

**EMILIO SANTOS AND AURELIA SANTOS, PLAINTIFFS AND  
APPELLEES, VS. ASUNCION SANTOS ASSISTED BY HER HUSBAND  
LORENZO DE VERA, AND REGISTRAR OF DEEDS OF RIZAL,  
GREGORIO VELASQUEZ, DEF...**

*G. R. No. L-4652. August 30, 1951*

Ponente: PARAS, C.J.

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**PARAS, C.J.:**

In land registration proceeding No. 113, G.L.R.O. No. 865, of the Court of First Instance of Rizal, decision was rendered on June 18, 1948, ordering the registration in the name of Asuncion Santos of the two parcels of land therein involved. On July 28, 1948, the corresponding decree was issued, and thereafter certificate of title No. 53 of the office of the register of deeds of Rizal was issued in the name of Asuncion Santos. On March 18, 1949, Emilio Santos and Aurelia Santos instituted an action in the Court of First Instance of Rizal against Asuncion Santos and her husband, together with the register of deeds of Rizal, civil case No. 797, wherein it is prayed that, in accordance with section 38 of Act No. 496, the decision, decree and title issued in favor of Asuncion Santos be declared null and void, on the ground that the latter had obtained the same by fraud. After trial, the Court of First Instance of Rizal rendered a decision declaring null and void the decree and certificate of title in the name of Asuncion Santos and ordering the register of deeds of Rizal to cancel the same with costs against Asuncion Santos. From this decision the defendants have appealed.

One of the assignments of error made by the appellants is that "the trial court erred in taking cognizance of a reopening of a decree under section 38 of Act 496 in the ordinary civil case No. 797 of the Court of First Instance of Rizal and in not directing that this case be filed in the registration case where the decree in question was issued." This assignment is well taken. There can be no doubt that the petition filed in this case is for review of a registration decree under section 38 of Act 496, inasmuch as the petition expressly states so. Section 112 of Act No. 496 provides that "any petition filed under this section and all petitions and motions filed under the provisions of this Act after original registration shall be filed and entitled in the original case in which the decree of registration was entered." In *Cavan vs. Wislizenus*, (48 Phil., 632, 636), this Court held as follows:

"It will be observed that the motion of June 29 was not filed in 'the original case in which the decree of registration was entered,' but in an ordinary civil action and in view of the provisions quoted, it is evident that the court exceeded its jurisdiction in granting the motion under these circumstances. Land registration proceedings are as separate and distinct from ordinary civil actions as are the latter from criminal actions, and it will probably not be contended that our courts have jurisdiction in civil actions to convict persons of criminal offenses.

"The rule that all petitions and motions filed under the provisions of the Land Registration Act must be presented in the original registration case, was adopted with an intelligent purpose in view; to allow such petitions and motions to be filed and disposed of elsewhere would eventually lead to confusion and render it difficult to trace the origin of the entries in the registry."

These pronouncements are perfectly applicable to the present case. It is unnecessary, as a consequence, to discuss the other assignments of error made by the appellants in their brief and principally dealing with the point whether or not there was fraud on the part of the appellant Asuncion Santos in obtaining registration in her name of the lots in question.

Wherefore, the appealed decision is reversed and the petition filed in this case dismissed, with costs of this instance against the appellees, without prejudice to the right of the plaintiffs-appellees to file a proper petition in the original land registration case within one year from July 28, 1948, deducting the period during which the case was pending.[\*] So ordered.

Feria, Pablo, Bengzon, Padilla, Tuason, Reyes, Jugo and Bautista Angelo, JJ., concur.

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[\*] As modified by resolution in the Minutes of Sept. 13, 1951.

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