

MARIANO CORPUZ, PETITIONER, VS. BENJAMIN PADILLA, RESPONDENT.*G. R. Nos. L-18099 and L-18136. July 31, 1962*

Ponente: PAREDES, J.

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On December 7, 1956, Mariano Corpuz filed with the Justice of the Peace Court of Laur, Nueva Ecija, a complaint for Forcible Entry against Benjamin Padilla, over a parcel of land situated at Laur, Nueva Ecija, who in his Answer claimed that he is the owner of the land. After trial, the JP Court rendered judgment, * * * "in favor of the plaintiff and against the defendant and hereby orders the latter to vacate the premises in controversy; to pay the plaintiff, Mariano Corpuz in the amount of P250.00 as the reasonable rental value of the land; and to pay the costs of this suit." Before this judgment could be executed, an appeal to the CFI was perfected, and the complaint and answer were reproduced.

Pending determination of the Forcible Entry case, Benjamin Padilla, on May 7, 1959, presented an application for registration of the land, subject matter of the forcible entry case, under the Torrens System (Land Reg. Case No. 397). On October 17, 1957, Mariano Corpuz presented his opposition thereto. It appearing that the ejectment case and the registration application involved the same parcel of land and the same parties, the CFI ordered a consolidated hearing. At the hearing, applicant Padilla established the following facts:—

The land in question is a rice-land the particulars of which are delineated in plan PSU-155161 having an area of 54,554 square meters (5.4 hectares, more or less), situated in barrio Sagana, Municipality of Laur, Nueva Ecija. It is also designated as Lot 4 of plan PSU71598 (Exh. 3, also Exh. F), and adjoins lot 2, titled under the name Mariano Corpuz, Sr. (T.C.T. No. 18139). It formerly belonged to Sixto Domingo, who had been in possession thereof for about four or five years prior to the Spanish revolution. When he died in 1918, he was succeeded by his son, Pedro Domingo who continued possessing and cultivating the same until the outbreak of the second world war. During the Japanese occupation, until the year 1953, the land was abandoned. In 1953, one Rufino Tawagin borrowed the land from Pedro Domingo, and cultivated the same until it was sold to Benjamin Padilla on May 11, 1956 (Exh. H). After the purchase, the land was declared for taxation purposes by Padilla (Exh. I).

The evidence for oppositor Corpuz, disclosed that in 1925, the land in question (Lot 4) had been declared for taxation purposes by his father, the late Mariano Corpuz, Sr. (Exh. 4). In 1929, Corpuz, Sr, caused the said lot and other parcels of land, to be surveyed for him (Exh. L). He cultivated the northern portion thereof prior to 1934 thru a tenant, father of Hilario Fulgar, and when said tenant was too weak to till the land, Hilario Fulgar himself continued its cultivation for Corpuz, Sr. The southern portion of Lot 4 was cultivated by Pedro Domingo. On April 15, 1937, Pedro Domingo and Corpuz, Sr. executed a deed of sale, (Exh. 1), pertinent portions of which provide:

"Na akong si Mariano Corpuz ay may isang lagay na lupa sa lugar ng Panaulo, Sagana, Laur, na may titulo Torens No. 18139 (lote 2) na galing sa Registro de Titulos para sa Provincia ng Nueva Ecija;

Na sa nasabing lupa ay may nasakop ako na lupa na hinahabol ni Pedro Domingo na mayroong dalawang hectarea, mas o menos, na nasakop ng nasabing titulo at Lote 4 sa plano na akin namang kinikilala na kanya;

Na alang alang sa halagang Isang Daang Piso (P100.00) Moneda Filipina, na aking tinanggap kay G. Mariano Corpuz, akong si Pedro Domingo, sa pamamagitan ng kasulatang ito ay ipinagbibili at inililipat na sa nasabing Mariano Corpuz ang aking pagmamayari at lahat ng aking karapatan sa nasabing lupa na nasasakop ng kanyang titulo na nabangit sa itaas at kailan man ay wala akong paghahabol sa nasabing lupa na sa ngayon ay ipinagkakaloob ko sa kanya sa pamamagitan ng pagbibiling ito tuluyan, sa kanya at sa kanyang mga herederos at tagapagmana.

