

JUAN AMANSEC, REPRESENTED BY HIS HEIRS, AMELIA, SOLEDAD, ROSAURO AND ROSALINDA, ALL SURNAMED AMANSEC, PLAINTIFFS-APPELLANTS, VS. ANGEL MELENDEZ, MARIA ALCAIDE, THE HEIRS OF FLOR...

G.R. No. L-25422. July 23, 1980

Ponente: BARREDO, J.

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BARREDO, J.:

Appeal directly to this Court before the enactment of Republic Act 5440 from the order of the Court of First Instance of Pangasinan dismissing Civil Case No. D-1713 filed by herein appellants against appellees on the ground that said action had already prescribed.

The action below was one for reconveyance, Original Certificates of Titles Nos. 67800 and 67870 having been issued already to appellees Angel Melendez and Maria Alcaide presumably soon after the decree of registration was entered in Land Registration Case No. 16678, G. L. R. O. Record No. 54100 on October 3, 1941, almost 24 years after the filing of the appellants' complaint on March 20, 1965.

As summarized in their brief, petitioners alleged in their complaint below:

"1. That the plaintiffs are the heirs and successors of Juan Amansec, now deceased (Petition, par. 1, p. 2, R. A.);

"2. That they succeeded Juan Amansec as owner of two parcels of land, now under Original Certificates of Title Nos. 67800 and 67870 of the Register of Deeds for and in the Province of Pangasinan, in the names of the defendants, the spouses Angel Melendez and Maria Alcaide (Petition, par. 3, p. 3, R.A.);

"3. That the said parcels of land were 'maliciously, feloniously and fraudulently disposed of by Florentino Amansec, one of the defendants herein, by means of deceit and misrepresentation, in conspiracy with the heirs of Vicente Amansec, x x x conveying, ceding, and transferring those said parcels of land of decedent Juan Amansec, to Florentino Amansec, by making it appear that the said lands in question was the property of Vicente Amansec, of whom they are heirs, x x x when in truth and in fact the conspirators knew that the property legally belonged to and/or owned by Juan Amansec, who at the time of said sale to Florentino Amansec, was dead for almost two (2) years (Petition, par. 4, p. 3, R. A.);

"4. That Florentino Amansec in turn sold the same properties to the defendants, the spouses Angel Melendez and Maria Alcaide, and the vendees 'had knowledge from the beginning that the real owner' of said properties 'was the decedent Juan Amansec'; 'that this knowledge was acquired from the redemption of the mortgage of the land from Victoriano Cabrera, where said Angela Melendez discovered that the real, legal and true owner of the mortgaged property was Juan Amansec, for the first time, and yet notwithstanding this knowledge, defendant Angel Melendez, knowingly and mutually acted with Florentino Amansec as co-equal party in the conspiracy with Florentino Amansec, to deprive the legal and only heirs of the decedent Juan Amansec' x x x by not informing the real owners in interest' x x x before proceeding to apply for its registration in the Court'

(Petition, par. 5, pp. 3-4, R. A.);

"5. That 'the spouses Angel Melendez and Maria Alcaide, x x x were guilty of fraudulently withholding the truth when they did not include heirs of Juan Amansec, married to Victoria Caballero, as one of the parties' to be notified, 'knowing, as in fact as they did know that Juan Amansec, married to Victoria Caballero, was already dead for approximately two years at the time the action for the registry of the land was in progress, and could not, therefore, appear for the purposes of contesting said registration' (Petition, par. 8, pp. 5-6, R. A.);

"6. That the defendant Sofia Amansec, without the knowledge and authority of the heirs of Juan Amansec, filed an opposition to the application for registration filed by the defendants, the spouses Angel Melendez and Maria Alcaide nor did said Sofia Amansec notify said heirs of Juan Amansec of the developments and outcome of said opposition (Petition, par. 6, pp. 4-5, R.A.; Opposition, Annex 'J' pp. 55-56, R.A.); and on March 26, 1941, said Sofia Amansec, also without the knowledge and authority of the heirs of Juan Amansec, withdrew said opposition (Petition, p. 15, R.A.; Annex 'N', Withdrawal of Opposition, pp. 61-62, R. A.);

"7. That the plaintiffs suffered damages (Petition, p. 7, R. A. and p. 31, R. A.); and

"8. That the properties in question are now under Original Certificates of Title Nos. 67800 and 67870 of the Register of Deeds for and in the Province of Pangasinan, in the names of the defendants, the spouses Angel Melendez and Maria Alcaide, and said defendants procured said titles fraudulently as they knew that the said properties belong to Juan Amansec." (Pp. 3-7, Brief of Appellants.)

On May 10, 1965, the defendants, heirs of Florentino Amansec, filed a motion to dismiss alleging inter alia that the action had already prescribed. On their part, appellees Angel Melendez and Maria Alcaide filed their answer on June 1, 1965 alleging also prescription as an affirmative defense. On August 5, 1965, the trial court sustained the motion to dismiss of the Florentino Amansecs. Evidently, the dismissal of the complaint as to Florentino Amansec et al., was or may already be deemed as a ruling on the affirmative defense of prescription alleged by Melendez and Alcaide. Hence, this appeal.

Appellants themselves submit in their brief that the decisive issue here relates solely to the period when an action for reconveyance as the one filed by them prescribes, from the date of decree of registration or from the date of the discovery of the fraud? They claim that they discovered the fraud committed by appellees "only sometime in 1964" (p. 102, Record on Appeal).

The issue thus raised by appellant does not need any lengthy much less scholarly dissertation. The decree of registration referred to was issued on October 3, 1941. The corresponding original certificates of title, we must assume, were issued either forthwith or not much later. In any event, conventional wisdom would dictate that said titles were issued not more than ten years after the decree of registration. Appellants' action was filed almost twenty-four years after the issuance of said decree. Under these facts, it is safe to hold as We do hold that the trial court's ruling to the effect that the appellants' action had already prescribed is correct and should be affirmed.

"The preponderance of the evidence is that Isidro dela Cruz and Sotera Medrana did not perpetrate fraud in having the title to the land in question registered in their names. Granting, arguendo, that fraud was committed and an implied trust was created, the counterclaim of the petitioners-appellants for the reconveyance of the title to the land in question to them has prescribed. It is now settled that an action for the reconveyance of land based on implied or constructive trust prescribes within ten (10) years.

"The Supreme Court has held that:

'It is idle to bother as to whether the action here is one founded exclusively on fraud which prescribes in four (4) years or one based on constructive trust which is barred after ten years, there being no question that the appellees secured their title more than twenty years before the filing of the complaint, and it is from the date of the issuance of such title that the effective assertion of adverse title for purposes of the statute of limitations is

counted. (Gerona vs. De Guzman, 11 SCRA 153). (De la Cerna vs. De la Cerna, 72 SCRA 514, 518.)

"The cause of action of the petitioners-appellants for the reconveyance to them of the title to the land in question arose on March 15, 1932 when Original Certificate of Title No. 49228 was issued by the Office of the Register of Deeds of Pangasinan. (Gerona vs. De Guzman, 11 SCRA 152, 157.) The issuance of said original certificate of title constituted constructive notice to the public including the petitioners-appellants." (Jaramil vs. Court of Appeals, 78 SCRA 420, pp. 425-426.)

WHEREFORE, the impugned order of dismissal is affirmed. No costs.

Aquino, Concepcion, Jr., and De Castro, JJ., concur.

Abad Santos, J., he just wish to add the observation that the applicable statute is Act. No. 190.

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