

LEONIDA MARI AND CARIDAD EVANGELISTA, PLAINTIFFS AND APPELLEES, VS. ISAAC BONILLA AND SILVINA ORDAÑEZ, DEFENDANTS AND APPELLANTS.

G.R. No. L-852. March 19, 1949

Ponente: TUASON, J.

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TUASON, J.:

This action was brought to recover plaintiffs' combined 3/4 share in a parcel of land sold to defendants by Deogracias Evangelista, plaintiffs' co-owner. The case was submitted upon the following agreed statement of facts:

"1. That Casimiro Evangelista is a registered-owner of a parcel of land (homestead) as evidence by Original Certificate of Title No. 4905, of the register of deeds of Nueva Ecija, consisting of 7.0652 hectares, more or less situated at Valdefuente, Cabanatuan, Nueva Ecija;

"2. That Casimiro Evangelista was married to Leonida Mari, plaintiff herein on February 7, 1920 at Rizal, Nueva Ecija, and during their marriage and while living together as spouses, they begot two children, Caridad and Deogracias Evangelista, all surnamed Evangelista;

"3. That Casimiro Evangelista died intestate on or about 1938 at Platero, Cabanatuan, Nueva Ecija;

"4. That the property in litigation was acquired on January 23, 1935, as per original certificate of title No. 4905, homestead patent;

"5. That on January 10, 1944, Deogracias Evangelista alleging to be the only heir of Casimiro Evangelista, executed a declaration of heirship known as Doc. No. 9, Page 30, Book No. 18, of Notary Public, Carlos M. Ferrer, herein incorporated and made a part of these agreement of facts as Exhibit A for the sum of P2,400 the said Deogracias Evangelista sold on the same date, January 10, 1944 the property in question to the defendants, spouses, Isaac Bonilla and Silvina Ordañez, in Doc. 10, Page No. 31, Book No. 18, series of 1944, of Notary Public, Carlos M. Ferrer incorporated and attached herein as Exhibit B, as part of this agreement;

"6. That the Certificate of marriage of Casimiro Evangelista and Leonida Mari is herein attached as Exhibit C and made a part of this agreement;

"7. That after the said sale, on January 10, 1944, original certificate of title No. 4905 was cancelled and in view thereof transfer certificate of title No. 19991 was issued in the spouses Isaac Bonilla and Silvina Ordañez;

"8. That after the sale, the defendants assumed possession of the land, and the harvest for the year 1944-1945 was Seventeen Cavanos (17), and at present the land was planted with palay (1 hectare), sugar cane (1/3 hectare), and camoting kahoy, (1/3 hectare included in the 1/3 planted with sugar cane), now still in the possession of the defendant.

"9. That the defendant begun to live in Platero, Cabanatuan, Nueva Ecija on March 1938, and that the plaintiffs lived in Platero, Cabanatuan, Nueva Ecija since the year 1920; up to the present time;

"10. That the defendants did know that Leonida Mari is the mother of Deogracias Evangelista as the time when he bought the land as Deogracias Evangelista was living with his grandfather, Matias Evangelista; and that Caridad Evangelista was living with her mother, Leonida Mari;

"11. That the attorney for the plaintiffs reserve the right to present a memorandum discussing the legal points of these agreement of facts within 3 days from date of the se agreement and the defendants counsel will answer the same within 3 days, after receipt of the plaintiff's memorandum."

Judge Catalino Buenaventura gave judgment for plaintiffs without costs. This is an appeal from that judgment.

The gravamen of appellants' contention is good faith. They cite three decisions, one of which is Castillo vs. Valdez, 53 Phil. 120, wherein the Court said:

"A purchaser for value, who takes property upon the faith of the certificate so issued, acquires a good title. Any other conclusion would be wholly inconsistent with the spirit and purposes of the Land Registration Law. Of course, so long as the property remains in the hands of the person who has acquired title irregularly, he can be made to surrender the certificate to be cancelled. But it is not so with an innocent purchaser for value * * *."

Appellants' citations do not fit into the facts of the present case. Good faith affords protection only to purchasers for value from the registered owner. Deogracias Evangelista, defendants' grantor, is not a registered owner. The land was and still is registered in the name of Casimiro Evangelista. In no way does the certificate of title state that Deogracias owned the land; consequently defendants can not summon, to their aid the theory of indefeasibility of Torrens title. There is nothing in the certificate and in the circumstances of the transaction which warrant them in supposing that they needed not look beyond the title. If anything, it should have put them on their guard, cautioned them to ascertain and verify that the vendor was the only heir of his father, that there was no debt, and that the latter was the sole owner of the parcel.

If, as is probably the case, defendants relied on the court's order adjudicating to Deogracias Evangelista the entire estate in the distribution held under Rule 74 of the Rules of Court, their innocence avails them less as against the true owners of the land. That was a summary settlement made on the faith and strength of the distributee's self-serving affidavit; and Section 1f of the above-mentioned rule provides that, "If it shall appear at anytime within two years after the settlement and distribution of an estate * * * that an heir or other person has been unduly deprived of his lawful participation in the estate, such heir or other person may compel the settlement of the estate in the court in the manner herein provided for the purpose of satisfying such participation." Far from shielding defendants against loss, the adjudication, and the rule under which it was made gave them a clear warning that they were acting at their peril. "A judicial partition in probate proceedings does not bind the heirs who were not parties thereto, lo partition, judicial or extrajudicial, could add one iota or particle to the interest which the partitioners had during the joint possession. Partition is of the nature of a conveyance of ownership, ana. certainly none of the co-owners may convey to the others more than his own true right. A judicial partition in probate proceedings is not final and conclusive, and not being of such definitive character as to stop all means of redress for a co-heir who has been deprived of his lawful share, such co-heir may still, within the prescriptive period, bring an action for reivindicacion in the province where any of the real property of the deceased may be situated. Broad perspectives of public policy are set out in the opinion of the Court in support of the wisdom of allowing a co-heir the benefits of the law of prescription even after a partition, judicial or extrajudicial, has been had." (Lajom vs. Viola, 73 Phil., 563.)

The judgment is affirmed with costs of this appeal against appellants.

Moran, C.J., Paras, Feria, Pablo, Perfecto, Bengzon, Briones, Montemayor, and Reyes, JJ., concur.

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