TRINIDAD GABRIEL, ANDREA GABRIEL, ISABEL GABRIEL, ESTER GABRIEL, BENJAMIN GABRIEL, SALUD GABRIEL, VICTORIA GABRIEL, RIZALINA GABRIEL AND ANDRES GABRIEL, JR., PETITIONERS, VS. HO...

G.R. No. L-26348. March 30, 1988

Ponente: PARAS, J.

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PARAS, J.:

This is a petition for review on certiorari seeking to reverse: (a) the Decision[1] of respondent Court of Appeals promulgated on May 31, 1966 in CA-G.R. No. 25418-R affirming the Decision[2] of the then Court of First Instance of Bataan in Civil case No. 2283 which dismissed the complaint for recovery of land due to laches and prescription and required complainants (herein petitioners) to surrender their certificates of title, and (b) the Resolution[3] of the Court of Appeals dated July 7, 1966 denying petitioners' Motion for Reconsideration.

As found by the Court of Appeals and the trial court, the factual background of this case is as follows:

On April 12, 1909, a survey was made for Santiago Quimson of a parcel of land located in Barrio Totopiac, Orani, Bataan, containing an area of 687,360 square meters, more or less, the survey plan being designated as I-1054. This parcel of land was registered on September 18, 1909, and Original Certificate of Title No. 46 of the Registry of Deeds of Bataan was issued in favor of Quimson. Subsequently, a cadastral survey was made from February, 1919 to March, 1920 which resulted in the increase of the area of the land by 17,053 square meters and the designation of the land as Lot No. 363 of Orani Cadastre with an area of 704,413 square meters. After hearing, the Cadastral Court confirmed the title of Quimson and Transfer Certificate of Title No. 723 was issued in lieu of Original Certificate of Title No. 46. The lot was subdivided into Lot No. 363-A with an area of 209,250 square meters for which Transfer Certificate of Title No. 760 was issued, and Lot No. 363-B with an area of 495,163 square meters for which Transfer Certificate of Title No. 759 was issued. Lot No. 363-B was subsequently acquired by Eligio Naval and Transfer Certificate of Title No. 787 was issued in his name on July 6, 1926.

In December, 1916, a parcel of land located in Barrio Bagumbayan, Hermosa, Bataan was surveyed for Potenciano Gabriel. Survey Plan Psu-9742 was prepared and approved by the Director of Lands, with an area of 2,729,712 square meters. This plan was subsequently amended because it was found that certain portions of the land covered by Plan I-1054 in the name of Quimson and later transferred to Naval were included. The undivided portions were excluded by order of the Court and so Plan Psu-9742 was amended (Plan Psu-9742-Amd) with an area of 2,436,280 or a reduction of 293,432 square meters. The Original Certificate of Title No. 1264 issued in the name of Potenciano Gabriel on November 1, 1918 contained the reduced area.

A cadastral survey was also made of the Municipality of Hermosa, Bataan and the land of Potenciano Gabriel, covered by Plan Psu-9742 Amd. became Lot No. 557 with a reduced area of 2,096,433 square meters, or a further reduction by 339,847 square meters. No new certificate of title was issued for Cadastral Lot No. 557 showing the reduced area so that Original Certificate of Title No. 1264 subsisted with an area of 2,436,280 square meters

under Plan Psu-9742 Amd. Accordingly the partition of the estate of Potenciano Gabriel by his heirs on August 28, 1947 was based on plan Psu-9742 Amd. under Original Certificate of Title No. 1264 with an area of 2,436,280 square meters, instead of Lot No. 557 with a smaller area of 2,096,433 square meters.

Petitioners who are the heirs of the late Potenciano Gabriel and alleged joint co-owners of 1196 square meters of a fishpond situated in Hermosa, Bataan by virtue of an agreement of partition of the estate of Don Potenciano, filed a complaint, Civil Case No. 2283 at the Court of First Instance of Bataan against Petrita Pascual and Rudyardo Santiago, joint administratrix and administrator of the estate of Eligio Naval, a son-in-law of Don Potenciano.

