

Title: **\*\*Estrella Tiongco Yared (Deceased) Substituted by Carmen M. Tiongco A.K.A. Carmen Matilde B. Tiongco vs. Jose B. Tiongco and Antonio G. Doronila, Jr.\*\***

**Facts:**

The dispute in this case revolves around three parcels of land in Iloilo City, Philippines – Lots 3244, 3246, and 1404. These lands originally belonged to the heirs of Maria Luis de Tiongco, comprised of Matilde, Jose, Vicente, and Felipe Tiongco, each holding a  $\frac{1}{4}$  undivided share. Following their deaths, the legitimate children and subsequent descendants, including the petitioner Estrella Tiongco Yared (a legitimate child of Jose Tiongco), inherited these lands. By 1965, Yared had built a house on Lot 1404 and collected rentals from Lots 3244 and 3246.

In 1983, conflicts began when respondent Jose Tiongco (a nephew of Yared and a son of Carmelo Tiongco, Jose Tiongco's son) barred Yared from collecting rentals and pursued legal actions to assert his ownership, including filing for recovery of possession against tenants and an unlawful detainer suit against Yared. Despite winning in the RTC, the CA later reversed this, siding with Yared, who retained possession.

In 1988, Yared discovered that Jose Tiongco had adjudicated the disputed properties solely to himself back in 1974 through fraudulent affidavit and transactions, effectively sidelining other legitimate heirs. This revelation prompted Yared to seek legal redress, aiming to invalidate Jose Tiongco's actions and restore ownership to the rightful heirs.

The Iloilo RTC dismissed Yared's complaint on grounds of prescription, holding that the action should have been filed within ten years from the fraudulent registration. The CA affirmed this decision, leading Yared to appeal to the Supreme Court on several grounds, notably arguing that the fraudulent act of Jose Tiongco, due to her being in actual possession of the property, did not prescribe, making her action for reconveyance timely and justified.

**Issues:**

1. Whether the fraudulent affidavit of adjudication by Jose Tiongco is void or merely voidable.
2. Whether the action for reconveyance by Yared is barred by prescription, given her continuous possession of the properties in question.

**Court's Decision:**

The Philippine Supreme Court granted Yared's petition, reversing the CA's decision. The

Court clarified that while actions for reconveyance generally prescribe after ten years from the issuance of a Torrens title, there is an exception when the plaintiff remains in possession of the disputed property. In such cases, the action for reconveyance is akin to an action to quiet title, which is imprescriptible. Thus, the Court ruled Yared's action was timely, as she never lost possession of the properties. The Court also directed the restoration of the original certificates of title in the names of the original owners and ordered Jose Tiongco to show cause why he should not be sanctioned as a member of the bar for his actions.

#### Doctrine:

The Supreme Court reiterated the doctrine that actions for reconveyance based on an implied or constructive trust are imprescriptible as long as the land has not passed to an innocent purchaser for value and the person enforcing the trust is in possession of the property. This case establishes or reaffirms the principle that undisturbed possession by a claimant provides a continuous right to seek court intervention to vindicate their ownership against fraudulent registration claims, making such actions to quiet title imprescriptible.

#### Class Notes:

- Prescription in actions for reconveyance: Generally, a ten-year prescriptive period from the issuance of a Torrens title, except when the claimant remains in possession of the property.
- Fraudulent registration and trust: A fraudulent registration of property does not automatically sever the actual possessor's rights, especially when said possessor can establish an implied or constructive trust.
- Imprescriptibility of actions to quiet title: When in actual possession, the possessor's right to file an action to quiet title against adverse claims is imprescriptible.

#### Historical Background:

This case highlights the intricate dynamics and challenges in Philippine land ownership disputes, especially involving ancestral property and the concept of collective family ownership. It underscores the protective stance of Philippine law towards rightful owners in possession against fraudulent claims and the importance of vigilance in land registration and transfer processes.