

HIGINA ALBA, PLAINTIFF-APPELLANT, VS. DANIEL SANTANDER, ET AL., DEFENDANTS-APPELLEES.*G.R. No. L-28409. April 15, 1988*

Ponente: NARVASA, J.

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Pursuant to Homestead Patent No. 574 issued in her favor, Gregoria Villasis, a widow, obtained sometime in December, 1915, Original Certificate of Title No. 52 of the Register of Deeds of Tayabas (now Quezon) Province. That certificate of title (and the patent) established and attested to her ownership of a parcel of agricultural land and the improvements thereon situated in the barrio of Villa, Atimonan, Quezon, containing an area of 8 hectares, 74 ares and 95 centares, more or less.

Gregoria Villasis died on September 30, 1919, survived by children of a first and a second marriage. About the identity of some of these children, however, there was some question. While apparently no doubt ever existed about the filiation of three (3) of them -- namely: Potenciana Alba, Miguel Alba, and Cirilo Merjudio, there was, as shall shortly be recounted, an issue raised about the filiation of three (3) others: Segundina Alba, Esberta Alba, and Francisco Alba.

It appears that on March 16, 1927 -- after the demise of his half-brother, Cirilo Merjudio, who died single -- Miguel Alba sold his hereditary right and participation in Cirilo's share in the estate of their mother, Gregoria Villasis, to Jose Parco married to Bonifacia Araya. It appears, too, that Francisco Alba sold his avowed hereditary right in his mother's estate to Quirico Ortiz; and that the latter in turn, sold that hereditary right to the spouses Daniel Santander and Flora Amador on February 11, 1930.

Some twenty-nine (29) years afterwards, in Cadastral Case No. 68, LRC Record No. 1030, the Court of First Instance of Quezon adjudged and declared that the owners of the land above described were: the aforesaid spouses Daniel Santander and Flora Amador; and Bonifacia Araya, the widow of the above mentioned Jose Parco, and their children: Eufemia, Enriqueta, Estelita, Norberto, Esperanza and Elay, all surnamed Parco. Consequently, Decree No. N-74381 was issued by the Land Registration Commission on November 19, 1959 in the names of these declared co-owners, and Original Certificate of Title No. 0-8477 was made out by the Register of Deeds for Quezon Province in their favor. Daniel Santander and his children later sold all their rights in the property to the spouses Pedro Velasco and Adelaida Lopez. OCT NO. 08477 was hence cancelled and a new title, TCT No. T-42814, was issued in the names of the Velasco Spouses and the other co-owners, Bonifacia Araya and her children, the Parcos above named.[1]

The end result was the co-existence of two (2) titles ostensibly over the same land: one, OCT No. 52 in the name of the deceased Gregoria Villasis, which had never been cancelled since it was drawn up in 1915; and two, TCT No. T-42814, issued after forty-four (44) years or so, in the names of the Spouses Pedro Velasco and Adelaida Lopez.

On July 27, 1961, Higina Alba -- the daughter and only surviving heir of Miguel Alba, deceased, one of the sons

of Gregoria Villasis -- filed suit in the Court of First Instance of Quezon for the recovery of title and possession of the land.[2] Also already deceased at the time of the filing of the action were all the other children of Gregoria Villasis. Francisco Alba and Cirilo Merjudio both died without descendants. Potenciana Alba, Segundina Alba and Esberta Alba were survived by their own children.

Higina Alba's claim, which she sought to prove at the trial,[3] was that she had inherited her father's share in the land formerly belonging to Gregoria Villasis, and had acquired by sale the shares of the latter's other grandchildren, these acquisitions being set out in a deed of partition and sale executed on May 29, 1961 in Lopez, Quezon; that after her grandmother's death in 1919, her father, Miguel, had resided in Lopez until the time of his own death in 1961; that although she had not herself resided in Lopez, the town of her birth, she used to go there to visit her grandmother and relatives once in a while; that the land had always been in the care of her father's brothers and sisters; that she had been told about the land by her father in 1946, shortly after Liberation, but she could not assert title thereto until 1961 not only because the conditions were not peaceful in that place, but also because it was only in 1960, after asking Bonifacia Araya about her documents of ownership, that she had been able to secure the homestead title issued in 1915 to her grandmother, Gregoria Villasis.[4]

The defendants' claim, on the other hand, is that as shown by documents executed no less than thirty (30) years earlier, Miguel Alba, the plaintiff's father, had sold his share in Lot No. 85 to Bonifacia Araya and her husband, Jose Parco; and Francisco Alba, Miguel's brother, had sold his own share in the land to Quirico Ortiz who had, in turn, sold the same to Daniel Santander and that the latter, together with his children, had ultimately sold that interest in the property to the spouses, Pedro Velasco and Adelaida Lopez;[5] that from date of acquisition, they and their transferees, had been in open, peaceful, continuous, undisturbed and uninterrupted possession in concept of owner of the land; that their original title to the land -- OCT No. 0-8477 -- had been legitimately obtained under authority of the Cadastral Court and the government authorities concerned, and the title derived therefrom, TCT No. T-42814, had legitimately issued in virtue of a proper transfer embodied in a duly recorded public instrument.[6]