They claim that said land was usurped by the late Eligio Naval who was also an adjoining owner; that said land was only loaned to the latter for dike and water control purposes of the latter's fishpond and that after the death of Don Potenciano on February 17, 1943, private respondents continued to possess, occupy and use said property and notwithstanding repeated demands refused to vacate and to return the possession thereof, to the petitioners.

Hence, it was prayed that the defendants, private respondents herein, be ordered to vacate the premises described in the complaint and to pay damages (Rollo, pp. 18-20; Record on Appeal, p. 96)

The records show that the portion of 1,196 square meters sought to be recovered by petitioners is included in Lot No. 363-B of the Orani Cadastre and in amended plan Psu-9742, mentioned above, which shall hereafter be referred to as Psu-9742 Amd. After the cadastral survey of Orani, said portion always remained in the possession on of the late Eligio Naval because as above stated, it was included in Lot 363, which was subdivided into Lot 363-A and Lot 363-B. The latter, acquired by Naval with TCT No. 787 in his name, embraces the portion in question (Rollo, pp. 22-23).

There appears to be no controversy that aforesaid lot had always been in the possession of Naval in the concept of owner, as petitioners' claim that the same was merely loaned to Naval, was not properly supported by evidence, as found both by the trial court and the Court of Appeals.

After trial, the court rendered its decision on August 29, 1958 dismissing the complaint on the ground that the right of the plaintiffs to the land in question, if any, was lost by prescription, and that the plaintiffs are also guilty of laches in failing to prosecute their claim within a reasonable time.

Specifically, the dispositive portion of said judgment reads:

> "IN VIEW OF THE FOREGOING CONSIDERATIONS, the Court hereby renders judgment:
>
> (1) Dismissing the complaint of the plaintiffs;
>
> (2)
>
> Ordering the plaintiffs to surrender the owners' copies of the certificates of title issued pursuant to the subdivision of Plan Psu-9742-Amd. to the Register of Deeds for safekeeping until the plaintiffs could submit a new subdivision plan based on the technical description of Lot No. 557 of the Hermosa Cadastre; and
>
> (3) Ordering the plaintiffs to pay the costs.
>
> "SO ORDERED.
>
> "Balanga, Bataan, August 29, 1958."

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(Record on Appeal, pp. 127-128; Rollo, p. 113)

The Court of Appeals affirmed the decision of the lower court in its Decision promulgated on May 31, 1966, the dispositive portion of which states:

"WHEREFORE, finding no error in the judgment appealed from, the same is hereby affirmed with costs against the appellants." (Rollo, pp. 18-31).

The petitioners' Motion for Reconsideration was denied on July 7, 1966.

Hence, this petition.

In the resolution of December 19, 1966, the petition for review on certiorari was given due course (Rollo, p. 166). In the notice of January 5, 1967 (Rollo, p. 169) petitioners were required to file brief. Meanwhile, private respondent Petrita Pascual in a manifestation and motion dated January 10, 1967 (Rollo, p. 170) informed this Court that the property in litigation was transferred by absolute sale to the spouses Florencio Lucio and Conchita Gandan and she prayed that said spouses be substituted in this action in lieu of Petrita Pascual in her capacity as co-administratrix.

In the resolution of January 23, 1967 (Rollo, p. 172), petitioners were required to comment on aforesaid motion for substitution of parties. Said comment was filed by the petitioners on February 8, 1967 (Rollo, p. 176) opposing said motion as improper and praying instead that said parties be joined as additional respondents. Thus in the resolution of March 7, 1967 (Rollo, p. 184), this court authorized the inclusion of new parties, Florencio Lucio and Constancio Lucio. Petitioners submitted their Brief (Rollo, p. 177) on February 9, 1967 while respondents Petrita Pascual, Florencio Lucio and Constancio Lucio submitted their Brief on May 2, 1967 (Rollo, p. 195). For failure to file peti-tioner's Reply Brief, the court considered the case submitted for decision without the Reply Brief on November 8, 1968 (Rollo, p. 211).

