

**HADJI SALIC D. NAGA, SUBSTITUTED BY OGIE NAGA,
PLAINTIFF-APPELLANT, VS. HADJI MOH'D NOR PILI AMPUAN,
SUBSTITUTED BY LACSAMAN AMPUAN, DEFENDANT-APPELLEE.**

Ponente: BORJA, J.

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BORJA, J.:

This is an appeal from the Decision[1] dated March 31, 2011 of the Regional Trial Court (RTC), 12[th] Judicial Region, Branch 8, Marawi City, in Civil Case No. 1980-04, a suit for “Cancellation of Title”.

The Facts of the Case

In the complaint[2] he filed on March 10, 2004 against defendant Hadji Moh'd Nor Pili Ampuan before the lower court, plaintiff Hadji Salic D. Naga alleged the following:

The plaintiff was the only male heir and the eldest of the children of the late Anac, the first wife of his father, the late Urang Naga. Anac owned a parcel of lot known as Lot No. 254, Q-124, situated in Dulay, Marawi City, which she in turn inherited from her parents. The said property is an agricultural land with an area of 22,625 sq. m., bounded on the North by a public land; on the east by the land of Mantar; on the South by the land of Capalan Macauyag; and on the west by the land of Pendita Mantar. It was covered by Tax Declaration No. 4154, issued in the name the plaintiff. Since 1951, he had been paying the tax on the subject property for which payments the City Treasurer of Marawi City had been issuing him receipts. He likewise alleged during Anac's lifetime, she had been in open, public and peaceful possession of the land. When she died, she was buried on the said property.

In 1996, plaintiff learned that defendant was claiming that the said land belonged to his (defendant's) father. In an attempt to settle their controversy amicably, the parties submitted the case to the Islamic Council, Marawi City, and agreed, among others, not to introduce improvements on the subject property pending the Council's resolution of the issue of its ownership. Subsequently, however, plaintiff learned that defendant violated the agreement by planting mahogany trees on the land.

When plaintiff verified with the Land Management Bureau (LMB) in Manila the records pertaining to the land, he was informed that all the land records for the Autonomous Region for Muslim Mindanao (ARMM) had already been forwarded to the Department of Environment and Natural Resources (DENR), Cotabato City. The DENR, Cotabato City, in turn, told him that the said records from the LMB had been forwarded to the Register of Deeds for Marawi City. But the latter office informed the plaintiff that it had not received any record pertaining to Lot 254 from the DENR, Cotabato City.

Plaintiff later learned of the existence of a certificate of title for Lot 254 when defendant submitted a copy of the said certificate of title to the Marawi City Prosecutor's Office in connection with a complaint defendant had filed against Ogie Naga, one of the plaintiff's children.

Thus, plaintiff prayed for the cancellation of the said certificate of title of the defendant over Lot 254 and for the reconveyance of the property in favor of the plaintiff's mother Anac.

In his Answer,[3] defendant denied plaintiff's claim of ownership of the land and of possession thereof since time immemorial, asserting that plaintiff's claim was belied by the latter's inability to pinpoint any improvement introduced on the land. Defendant further characterized as highly improbable plaintiff's claim to have buried his mother Anac at the subject property during the Japanese occupation since, at that time, the property was still raw, that is, covered with thick vegetation and inhabited by wild animals.

Defendant denied plaintiff's claim that it was only in 1996 when he learned that defendant was claiming the subject land: in 1992, Special Proceeding Case No. 162-92 - for reconstitution of lost title, an in rem proceeding - was filed before a court and disposed of on February 16, 1994. Defendant asserted that Transfer Certificate of Title (TCT) No. 210 (17) (19) issued to his father Datu Matua Ampuan covering the subject property was on file with the Register of Deeds; it was on this basis that the court in Special Proceeding Case No. 162-92 ordered the judicial reconstitution of the owner's duplicate copy of the title.

As an affirmative defense, defendant alleged that plaintiff's cause of action had prescribed.

Defendant thus prayed for the Court to declare him the lawful owner of the land in question.

In the course of the trial, plaintiff Hadji Salic D. Naga died and was substituted by his son Ogie O. Naga. Later, defendant Hadji Moh'd Nor Pili Ampuan was substituted by his brother Lacsaman Ampuan.

