

LUIZ ATIENZA BIJIS, ET AL., PETITIONERS, VS. HON. COURT OF APPEALS, ET AL., RESPONDENTS.

G.R. No. L-18944. October 29, 1965

Ponente: DIZON, J.

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DIZON, J.:

Appeal by certiorari taken by the spouses Luis Atienza Bijis and Trinidad Reynoso, Simplicio Capistrano and Roberto Quejano from the decision of the Court of Appeals in C.A.-G.R. No. 18585-R affirming an order issued by the Court of First Instance of Quezon on January 12, 1956 in Cadastral Case No. 10 LRC Cad. Rec. No. 386, Lot No. 3678.

The facts of the case are not disputed.

Teodora Reynoso was the registered owner of Lot No. 3678 of the Sariaya (Quezon) cadastre (Original Certificate of Title No. 7692). On June 8, 1939, she conveyed the property and its improvements to Esperanza Quejano for the sum of P450.00 by means of a document purporting to be a sale with right of repurchase. No repurchase having been made within the period therein agreed upon, the ownership over the property was consolidated in favor of Esperanza Quejano and Transfer Certificate of Title No. 16706 was issued in her name.

In 1944, Esperanza Quejano mortgaged the property to petitioner Simplicio Capistrano to secure a loan of P10,000 in Japanese military notes, which mortgage was duly registered. On August 21, 1946, Esperanza Quejano died and by virtue, apparently, of a summary partition, TCT No. T-4998 was issued in the name of her heirs. Subsequently, however, by agreement among them, this certificate of title was cancelled by TCT No. T-4999 solely in the name of petitioner Roberto Quejano.

After the death of Esperanza Quejano but while the certificate of title was still in her name, Teodora Reynoso instituted Civil Case No. 4953 in the court of First Instance of Quezon against Roberto Quejano seeking the reconveyance of the aforementioned property and its improvements, claiming that the same had been the subject of a mortgage and not of a pacto de retro sale in favor of Esperanza Quejano, and caused a notice of lis pendens to be annotated on the certificate of title covering the property. On December 7, 1951, the court rendered judgment declaring the pacto de retro sale executed by Teodora Reynoso in favor of Esperanza Quejano to be a mere equitable mortgage, ordering the cancellation of TCT Nos. 16706, 4998 and 4999 mentioned heretofore, and requiring Roberto Quejano to execute the necessary deed of conveyance in favor of Teodora Reynoso upon payment of P450.00.

After the lapse of the period to appeal from the abovementioned judgment, the heirs of Esperanza Quejano instituted an action for mandamus to compel the trial court to give due course to their appeal. While said action was pending, Simplicio Capistrano, in turn, instituted an action against Roberto Quejano in the Court of First instance of Quezon (Civil Case No. 5416) to recover the equivalent in Philippine currency of the mortgaged debt of Esperanza Quejano in the amount of P10,000, Japanese currency. Roberto Quejano defaulted and a judgment was rendered against him in favor of Capistrano, who caused the mortgaged property to be sold at public auction,

at which he was the highest bidder. As a result, TCT No. 4999 in the name of Roberto Quejano was cancelled and TCT No. T-17103 was issued in the name of Capistrano, subject to the notice of *lis pendens* filed in connection with Civil Case No. 4953 mentioned above.

Meanwhile, the appeal in Civil Case No. 4953 having failed, Roberto Quejano, in compliance with the judgment rendered therein, executed on April 7, 1953, a deed of conveyance of Lot 3678 in favor of Teodora Reynoso, upon receipt of P450.00. However, no new certificate of title could be issued in the name of the latter because the owner's copy of TCT No. T-4999 in the name of Roberto Quejano had been presented as an exhibit in Civil Case No. 5416 (*Simplicio Capistrano vs. Roberto Quejano*) and a motion for its withdrawal therefrom was denied by the court.

Thereafter, Simplicio Capistrano sold said property to herein petitioners, the spouses Luis Atienza Bijis and Trinidad Reynoso, in whose name TCT No. T-17237 was issued, subject likewise to the aforementioned notice of *lis pendens*.

On June 26, 1953 Teodora Reynoso died leaving respondents Catalino and Simeona Palermo as her only heirs.

On January 26, 1954, respondents filed a motion in Cadastral Case No. 10, LRC Cad. Rec. No. 386, Lot No. 3678, of the Court of First Instance of Quezon seeking to compel the Atienza Bijis spouses to surrender the owner's copy of TCT No. T-17237, the cancellation of the transfer certificates of title mentioned heretofore, and the issuance of a new certificate of title in their names. Petitioners objected to the motion questioning the jurisdiction of the court, as a cadastral tribunal, to take cognizance thereof. On January 12, 1956, however, the court issued an order granting the motion aforesaid, directing the spouses Luis Atienza Bijis and Trinidad Reynoso to surrender the owner's copy of Transfer Certificate of Title No. 17237 to the Register of Deeds of Quezon, and the latter to cancel Transfer Certificates of Title Nos. T-16706, T-4998 and T-4999, as ordered in the final judgment rendered in Civil Case No. 4953, as well as the subsequent Transfer Certificates of Title Nos. T-17103 and T-17237 mentioned heretofore, and further directing the said Register of Deeds to issue, after payment of the corresponding fees, a new certificate of title covering Lot 3678 in the name of respondents. This order was affirmed by the Court of Appeals.

Petitioners now contend that the court of origin, exercising the limited jurisdiction of a cadastral court, had no authority to consider respondents' motion and to grant relief prayed for therein; and that the notice of *us pendens* annotated on the certificate of title issued in the name of Esperanza Quejano and those issued upon its cancellation, did not in any way increase such limited jurisdiction so as to authorize said court to pass upon the subject matter of the motion aforesaid. These contentions are without merit.

It is evident from the undisputed facts of the case that the final judgment rendered in Civil Case No. 4953 had conclusively resolved (a) the nature of the contract between Teodora Reynoso and Esperanza Quejano - holding it to be a mere equitable mortgage - as well as (b) the motion filed by respondents on January 26, 1954 was, in effect, for the exclusive purpose of implementing the final judgment just referred to by praying that the deed of reconveyance of the property in favor of Teodora Reynoso executed in accordance with said final judgment be ordered registered; that, to accomplish this purpose, the Atienza Bijis spouses lie ordered to surrender the owner's duplicate of Transfer Certificate of Title No. T-17237 issued in their name subject to the notice of *lis pendens* filed in connection with Civil Case No. 4953, and for the corresponding cancellation of Transfer Certificates of Title Nos. T-16706, T-4998, T-4999, T-17903 and T-17237. Such being the case, it seems clear that under the provisions of Section 112 of Act 496, the lower court, acting as a court of land registration, had jurisdiction to consider the motion aforesaid and to grant the relief prayed for therein. Petitioners are particularly without any reason to complain because they had purchased the property and accepted the transfer certificate of title issued in

their name, subject to the notice of lis pendens filed in Civil Case No. 4953 which bound them to accept and respect whatever be the outcome of said case. (Atkins, Kroll and Co. vs. Domingo, 46 Phil. 362 and Tuazon vs. Reyes, et al., 48 Phil. 844).

Wherefore, finding the present appeal to be without merit, the order appealed from is hereby affirmed, with costs.

Bengzon, C. J., Bautista Angelo, Concepcion, Regala, Makalintal, Bengzon, J. P., and Zaldivar, JJ., concur.

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