The Trial Court rendered a Decision on April 18, 1966, declaring that after analysis and assessment of the parties' conflicting proofs, the following facts had been thereby satisfactorily established, to wit:

1)

assertions to the contrary notwithstanding, Segundina Alba, Esberta Alba and Francisco Alba are all children of Gregoria Villasis;

2)

what was disposed of by Miguel Alba in favor of the spouses Jose Parco and Bonifacia Araya in virtue of the deed of sale of March 16, 1927, was not his hereditary share as Gregoria Villasis' son in Lot No. 85, but his interest and participation as intestate heir of his brother, Cirilo Merjudio, in the latter's own hereditary share, also as Gregoria's son, in Lot No. 85; i.e., "kabahagui ko sa aking kapatid na si G. Cirilo Merjudio na namatay ...";

3)

Francisco Alba had really sold his own share in his mother's estate (Lot No. 85) to Quirico Ortiz; and

4)

Higina Alba's explanation for the delay in instituting her accion reivindicatoria was not veracious, and the deed of partition and sale allegedly executed by her in 1961 (the foundation of her claim not only for her father's undivided share in Lot No. 85 but for the entire property) was not authentic, but self-serving and a mere afterthought.

The Court however deferred rendition of the final, complete and definitive judgment on the merits until after submission of memoranda required by it from both parties to clarify certain matters. The memoranda having in due course been filed and considered, the Court promulgated a Supplemental Decision on September 1, 1966, declaring that Bonifacia Araya and her husband, Jose Parca, were not shown by the evidence to be other than vendees in good faith of Miguel Alba, Higina's father; but what had been conveyed to them by Miguel Alba was not his hereditary share in Lot No. 85 as an heir of his mother, Gregoria Villasis, but only his successional right and interest in the hereditary share in the same lot of his deceased brother and co-heir, Cirilo Merjudio. The Supplemental Decision thus made the following disposition:

"IN VIEW THEREOF, judgment is hereby rendered requiring Bonifacio Araya to restore to the plaintiff so much of the property described in Transfer Certificate of Title No. T-42814 of the Land Records of Quezon as is equivalent to the share of Miguel Alba in the property of Gregoria Villasis. Bonifacia Araya is likewise required to surrender to the Court her Owner's Copy of said Transfer Certificate of Title No. T-42814 for purposes of segregating therefrom the portion pertaining to the plaintiff.

"Without pronouncement as to costs and damages."

Higina Alba has appealed to this Court, seeking reversal of this verdict on the theory that the Trial Court had erred in not declaring -

1)

void and ineffectual OCT No. 0-8477 and TCT No. T-42814, as against OCT NO. 52;

2)

void and ineffective the deed of sale (Exhibit 5) executed by Quirico Ortiz by which he conveyed to Daniel Santander the hereditary share of Francisco Alba in Lot No. 85 as co-heir of Gregoria Villasis, earlier assigned to him (Ortiz);

3)

void and inefficacious the deed of sale (Exhibit 6) executed in favor of the Spouses Pedro Velasco and Adelaida Lopez by Daniel Santander and his children, conveying the above mentioned hereditary right of co-heir Francisco Alba acquired by them from Quirico Ortiz; and holding that said vendee spouses were innocent purchasers for value;

4)

Daniel Santander and his children to be possessors in bad faith as regards the area pertaining to the hereditary share of Francisco Alba, and not requiring them to render an accounting of the fruits perceived during the period of their illegal possession and to pay the value thereof;

5)

that the Spouses Jose Parco and Bonifacia Araya had actually purchased from Miguel Alba only an area equal to .2916 of a hectare, corresponding to the share of Miguel Alba in the share of Cirilo Merjudio in the estate of Gregoria Villasis, and consequently that Bonifacia Araya and her children were possessors in bad faith of all property in excess of that area with the obligation of accounting for the fruits received therefrom during their illegal occupancy and to pay the value thereof;

6)

that the deed of extra-judicial partition with sale (Exhibit A) is entitled to be accorded full probative value and consequently that the entire Lot No. 85 should be adjudicated to Higina Alba; and

7)

that all the defendants should vacate the land and deliver possession thereof to Higina Alba, and that title should issue to the latter over the whole property in litis.