In a Decision dated March 31, 2011, the court a quo decreed in this wise:

WHEREFORE, judgment is rendered (a) CANCELLING Transfer Certificate of Title Nos. RT-17(19) and RT-200 (17) (19), all in the name of Matua Ampuan and (b) DECLARING defendant Hadji Moh'd Pili Ampuan substituted by Lacsaman Ampuan as the legal and lawful owner of Lot No. 254, Q-124, situated in Dulay, Marawi City. No pronouncement as to costs.

IT IS SO ORDERED.[4]

In this appeal, plaintiff (hereinafter, appellant) assigns the following errors for this Court's consideration:

I

THE TRIAL COURT ERRED IN DECLARING DEFENDANT-APPELLEE AS THE LEGAL AND LAWFUL OWNER OF LOT NO. 254, Q-124 AFTER CANCELLING THE TITLES COVERING THE SAME LOT 254, Q-124; and

II

THE TRIAL COURT ERRED IN DECLARING THE DEFENDANT APPELLEE AS THE LEGAL AND LAWFUL OWNER OF LOT No. 254, Q-124 WHEN THE COMPLAINT IS FOR CANCELLATION OF TITLE.[5]

The Ruling of the Court

At the outset, it must be pointed out that, in his complaint a quo, appellant pleaded two causes of action, namely, a cause of action for the cancellation of "the title for Lot 254, Q-124", and, a cause of action for reconveyance of the land to his mother.

Both actions are among the well-established remedies of an aggrieved party in a registration proceeding which include as well: new trial, appeal, review of the decree of registration, relief from judgment, and damages.[6]

There is nonetheless a difference between the two actions. Appellant's action for the cancellation of "the title for Lot 254, Q-124" - it is not entirely clear to this Court whether the certificate of title appellant sought to cancel is

TCT No. T-19 or the reconstituted TCT No. RT-17(19) or both – is intended to void the certificate of title issued in a registration proceeding (or in a proceeding for the reconstitution of such certificate). An action for reconveyance, on the other hand, is one that seeks to transfer property, wrongfully or fraudulently registered by another, to its rightful and legal owner. It is one in which the true owner brings an action to have the ownership of or title to the land judicially settled. The court, without ordering the cancellation of the Torrens title, may direct the defendant, the registered owner, to reconvey the parcel of land to the plaintiff who has been found to be the true owner thereof.[7] In an action for reconveyance, the land which is alleged to have been wrongfully registered under the Torrens system in another person's name remains in the name of that person but an action in personam lies to compel reconveyance of the property. This remedy is available as long as the property has not passed to a third party who purchased it in good faith and for value. After one year from the date of the decree, the remedy of an aggrieved landowner is not to set aside the decree of registration but, respecting the decree as incontrovertible and no longer open to review, to bring an ordinary action for reconveyance, or, if the property has already passed to an innocent purchaser for value, an action for damages.[8]

The action to cancel “the title for Lot 254, Q-124” has clearly lapsed. There is no gainsaying the fact that the remedies enumerated above for setting aside the certificate of title are no longer available to appellant. The pertinent decisions or orders or decrees have all attained finality. Only one extraordinary remedy remains for him to cancel the subject certificates of title: the remedy of annulment of judgment under Rule 47 of the Rules of Court. But the jurisdiction over such cases for annulment of judgment is not vested with the lower court. Under Section 9 of Batas Pambansa Bilang 126 (The Judiciary Reorganization Act of 1980), as amended, original jurisdiction over actions for annulment of judgments of the Regional Trial Court lies exclusively with the Court of Appeals.

Thus, the lower court's fallo with respect to the cancellation of “the title for Lot 254, Q-124” will be set aside for lack of jurisdiction on the part of the lower court.

But the action for reconveyance subsists.

In his brief before this Court, appellant assails the lower court for having “exceeded its authority tantamount to lack of jurisdiction when it declared defendant-appellee as legal and lawful owner” of the subject property. The Court rejects this reasoning altogether. The fact that appellant joined in his complaint an action for reconveyance of the property compelled the trial court to rule on the issue of ownership. The issue of ownership was thus unavoidable. The lower court was not only authorized but was duty-bound to adjudicate the issue of ownership.

The Court finds that, contrary to appellant's claim, the lower court correctly ruled that ownership of the property lies with defendant-appellee. The trial court found:

To show that the plaintiff is the owner of Lot 254, substituted plaintiff Ogie Naga submitted a Bureau of Lands Cadastral Cost Register (Exhibit “C”) which indicated that Anac was a claimant; Record Book of applicants (Exhibit “D”) which showed Heirs of Anuk (Pandita), represented by Hadji M. Salic D. Naga was an applicant; Sketch Plan prepared in 1996 in the name of Anac (Moro) (Exhibit “G”) and a Land Management Services Certification dated January 7, 1997 (Exhibit “H”) which stated that Lot No. 254 was surveyed in the name of Anac (Moro).

