

**RE: APPLICATION FOR REGISTRATION OF TITLE, SPOUSES
FRANCISCO LAHORA AND TORIBIA MORALIZON,
PETITIONERS-APPELLANTS, VS. EMILIO DAYANGHIRANG, JR., AND
THE DIRECTOR OF LANDS, OPPO...**

G.R. No. L-28565. January 30, 1971

Ponente: REYES, J.B.L., J.

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REYES, J.B.L., J.:

The spouses Francisco Lahora and Toribia Moralizon brought the present appeal to this Court from the order of the Court of First Instance of Davao (in Land Reg. Case No. N-86), dismissing their petition with respect to Lot No. 2228 on the ground of previous registration, said appellants claiming that the question of the validity of a certificate of title based on a patent allegedly obtained by fraud can be raised by them in a land registration proceeding contrary to the ruling of the court a quo.

The records show that on 26 November 1965 herein appellants petitioned the Court of First Instance of Davao for registration of nine (9) parcels of land located in barrio Zaragosa, municipality of Manay, province of Davao, one-half of which having been acquired by appellant Toribia Moralizon allegedly by inheritance, and the other half by purchase and by continuous, open, public and adverse possession in the concept of owner. One of the said parcels of land is identified as Lot No. 2228, plan SWO-36856, Manay Cadastre.

The petition was opposed by Emilio Dayanghirang, Jr., who alleged that lands belonging to him and his wife were included in the application for registration, mentioning specifically Lot No. 2228 which was said to be already covered by Original Certificate of Title No. P-6055 in the name of oppositor's wife. The Director of Lands also filed an opposition to the petition, contending that the applicants or their predecessors-in-interest never had sufficient title over the parcels of land sought to be registered, nor have they been in open, continuous, and notorious possession thereof for at least 30 years.

On 14 June 1967, counsel for the private oppositor filed a motion for correction of the number of the certificate of title covering Lot No. 2228, erroneously referred to as OCT No. P-6055, when it should properly be OCT No. P-6053. It is likewise prayed in the same motion that the petition be dismissed insofar as it includes Lot No. 2228, for the reason that said lot was already registered and titled in the name of oppositor's wife as of 21 June 1956. In its order of 18 June 1967, which was amended on 29 June 1967, the court granted the oppositor's motion and directed the dismissal of the petition as regard Lot No. 2228, on the ground that it having been previously registered and titled, said parcel of land can no longer be the subject of adjudication in another proceeding. Hence, this appeal by the petitioners.

It may be recalled that the action filed by petitioners-appellants in the lower court on 26 November 1965 was for original registration of certain parcels of land, including Lot No. 2228 of the Manay Cadastre. It is not here denied by appellants that said Lot No. 2228 was the subject of a public land grant in favor of the oppositor's wife, and by virtue of which grant or patent Original Certificate of Title No. P-6053 was issued in her name on 21 June 1956.

Appellants, however, try to make a case against the dismissal-order of the lower court by contending that the patent issued to oppositor's wife was procured by fraud, because appellants, the alleged actual occupants of the land, were not notified of the application for patent therefor and of its adjudication. Thus, according to appellants, since they were the actual occupants of the property, the government could not have awarded it to oppositor's wife, and the patent issued to the latter, as well as the original certificate of title subsequently obtained by her, were null and void.

The rule in this jurisdiction, regarding public land patents and the character of the certificate of title that may be issued by virtue thereof, is that where land is granted by the government to a private individual, the corresponding patent therefor is recorded, and the certificate of title is issued to the grantee; thereafter, the land is automatically brought within the operation of the Land Registration Act[1], the title issued to the grantee becoming entitled to all the safeguards provided in Section 38 of the said Act.[2] In other words, upon expiration of one year from its issuance, the certificate of title shall become irrevocable and indefeasible like a certificate issued in a registration proceeding.[3]