It is established that when Gregoria Villasis died, her property (Lot No. 85, covered by OCT No. 52) passed by succession to her children: Miguel Alba, Cirilo Merjudio, Francisco Alba, Potenciana Alba, Segismunda Alba and Esberta Alba. Afterwards, as already recounted, Miguel Alba sold his right as intestate heir of Cirilo Merjudio -- succeeding to a part of the latter's share as co-heir in Lot No. 85 -- to Spouses Jose Parco and Bonifacia Araya. Francisco Alba sold his share in Lot No. 85 as co-heir, to Quirico Ortiz, who thereafter sold that share to Spouses Daniel Santander and Flora Amador, who finally sold the same in 1930 to Spouses Pedro Velasco and Adelaida Lopez. Neither vendor (Miguel or Francisco Alba) thereafter laid any claim of any nature whatever to the property.

The record discloses no conveyance made by the other children and heirs, Potenciana Alba, Segundina Alba and Esberta Alba, all of whom have since died, like their brothers. But neither does the record disclose any attempt on their part, or their descendants, to take possession or assert any right over the whole or any part of Lot No. 85, at least from 1927 to 1930, when transfers of some co-heirs' shares in the property were effected. What the record does indeed establish is that from that period, 1927 to 1930, up to the time that Higina Alba commenced her *accion reivindicatoria* on July 27, 1961 -- or for more than thirty (30) years -- the Parco Spouses, the Ortiz Spouses, the Santanders and their successors in interest, the Spouses Pedro Velasco and Adelaida Lopez -- have been in possession of the entirety of the property in question, openly, peacefully, continuously, uninterruptedly, adversely to all others and in concept of owners; and they had in fact had their ownership confirmed by a competent court in a cadastral proceeding, and on the strength thereof obtained first, Original Certificate of Title No. 0-8477, and afterwards, TCT No. T-42814.

As regards Higina Alba, it would seem from the facts that she succeeded to the share of her father, Miguel, in his mother's property, said Lot No. 85. But she did not acquire the shares of the other heirs of Gregoria Villasis. For the deed of partition and sale supposedly executed on May 29, 1961 -- 42 years after the death of Gregoria Villasis, and 30 years after the defendants had taken possession of the land in question -- by which she claims to have purchased the shares of all the other heirs of Gregoria Villasis, and thereby acquired title to the entire property, was found by the Trial Court, on the basis of the relevant evidence, to be spurious and therefore inefficacious. The fact is, too, that until 1961 neither she nor her father ever attempted to impugn the appellees' publicly asserted rights over the property.

These conclusions and findings of fact of the Trial Court are, by “fundamental and settled rule ** entitled to great weight on appeal and should not be disturbed unless for strong and cogent reasons because the trial court is in a better position to examine real evidence, as well as to observe the demeanor of the witnesses while testifying in the case.”[7] Our review of the record has failed to reveal any strong and cogent reason to disturb those factual conclusions. They will thus have to be, and are hereby, sustained.

In 1986, we had occasion to decide a case which involved facts strikingly similar to those in the case at bar: *Lola v. Court of Appeals*. [8] In that case the plaintiff sought to recover one of two (2) lots claimed by the defendants as theirs on the strength of a deed of sale executed by the former in their favor more than thirty (30) years earlier. It was the plaintiff’s claim that the sale did not include the lot she was seeking to recover the Torrens title to which, in fact, was still in her name, and defendants could not, as a matter of law, acquire ownership thereof by prescription. Upon these facts, we ruled for the defendants, declaring that under the equitable principle of laches, their title to the property could no longer be assailed.

“Although the defense of prescription is unavailing to the petitioners because, admittedly, the title to Lot No. 517 is still registered in the name of the respondent, still the petitioners have acquired title to it by virtue of the equitable principle of laches due to the respondent’s failure to assert her claims and ownership for thirty-two (32) years. [9]

“There are precedents for this ruling. In ** (earlier) cases, [10] we upheld the equitable defense of laches and ruled that the long inaction and delay of the title holder in asserting his right over the disputed lot bars him from recovering the same. [11]

We have not been cited to any cogent cause impelling departure from this enunciated doctrine, predicated on the equitable principle of laches. This doctrine dictates dismissal of Higina Alba’s action for recovery of the entirety of the property in question. Paraphrasing *Lola*, her long inaction and delay in asserting her right over the disputed lot should bar her from recovering the same.