At the time of the filing of the complaint on March 10, 2004, plaintiff was not sure of the gender of Anac and what their relationship was. The original plaintiff stated Anac, his mother, was the owner of the land and that she was buried thereat. It was Sultan Arob Papuro who testified that it was Hadji Salic Naga who pointed to him the grave of his grandfather, Anac. It was substituted plaintiff Ogie Naga who testified that the father of his late father, Hadji Salic Naga, was Urang Naga whose wife and mother of mother of Hadji Salic Naga was Ginayongan, daughter of Anac and Pita. In other words, plaintiff has not satisfactorily established his true

relationship with claimant, Anac. He too has not established possession, occupation or cultivation of the land in question.

The defendant submitted a decision dated February 24, 1931 of the defunct CFI of the Province of Lanao (Exhibits “13” and “13A”) which decreed and awarded Lot No. 254 to Diator Ampuan. Diator Ampuan was the father of Matua Ampuan. The latter was the father of Hadji Mod’d Nor Pili Ampuan and Lacsaman Ampuan. Defendant submitted pictures to prove that indeed four (4) members of the Ampuan family were buried in the land in dispute. He submitted evidence (Exhibit “9”) to show he had a plantation in the land. He too showed pictures evidencing he has a house erected in the land in question. The City Assessor’s Office has written a letter addressed to the heirs of Matua Ampuan (Exhibit “10”) indicating recognition by the office of defendant’s ownership of the land. For taxation purposes, defendant secured a Tax Declaration of Real Property (Exhibit “8”).

Under the circumstances, defendant’s actual possession under claim of ownership raises a disputable presumption of ownership. As such possessor, he has a right to be respected in his possession, and whether he has a title or not, he cannot be deprived of such possession without being given his day in court in a proper proceeding (*Viloria v. Piccio*, 95 Phil. 802).[9]

In an action for reconveyance, it is the plaintiff who has the burden of establishing the elements for reconveyance, namely, that the land was wrongfully registered under the Torrens system. Clearly, appellant has failed to discharge this burden.

In this regard, the rule is well-established that the findings of fact of the lower courts are entitled to great weight and not disturbed except for cogent reasons. Indeed, they should not be changed on appeal in the absence of a clear showing that the trial court overlooked, disregarded, or misinterpreted some facts of weight and significance, which if considered would have altered the result of the case.[10]

Nothing in this appeal convinces this Court to depart from the general rule. In fact, a review of the evidence merely strengthens the conclusions of the trial court on the matter of reconveyance. The fact is that a reconstituted certificate of title is extant. It bears reiteration that a certificate of title accumulates all the ultimate facts with respect to a particular piece of registered land in one single document, making out a precise and correct statement of the exact status of the fee simple title which the owner has in fact. Once issued, the certificate is the evidence of the title that the owner has. Unless bad faith can be established on the part of the person appearing as owner on the certificate of title, there is no other owner than that in whose favor it has been issued.[11]

Thus, the lower court will be sustained in decreeing that appellee is the legal and lawful owner of Lot No. 254, Q-124.

WHEREFORE, the Court renders judgment as follows: (1) the fallo of the of trial court canceling Transfer Certificate No. RT-17(19) and RT-200 (17)(19) is SET ASIDE as NULL and VOID for lack of jurisdiction on the part of the trial court; (2) the fallo of the trial court declaring the defendant-appellee as the legal and lawful owner of Lot 254, Q-124 is AFFIRMED.

SO ORDERED.

Francisco and Badelles, JJ., concur.

[1] Rollo, pp. 32-40

[2] Records, pp. 1-3.

[3] Records, pp. 20-25

[4] Note 1, *supra*, p. 40.

[5] Rollo, pp. 19-29. See p. 26.

[6] Narciso Pena, *Registration of Land Title and Deeds*, Rex Book Store, Inc., 1994 Revised Edition, p. 118.

[7] *Cavile, et al. v. Litania-Hong, et al*, G.R. No. 179540. March 13, 2009.

[8] *Director of Lands v. Register of Deeds of Rizal*, 92 Phil. 826.

[9] Rollo, pp. 38-A-39

[10] *Villanueva v. Court of Appeals*, G.R. No. 107624, January 28, 1997.

[11] *Legarda and Prieto v. Saleeby*, 31 Phil. 5900.

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