

FELICIDAD REYES-TALAG, PETITIONER-APPELLANT, VS. REGISTER OF DEEDS OF LAGUNA, RESPONDENT-APPELLEE.*G.R. No. L-25475. March 29, 1968*

Ponente: BENGZON, J.P., J.

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Numeriano Reyes owned 18,755 square meters of land, covered by Original Certificate of Title No. 187, situated in the Municipality of San Pedro, Province of Laguna. On January 9, 1959, expropriation proceedings over said land were instituted by the government at the instance of the Land Tenure Administration[1] before the Court of First Instance of Laguna[2] for the purpose of subdividing the land and its resale to the bona fide occupants thereof.

On June 23, 1959, the Court of First Instance of Laguna declared the government's right to expropriate the land, "with the exception of two lots - one containing an area of 471 square meters and another with an area of 1,170 square meters because these had already been sold -the first to Felicidad Reyes-Talag and the second to Jose Oliver." A copy of this decision was furnished the Register of Deeds and annotated as Entry No. 26592 at the back of Original Certificate of Title No. 187.

After Felicidad Reyes-Talag had the land surveyed, with the consent of the Land Tenure Administration, segregating the 471 square meters from the rest, she requested the Office of the Register of Deeds to issue her a new certificate of title covering her portion of the land as mentioned in the judgment.

The Acting Register of Deeds, however, required her to produce the certificate of title covering the whole land. When the title certificate was produced, the Register of Deeds asked for a document showing that the land was really transferred to her by Numeriano Reyes. In compliance, Numeriano Reyes himself confirmed in a public instrument such transfer.[3] When Numeriano Reyes died on August 8, 1962, Felicidad was also required to produce the certificate of death of Numeriano Reyes. Still not satisfied, the Register of Deeds required her to produce a deed of confirmation of the transfer by the heirs of Numeriano Reyes. The heirs obliged, by executing such a Deed of Confirmation dated September 4, 1964, signed by Reyes widow in her own capacity and as guardian of the five minors, by Apolonia Bautista as attorney-in-fact of the other three children, as well as by the six other children who were already of age. Despite the compliance of all his requirements, the Acting Register of Deeds still refused to issue a new certificate.

Thus, on January 7, 1965, Felicidad Reyes-Talag, alleging the abovementioned facts, petitioned the Court of First Instance of Laguna[4] for an order directing the Register of Deeds of Laguna to issue a new certificate of title in her favor covering the 471 square meters of land.

In answer, the Acting Register of Deeds on January 14, 1965, manifested that he asked the petitioner to have the confirmation approved by the Court because some of the parties were minors; that the decision in the expropriation case cannot be used, as there is nothing in it that orders the issuance of a new certificate of title; that petitioner should have taken her case en consulta to the Land Registration Commission according to Section

4, Republic Act No. 1151 instead of going to court.

After petitioner had filed her memorandum of authorities as required by the court, the latter, on March 27, 1965 denied the petition for the stated reason that the dispositive portion of the decision in the expropriation case does not mention petitioner's ownership of the land; that the petitioner was not a party to the expropriation case; that the acknowledgment of Numeriano Reyes was a private document and is not one of the modes of conveyin title to real property; that Section 44 of Act 496 in-voked by petitioner covers severance or consolidation of parcels of land in the issuance of titles of a registered owner and finally, that petitioner has not satisfactorily shown that she owns the land.

Petitioner moved for reconsideration on March 27, 1965, alleging among others that through oversight, the acknowledgment of Numeriano Reyes was presented without the second page which had the notarial acknowledgment. She then asked for the substitution of that presented with another one showing that the document was really a public one.

Upon denial of her motion for reconsideration, petitioner appealed to Us questioning the propriety of the lower court's refusal to order the issuance of a new certificate under the circumstances.

Felicidad Reyes-Talag is the daughter of Numeriano Reyes. Numeriano Reyes himself has acknowledged in a public instrument that he had transferred the 471 square meters of land to his daughter.[5] Upon qemand by the Register of Deeds, a deed of confirmation[6] was executed af-ter Numeriano's death where the widow in her own capacity and as guardian of the five minor children, the attorney--in-fact of the other three minor children, as well as the six other children of Numeriano of legal age, recognized the transfer made in favor of Felicidad Reyes-Talag. None of these heirs opposed Felicidad Reyes-Talag's petition for the issuance of a new certificate. In fact, in their deed of confirmation, they join Felicidad in the request for the issuance of a new title after explaining that such land has been excluded from the property covered in the project of partition submitted to the court in the intes-tate proceedings of their father's estate. Under the facts of the present case there is no doubt that all the parties interested recognized petitioner's ownership over said land, and the absence of opposition and the particu-lar set of facts and circumstances obtaining in this case, justify the issuance of a new certificate in Felicidad Reyes-Talag's name.

The lower court erred in stating that in the deci-sion of the expropriation case there was no adjudication of the land in her favor. Said decision, in the disposi-tive portion, expressly excluded two lots from expropria-tion because the court found in the body of said decision that these were already sold - one to Felicidad Reyes-Talag and the other to Jose Oliver. The portion in ques-tion was definitely left out of the expropriated land, of which it formed part. Its owner, who built her home on it, had the right to see to it that her right is protected by a new certificate of title in her name.

As regards the nature of Numeriano Reyes, deed of acknowledgment, Felicidad Reyes-Talag has aptly explained her oversight in presenting the document. The exhibit ck now on the records is a duly acknowledged document filed, before the office of the Register of Deeds.

Even assuming, as the lower court held, that Section 44 of Act 496 on severance or consolidation of parcels of land in the issuance of titles of a registered owner, does not apply, the issuance of a new certificate to Fe-licidad Reyes-Talag is authorized under Section 112 of Act 496, which aside from providing for erasures or alte-rations, of certificates by court order, also states that "x x x 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, whe-ther vested, contingent, expectant or inchoate, have ter-minated and ceased; x x x or upon any other reasonable ground." The section expressly provides that after hearing, the court has the power to order "the entry of a new certificate" or to

grant any other relief it may deem necessary and proper.

Though there was no formal deed of transfer, the fact of Numeriano Reyes' deed of acknowledgment and the widow's and heirs' deed of confirmation, with no opposition what-soever, is enough, in justice to Felicidad Reyes-Talag, to prove transfer of the portion of land to her. Such transfer, together with the presentation of the certificate of title covering the whole land, warrants the issuance of a new certificate of title in her favor over the 471 square meters of land already segregated by a new survey.

WHEREFORE, the order appealed from is hereby reversed and the Register of Deeds is ordered to issue a new certificate of title in favor of Felicidad Reyes-Talag over her 471 square meters of the land in question. No costs.

SO ORDERED.

Reyes, Acting Chief Justice, Dizon, Makalintal, Zaldivar, Sanchez, Angeles, and Fernando, JJ., concur.
Concepcion, C.J., on leave.
Castro, J., no part.

[1] Now Land Authority.

[2] Civil Case No. B-172.

[3] Exhibit A, Acknowledgment, duly notarized, dated Feb. 1, 1962.

[4] Civil Case No. N-249.

[5] Exhibit A.

[6] Exhibit B.

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