The judgment of the Trial Court however, be it noted, did not decree simply the dismissal of Higina Alba’s complaint. The judgment explicitly recognized Higina Alba’s title to a part of the land. It required Bonifacia Araya (1) “to restore to the plaintiff so much of the property described in Transfer Certificate of Title No. T-42814 of the Land Records of Quezon as is equivalent to the share of Miguel Alba in the property of Gregoria Villasis”, and (2) “to surrender to the Court her Owner’s Copy of said Transfer Certificate of Title No. T-42814 for purposes of segregating therefrom the portion pertaining to the plaintiff” (Higina Alba). No appeal from this decision was taken by Bonifacia Araya or any of the other defendants. Indeed, in the brief filed by their lawyer in their behalf, as appellees, the prayer is “that the judgment of the court a quo be affirmed in toto, with costs against appellants.” As to them, the judgment may be said to have attained finality. It is not possible in this situation for them to be accorded any affirmative relief. For it is a “well-settled rule in this jurisdiction” [12] that -

“ ** whenever an appeal is taken in a civil case, an appellee who has not himself appealed cannot obtain from the appellate court any affirmative relief other than the ones granted in the decision of the court below. An appellee, who is not appellant, may assign errors in his brief where his purpose is to maintain the judgment on other grounds, but he may not do so if his purpose is to have the judgment modified or reversed, for, in such a case, he must appeal. ** ”

WHEREFORE, the decision of the Trial Court subject of the appeal is AFFIRMED, particularly in so far as it requires Bonifacia Araya “to restore to the plaintiff Higina Alba so much of the property described in Transfer Certificate of Title No. T-42814 of the Land Records of Quezon as is equivalent to the share of Miguel Alba in the property of Gregoria Villasis, * * (as well as) to surrender to the Court her Owner’s copy of said Transfer Certificate of Title No. T-42814 for purposes of segregating therefrom the portion pertaining to the plaintiff”. IT

IS HEREBY FURTHER ORDERED that upon such segregation, corresponding titles be issued by the Register of Deeds concerned to the parties respecting and covering the portions respectively owned by them; that Original Certificate of Title No. 52 of the Registry of Deeds of Tayabas (Quezon) in the name of Gregoria Villasis be CANCELLED as being of no further force and efficacy; and that the plaintiff-appellant's complaint be DISMISSED. No costs.

Teehankee, C.J., Cruz, Gancayco, and Grino-Aquino, JJ., concur.

[1] The facts narrated in this and the preceding paragraphs were subject of stipulation by the parties or were found by the Trial Court to have been established by the evidence (Record on Appeal, pp. 92-96)

[2] Docketed as Civil Case No. 465-G (Amended R.A., pp. 2-8)

[3] Apart from her own testimony, she presented (1) that of Luis Dugeta, a son of Potenciana Alba, and documentary evidence consisting of the deed of extrajudicial partition and sale, tax declaration, receipt evidencing payment of realty taxes, the record of the testimony of Bonifacia Araya and Daniel Santander in Cadastral Case No. 68, G.L.R.O. Rec. No. 1030: Lot No. 85

[4] R.A., pp. 96-98

[5] Id., pp. 117-118

[6] Defendants' evidence consisted in the testimony of Bonifacia Araya, Daniel Santander, Pedro Velasco and Monico Parco, as well as several tax receipts evidencing payment of realty taxes on the property, the deed of sale by Miguel Alba in favor of Jose Parco and Bonifacia Araya dated March 16, 1927, and those by Quirico Ortiz in favor of Daniel Santander dated February 11, 1930, by Daniel Santander and his children dated Dec. 31, 1959, the titles to the property, etc.

[7] Chase v. Buencamino, Sr., 136 SCRA 365

[8] 145 SCRA 439

[9] Italics supplied. NOTE the similarity to the case at bar.

[10] Miguel v. Catalino, 26 SCRA 234, 238, 239, to the effect that, "Even granting appellants' proposition that no prescription lies against their father's recorded title, their passivity and inaction for more than 34 years (1928-1962) justified the defendant-appellee in setting up the equitable defense of laches in his own behalf ** (with the result that) the action of plaintiffs-appellants must be considered barred ***"; and Pabalate v. Echarri, Jr., 37 SCRA 518, 521, 522, which declared that "while defendant may not be considered as having acquired title by virtue of his and his predecessor's long continued possession for 37 years, the original owner's right to recover back the possession of the property and the title thereto from the defendant has, by the long period of 37 years and by patentee's inaction and neglect, been converted into a stale demand (citing Mejia de Lucas v. Gamponia, 100 Phil. 277).

[11] Italics supplied

[12] Dy, et al. v. Kuison, 3 SCRA 617, 619, citing: Bunge Corp. and Universal Commercial Agencies v. Elena Camenforte & Co., L-4440, Aug. 29, 1952 [91 Phil. 867-868] Pineda & Ampil Mfg Co. v. Ampil, L-6904, Sept. 30, 1954; Cano, et al. v. Cabangon, et al., L-12764, Dec. 23, 1959 [106 Phil. 722]; see also Sanz v. Mitchell, 60 Phil., 267; Villavert v. Lim, 62 Phil., 178, cited in Bunge Corp., etc. v. Camenforte & Co., supra

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