

103 Phil. 725

[G.R. No. L-8317. May 23, 1958]

THE GOVERNMENT OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS. JUAN ABAD, ET AL.

CALIXTO C. AQUINO, PETITIONER AND APPELLEE, VS. FENICULA MOLINO, ROSANELIA MOLINO AND MIGUEL MOLINO, OPPOSITORS AND APPELLANTS.

D E C I S I O N

CONCEPCION, J.:

This is an appeal from an order of the Court of First Instance of Cagayan.

It appears that on December 18, 1933, decision was rendered in cadastral case No. 25 of the Court of First Instance of Cagayan, G.L.R.O. Record No. 3189, adjudicating a specific portion of Lot No. 382 thereof to Perfecto Molino, another specific portion to Maximiano Molino, and a third portion, likewise, specified, to Anselmo Molino. On January 11, 1938, after said decision had become final, but before the issuance of the corresponding decree, Anselmo Molino and Calixto C. Aquino executed the instrument Exhibit F, purporting to be a deed of sale, transfer and conveyance to Calixto C. Aquino of the portion of Lot No. 382 adjudicated to Anselmo Molino as above stated. The consideration, according to Exhibit F, was P1,400, of which P800 was paid in cash, the balance of P600 to be paid in installments, at the rate of P10 a month, beginning from March 1, 1938. On August 21, 1941, said Lot 382 was subdivided into Lot 382-A, which is the portion adjudicated to Perfecto Molino, Lot 382-B, which is the portion of Maximiano Molino, and Lot 382-C, which is the portion of Anselmo Molino. Owing, evidently, to the outbreak of war in the Pacific and the occupation of the Philippines by the Japanese forces, the corresponding subdivision plan, PSD-19421, was not approved by the Director of Lands until December 29, 1948. On August 17, 1951, Calixto C. Aquino filed, in said cadastral case, a petition setting forth the foregoing facts and alleging that

he had already paid in full the price of Lot No. 382-C and praying that the decree, as regards this subdivision lot, be issued in his favor.

This petition was objected to by Miguel, Fenicula and Rosanelia Molino-hereafter referred to as appellants-the children and heirs of Anselmo Molino, who died on December 24, 1939. The opposition was contained in a pleading entitled "Answer, with special defense and counterclaim." It was alleged therein that the true agreement between the parties to said Exhibit F was one of mortgage to guarantee the payment of a debt of Anselmo Molino in favor of Calixto C. Aquino; that said debt had already been fully paid with the rentals collected by Aquino from Yutivo Sons Hardware Co., which held said Lot 382-C under a contract of lease with Anselmo; that Aquino had constructed a house of mixed materials on said lot; and that, for the use and occupation thereof, he should pay P50 a month, beginning from April, 1947. Appellants prayed, therefore, that "judgment" be rendered dismissing Aquino's petition and declaring that appellants are the lawful owners of Lot No. 382-C, that the contract between Anselmo Molino and the appellee was one of mortgage and that the obligation guaranteed by the same had been fully paid as of March, 1947, and sentencing Aquino to pay P2,600, as rentals from April, 1947 to July, 1951, and, thereafter, the sum of P50 a month, until the final termination of the case.

After due hearing, the Court of First Instance of Cagayan issued an order, dated November 28, 1952, holding that, in the exercise of its jurisdiction as court of land registration, it had no authority to pass upon the issues raised by appellants and that such issues are proper for determination in an ordinary civil action, and accordingly, overruling their opposition and dismissing their counterclaim. The dispositive part of said order is as follows:

"It appearing that the decision of this Court (App. A) has already-become long final; that the subdivision thereby ordered has already been made, as evidence by the plan Psd-19421 (App. B), and that Anselmo Molino sold Lot 382-C to the herein petitioner, Calixto C. Aquino, under and by virtue of the deed of sale (App. F), the Chief, General Land Registration Office, is hereby ordered to issue the corresponding decree of registration as follows: To Perfecto Molino,

Lot 382-A; To Maximiano Molino, Lot 382-B; and to Calixto C. Aquino, Lot 382-C.”

In due time, Miguel, Fenicula and Rosanelia Molino appealed from this order to the Court of Appeals, which, thereafter, certified the record to this Court, it appearing that appellants merely raise questions of law. They maintain that:

“1. The lower court erred in overruling the opposition of the claimants-oppositors-appellants, and in dismissing the answer, special defense and counter-claim of the said claimants-oppositors-appellants.

“2. The lower court erred in finding that Anselmo Molino sold Lot 382-C to the petitioner-appellee, Calixto C. Aquino and ordering the issuance of a decree in favor of the petitioner and appellee.”

In support of the first assignment of error, it is urged that the cases of Castillo vs. Ramos,^{*} 45 Off. Gaz., 183 and Nicolas Lizares & Co. vs. Tan, relied upon by the lower court, are not in point, because: (1) no decree has been issued, as yet; (2) appellee’s alleged right is not as yet indefeasible; (3) his petition, in effect, seeks to set aside the decision of the Cadastral Court dated December 18, 1933; and (4) appellee’s claim is assailed by the appellants upon the ground of fraud.

Appellants’ pretense is devoid of merit. To begin with, appellee does not seek a modification of said final decision. On the contrary, he invokes it in his favor. Precisely, because said decision declared that a definite portion of Lot 382 belongs to Anselmo Molino, appellee prays that such portion be decreed in his favor, Anselmo having conveyed it to him by virtue of Exhibit F. This relief is explicitly authorized by section 29 of Act No. 496 as amended by Act No. 3901, reading:

“After the filing of the application and before the issuance of the decree of title by the Chief of the General Land Registration Office, the land therein described may be dealt with and instruments relating thereto shall be recorded

in the office of the register of deeds at any time before issuance of the decree of title, in the same manner as if no application had been made. The interested party may, however, present such instrument to the Court of First Instance instead of presenting them to the office of the register of deeds, together with a motion that the same be considered in relation with the application, and the court, after notice to the parties, shall order such land registered subject to the encumbrance created by said instrument, or order the decree of registration issued in the name of the buyer or of the person to whom the property has been conveyed by said instrument. " * * ." (Underscoring ours.)

Secondly, in the exercise of its jurisdiction over this cadastral case, the lower court, as a cadastral court or a court of land registration, has limited authority. It cannot determine whether Exhibit F reflects or not the true agreement between the parties thereto or whether the execution thereof is tainted with fraud. Much less may it render judgment for the payment of a sum of money, for the use and occupation of the land in question. Obviously, these matters should be the subject of an ordinary action and are beyond the province of a cadastral case.

Referring to the second assignment of error, appellants maintain that inasmuch as payments on account of the balance of P600 due from Aquino, pursuant to Exhibit F began in March, 1938, he could not have paid more than P220, before Anselmo Molino died in December, 1939, and that the lower court erred, therefore, in finding that Anselmo had sold the lot in dispute to Aquino by virtue of Exhibit F. Commenting thereon, the lower court correctly said:

“Considering that Appendix F is a deed of sale of the land in question, the title to said land, with respect to the parties thereto, passed to the purchaser the moment it was executed, no matter whether or not portions of the purchase price payable in instalments have been paid or not.”

Wherefore, the order appealed from is hereby affirmed, with costs against the appellants.

It is so ordered.

Paras, C.J., Bengzon, Montemayor, Reyes, A., Bautista Angela, Labrador, Reyes, J.B.L., Endencia, and Felix, JJ., concur.

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