

**HEIRS OF TANAK PANGAWARAN PATIWAYAN, NAMELY:
PATIWAYAN MANANQUE, ARABIA, RAMIR, SARAMIA, INOBODAN,
SAMLAN, PINJAMAT, AND NORMA, ALL SURNAMED PATIWAYAN,
ALL REPRESENTED HEREIN BY...**

G.R. No. L-49027. June 10, 1986

Ponente: GUTIERREZ, JR., J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/4592fd7100b9/>

GUTIERREZ, JR., J.:

This petition seeks the annulment of the decision and the order of the then Court of First Instance of Davao, Branch VI which dismissed the complaint and motion for reconsideration filed by petitioner, respectively, on the ground that the Court has no jurisdiction over the case, petitioner not having the legal personality to file the complaint.

On July 1, 1976, Tanak Pangawaran-Patiwayan filed a complaint against the private respondents for annulment of title, reconveyance of successional shares, partition, accounting and damages. The complaint, in substance, alleged that a certain Pangawaran (one name), during his lifetime married legitimately three successive times; that complainant is the daughter by the second marriage; that during the first and second marriages, there were no liquidations of the conjugal partnership after the death of Pangawaran's respective spouses; that respondent Tagwalan is the child by the third marriage; and that since the latter was the only son of Pangawaran, he was able to convince his co-heirs that he should act as administrator of the properties left by Pangawaran but instead, managed to obtain a patent in his own name and later an original certificate of title (O.C.T.) to the complainant's prejudice.

Respondents filed an answer denying the marriage of Pangawaran to complainant Tanak's mother alleging that Pangawaran married only twice, the offsprings of which are the respondents themselves.

Tanak Pangawaran-Patiwayan died on January 8, 1978 and her heirs were substituted as complainants in the case.

On December 15, 1977, the respondents filed a motion to dismiss on the following grounds: (a) the trial court has no jurisdiction to annul the Free Patent Application and the Original Certificate of Title issued in favor of respondent Tagwalan since the complaint did not join as plaintiffs the Director of Lands and the Secretary of Agriculture and Natural Resources and since the prerogative to file a complaint exclusively belongs to the Solicitor General under Section 101 of the Public Land Act; (b) there is non-exhaustion of administrative reme-dies; and (c) the action has prescribed.

On March 8, 1978, the trial court granted the motion to dismiss upon the following findings:

"It appears that a certain Pangawaran (Moro) during his lifetime cultivated and occupied a parcel of land containing an area of sixteen (16) hectares, more or less, situated at Binuring, Tigatto, Davao City, which was declared for taxation purposes in his own name. He died in 1938. During his lifetime, he had three (3) wives, one after the other. His first wife was Najo, (Mora), with whom he begot two (2) children, and it was during

this union that the sixteen (16) hectares of land was first cultivated by Pangawaran (Moro). When Najon died, there was no liquidation of the conjugal partnership and partition of the successional shares of the then surviving heirs as Pangawaran (Moro) continued in his cultivation and acts of ownership over the aforesaid parcel of land as if he himself was the only and sole owner thereof.

"Then, Pangawaran (Moro) married Antiras (Mora) who assisted Pangawaran (Moro) in the cultivation of the parcel of land in question. The second marriage produced Tanak Pangawaran. Antiras died and there was likewise no liquidation of the conjugal partnership then subsisting. Then Pangawaran (Moro) for the third time got married to a certain Aranan and the same situation as aforementioned persisted during the marriage to Aranan resulted in a child by the name of Tagwalan Pangawaran.

"When Pangawaran (Moro) died in 1938, Tagwalan Pangawaran, the son by the third marriage, being the only male child of Pangawaran (Moro) allegedly prevailed upon the other heirs that he should act as administrator and overseer of the entire property but in due time he shall cause the partition and distribution of the respective shares of all the rightful heirs. However, on December 14, 1962, defendant Tagwalan filed an application for free patent over the parcel of land with the Bureau of Lands resulting thereafter in the issuance of Free Patent No. 314515 and subsequently, Original Certificate of Title No. P-2216, dated July 26, 1966.

"It is alleged in the complaint that Tagwalan was able to have the property registered solely in his name since 'he falsified the application for free patent by stating falsely that he was the only heir of Pangawaran (Moro) when in truth and in fact there were other heirs like the herein plaintiff Tanak and the other defendants;' (par. 15, complaint). It is further alleged in the complaint that ever since the application for free patent, Tagwalan exercised and usurped rights of ownership over the entire land as if he is the sole owner thereof reaping therefrom the fruits of his own personal profit to the unlawful, unjust and illegal exclusion of herein plaintiff Tanak. The complaint finally states that it was only on or about April 1976 when plaintiff learned for the first time of defendant Tagwalan's perfidy. And, despite repeated demands for partition and delivery of the rightful share in the inheritance of their common father's property, defendant Tagwalan refused to do so to the prejudice of plaintiff Tanak.

