

JOSE ALCANTARA, ELIAS BENIN, PASCUAL PILI, ALEJANDRO DE DIOS, TOMAS BAGAGONIO, QUINTINA SANDOVAL, AND TOMASA LAZARO, PLAINTIFFS AND APPELLANTS, VS. MARIANO TUAZON Y DE LA PAZ, H...*G. R. No. L-4998. March 13, 1953*

Ponente: LABRADOR, J.

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This is an appeal from an order dismissing the complaint on the ground that the action is barred by the statute of limitations. The material allegations of the complaint are: that plaintiffs are owners of the parcels of land set forth in their complaint, which parcels are situated along Bonifacio street, barrio of San Jose, Quezon City, and that they have been in actual, open, and continuous possession and enjoyment thereof without molestation from defendants from time immemorial to the present; that on July 8, 1914, defendants obtained a certificate of title (No. 375) over a parcel of land, which included the lands possessed by plaintiffs, and which they and their ancestors had been enjoying as owners more than 30 years before the issuance of said title; that on June 23, 1950, defendants caused the removal of two houses of plaintiffs on the land; and that defendants did not file any action against plaintiffs before the inclusion of the lands in their title, in violation of the "due process of law" clause of the Constitution. There are other allegations which really are arguments or legal discussion, thus: that defendants could not acquire title by the registration proceedings against the lawful holder, especially without formal notice, because registration is to confirm title, not to acquire it; that the silence of the defendants since the issuance of their title shows that this does not express the lawful status of their claim; etc. The defendants moved to dismiss the complaint on the ground that it states no cause of action and that, if it does, the same is barred by the statute of limitations. The court sustained this motion on the second ground. Subsequently, plaintiffs filed an amended complaint with the same substantial allegations, but with new ones, i. e., that it was in January, 1950, that they learned that their lands were included in the registration proceedings which culminated in the issuance of defendant's title; that defendants never claimed ownership to the lands, but directly or indirectly allowed plaintiffs to continue exercising their rights of ownership over the same. This amended complaint was denied admission, and the motion for the reconsideration of the order of dismissal was also denied. Hence the appeal.

It is contended in this Court that the trial court erred in refusing to accept the amended complaint and in dismissing the action. Without considering whether the trial court's refusal to admit the amended complaint is erroneous or not, we are constrained to hold that the dismissal of the action, even with the amended complaint as a basis thereof, is correct. From the allegations of both the original and amended complaints, it appears that the defendants are holders of a certificate of title issued on July 8, 1914, as a consequence of registration proceedings. There is no allegation in both original and amended complaints that the plaintiffs were not notified, or were not aware, of the registration proceedings. It is presumed, therefore, that as occupants proper notices thereof were served on them and that they were aware of said proceedings. If this is so, then the plaintiffs, who were, or whose predecessors in interest were, on the land during the registration proceedings, were bound by said proceedings.

The latter are in rem and bind the whole world, whether served with notice personally or not. (Grey Alba vs. De la Cruz, 17 Phil., 49.) And the decree of registration, in pursuance of which defendants' title was issued, binds the land and quiets title thereto, and is conclusive against the plaintiffs. (Section 38, Land Registration Act.) The supposed right of plaintiffs by reason of their alleged continued possession for thirty years was, therefore, destroyed fully and completely by the registration proceedings, and their supposed ignorance of the inclusion of the lands cannot exclude them from the effects of the registration proceedings. The supposed fact that defendants have never claimed the lands is incompatible with the registration proceedings, and the supposed conduct of defendants in allowing plaintiffs to continue on the land after registration can not serve as basis of any title or right thereto, because acts of a possessory character by tolerance of an owner does not constitute possession (Article 1942, Spanish Civil Code), and because no title to registered land in derogation to that of the registered owner shall be acquired by prescription or adverse possession (Section 46, Land Registration Act).

The other allegations which are relied upon as a basis of the cause of action are conclusions of law which may be overlooked. Examples of these are that defendants did not acquire the lands, and that they are trustees of plaintiffs; that the inclusion of the land in defendants' title did not deprive plaintiffs of their right as owners, because to hold this is to deprive them of their property without due process of law; that plaintiffs' right to demand reconveyance commenced only, in January, 1950, etc.

Finding no error in the order of dismissal appealed from, we hereby affirm it, with costs against plaintiffs-appellants.

Paras, C. J., Feria, Bengzon, Padilla, Montemayor, Reyes and Jugo, JJ., concur.

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