

JOSE E, COLLADO, ET AL., PETITIONERS, VS. THE HON. COURT OF APPEALS, ET AL., RESPONDENTS.

G.R. No. L-14698. March 30, 1963

Ponente: BAUTISTA ANGELO, J.

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BAUTISTA ANGELO, J.:

This is a petition for review of a decision rendered by the Court of Appeals reversing the one rendered by the court a quo which ordered Nicomedes Copiat, et al. to vacate the two lots in question and deliver their possession to spouses. Jose E. Collado and Aurora Provide as registered owners thereof, together with the improvements existing thereon, without pronouncement as to costs.

The lots above-referred to were registered under the cadastal law in the name of spouses Pedro Aventura and Analeta Galan in whose favor Original Certificate of Title No. Cr-153 was issued in pursuance of a decision rendered on January 26, 1951 in Cadastral Case No. 88 (G.L.R.O. Record No. 1565). Shortly after the issuance of said title, the spouses sold the two lots to Jose E. Collado and Aurora Provide for the sum of P4,000.00 through the intervention of Atty. Elias Recto and his father-in-law Adriano Coronado.

Before said sale was effected, Collado requested that he be allowed to see the title of the lands and to that effect he was told to go to the office of Atty. Recto who was the counsel of the vendors. In said office Collado as shown the title of the lands which on its face appeared free from all liens and encumbrances. He was also shown the decision of the cadastral judge adjudicating the lots in favor of spouses Pedro Aventura and Analeta Galan.

Collado told the sellers that he wanted to see the lands, himself and he was readily obliged. Collado saw on the lands Nicomedes Copiat and when he inquired why he was there Analeta Galan answered that he was one of her tenants. Coronado told Nicomedes Copiat that Collado was buying the lands but he did not say anything so that Collado's belief that Copiat was Galan's tenant was strengthened. Collado decided to buy the lands. The deed of sale was prepared and in pursuance thereof the title of the sellers was cancelled and in lieu thereof another title was issued in the name of Jose Collado and Aurora Provide. However, three months after the sale, Collado found out for the first time that there were other persons who claimed to be the owners of the lands. Hence, they commenced the present action before the Court of First Instance of Iloilo praying that they be declared owners of the lands with right of possession and that the defendants be ordered, to pay damages and attorney's fees. After trial, the court rendered judgment as stated in the early part of this decision.

In reversing the decision of the court a quo, the Court of Appeals said in its dispositive part of the following:

"IN VIEW OF ALL THE FOREGOING, the appealed decision in the instant case is set aside and the registration decree in Cadastral Case No. 88, G.L.R.O. Cad. Record No. 1566, in so far as it relates to Lots No. 2453 and 2456, Original Certificate of Title No. C-153, and Transfer Certificate of Title No. 1H00 covering said lots, are declared null and void. The court a quo is ordered to give due course to the answers filed by the plaintiffs and defendants-appellants in said cadastral case and, after hearing and presentation of evidence on the part of the claimants, to render the corresponding decision."

Petitioners now claim that the Court of Appeals erred in holding that they acted in bad faith in purchasing the lands in question and, consequently, in declaring null and void the decree entered in Cadastral Case No. 88 (G.L.R.O. Record No. 1565) insofar as the two parcels of land are concerned, ; as well as the two certificates of title subsequently issued invoking the principle that a decree of registration cannot be collaterally attacked.

With regard to the claim that the Court of Appeals erred in considering petitioners as purchasers in bad faith, suffice, it for us to quote the following findings of said Court:

"The combination of the following- facts and circumstances induco us to conclude that in the. procurement of Original Certificate of Title No. C-153 (Exh. B), an th« execution of the deed of sale (Exli. C) twenty-five days after the issuance of said certificate, and in the ,issuance three days later'of the corresponding Transfer Certificate- of Title No. 11100 (Exh. D) in favor of the herein plaintiffs-appellees, the spouses Pedro Aventura and Anaclea Galan acted fraudulently;

* * * * *

"Are the plaintiffs-appellants purchasers in good faith and for a valuable consideration? We do not believe they arc, because in November 1951, Jose Collado. accompanied by nolicemen, visited the lands in question and said that he was planning to buy them f rom Pedro Aventura. They found defendants-appellants cultivating the same-, saw their plantings, their houses and their families. After they were told that the lands belonged to the Copiats and ldid not belong to any Aventura, they left. So when Galan represented her husband and filed the latter's. answers, in the cadastral ease, -Collado was already aware of appellants' claim of possession and ownership.

"Moreover, we. believe that plaintiffs-appellees had connived for . the purpose of depriving the defendants Copiat of the latter's . inheritance because—* * *."

The above findings of fact cannot now be looked into. They are conclusive" upon this Court considering, well-known authorities on the matter.

Anent the question that the Court of Appeals erred in nullifying the decree of registration entered in the cadastral case as well as the certificates of title subsequently issued pursuant thereto, the record discloses the following facts: On December 29, 1945, Pedro Aventura, thru his wife Anaclea Galan filed their answer claiming the lots in question in the cadastral ease. On January 26, 1951, decision was rendered in their favor. On September 12, an order was issued for the issuance of the decree. On

October, 20, Original Certificate of Title No. C-153 in favor of spouses Pedro Aventura and Anaclea Galan was issued. On November 15, the lots were sold by said spouses ' to Jose Collado and his wife. On November 19, Transfer Certificate of Title No. 11100 was issued in favor of spouses Collado. On December 17, Nieomedes Copiat, et al. filed their petition for review, which they supplemented on January 8, 1952. On May 26, they filed their answer. On May 28, the cadastral court suspended the proceedings for review until Civil Case No. 2408 (the case now before us) is definitely decided.

From the foregoing facts it appears clear that respondents herein filed their petition for review in the cadastral case within the period of one year from the issuance of the decree. The cadastral court could have proceeded then and there to hear said petition on the merits but deferred action thereon to await the final outcome of the case instituted by petitioners herein. It is for this reason that the Court of Appeals, in reversing the decision of the court a, quo, ordered that the petition for review be given due course and after due hearing and presentation of evidence judgment be rendered as the same may warrant. Upon the foregoing facts, it cannot therefore be successfully contended that the decree of registration issued in the cadastral case has been collaterally attacked and that the Court of Appeals erred in declaring its nullification. On this point, we agree with the following findings pf the

Court of Appeals: '

"The attack made by the defendants-appellants on the Original Certificate of Title No: C-153 and Transfer Certificate of Title No. 11100 is not a collateral attack for the petitions for the reopening or review of the decree of registration were presented in the cadastral case itself and within the period provided for in Section 3S of Act 496, as amended, and in conformity with the doctrine laid down by our Hon. Supreme Court in the case of De los Reyes vs. De Villa, 48 Phil. 227. < We must not lose sight of the fact that in the order Exhibit 16 issued by the Court of First Instance of Iloilo, acting as a cadastral court, thru the Honr Roman Ibanez on the motion for review presented by the defendants-appellants the proceedings on the incident were suspended until Civil Case No; 2403 of the Court was definitely decided. The civil action in said case was commenced for the purpose of recovering the possession of the very land in question. The courts of justice cannot serve as instruments for the commission, of injustice to all of those who come to it for protection and redress."

Wherefore, the decision appealed from is affirmed, with costs against petitioners.

Bengzon, C. J., Padilla, Labrador, Concepcion, Reyes, J.B.L., Paredes, Dizon, Regala, and Malcalintal, JJ., concur.

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