The grounds relied upon for the petition are as follows:

> - PLAN PSU-9742-AMD. COVERED BY ORIGINAL CERTIFICATE OF TITLE NO. 1264 WITH AN AREA OF 2,436,280 SQUARE METERS, WHICH AREA WAS REDUCED BY THE CADASTRAL SURVEY OF ORANI AND FURTHER REDUCED BY THE CADASTRAL SURVEY OF HERMOSA OR A LOSS OF 336,901 SQUARE METERS TO CONFORM WITH LOT 557 OF THE CADASTRAL SURVEY OF HERMOSA IMPAIRS GRAVELY THE SUBSTANTIAL RIGHT OF THE REGISTERED OWNER AND IS IN CONFLICT WITH AND CONTRARY TO THE APPLICABLE PRINCIPLES AND DECISION OF THIS HONORABLE COURT, NOTABLY THE DECISIONS IN THE CASES ENTITLED "P. I. VS. ARIAS, CABALLERO, 34 PHIL. 541.
>
> - THAT THE COMPLAINT FILED IN THE LOWER COURT, AN ACTION PUBLICIANA OR TO RECOVER POSSESSION OF A CERTAIN PARCEL OF LAND WITHHELD FROM PLAINTIFFS' POSSESSION, IS IT NOT A GRAVE ERROR FOR THE COURT OF FIRST INSTANCE TO HAVE THE TECHNICAL DESCRIPTION OF THE REGISTERED PROPERTY CORRECTED SO AS TO CONFORM TO CADASTRAL LOT AND, THEREFORE, A COMPOUNDED GRAVE ERROR FOR THE HONORABLE COURT OF APPEALS TO SUSTAIN SUCH CORRECTION?
>
> - IS IT NOT THAT PROPERTY RIGHTS AND POSSESSION OF A REGISTERED OWNER UNDER THE PROVISION OF THE LAND REGISTRATION ACT ARE IMPRESCRIPTIBLE UNDER THE PROVISION OF SECTION 46 OF ACT No. 496 AS AMENDED? (Rollo, pp. 8-9).

The main issue in this case is whether or not courts have the authority to order the necessary correction of an erroneous technical description and make it conform to the correct area.

Petitioners contend that in ordering that OCT No. 1264 be made to conform with the land covered by Cadastral Lot No. 557 which contains an area very much less than that covered by said title, the trial court and later the Court of Appeals deprived them of their property as registered owners. Such act, petitioners insist, would amount to a reopening of a decree of title after the lapse of the one-year statutory period, or the granting of an entirely new decree to a land already registered under act 496, now P.D. 1529. Furthermore, such procedure is tantamount to a collateral attack on the title.

This contention is untenable.

It has long been settled that in cadastral cases the jurisdiction of the court over lands already registered is limited to the necessary correction of technical errors in the description of the lands, provided such corrections do not impair the substantial rights of the registered owner, and that such jurisdiction cannot operate to deprive a registered owner of his title. (Pamintuan v. San Agustin, 43 Phil. 561 [1922]).

In a later case, such power of the court was further clarified and amplified to the effect that the above proposition does not exclude from the jurisdiction of the court the power to determine the priority of over-lapping or over-lying registered titles. There is nothing in this proposition which militates against allowing the court in a cadastral case to determine which one of several conflicting registered titles shall prevail. This power is necessary for a complete settlement of the title to the land, which is the express purpose of cadastral proceedings and must therefore, be considered as within the jurisdiction of the courts in such proceedings. Furthermore, it was stressed that in such proceedings no final decree or re-gistration was reopened or set aside (Timbol v. Diaz, 44 Phil. 589-590 [1932]).

In the case at bar, the Court of Appeals found that the lower court did not order the reopening of the decree of registration for the land covered by Original Certificate of Title No. 1264 in the name of Potenciano Gabriel. Neither did the lower court decree a new registration in favor of the estate of Eligio Naval because said estate has a title that embraces actually the portion in dispute, although it is also included in the Original Certificate of Title No. 1264 of Potenciano Gabriel. What the lower court did was merely to correct the error in the technical description appearing in Plan Psu-9742 Amd. so as to make it conform to the areas and technical description of Lot No. 557 of the Hermosa Cadastre and Lot No. 363 of Orani Cadastre which lots embody the correct technical description thereof. Thus, the respondent appellate court stressed that this is not a reopening of the decree of registration for the land covered by the certificate of title of Potenciano Gabriel because that title stands and its existence remains unaffected. The action therefore of the trial court is well within its jurisdiction (Rollo, pp. 40-41).