* * * * *

(Sgd.) MARIANO CORPUZ

(Sgd.) PEDRO DOMINGO".

The land remained uncultivated from 1946, because of dissident activities in the area. In 1953, Fabian Corpuz, brother of the oppositor administered the property, when Jorge Padilla, father of applicant and then Mayor of Laur, borrowed the lands belonging to oppositor, including Lot 4, having tilled the same until 1956. Thereafter, Mariano Corpuz, Sr. caused the cultivation of lot 4 thru a tenant named Fruto Saad, from whom Benjamin Padilla had wrested possession of the land (lot 4). Fabian Corpuz, who was then administering the lands of Mariano, demanded an explanation from Padilla, who told him that he owned the land by virtue of a deed of sale executed by Pedro Domingo in his favor in 1956.

Upon the basis of the above facts, the CFI of Nueva Ecija, on June 26, 1959, rendered judgment, the pertinent portions of which are reproduced below:—

"It is admitted by the applicant and the oppositor that the original owner of this land was Sixto Domingo. The applicant claimed that the land passed to Pedro Domingo from whom the applicant bought the land in May, 1956. While evidence was presented by the oppositor-plaintiff that the land belonged to Mariano Corpuz who had declared it for taxation as early as 1925, it is also contended that this land was bought by Mariano Corpuz from Pedro Domingo by virtue of the document Exhibit 1. In Exhibit 1, also marked Exhibit K, which has been quoted verbatim, Mariano Corpuz stated that there was included in his title No. 18139 about two hectares of land which was being claimed by Pedro Domingo and he recognized lot 4 of his plan belongs to Pedro Domingo. And in the 4th paragraph, Pedro Domingo, in consideration of P100.00 and by virtue of the said document, sold and transferred to Mariano Corpuz all his ownership and right in the property which was included in the title of Mariano Corpuz. By virtue, therefore, of Exhibit 1, Mariano Corpuz recognized that lot 4 of his plan belonged to Pedro Domingo. His heirs, therefore, cannot now claim that lot 4 had belonged to his father Mariano Corpuz as early as 1925. It is contended, however, by the oppositor and plaintiff that Mariano Corpuz had also bought Lot No. 4 from Pedro Domingo by virtue of the document Exhibit 1» But in Exhibit 1, what was sold to Mariano Corpuz was only the land which was included in the title of Mariano Corpuz. That is expressly stated in paragraph 4 of the document, Exhibit 1. Since the oppositor and plaintiff now claims ownership of lot 4 by purchase from Pedro Domingo, it is incumbent upon him to show clearly that there had been transfer of ownership of lot 4 from Pedro Domingo to Mariano Corpuz, This, he has not shown, as there was no such transfer of lot 4 from Pedro Domingo to Mariano Corpuz in the document Exhibit 1.

As regards the action of forcible entry, it is admitted by the plaintiff that from 1946 to 1953 he was not in possession as the land was abandoned because it was infested by huks. It was only in April, 1956, according to the plaintiff, that Fruto Saad became his tenant and was placed in possession, On the other hand the evidence for the applicant-defendant is that as early as Id53 Rufino Tawagin was in possession of the land by permission from Pedro Domingo. Rufino Tawagin possessed the land until 1956 as representative of Pedro Domingo, and thereafter as tenant of Benjamin Padilla. When Pruto Saad entered the land in 1956, the property was in the

.actual and physical possession of Rufino Tawagin who had borrowed the land from Pedro Domingo. Benjamin Padilla, as successor of Pedro Domingo, had a perfect right to take possession of the land and to exclude Fruto Saad and the plaintiff-oppositor. The exclusion of Fruto Saad and the plaintiff-oppositor cannot give rise to an action of forcible entry on the part of the plaintiff for he did not have the prior possession. * * *.

WHEREFORE, the title of the applicant to the parcel of land described in the plan PSU-155161, Exhibit A, and more particularly described in the technical descriptions Exhibit B, is hereby confirmed and it is hereby ordered to be registered as the conjugal property of the spouses Benjamin Padilla and Gumerainda Alivia, citizens of the Philippines and with residence at Sagana, Laur, Nueva Ecija, free from all liens and encumbrances. When this decision becomes final let decree and title issue therefor."

