

94 Phil. 913

[G.R. No. L-6669. May 03, 1954]

**PEDRO DAQUIS, PLAINTIFF AND APPELLANT, VS. MAXIMO BUSTOS, ET AL.,
DEFENDANTS AND APPELLEES.**

D E C I S I O N

JUGO, J.:

This is an appeal from a final order of the Court of First Instance of Nueva Ecija, in which the appellant raises only questions of law. From said order, we gather the following facts, which are not disputed:

On September 21, 1921, Homestead Patent No. 3236 was issued to Pedro Daquis, plaintiff in Civil Case No. 1032 of said court, and appellant herein, covering Lot No. 1662 of the Cadastral Survey of Muñoz, Nueva Ecija. This patent was filed and registered in the office of the Register of Deeds of said province, who, on November 6, 1921, issued to Pedro Daquis the corresponding Original Certificate of Title No. 1073.

On January 19, 1922, Daquis filed with said court in the cadastral proceeding of Munoz an answer in which he alleged that he had acquired said lot by virtue of the homestead patent above mentioned and prayed that same be adjudicated to him and his wife Feliciana Quiambao.

On March 9, 1922, Daquis filed another answer of the same tenor.

On September 6, 1926, Daquis, in an instrument acknowledged before Notary Public Ignacio Castelo, conveyed by way of absolute sale said lot to Maximo Bustos, defendant in said case and appellee herein, for the sum of P4,450.00.

On the next day, September 7, 1926, Bustos filed with the court of

first instance of Nueva Ecija his cadastral answer claiming ownership of the lot in question by virtue of the purchase evidenced by said document, and prayed that the lot be adjudicated to him and his wife Elvira Buenaventura.

On the same day, Bustos, with the approval of Daquis, declared for tax purposes said property in his name by means of an affidavit of transfer of real property of the same date.

On June 23, 1934, the Chief of the General Land Registration Office in Manila issued an order directing the Register of Deeds of Nueva Ecija to cancel Original Certificate of Title No. 1073, and in lieu thereof issued a new Transfer Certificate of Title to Maximo Bustos and Elvira Buenaventura, pursuant to the order of Judge Enrique V. Filamor of the Court of First Instance of Nueva Ecija, dated November 18, 1932, in the cadastral proceedings.

On June 30, 1934, Transfer Certificate of Title No. 8310 was issued by the Register of Deeds to the spouses Bustos and Buenaventura.

On September 24, 1952, Daquis filed a complaint with the court of first instance of Nueva Ecija, presided over by Judge L. Pasicolan, praying that the transferor's affidavit, dated September 7, 1926, and the Transfer Certificate of Title No. 8310 be canceled, and he, the plaintiff, be declared the owner of said Lot No. 1662, and that the defendants, the spouses Bustos and Buenaventura, be sentenced to pay jointly and severally plaintiff Daquis the sum of P20,000.00 as damages, plus the costs of suit.

The defendants, Bustos and his wife, filed a motion to dismiss, based on the ground that the cause of action was barred by a prior judgment and by the statute of limitations.

The court of first instance dismissed the complaint. Daquis appealed to this Court, and in his brief makes the following assignment of errors:

"I

“The lower court erred in dismissing the complaint of the plaintiff-appellant on the ground that the present action is barred by a prior judgment.

“II

“The lower court erred in holding that the sale of lot No. 1662 covered by Homestead Patent No. 3236 and Original Certificate of Title No. 1073, which is now being assailed and impugned as null and void, was clearly settled in the cadastral case . . . and that the matter must now be regarded to all intents and purposes as *res adjudicata*.

“III

“The lower court erred in holding that in the determination of the conflicting claims to the land in question the court had no occasion or need to inquire into the validity of the first title No. 1073, as the issue was not the indefeasibility of a Torrens Title acquired under the homestead patents.”

The theory of the appellant is that, in the cadastral proceedings, the court of first instance could not nullify or cancel the certificate of title issued as a consequence of the homestead patent and order the issuance of a transfer certificate of title in favor of the Bustos spouses, for the reason that said certificate of title issued to the homestead patentee was just as indefeasible as any other Torrens Certificate of Title. The only defect of this theory is that the court did not order the cancellation or nullification of either the patent or the corresponding certificate of title, but based the issuance of the transfer certificate of title in favor of the Bustos spouses on the sale of the land made by Daquis to said spouses, as evidenced by the transferor’s affidavit and the declaration in favor of the Bustos spouses made with the consent of Daquis. The court below, far from

annulling the patent and the certificate of title of Daquis, impliedly but necessarily recognized them, for Daquis could not have sold the property to Bustos without possessing the patent and the Torrens Certificate of Title.

However, Daquis contends that said sale was made four years, eleven months, and fifteen days after the issuance of the patent and the certificate of title, or, in other words, fifteen days short before the expiration of the five-year period after the issuance, in violation of Section 116 of Act No. 2874, which read as follows:

SEC. 116. Land acquired under the free patent or homestead provisions shall not be subject to encumbrance or alienation from the date of the approval of the application and for a term of five years from and after the date of issuance of the patent of grant, nor shall they become liable to the satisfaction of any debt contracted prior to the expiration of said period; but the improvements or crops on the land may be mortgaged or pledged to qualified persons, associations, or corporations.”

In the first place, the decision of Judge Filamor in favor of the Bustos spouses was rendered on November 18, 1932, but the complaint in the present case (Civil Case No. 1032 of the court of first instance of Nueva Ecija) was filed on November 24, 1952, or more than twenty years after the rendition of the decision of Judge Filamor. Needless to say, the decision of Judge Filamor had become final for more than nineteen years before the complaint seeking its annulment was filed.

Even assuming that Judge Filamor’s decision erroneously declared the sale valid, such error, not being jurisdictional, could have been corrected only by a regular appeal. Decisions, erroneous or not, become final after the period fixed by law; litigations would be endless; no questions would be finally settled; and titles to property would become precarious if the losing party were allowed to reopen them at any time in the future.

In view of the foregoing, the order appealed from is affirmed with costs against the appellant. It is so ordered.

Paras, C. J., Pablo, Bengzon, Montemayor, Reyes, Bautista, Labrador and Concepcion, JJ., concur.

Date created: October 08, 2014