

ZENAIDA MENDOZA, FELIPE MEJIA, SUSAN M. JIADO AND FRANCISCO M. MEJIA, PLAINTIFFS-APPELLANTS VS. EDGAR PAZ, DEFENDANT-APPELLEE.

Ponente: DICDICAN, J.

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DICDICAN, J.:

Before us is an appeal filed by the plaintiffs-appellants seeking to reverse and set aside the Decision[1] dated December 27, 2013 rendered by Presiding Judge Emma M. Torio of Branch 41 of the Regional Trial Court of the First Judicial Region situated in Dagupan City, Pangasinan (“trial court”) in Civil Case No. 2010-0003-D. The material and relevant facts of the case, as culled from the record, are as follows:

This case arose from a Complaint[2] for annulment of land title and recovery of possession of land with prayer for damages filed by herein plaintiffs-appellants Zenaida Mendoza, Felipe Mejia, Jr., Susan M. Jiado and Francisco M. Mejia (“plaintiffs-appellants”) against Edgardo Paz, herein defendant-appellee.

In their Complaint[3] that was filed in the trial court, the plaintiffs-appellants alleged that they were the heirs of the late Felipe Mejia, Sr. (“Felipe, Sr.”), who died on August 12, 2002 in Mangaldan, Pangasinan. On September 22, 1949, Felipe, Sr. purchased a parcel of land from one Albina Duyala (“Albina”) located at Barangay Osiem, Mangaldan, Pangasinan (“subject property”). The aforesaid transaction was evidenced by a Deed of Sale with Right to Repurchase[4]. In the said deed of sale, the subject property was described as follows:

“A parcel of sugarcane land, containing an area of 5,780 square meters, more or less. Bounded on the North by Paulino Mejial and on the East by Agustin Mejia; on the South by Agustin Mejia and on the West by Paulino Mejia. Said parcel of land is assessed in the amount of P_____ according to Tax Declaration No. _____ and is declared in the name of AGUSTIN MEJIA for the current year.”

Consequently, the plaintiffs-appellants and their father Felipe, Sr. took possession of the said parcel of land and built their residential house thereon. They also cultivated the land and planted thereon crops and other fruit bearing trees. The Tax Declaration of Real Property of the aforesaid property was later transferred and registered to one Fe Mejia, a predecessor-in-interest of the plaintiffs-appellants.

The plaintiffs-appellants further averred that, from the time of the aforesaid sale in 1949, none of Albina’s heirs had redeemed the subject property from them or even expressed intention to repurchase the same. On August 8, 2008, however, the plaintiffs-appellants’ ownership and peaceful possession of the subject property were disrupted when herein defendant-appellee and some armed men forcibly entered the property and dismantled the house built thereon. Thereafter, the defendant-appellee asked the plaintiffs-appellants to vacate the property claiming that a free patent title was issued in his name covering the subject property[5]. Thus, in view of the said incident, the plaintiffs-appellants brought the matter to their barangay tagapamayapa for conciliation but the defendant-appellee refused to receive the summons that was sent to him, thereby forcing the plaintiffs-appellants to institute a case against him.

Thus, in the case filed in the RTC, the plaintiffs-appellants prayed for the annulment of the free patent title and tax

declarations of real property issued under the name of the defendant-appellee. They also prayed for the reconveyance of the subject property in their favor. The plaintiffs-appellants argued that, since the defendant-appellee is an American citizen, he could not have validly obtained any title covering the subject property. Furthermore, they insisted that the subject property was actually a residential land and, thus, it is not covered by the system of free patent titling.

Summons was thereafter served upon the defendant-appellee by the trial court for the latter to file his answer to the complaint that was filed by the plaintiffs-appellants. Thus, in his Answer with Counter-Claim[6], the defendant-appellee countered that he was the absolute owner of a property located at Brgy. Osiem, Mangaldan, Pangasinan, as evidenced by a free patent title “Katibayan ng Orihinal naTitulo Blg. P-47027[7]”. The defendant-appellee averred that the parcel of land covered by his title was different from the parcel of land being claimed by the plaintiffs-appellants. The parcel of land being claimed by the plaintiffs-appellants was in a different area and the same had already been previously sold by Felipe, Sr. to another relative[8]. Moreover, the defendant-appellee pointed out that he only owned an area of 3,103 square meters as described in his title while the deed of sale of the plaintiffs-appellants had particularly described an area of 5,780 square meters.

Furthermore, the defendant-appellee maintained that the Deed of Sale presented by the plaintiffs-appellants was not registered in the Registry of Deeds, hence, this could not bind third parties. Also, the declaration of real property that was presented by the plaintiffs-appellants should not be given any weight in that the same was not even registered in the names of any of the plaintiffs-appellants. In fact, the tax declarations of real property presented by the plaintiffs-appellants were registered in the name of Fe Mejia who was the mother of herein defendant-appellee.

The defendant-appellee also alleged that he is a dual citizen recognized under Philippine and American laws. He is, therefore, qualified to acquire real property situated in the Philippines. During the trial of the case, the plaintiffs-appellants presented the testimonies of Felipe Mejia, Jr. (Felipe, Jr.), Evelyn Fernandez and Victorino Guba, to substantiate their claims against the defendant-appellee. On the other hand, the defendant-appellee offered the testimonies of Edgar Paz, Antonio Padilla, Felipe Cera and Gerald Lopez. The plaintiffs-appellants also submitted the judicial affidavit of Zenaida Mendoza.

The testimony of Felipe, Jr. revealed that, on August 8, 2008, the defendant-appellee went to their house and asked them to vacate the subject property and, thereafter, the defendant-appellee and his companions dismantled their house as proven by the photos that were taken of the destroyed house which were presented in the trial court. On cross-examination, however, he stated that he actually resides at Valenzuela, Metro Manila. He also admitted that, although the plaintiffs-appellants were the ones paying for the real property taxes on the subject property, they could no longer present in court all the original receipts of payment as they were already destroyed by flood.