The above judgment was appealed to the Court of Appeals which rendered an affirmatory decision on January 25, 1961. The cases are now before Us on an appeal by Certiorari, appellant Mariano Corpuz assigning two errors allegedly committed by the Court of Appeals, to wit—

"1. In holding that in the deed of sale. Exhibit 1, petitioner's predecessor-in-interest, Mariano Corpuz, Sr. acknowledged adverse title to lot 4 in Pedro Domingo. Predecessor-in-interest of respondent Benjamin R. Padilla;

2. In holding that petitioner did not acquire title to lot 4 by virtue of the execution of the deed of sale, Exhibit 1, and/or by acquisitive prescription."

The Court of Appeals in finding that Mariano Corpuz, Sr. acknowledged the title of Pedro Domingo in Lot 4, said:

"A careful consideration of the instrument in question reveals that the interpretation given by the trial court thereto must be sustained. By paragraph 2 of the deed, it was conceded by the parties that at the time of the execution of the instrument in 1957 Mariano Corpuz had title, No. 18139, over lot 2. In the second paragraph, the parties stated that Pedro Domingo was claiming two hectares of land, more or less, embraced within said lot,' covered by the said title1, and lot 4 in the plan which Mariano Corpuz recognized as belonging to Pedro Domingo. And in the penultimate paragraph, Pedro Domingo stated that for and in consideration of P100.00, received by him from Mariano Corpuz, he was selling and transferring all his rights and interests over the said land that was included in his (Mariano Corpuz) title as above mentioned. The land, object of the sale, is seemingly rendered doubtful by the clause 'at lote 4 sa plano na akin namang kinikilala na kanya' in paragraph 3 of the deed. It is clarified by the penultimate paragraph, however, which states that Pedro Domingo sold and transferred to Mariano Corpuz the two-hectare portion covered by the latter's title. Said two-hectare portion must, perforce, be within lot 2, for Mariano Corpuz did not have any title to lot 4. From all the foregoing considerations, appellant cannot claim that the acquired the two-hectare portion of lot 4 by purchase."

Little need be added to the observations and conclusions made by the. registration court and the Court of Appeals, regarding the meaning and import of the deed of sale (Exhibit 1), executed between Mariano Corpuz, Sr. and Pedro Domingo. No other reasonable interpretation could be given. It is clear that when the deed of sale was executed in 1937, the portion of two hectares mentioned therein already formed part of the property of Mariano Corpuz, Sr; and included in his title to lot No. 2, which portion Pedro Domingo was claiming. By so providing on the deed of sale, that the land of two hectares was the property of Pedro Domingo, Corpuz expressly admitted the title to lot 4 or whatever remained of it, of Pedro Domingo.

The pretension of oppositor-appellant that he has acquired the whole of lot 4 by prescription is contradicted by his own evidence. Ha claims that said lot 4 had been declared by his predecessor-in-interest for tax purposes since 1925. This could not be true, otherwise there would have been no reason or necessity at all for Corpuz, Sr, to buy the two hectare portion of lot 2 in 1937. Again, he contends that after the sale of the two hectares, Pedro Domingo abandoned the same and his predecessor-in-interest cultivated it, thru a tenant. This does not also reflect the truth,

because the two hectares which he claims to have been abandoned, were already included in his property lot 2, for which he had a title. It could not have referred to another two hectares which formed part of the remaining portion of lot 4. The oppositor's claim that the three-hectare portion of Lot 4, was acquired by him, by prescription, thru continuous possession since 1934, is negated by the very admission of Corpuz, Sr., that Lot 4 belonged to Pedro Domingo. One cannot recognize the right of another and: at the same time claim adverse possession which can ripen to ownership, thru acquisitive prescription. For prescription to set in, the possession must be adverse, continuous, public and to the exclusion of all. These circumstances do not obtain in the case under consideration.

In view of all the foregoing, we find that the errors assigned are not well taken and the decision appealed from, should be, as it is hereby affirmed. Costs taxed against the oppositor-appellant in both instances.

Bengzon, C. J., Padilla, Bautista Angelo, Labrador, Barrera, Dizon, Regala and Makalintal, JJ., concur.

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