title filed on the basis of the old Section 14(1) and 14(2) of PD 1529 and which remain pending before the Regional Trial Court or Court of Appeals as of September 1, 2021 shall be resolved following the period and manner of possession required under the *new* Section 14(1). Thus, beginning September 1, 2021, proof of “open, continuous,



exclusive and notorious possession and occupation of alienable and disposable lands of the public domain not covered by existing certificates of title or patents under a *bona fide* claim of ownership for at least twenty (20) years immediately preceding the filing of the application for confirmation” shall be sufficient for purposes of judicial confirmation of title, and shall entitle the applicant to a decree of registration.

3. In the interest of substantial justice, the Regional Trial Courts and Court of Appeals are hereby directed, upon proper motion or *motu proprio*, to permit the presentation of additional evidence on land classification status based on the parameters set forth in Section 7 of RA 11573.
 - a. Such additional evidence shall consist of a certification issued by the DENR geodetic engineer which (i) states that the land subject of the application for registration has been classified as alienable and disposable land of the public domain; (ii) bears reference to the applicable Forestry Administrative Order, DENR Administrative Order, Executive Order, or proclamation classifying the land as such; and (iii) indicates the number of the LC Map covering the land.
 - b. In the absence of a copy of the relevant issuance classifying the land as alienable and disposable, the certification must additionally state (i) the release date of the LC Map; and (ii) the Project Number. Further, the certification must confirm that the LC Map forms part of the records of NAMRIA and is precisely being used by the DENR as a land classification map.
 - c. The DENR geodetic engineer must be presented as witness for proper authentication of the certification in accordance with the Rules of Court.⁹

On this score, it bears noting that, as aptly observed by the *ponencia*, petitioner would have a “legitimate chance of having its alleged land finally registered under its name”¹⁰ in light of RA 11573’s enactment. Notably, the CA had, in fact, earlier found that petitioner had possession over Lot No. 1341-A since 1948 “at the most.”¹¹ If this were indeed the case, then petitioner’s possession until 2013 would already be approximately 65 years, or way beyond the 20-year possession requirement under RA 11573. Thus, as correctly held by the *ponencia*, to remand the case to the RTC for further proceedings, and to give petitioner the opportunity to prove its compliance with the requirements of RA 11573, would be more in accord with justice and fair play.

⁹ Id. at 29-33; italics in the original; emphasis, underscoring and citations omitted.

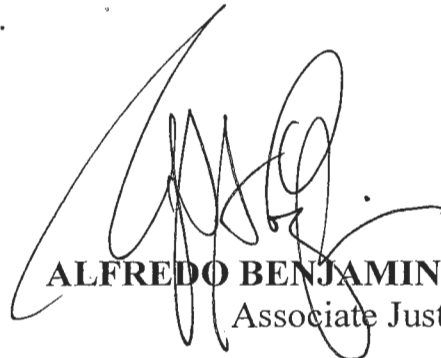
¹⁰ *Ponencia*, p. 14.

¹¹ Id.




As well, anent Lot No. 1341-B, I concur that a joinder of causes of action is “practical and convenient”¹² in this particular case, particularly in light of Sections 18 and 34 of PD 1529.

Accordingly, I vote to **GRANT** the Petition, and to remand the case to the RTC for further proceedings.



ALFREDO BENJAMIN S. CAGUIOA
Associate Justice

CERTIFIED TRUE COPY



MARIA LUISA M. SANTILLA
Deputy Clerk of Court and
Executive Officer
OCC-En Banc, Supreme Court

¹² Id. at 17.