The defendant-appellee, on the other hand, presented the testimonies of Antonio Padilla, Felipe Cera and Gerald Lopez and that of himself. Their testimonies were offered to prove, among others, that the parcel of land which was indicated in the Deed of Sale between Felipe, Sr. and Albina was different from the land that was covered by the defendant-appellee's free patent title.

On December 27, 2013, the trial court rendered a Decision in favor of the defendant-appellee the dispositive portion of which reads as follows:

“WHEREFORE, premises considered, judgment is hereby rendered as follows:

“1. Dismissing the complaint for lack of merit.

“2. Ordering the plaintiffs to pay to the defendant the amount of P50,000.00 as and for attorney's fees and

litigation expenses.

“3. Dismissing all other claims and counterclaims for lack of basis.

“SO ORDERED[9].”

Undaunted by the foregoing disquisition of the trial court, the plaintiffs-appellants filed the instant appeal raising the following issue to be passed upon by us in this Court:

I.

WHETHER OR NOT THE PROPERTY SUBJECT OF THE DEED OF SALE BETWEEN FELIPE MEJIA, SR. AND ALBINA DUYALA IS DIFFERENT FROM THE LOT COVERED BY KATIBAYAN NG ORIHINAL NA TITULO BLG. P-47027.

II.

WHETHER OR NOT THE KATIBAYAN NG ORIHINAL NA TITULO BLG. P-47027 IS VOID.

In sum, the primordial issue brought before this Court for resolution is whether or not the certificate of title of the defendant-appellee that was issued under the free patent system is void.

After a careful and judicious scrutiny of the whole matter, together with the applicable laws and jurisprudence in the premises, we find the instant appeal to be bereft of merit.

Verily, the general rule is that, once a free patent over a real property had already been acquired and the certificate of title issued pursuant to the same, the aforesaid free patent and certificate of title may only be assailed by the government in an action for reversion pursuant to Section 101 of the Public Land Act. Nonetheless, the foregoing rule is not without an exception. A recognized exception is where plaintiff-claimant seeks for direct reconveyance from the defendant a public land unlawfully and in breach of trust titled by him on the principle of enforcement of a constructive trust. A private individual may thus bring an action for reconveyance of a parcel of land even if the title thereof was issued through a free patent since such action does not aim or purport to re-open the registration proceeding and set aside the decree of registration but rather to show that the person who secured the registration of the questioned property is not the real owner thereof[10].

In the case at bench, the plaintiffs-appellants raised fraud and misrepresentation as their grounds to seek for the annulment of the defendant-appellee's free patent title. The plaintiffs-appellants maintained that the defendant-appellee was disqualified from applying for a free patent in that the latter was an American citizen at the time when he submitted the application. Furthermore, the application of the defendant-appellee contained untruthful statements of facts, thereby making his title null and void.

This Court, however, finds the evidence presented by the plaintiffs-appellants insufficient to prove their claim. Fraud and misrepresentation, as grounds for cancellation of patent and annulment of title, should never be presumed. They must be proven by clear and convincing evidence and mere preponderance of evidence is not adequate. Fraud is a question of fact which must be proved[11].

Withal, in an accion reivindicatoria, the person who claims that he or she has a better right to the property must first fix the identity of the land that he or she is claiming by describing the location, area and boundaries thereof[12]. The claimant must also prove his or her just title over the subject property.

Plaintiffs-appellants asseverated that they have been in actual possession of the subject property for over thirty years and, yet, they had failed to state particular facts and circumstances that would lead us to believe that they were in possession of the subject property in a concept of an owner. The documentary evidence which they

presented in court were likewise inconsequential in that the said documents did not prove that their possession had ripened into ownership.

The plaintiffs-appellants also insisted that the subject property was the same property described in the Deed of Sale and the one set forth in the defendant-appellee's free patent title. However, the plaintiffs-appellants failed to offer evidence that would clearly show the metes and bounds of the subject property so that the same may be compared with the technical description contained in the land title of the defendant-appellee.

Thus, as between the defendant-appellee's Torrens Title issued by the government and the unsubstantiated claim of the plaintiffs-appellants that they are the owners of the subject property, we are inclined to decide in favor of the former. In the face of a Torrens title issued by the government which is presumed to have been regularly issued, the evidences of the plaintiffs-appellants were clearly wanting. Uncorroborated testimonial evidence would not suffice to convince this Court to order the reconveyance of the property to the plaintiffs-appellants[13].

WHEREFORE, in view of the foregoing premises, judgment is hereby rendered by us DENYING the appeal filed in this case for lack of merit. The Decision in Civil Case No. 2010-0003-D dated December 27, 2013 rendered by Branch 41 of the Regional Trial Court of the First Judicial Region in Dagupan City is hereby AFFIRMED.

SO ORDERED.

Ybañez, and Paredes, JJ., concur.

[1] Rollo, pages 59 – 72.

[2] Ibid, Complaint, pp. 1-6.

[3] Record, page 2 – 6.

[4] Record, page 9.

[5] Record, page 3.

[6] Record, pages 22 – 28.

[7] Recod, Exhibit “1”, page 9.

[8] Record, page 23

[9] Rollo, page 53.

[10] Lorzano v. Tabayag, Jr., G.R. 189647, February 6, 2012.

[11] Sampaco substituted by Macabando v. Lantad, G.R. 163551, July 18, 2011.

[12] Ibid.

[13] Spouses Galang v. Spouses Reyes, G.R. 184746, August 8, 2012.

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