

**AUGUSTO A. SANTOS, LOURDES A. SANTOS, CARMEN A. SANTOS,
REPRESENTED BY FEDERICO A. SANTOS, FEDERICO A. SANTOS,
HORACIO A. SANTOS, ALICIA A. SANTOS, MILAGROS, CESAR,
TERESA AND C...**

G.R. No. L-28612. August 30, 1973

Ponente: RUIZ CASTRO, J.

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RUIZ CASTRO, J.:

On July 25, 1935, the spouses Juliana Andres and Roman Santos obtained adjudication of ownership in their favor of two parcels of land (Lot 1 and Lot 6 of plan Psu-99546-Amd.) located in Navotas, Rizal, under Decree 609322 promulgated in Land Registration Case 1190, G. L. R. O. Record 50158. The Register of Deeds of Rizal subsequently issued, on October 15, 1936, Original Certificate of Title 8051 in the name of "Juliana Andres married to Roman Santos."

After the death of the spouses, their heirs (hereinafter referred to as the petitioners), through a deed of extra-judicial partition, divided the two parcels into seven equal but physically undivided parts. Accordingly, on June 2, 1966, Transfer Certificate of Title 165554 (of the Registry of Deeds of Rizal) was issued in the names of the petitioners.

On March 4, 1967, the Republic of the Philippines (hereinafter referred to as the respondent), through the Solicitor General, filed with the Court of First Instance of Rizal -- with Honorable Fernando A. Cruz (hereinafter referred to as the respondent judge) presiding -- in the original action (Land Registration Case 1190, G. L. R. O. Record 50158) a "Petition for the Amendment and/or Cancellation of Title and to Declare a Portion Thereof Null and Void and Petition for Reversion." In this petition -- filed pursuant to the provisions of section 112 of Act 496[1]-- the respondent alleged that Lot 6 adjudicated in favor of the petitioners' predecessors "is identical to Lot 1-D as per the plans on file in the Office of the Bureau of Lands;" and that said Lot 6

"... has always been part of the sea, as in fact the same is almost completely submerged and covered by the waters of the Manila Bay, and that the narrow strip of land which constitutes the northern perimeter of said lot -- and which is being washed out by the flux and influx of the tide -- is actually a foreshore which was formed by the gradual and natural deposit of silt and sediment upon the sea bed of earth ...",

and "is thus a portion of the public domain which is not legally susceptible to private appropriation or ownership."

The petitioners moved to dismiss the respondent's aforesaid petition, claiming that the latter should have filed its petition and action for reversion as an ordinary civil action with the ordinary courts rather than as an incident in the original land registration case. This motion the respondent duly opposed.

On September 25, 1967, the respondent judge issued an order denying the petitioners' motion to dismiss; the petitioners' subsequent motion for reconsideration was likewise denied in an order dated December 8, 1967.

Hence, the present petition for certiorari (filed by the petitioners with this Court on February 5, 1968) by virtue of

which they seek the annulment of the orders a quo of September 25, 1967 and December 8, 1967. Pending decision in this case, they asked for the issuance of a writ of preliminary injunction enjoining the respondent judge from assuming jurisdiction or taking cognizance of the respondent's petition. On February 26, 1968, this Court issued -- upon the petitioners' filing of a bond --- the corresponding writ of preliminary injunction, restraining the respondent judge from assuming jurisdiction or taking cognizance of the respondent's aforementioned petition and from otherwise proceeding to hear and decide the same.

The question posed for resolution relates to the jurisdiction of the court a quo -- sitting as a land registration court -- to hear and determine the respondent's petition below "to amend and/or to cancel the title issued in the name of the applicants aforementioned [the spouses Juliana Andres and Roman Santos] and/or the title issued subsequent thereto in the name of the above-mentioned parties-in-interest [the petitioners herein] insofar as Lot No. 6 or Lot No. 1-D is concerned," "to declare the title, insofar as said portion is concerned, null and void ab initio "and to direct the reversion of the said portion to the Government.

In sum, the petitioners contend that the respondent's petition below "for the cancellation, or at least for the amendment" of TCT 165554, so as to exclude therefrom Lot 6, involves a controversial issue beyond the competence of the court a quo sitting as a land registration court. Section 112[2] invoked by the respondent, the petitioners state, authorizes erasures, alterations or amendments in a certificate of title only in the "absence of serious controversy between the parties-in-interest as to the title of the party seeking relief under said section" or in the absence of an adverse claim or serious objection on the part of any party-in-interest. The non-attendance of either of the aforesaid conditions in the case at bar, the petitioners conclude, removes the respondent's petition from the scope of section 112, thus precluding the respondent judge from taking cognizance thereof.