The fact that the portion of land in question is not a part of the property of the late Potenciano Gabriel, is established not only by the Hermosa and Orani Cadastre but by the behavior of Potenciano Gabriel himself, who is the original owner. He did not take the necessary action to recover said lot during his lifetime but after the discovery of its occupation in March, 1933, by the late Eligio Naval, he allowed instead the continued use and occupation of the same. In fact, there is no dispute that Eligio Naval and his successors-in-interest have always been in possession of said property since that date. As previously stated, petitioners' claim that such occupation was by virtue of a loan or accommodation, was not supported by evidence. As held by this court, title and possession of registered owners, cannot be defeated by oral evidence which can easily be fabricated and contradicted (Simoan v. Sorongan, 136 SCRA 407 [1985]).

As found by the trial court and the Court of Appeals, both parties were in occupation of their respective properties within the correct areas and boundaries sought to be adjusted in this case. More than that, it was also found that there is no impairment of substantial right or the deprivation of the title of a registered owner, sought to be

guarded against. The heirs of Potenciano Gabriel are not deprived of the land covered by Original Certificate of Title No. 1264, nor are they unjustly deprived of the portion in question because on the basis of the correct technical description, that portion is not a part of their property but a part of the property of the late Eligio Naval under TCT No. 797. Hence, this Court has held that the Land Registration Act and the Cadastral Act do not give anybody who resorts to the provisions thereof a better title than what he really and lawfully has. More specifically the decision reads:

> "x x x The Land Registration Act as well as the Cadastral Act protects only the holders of a title in good faith and does not permit its provisions to be used as a shield for the commission of fraud, or that one should enrich himself at the expense of another (Gustilo vs. Maravilla, 48 Phil., 442; Angelo vs. Director of Lands, 49 Phil. 838). The above-stated Acts do not give anybody, who resorts to the provisions thereof, a better title than he really and lawfully has. If he happened to obtain it by mistake or to secure, to the prejudice of his neighbor, more land than he really owns, with or without bad faith on his part, the certificate of title, which may have been issued to him under the circumstances, may and should be cancelled or corrected (Legarda and Prieto vs. Saleeby, 31 Phil. 590). This is permitted by section 112 of Act. No. 496, which is applicable to the Cadastral Act because it is so provided expressly by the provisions of Section 11 of the latter Act. It cannot be otherwise because, as stated in the case of Domingo vs. Santos, Ongsiako, Lim y Cia. (55 Phil., 361), errors in the plans of lands sought to be registered in the registry and reproduced in the certificate of title issued later, do not annul the decree of registration on the ground that it is not the plan but the land itself which is registered in the registry. x x x ". (Angeles v. Samia, 66 Phil. pp. 449-450 [1938]).

Finally as correctly ruled by the Court of Appeals, petitioners for failing to prosecute their claims for twenty (20) years have lost by laches their right to recover their property. In a similar case, this Court ruled that failure of the deceased or his predecessors-in-interest to take steps to assert any rights over the disputed land for 20 years from date of registration of title is fatal to their cause of action ground of laches (Layno v. Court of Appeals, 133 SCRA 718 [1984]).

PREMISES CONSIDERED, the petition is DISMISSED for lack of merit, and the assailed decision of the Court of Appeals is AFFIRMED.

SO ORDERED.

Yap, (Chairman), Melencio-Herrera, Padilla, and Sarmiento, JJ., concur.

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[1] Penned by Justice Salvador V. Esguerra and concurred in by Justices Julio Villamor and Ramon O. Nolasco.

[2] Written by Judge Ambrosio T. Dollete.

[3] Penned by Justice Salvador V. Esguerra and concurred in by Justices Julio Villamor and Ramon O. Nolasco.

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