"While the motion to dismiss alleged several grounds, the only one which we will deal on relates to this Court's jurisdiction over the case at bar. The other grounds can no longer be invoked by the defendant since an answer has been filed by them.

"To our mind, there is merit to the motion to dismiss the case at bar on the ground that the Court no longer has jurisdiction over it. And, we are of the view that this suit should be dismissed since the complainant alleges fraud and in order that the Court can have jurisdiction to entertain the case at bar, it should have been brought within one (1) year from the time that the original certificate of title was issued to the defendant Tagwalan. Another reason for the dismissal, as correctly observed by the defendant Tagwalan, is that the plaintiffs do not have legal personality to institute the case at bar.

xxx xxx xxx

"Moreover, considering that this case for annulment of title is brought solely by private plaintiff, the Court has no jurisdiction to entertain the same since the action should have been brought by the Solicitor General in the name of the Republic of the Philippines (Section 101, Public Land Act.) As further stated in Sumail. -:

"Under Section 101 x x x, only the Solicitor General or the officer acting in his stead may bring the action for reversion. Consequently, Sumail may not bring such action or any action which would have the effect of cancelling a free patent and the corresponding certificate of title issued on the basis thereof, with the result that the land covered thereby will again form part of the public domain. (Under line supplied).

"A reading of the aforequoted argument of plaintiff Tanak would reveal that the primary objective of the suit is for plaintiff Tanak to have her rightful share in the property and in the process to have the certificate of title cancelled. However, we must disagree that annulment is merely an incidental relief prayed for Plaintiff Tanak

cannot get her rightful share in the property unless and until the title issued has been cancelled. And this she admits since she states that 'she cannot be granted the relief she prayed for unless the title is cancelled.' However, once the title is cancelled then the land automatically reverts to the public domain. Once it becomes a part of the public domain then plaintiff Tanak cannot now claim any portion thereof unless and until all the heirs file an application for the property to be awarded in their names. To our mind, therefore, since the cancellation of the title precedes the distribution of a share to Tanak, then the suit must be brought by the Solicitor General in the name of the Republic of the Philippines. Thus, we are of the view that plaintiff does not have any legal personality to bring the present suit and thus this Court is stripped of any jurisdiction to entertain the case at bar."

Petitioners filed a motion for reconsideration of the above-quoted decision. The motion having been denied, petitioners filed this instant petition with the following assignments of errors:

- The respondent court erred in dismissing the complaint and holding that it had no jurisdiction to entertain the complaint because the title of Tagwalan having become indefeasible cannot anymore be annulled when in fact and in law, petitioner's action is mainly for reconveyance of the successional share of Tanak, for partition, accounting and damages;
- The respondent court likewise committed an error of law in holding that it is the Solicitor General in behalf of the Republic of the Philippines, who has the personality to bring the action when, as already stated, the action is for reconveyance of successional shares, partition, accounting and damages and that in order to prosecute them, the intervention of the Solicitor General is neither necessary nor required; and
- The respondent court erred in dismissing the complaint as it overlooked the Civil Code provisions on implied trust and the Rules of Court provisions on alternative causes of action.

As the issues raised above are intertwined with each other, we shall pass upon them at the same time.

The petitioners maintain that the trial court has jurisdiction over the case which is mainly an action for reconveyance based on implied trust and not an action for reversion which may only be filed by the Solicitor General. They state that if the complaint alleges fraud by Tagwalan, it is only to emphasize the fraudulent circumstances under which he was able to secure a title over his father's land to the exclusion of other persons who are his co-heirs. The petitioners further contend that since the action is one for reconveyance based on implied trust, the respondent court still has jurisdiction over the case because such action prescribes in ten (10) years and since the original certificate of title was issued on July 19, 1966 and the action was filed on July 1, 1976, the ten-year prescriptive period has not yet elapsed.

We find the above contentions impressed with merit.

The petitioners' main purpose in bringing the action is to recover their rightful share of their inheritance and this fact was even admitted by the trial court when it stated that: "A reading of the afore-quoted argument of plaintiff Tanak would reveal that the primary objective of the suit is for plaintiff Tanak to have her rightful share in the property and in the process to have the certificate of title cancelled." However, said court was of the opinion that "Plaintiff Tanak cannot get her right-ful share in the property unless and until the title issued has been cancelled." And that "once the title is cancelled then the land automatically reverts to the public domain."

This is error on the part of the respondent court because when the patent was issued, the property in question ceased to become part of the public domain and, therefore, even if respondent Tagwalan eventually is proven to have procured the patent and the original certificate of title by means of fraud, the land would not revert back to the state but will be partitioned among the rightful heirs which also include Tagwalan and his co-respondents.