According to the respondent, however, proceedings under section 112 suffice to effect the cancellation, or at least the amendment, of TCT 165554, which cancellation or amendment consists of the exclusion of Lot 6 from the said certificate, on the ground that the said lot forms part of the foreshore and therefore is not susceptible of registration as private property. Moreover, section 112 directs the filing and entitling of petitions and motions under the said section and under the provisions of Act 496 after the original registration in the original case that effected the entry of the decree of registration.

A close reading of the allegations of the petition a quo discloses that the respondent disputes the nature and character of Lot 6 -- one of the parcels of land originally adjudicated in favor of the spouses Juliana Andres and Roman Santos -- vehemently claiming the said parcel as part of the foreshore of the State. The petitioners, on the other hand, strongly deny this assertion of the respondent, insisting that Lot 6 is a "private land previously owned by their predecessors-in-interest and allowed by the Director of Lands to be registered in their names under the Torrens system." Clearly and unmistakably, the parties raise an issue that requires a determination of whether Lot 6 constitutes land of private ownership or forms part of the lands of Government ownership not available for alienation and disposition. This constitutes an issue affecting and concerning the ownership of Lot 6 -- definitely a patently substantial and genuine issue --that must be ventilated in an ordinary action before a court of general jurisdiction. The proceedings spelled out by Act 496 are summary in character and are therefore inadequate for the litigation of issues properly appertaining to the ordinary courts acting under their ordinary civil jurisdiction.[3]

Moreover, the petitioners' vigorous objection to the cancellation or amendment of TCT 165554 makes manifest the lack of unanimity among the parties-in-interest. Indeed, section 112 affords relief only when there is unanimity among the parties or when there is no adverse claim or serious objection on the part of any party-in-interest. The explicit serious opposition of the petitioners to the cancellation or amendment of TCT 165554 renders the case truly controversial and the remedy provided for by section 112 inefficacious.[4]

ACCORDINGLY, the orders of the court a quo dated September 25, 1967 and December 8, 1967 are set aside, and the writ of preliminary injunction issued by this Court on February 26, 1968 is hereby made permanent. No pronouncement as to costs.

Makalintal, Acting C.J., Zaldivar, Teehankee, Antonio, and Esguerra, JJ., concur.
Fernando, Barredo, and Makasiar, JJ., no part.

[1] AN ACT TO PROVIDE FOR THE ADJUDICATION AND REGISTRATION OF TITLES TO LANDS IN THE PHILIPPINE ISLANDS.

[2] "SEC. 112. No erasure, alteration, or amendment shall be made upon the registration book after the entry of a certificate of title or of a memorandum thereon and the attestation of the same by the clerk or any register of deeds, except by order of the court. Any registered owner or other person in interest may at any time apply by petition to the court, upon the ground that registered interests of any description, whether vested, contingent, expectant, or inchoate, have terminated and ceased; or that new interests have arisen or been created which do not appear upon the certificate, or that any error, omission, or mistake was made in entering a certificate or any memorandum thereon, or on any duplicate certificate; or that the name of any person on the certificate has been changed; or that the registered owner has been married; or, if registered as married, that the marriage has been terminated; or that a corporation which owned registered land and has been dissolved has not conveyed the same within three years after its dissolution; or upon any other reasonable ground; and the court shall have jurisdiction to hear and determine the petition after notice to all parties in interest, and may order the entry of a new certificate, the entry or cancellation of a memorandum upon a certificate, or grant any other relief upon such terms and conditions, requiring security if necessary, as it may deem proper: Provided, however, That this section shall not be construed to give the court authority to open the original decree of registration, and that nothing shall be done or ordered by the court which shall impair the title or other interest of a purchaser holding a certificate for value and in good faith, or his heirs or assigns, without his or their written consent.

"Any petition filed under this section and all petitions and motions filed under the provisions of this Act after original registration shall be filed and entitled in the original case in which the decree of registration was entered."

[3] Puguid vs. Reyes, G.R. No. L-21311, August 10, 1967, 20 SCRA 972; Arcillas vs. Hon. Montejo, et al., G.R. No. L-21725, November 29, 1968, 26 SCRA 197; Tomada vs. Tomada, G.R. No. L-21887, July 30, 1969, 28 SCRA 1028; Sunpongco vs. Heirs of Ronquillo, G.R. No. L-27040, December 19, 1970, 36 SCRA 395.

[4] Rehabilitation Finance Corporation vs. Alto Surety & Insurance Co., Inc., L-14303, March 24, 1960, 107 Phil. 386; Sangalang, Sr. vs. Caingat, L-25531, September 26, 1968, 25 SCRA 180.

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