

CESAREO ABAN, ET AL., PALINTIFF AND APPELLANTS, VS. TEODORICO CENDAÑA, DEFENDANT AND APPELLEE.

G.R. No. L-11989. May 23, 1958

Ponente: BENGZON, J.

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BENGZON, J.:

This suit concerning the ownership of a small piece of land, 600 square meters, in San Miguel, Pangasinan, is here, on appeal, because it involves only a question of law arising from the parties' agreed statement of the facts as follows:

"1. The parties agree that the land in question is covered by Original Certificate of Title No. 20578 in the name of Miguel Aban and Agustina Fabro, spouses as their conjugal partnership which is marked as Exh. "A";

"2. The plaintiffs Cesareo, Antonio and Maxima, all surnamed Aban, are the legitimate children of the deceased spouses who are the registered owners of Exh. "A";

"3. That the plaintiff's are in possession of about one hectare on the western side, while the defendant and his predecessors are in possession of six thousand (6,000) square meters more or less on the eastern side, since time immemorial up to the present time, paying the taxes thereon since the beginning up to the present time, paying the taxes thereon since the beginning up to the present also;

"4. That the plaintiff likewise are in possession of the one hectare western side also since the immemorial;

"5. That plaintiff came to discover the possession of the defendant over the 6,000 square meters more or less, only in 1953 when they went to the premises, assisted by a surveyor, Mr. Artemio Quintos of the Bureau of Lands, Pangasinan, who pointed to them the meters and bounds of the land covered by Exh. "A"; and that the defendant came to know that the land occupied by him is covered by said title Exh. "A" only on July 3, 1955 when said land was relocated by surveyor Silvestre Quinto of Mangaldan, Pangasinan;

"6. That during the lifetime of the late Miguel Aban, father of herein plaintiffs, he never disturbed the possession of the defendant or his predecessors over the land in question, thereby allowing the defendant and his predecessors to have exclusive benefit of all the products planted and gathered thereon."

Upon the above stipulation the controversy was submitted to Hon. Rodolfo Baltazar, Judge, who held that the lot in dispute belonging to defendants had been erroneously included in the Torrens title of plaintiffs, who had consequently the duty, in accordance with decisions of the Court[1] to reconvey it to defendant, as the latter had seasonably demanded. Accordingly, he dismissed the complaint, declared defendant the owner of the lot, and ordered plaintiffs to segregate it from the parcel described in their Original Certificate of Title No. 20578.

The brief for the appellants fails to show that the rule followed by His Honor does not fit the case, or has been modified or superseded. Instead, it invokes the one-year period to challenge a Torrens title on the ground of fraud—a point which has no merit as shown by the quotations below. And contrary to their contention, the duty to reconvey arises not only from a previously existing fiduciary relationship; it also arises when one man's title

happens to include through error land owned by another; but it is essential that the title has not been conveyed to innocent purchasers for value— as in this case.

"The sole remedy of the land owner whose property has been wrongfully or erroneously registered in another's name is, after one year from the date of the decree, not to set aside the decree, but, respecting it as incontrovertible and no longer open to review, to bring an ordinary action in the ordinary court of justice for reconveyance or, if the property has passed into the hands of an innocent purchaser for value, for damages." (Director of Lands vs. Register of Deeds for the Province of Rizal, 49 Off. Gaz. (3) 935.)

"An action for reconveyance is available whenever land is registered through fraud or mistake in the name of one who is not the true owner, the registrant is regarded in the eyes of the law as a mere trustee, not in the technical sense, but for want of a better term. In such capacity, he is under obligation to execute the deed of transfer in favor of the true owner in keeping with the primary principle of law and equity that "one should not unjustly enrich himself at the expense of another." The one year limitation provided in Section 38 of the Land Registration Act for the review of a decree does not bind this remedy. It can be restored to even after the expiration of this period, the only condition being that the property concerned has not passed to an innocent purchaser for value." (Guzman vs. Vera & Urnaza, 47 Off. Gaz. 5660; Dayao vs. Robles, 74 P. R. 114.)

"The Court of First Instance, in the exercise of its jurisdiction as a land registration court, had no authority to order a reconveyance of a property erroneously registered in another's name. The remedy of the landowner in such a case should the time allowed for the reopening of the decree have already expired— is to bring an ordinary action in the ordinary courts of justice for reconveyance, or for damages if the property has passed into the hands of an innocent purchaser for value." (Casillan vs. Vda. de Espartero, et al. 50 off. Gaz.. 4183.)

Admittedly, plaintiff's title covered the lot occupied by defendant as owner since time immemorial, and their parents in whose name such title had been obtained, never disturbed nor questioned such possession. The only conclusion then is that through error the title extended to defendant's land. Hence, the order requiring plaintiffs to relinquish this land to defendant is legally correct.

Ninety days after this decision becomes final, plaintiffs shall submit to the court below for approval the corresponding subdivision plan and deed of conveyance, one-half of the expenses therefor to be paid by defendant upon findings and order of the said court, which order shall include such directives as will accomplish the registration of defendant's title in the land records of the province.

When the above modification, the appealed judgment is hereby affirmed with costs against appellants.

Paras, C.J., Montemayor, Reyes, A., Baustista Angelo, Labrador, Concepcion, Reyes, J.B.L., Edencia, and Felix, J., concur.

[1] Angeles vs. Samia, 66 Phil. 444; Guzman vs. Vera G. R. L-1717 April 17, 1950; Director of Lands vs. Register of Deeds, G. R. L-4463, March 24, 1953.

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