

**\*\*Title:\*\*** Vicente vs. Avera: A Case of Property Ownership and Annotation of Lis Pendens

**\*\*Facts:\*\***

The dispute revolves around a property originally owned by Jovencio Rebuquiao and later contested between Protacio Vicente and Dominga Vicente (petitioners) and Delia Soledad Avera (respondent). On October 1, 1987, Rebuquiao sold the property to the petitioners through a Deed of Absolute Sale. Avera, however, claims that on October 9, 1987, via a Special Power of Attorney from Rebuquiao, another Deed of Absolute Sale with Assumption of Mortgage was executed in her and her then-spouse's favor.

In 1991, Avera filed for an annulment of her marriage, claiming exclusive ownership of the property. During this case, a notice of lis pendens was annotated on the title in 1992. Despite this, the petitioners had been in possession since 1997, and a new title was issued to them in 1998, carrying over the lis pendens notice.

In 1994, the marriage nullity case concluded, leading to a decision favoring Avera, which included the disputed property's custody. Following the finality of this decision, writs of execution were issued in 2001 against the property, now under the petitioners' title. In response, the petitioners filed an injunction against the execution, leading to a temporary restraining order and later, a preliminary injunction.

The RTC ruled in favor of making the injunction permanent against the execution. This decision was reversed by the Court of Appeals (CA), which recognized the legitimacy of the lis pendens annotation and its implications on the petitioners' title. The petitioners moved for reconsideration, but the CA denied it.

**\*\*Issues:\*\***

1. The propriety of dismissing the injunction despite petitioners being the registered property owners.
2. Whether a property titled under the Torrens system can be subject to collateral attack.
3. The binding effect of lis pendens on petitioners who acquired the property before its annotation.

**\*\*Court's Decision:\*\***

The Philippine Supreme Court granted the petition, reversing and setting aside the CA's decision. It clarified that:

- As registered owners, the petitioners had a clear legal right to the property, protected against acts violating this right, including the writ of execution from Avera's marriage annulment case.
- The attempt to contest the petitioners' title based on the 1987 sale was a collateral attack, contrary to the principles of the Torrens system.
- The notice of lis pendens was not applicable to the petitioners since they acquired the property before its annotation, and its effect cannot retroactively impair their title.

**\*\*Doctrine:\*\***

The Supreme Court reiterated the principle that a certificate of title cannot be subject to a collateral attack and is the best evidence of ownership of land. It also emphasized that a notice of lis pendens serves only to protect the registrant's real rights pending litigation and does not directly affect the merits of ownership not subject to the litigation in question.

**\*\*Class Notes:\*\***

- **\*\*Torrens System:\*\*** Ensures indefeasibility of a title upon registration, protecting owners from subsequent disputes.
- **\*\*Lis Pendens:\*\*** A notice that litigation is pending on the property, binding future purchasers to the outcome but not affecting titles acquired before its annotation.
- **\*\*Collateral Attack on Title:\*\*** Prohibited; challenges to title must be direct.
- **\*\*Injunction:\*\*** Requires a clear right to be protected and an act violating such right necessitating judicial intervention to prevent harm.

**\*\*Historical Background:\*\***

This case underscores the complexities of property disputes within the context of the Philippines' Torrens system of land registration, which aims to conclusively determine and certify land ownership to reduce conflicts. It illustrates the interplay between civil litigation (e.g., annulment proceedings with property considerations) and property law, particularly the enduring principles protecting registered landowners from subsequent claims not directly challenging the title's validity through the appropriate legal channels.