

103 Phil. 1155 Unrep

[G.R. No. L-11213. May 26, 1958]

**EULALIO MISTICA AND FILOMENA MISTICA, PLAINTIFFS-APPELLANTS, VS.
PATRICIO CALDITO AND TOMASA DE GUZMAN, DEFENDANTS-APPELLEES.**

D E C I S I O N

REYES, A., J.:

This is an action for reconveyance.

Stripped of non-essentials, the complaint avers in affect the plaintiffs were owners of an parcel of land by inheritance from their deceased father Marcelo Mistica and that they were unjustly deprived thereof when defendants succeeded in having it registered in their name without conclusive or satisfactory proof of ownership, for which reason plaintiffs pray that the land be reconveyed to them.

The answer controverts plaintiff's claim and invokes the conclusiveness and incontrovertibility of a decree of registration in defendants favor under the Land Registration Act.

After trial, the lower court rendered judgment dismissing the complaint (but without costs), declaring that plaintiff's pretensions had not been proved; that they had slept on their rights because though the land was registered in 1931 they did not file their action until 1954; and that, on the other hand, the court had to uphold the indefeasibility of defendants' Torrens title and there was no evidence of fraud or breach of trust to warrant a reconveyance.

From this judgment plaintiffs have appealed directly to this Court on an question of law, which is formulated in their notice of appeal as follows:

" Que la cuestion de derecho que se suscita en la apelacion es la cuestion de si cabe lugar en la ley o en derecho y en equidad el 'RECONVEYANCE' de un terreno registrado bajo el Sistema Torrens, cuyo registro fue obtenido mediante

‘WRONGFUL REGISTRATION OF PROPERTY’, como se patentiza con los EXHIBITOS ‘A’, y ‘B’ presentados como prueba en la vista de la causa, los cuales son copias certificadas de las actuaciones seguidas en el Expediente de Registro No. 11366, G.L R.O. RECORD No. 3861 del Juzgado de primera Instancia de Pangasinan.”

We gather from the record that in 1930 (if not before) the appellees filed an application in the Court of First Instance of Pangasinan for the registration of the land here in dispute. The application was set for hearing but as no one appeared to oppose it, an order of general default was entered and the clerk of court was commissioned to receive applicants’ proof. After hearing the evidence, the commissioner submitted his report, and thereupon the court, then presided by Hon. Pastor M. Endencia, now a member of this Supreme Court, rendered its decision, dated November 19, 1930, declaring:

” Las pruebas justifican, a satisfaccion del Juscgado, que los esposos aqui solicitantes habian adquirido hace 14 años la parcela de terreno, objeto de su solicitud, por compra de Marcelo Ministica, quien a su vez posesyo la misma parcela por 25 anos, y que tanto la posesion de los solicitantes, como la de sus causante, ha sido siempre quieta, publica, continuada, adversea y a titulo de dueño.”

On the basis of the facts thus found, the court decreed the registration of the land in applicants’ name. Following the issuance of the decree on May 20, 1931, and its entry in the “Registration Book” for the province of Pangasinan on the 30th of the following month, Original Certificates of title No. 46493 of the land records of said province was issued to the applicants. Up to 1954, when the present action for reconveyance was instituted, the decree of registration had never been challenge.

It is settled law that a decree of registration is conclusive upon and against all persons and that upon the expiration of one year after its issuance it becomes incontrovertible (Sec. 38, Act No. 496; Reyes et al. vs. Borbon et al., 50 Phil. 791; Azurin et al. vs. Quitariano et al., 46 Off. Gaz., Supp. No. 1, p. 44). Well might appellants therefore say - as in fact they do - that their object is not to annul the decree but only to have the land reconveyed to them for the reason hereinbefore stated.

But while an action for reconveyance is viable in certain cases where registration has been obtained through fraud or in violation of trust, the trial court found, and we think rightly, that no such fraud or breach of trust was proved in the present case. The claim that the registration was decreed without conclusive or sufficient proof of ownership is but an imputation of judicial error which it is now too late to correct. On the other hand, there is a legal presumption of regularity in favor of a judicial proceeding, and that presumption is not rebutted by appellants' exhs. "C", "D" and "E" (consisting, respectively, of the decision, the report of the Commissioner and the minutes of what took place when the application for registration was called for hearing), which in no way support their contention that no sufficient proof of ownership was presented in the case.

In view of the foregoing, the judgment of dismissal must be, as it is hereby, affirmed, with costs in this instance against the appellants.

Paras, C.J., Bengzon, Montemayor, Bautista Angelo, Labrador, Concepcion, Reyes, J.B.L., and Felix, JJ., concur.

Endencia, J., did not take part.
