

**SABAS H. HOMENA AND ILUMINADA JUANEZA,
PLAINTIFFS-APPELLANTS, VS. DIMAS CASA AND MARIA CASTOR
AND THE REGISTER OF DEEDS FOR THE PROVINCE OF COTABATO,
DEFENDANTS-APPELLEES.**

G.R. No. L-32749. January 22, 1988

Ponente: YAP, J.

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YAP, J.:

This is an appeal from the order of the Court of First Instance of Cotabato dated January 4, 1968 dismissing plaintiffs-appellants' complaint and from its order dated May 8, 1968, denying their motion for reconsideration.

The complaint, filed by plaintiffs-appellants against the spouses Dimas Casa and Maria Castor, the defendants-appellees herein, was for alleged unlawful acts of dispossession disturbing plaintiffs'; peaceful, continuous, open, uninterrupted adverse and public possession of the property in question. In their complaint, plaintiffs also sought to annul the original certificate of title issued by the Register of Deeds for the province of Cotabato in favor of defendant spouses pursuant to a Homestead patent on the ground that said patent was obtained by defendant spouses through fraud and misrepresentation by stating, among others, in their application, that the lot was not claimed and occupied by another person. Plaintiffs alleged that on June 15, 1967, they purchased from the defendants two (2) hectares of the aforementioned parcel of land, it being agreed in the deed of sale that the said portion would be reconveyed to plaintiffs after the five-year prohibitory period, as provided for in the Homestead Patent Law, shall have elapsed, and that defendants failed to abide by said agreement.

The defendants moved to dismiss the complaint, based on the following grounds: (1) the complaint is barred by prescription, since thirteen years had elapsed from the issuance of the homestead patent before the action was filed; (2) plaintiff has no cause of action, since the deed of sale executed on June 15, 1952 or prior to the approval of the application and issuance of the homestead patent was null and void and inoperative to convey the land in question, which was at that time still public land; and (3) plaintiff is not the proper party to institute the action to annul the homestead patent.

In their opposition to the motion to dismiss, plaintiffs averred that they were not assailing the validity of the patent as a whole, but only with respect to that portion of two (2) hectares owned by them which defendants, through fraud, were able to register in their name. Because of such fraud, the action of the plaintiffs cannot be deemed to have prescribed, since such action can be brought within four (4) years from discovery of the fraud. Moreover, the defense of prescription can not be set up in an action to recover property held in trust by a person for another.

On January 4, 1968, the court a quo issued the questioned order dismissing the complaint. The plaintiffs appealed the case to the Court of Appeals, assigning the following errors:

“1. The lower court erred in holding that the allegations in the complaint do not conform with the terms and conditions of the contract as to amount to a justifiable cause of action.

“2. The lower court erred in holding that the plaintiffs-appellants have no personality to bring the present action as they do not seek the land for themselves but for the government.

“3. The lower court erred in holding that the present action based on fraud is barred by the statute of limitations.

“4. Finally, the lower court erred in holding that the deed of sale is not lawful as the same was made to circumvent the provisions of the Public Land Act.

The Court of Appeals certified the case to this Court as it involved only a question of law.

We find no merit in the petition. The lower court committed no reversible error in dismissing the complaint.

Basically, the plaintiffs’ supposed cause of action rests upon the deed of sale executed by defendants in their favor on June 15, 1962 wherein the latter sold a two-hectare portion of the homestead which they were applying for to the plaintiffs on the understanding that the actual conveyance of the said portion to plaintiffs would be made only after the lapse of the five-year period during which, under the Public Land Act, the homestead owner was prohibited from transferring his rights. The agreement is clearly illegal and void ab initio; it is intended to circumvent and violate the law. As parties to a void contract, the plaintiffs have no rights which they can enforce and the court can not lend itself to its enforcement.

Plaintiffs can neither invoke the doctrine of implied trust based on an illegal contract. The issue of prescription or laches becomes irrelevant in a case such as this, where plaintiffs clearly have no cause of action.

WHEREFORE, the petition is hereby DENIED and the orders appealed from are AFFIRMED.

SO ORDERED

Melencio-Herrera, Paras, Padilla, and Sarmiento, JJ., concur.

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