In the present case, Lot No. 2228 was registered and titled in the name of oppositors' wife as of 21 June 1956, nine (9) years earlier. Clearly, appellants' petition for registration of the same parcel of land on 26 November 1965, on the ground that the first certificate of title (OCT No. P-6053) covering the said property is a nullity, can no longer prosper. Orderly administration of justice precludes that Lot 2228, of the Manay Cadastre, should be the subject of two registration proceedings. Having become registered land under Act 496, for all legal purposes, by the issuance of the public land patent and the recording thereof, further registration of the same would lead to the obviously un-desirable result of two certificates of title being issued for the same piece of land, even if both certificates should be in the name of the same person. And if they were to be issued to different persons, the indefeasibility of the first title, which is the most valued characteristic of Torrens titles, would be torn away. For this reason, this Court has ruled in *Pamintuan vs. San Agustin*, 43 Phil. 538, that in a cadastral case the court has no jurisdiction to decree again the registration of land already decreed in an earlier case; and that a second decree for the same land would be null and void.[4] Of course, if the patent had been issued during the pendency of the registration proceedings, the situation would be different.[5]

Even assuming *arguendo* that there indeed exists a proper case for cancellation of the patent for intrinsic fraud, the action for review of the decree should have been filed before the one year period had elapsed.[6] Thereafter, the proper party to bring the action would only be the person prejudiced by the alleged fraudulent act -- the owner and grantor[7], and not another applicant or claimant. Furthermore, the relief provided by the law in such instance may be secured by the aggrieved party, not in another registration, for land already registered in the name of a person can not be the subject of another registration[8], but in an appropriate action such as one for re conveyance or reversion[9], or for damage in case the property has passed into the hands of an innocent purchaser for value.[10]

As regard the complaint against the alleged correction of the number of the certificate of title covering Lot No. 2228 which was erroneously stated in the oppositor's motion as OCT No. P-6055, when it should properly be OCT No. P-6053, it appearing that the motion was intended to rectify a clearly typographical mistake, there is nothing irregular in the lower court's order granting the same.

WHEREFORE, finding no error in the order appealed from, the same is hereby affirmed, with costs against the appellants.

Concepcion, C.J., Dizon, Makalintal, Zaldivar, Castro, Fernando, Teehankee, Barredo, Villamor, and Makasiar, JJ., concur.

[1] Director of Lands vs. Jugado, L-14702, 23 May 1961; Republic vs. Heirs of Carle, 105 Phil. 1227, 1232; Manalo vs. Lukban, 48 Phil. 973; also Roco vs. Gimeda, 104 Phil. 1011, 1014; Nelayan vs. Nelayan, 109 Phil. 183.

[2] El Hogar Filipino vs. Olviga, 60 Phil. 17; Aquino vs. Director of Lands, 39 Phil. 850; Eugenio vs. Perdido, 97 Phil. 41.

[3] Director vs. De Luna, L-14641, 23 November 1960; Lucas vs. Durian, L-17786, 23 Sept. 1957; Ramoso vs. Obligado, 70 Phil. 86; El Hogar Filipino vs. Olviga, supra; Republic vs. Heirs of Carle, supra.

[4] See also Addison vs. Payatas Estate, 60 Phil. 673; Sideco vs. Aznar, 92 Phil. 953; and cases cited.

[5] Vide De los Angeles vs. Santos, L-19615, 4 Dec. 1954, 12 SCRA 622.

[6] Sumail vs. Judge of the CFI of Cotabato, 96 Phil. 946.

[7] Maninang vs. Consolacion, 12 Phil. 342; Salazar vs. Court of Appeals, 87 Phil. 456; Roco vs. Gimeda, supra; Lucas vs. Durian, supra.

[8] See Sideco vs. Aznar, 92 Phil. 952; Rojas vs. City of Tagaytay, 106 Phil. 512.

[9] Sumail vs. judge of the CFI of Cotabato, supra; Roco vs. Gimeda, 104 Phil. 1011; Republic vs. Heirs of Carle, 105 Phil. 1227.

[10] Casillan vs. Espartero, 95 Phil. 799; Director of Lands vs. Register of Deeds, 92 Phil. 826, 831.

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