

**FELICIANO MANALANG AND MACARIA CATAUTAN, PLAINTIFFS
AND APPELLANTS, VS. GERCIA CANLAS ET AL., DEFENDANTS AND
APPELLEES.***G.R. No. L-6307. April 20, 1954*

Ponente: LABRADOR, J.

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LABRADOR, J.:

This is an appeal from an order of the Court of First Instance of Pampanga dismissing the complaint filed in the above-entitled case. The case was forwarded to this Court by the Court of Appeals on the ground that only questions of law are involved in the appeal.

The complaint alleges that on May 24, 1919, plaintiffs purchased a certain parcel of land in San Fernando, Pampanga, from Juan Canlas, and that on that date Canlas executed a deed of sale of the property in favor of the plaintiffs; that the said land became known as Lot No. 2981 of the cadastral survey of San Fernando, Pampanga, and in the cadastral proceedings it was adjudicated in favor of Canlas; that upon the registration of the land Canlas agreed and promised that he would deliver to the plaintiffs the owner's copy of the certificate of title to the property once the same is issued in his name, but he died before the certificate of title could be issued; that Canlas delivered the property to the plaintiffs at the time of the sale on May 24, 1919, and that they have been in possession thereof since then; that Canlas is survived by his children and widow, the defendants; that the title (Original Transfer Certificate of Title No. 4680) was issued in the name of Canlas, and when the defendants got possession of it, they discovered that it referred to the land that long ago had been sold and transferred by Canlas to the plaintiffs, so the defendants delivered the title to the plaintiffs; that the deed of sale executed by Canlas in favor of the plaintiffs can not be registered because it was a private document in Pampango; and that the defendants refuse to make the proper registerable deed of confirmation to enable the plaintiffs to be substituted as owners of the property covered by the certificate of title.

Upon being summoned, the defendants presented a motion to dismiss the complaint, alleging that the action has prescribed, because more than ten years had elapsed since the execution of the original deed of sale on May 24, 1919, and because the alleged sale was executed prior to the issuance of the decree of registration. The Court of First Instance of Pampanga sustained the motion. It held that as the deed of sale, Exhibit A, was executed before the issuance of Certificate of Title No. 4680, the action thereon prescribed after the lapse of ten years, because the action is to recover ownership of real property, which must be brought within ten years after the cause of action accrued; and that under the Land Registration Act the action has also prescribed, because the same was filed beyond the one-year period from the issuance of the decree,

The action brought by the plaintiffs is clearly an action for the specific conveyance of the property registered in the name of defendants' predecessor in interest. The deceased vendor was issued the certificate of title for and in behalf, and in trust for the benefit, of the plaintiffs. The action is one to compel a trustee to convey the property registered in his name in trust for the benefit of the cestui que trust, and the same does not prescribe. (Cristobal vs.

Gomez 50 Phil., 810; Salinas vs. Tuason, 55 Phil., 729; Castro vs. Castro, 57 Phil, 675.)

The order of dismissal should be, as it is hereby, reversed, and the case remanded to the court a quo for further proceedings.

Paras, C. J., Pablo, Bengzon, Montemayor, Reyes, Jugo, Bautista Angelo, Concepcion, and Diokno, JJ., concur.

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