There is no question that respondent Tagwalan is qualified to apply for a free patent over the land in question because his father initiated the grounds for entitlement and had become entitled to such patent by virtue of cultivating the land during his lifetime and declaring the same as his property for taxation purposes. Tagwalan, therefore, as heir of Pangawaran, became entitled to the same privilege through his father and applied for a patent in his stead. However, he was not the only one who was entitled to this privilege because he was not the only heir of Pangawaran. This is where the fraud came in, manifesting itself in Tagwalan's pretense that he was the sole heir of Pangawaran.

Thus, the circumstances surrounding this case are entirely different from the case of *Sumail v. Judge of the Court of First Instance of Cotabato, et al.* (96 Phil. 946), the case relied upon by the respondent court wherein the petitioner, himself, applied for a free patent while seeking to annul that of the respondent and the latter's certificate of title. In this case, the Court ruled that by applying for a free patent, the petitioner thereby acknowledged and recognized the land to be part of the public domain. We further ruled that even if the land were declared reverted to the state, petitioner Sumail does not automatically become owner thereof for he is a mere public land applicant like others who might apply for the same.

In the case at bar, as stated earlier, because of Pangawaran's cultivation of the land throughout his lifetime, he became entitled to the free patent and such entitlement benefitted his heirs after he died. Therefore, in the event that the petitioners are able to prove that they are entitled to a share in the land, there is no need for the land to first revert back to the public domain before they could acquire their share. By virtue of the free patent issued thereon, the land ceased to be public. This was precisely our decision in the *Sumail* case wherein we ruled:

xxx xxx xxx

"As already stated, free patent No. V-459 was issued in the name of Gepuliano on September 26, 1949, while Civil Case No. 420 was filed in court only on July 21, 1952, or almost three years after the issuance of the free patent. It is, therefore, clear that the trial court no longer had jurisdiction to entertain the complaint in Civil Case No. 420 for the reasons already stated, but not as contended by the Director of Lands that it involved public land, over which he had exclusive and executive control, because once the patent was granted and the corresponding certificate of title was issued, the land ceased to be part of the public domain and became private property over which the Director of Lands has neither control nor jurisdiction."

The only reason for quoting Section 101 of the Public Land Act in the above case was because the Court was acting on the assumption that even if Sumail's action was for the reversion of the land in dispute, his cause of action would still not prosper for in cases of reversion, under said section, only the Solicitor General or the person acting in his stead may bring the same. In the instant petition, the action is not for reversion. It is an action for reconveyance brought by several co-heirs against an heir who was able to have a common inheritance titled in his name.

Another ground upon which the petitioner's action was dismissed is prescription. According to the respondent court, it lost jurisdiction over the case because it was brought after the lapse of one year from the date of the issuance of the original certificate of title.

This, again, is a patent error.

The respondent court seems to be unmindful of the fact that since respondent Tagwalan, through fraud was able to secure a title in his own name to the exclusion of his co-heirs who equally have the right to a share of the land covered by the title, an implied trust was created in favor of said co-heirs. Respondent Tagwalan is deemed to merely hold the property for their and his benefit. As we have ruled in the case of *Gonzales v. Jimenez, Sr.* (13 SCRA 73, 82):

"We believe, however, that this case is covered by Article 1456 of our new Civil Code which provides: 'If property is acquired through mistake or fraud, the person obtaining it is, by force of law, considered a trustee of an implied trust for the benefit of the person from whom the property comes.' Since it appears that the land in question was obtained by defendants thru fraudulent representations by means of which a patent and a title were issued in their name, they are deemed to hold it in trust for the benefit of the person prejudiced by it. Here this person is the plaintiff. There being an implied trust in this transaction, the action to recover the property prescribes after the lapse of ten years. Here this period has not yet elapsed."

Therefore, it is clear that the prescriptive period which is applicable in this case is ten (10) years. Consequently, the action of petitioner was not yet barred since it was filed on July 1, 1976 while the last day for filing such action was on July 19, 1976, ten years after the issuance of the original certificate of title.

The rules are well-settled that when a person through fraud succeeds in registering the property in his name, the law creates what is called a "constructive or implied trust" in favor of the defrauded party and grants the latter the right to recover the property fraudulently re-registered within a period of ten years (See Ruiz v. Court of Appeals, 79 SCRA 525, 537).

WHEREFORE, IN VIEW OF THE FOREGOING, the petition is GRANTED and the decision of the respondent court dated March 8, 1978 and its order dated April 18, 1978 are hereby ANNULLED and SET ASIDE. The case is ordered re-manded to the respondent court for further proceedings. Costs against the private respondents.

SO ORDERED.

Feria, (Chairman), Fernan, Alampay, and Paras, JJ., concur.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.