

**JOSEFA DE JESUS, PILAR DE JESUS AND DOLORES DE JESUS,
PLAINTIFFS AND APPELLANTS, VS. SANTOS BELARMINO AND
TEODORA OCHOA DE JULIANO, DEFENDANTS AND APPELLEES.**

G.R. No. L-6665. June 30, 1954

Ponente: BAUTISTA ANGELO, J.

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BAUTISTA ANGELO, J.:

Plaintiffs brought this action in the Court of First Instance of Laguna to recover a parcel of land containing an area of 7,396 square meters claimed to have been erroneously included in Transfer Certificate of title No. T-129 of the land records of said province issued in the name of defendant Santos Belarmino.

The principal allegations of the complaint, as amended, are as follows: On July 1, 1910, the Bureau of Lands sold to Timoteo Villegas Lot No. 400 of the Calamba Estate containing an area of 83,579 square meters situated in barrio Parian, Calamba, Laguna, at a price payable in 20 annual installments. Since then, Villegas has been in possession of said lot.

On January 11, 1915, Villegas sold his right and interest in said lot to Petrona Quintero by virtue of a certificate of sale which was duly approved by the Bureau of Lands. The purchase price of the lot was paid in full on September 30, 1931.

Petrona Quintero died in 1933 leaving as heirs her daughters Josef a de Jesus and Pilar de Jesus and her granddaughter Dolores de Jesus, who became the owners by succession of the lot. These heirs are now the plaintiffs herein.

Santos Belarmino, one of the defendants herein, also purchased from the Bureau of Lands on installment basis a portion of the same estate known as lot No. 3211 containing an area of 61,578 square meters which was adjoining Lot No. 400 purchased by Timoteo Villegas. When the cadastral survey of the property covered by the Calamba Estate was ordered, a relocation was made of lot No. 400 and lot No. 3211 with the result that the latter lot was subdivided into Lot No. 3211-N, lot No. 4639, and lot No. 4640, but in making the subdivision a triangular portion with an area of 7,896 square meters which originally formed part of lot No. 400 was erroneously included in the plan and description of lot No. 4639. Said triangular portion was not part of the lot sold by the Bureau of Lands to Santos Belarmino but of the lot sold by said Bureau to Timoteo Villegas.

Without any judicial proceedings or court order, the Register of Deeds of Laguna issued transfer certificate of title No. T-129 covering the lot originally bought from the Bureau of Lands by Santos Belarmino which, as above stated, erroneously included the triangular portion referred to in the preceding paragraph, and said transfer certificate of title was issued in the name of Santos Belarmino as to 21,776 square meters and of Epifania Amatorio as to 8,000 square meters.

When the two lots mentioned above were sold by the Bureau of Lands to Timoteo Villegas and Santos Belarmino as above stated, the Government did not have any certificate of title specifically covering said lots, its only title

being original certificate of title No. 245 which covers the Calamba Estate, so when transfer certificate of title No. T-129 was issued to Santos Belarmino and Epifania Amatorio, the Bureau of Lands did not rely on any title other than certificate of title No. 245 covering the Calamba Estate.

When Epifania Amatorio died, her interest was inherited by Teodoro Ochoa de Juliano, who is now in actual possession of the portion of 8,000 square meters which was inherited by her, but defendant Santos Belarmino is in possession of the portion adjoining the triangular portion now in question and he alone claims right to said triangular portion. Santos Belarmino and his co-defendant Teodora Ochoa de Juliano never exercised any right of ownership nor possession over said triangular portion because the same had always been in the continuous, open, public, notorious, and adverse possession of the predecessor-in-interest of the plaintiffs as exclusive owners thereof.

The complaint further alleges that the herein defendants, or their predecessors-in-interest, knew all the time that the triangular portion in question was not part of the lot sold by the Bureau of Lands to Santos Belarmino, but on the contrary they knew that said portion always formed part of the land sold to the predecessors-in-interest of the plaintiffs, and that defendant Santos Belarmino never claimed any interest in said portion except sometime in March, 1952 when said defendant claimed for the first time that said portion was included in the certificate of title issued in his favor by the register of deeds.

Because of the error above pointed out, plaintiffs pray that they be declared as owners of the triangular portion above adverted to and that certificate of title No. T-129 issued in favor of Santos Belarmino be rectified by excluding therefrom said triangular portion. And making the Director of Lands as party defendant, plaintiffs also pray that he be ordered to take the necessary steps to have a certificate of title issued in their favor covering the lot originally purchased by their predecessors-in-interest, since the purchase price thereof had been paid in full, and in the event that the triangular portion in dispute be not included in said title, the Director of Lands be ordered to pay to the plaintiffs the amount of P7,396 as value thereof, plus the cost of action.

Defendant Santos Belarmino filed a motion to dismiss alleging in substance that, assuming that a portion of the land owned or occupied by plaintiffs' predecessors-in-interest was erroneously included in the title issued to the defendants when the latter bought a portion of the Calamba Estate owned by the Government, the defendants should not be blamed for that mistake there being no showing that they were instrumental or an accomplice in the commission of that mistake, aside from the fact that the title issued to them as grantees of public land is as indefeasible or incontrovertible as a title issued under the Land Registration Law.

The lower court upheld this contention and in an order issued on October 30, 1952, it held that the complaint does not state a cause of action because the defendants are holders of a certificate of title issued by the Government and as such they should be considered as third parties who acquired the property in good faith and for consideration, and so it dismissed the complaint without pronouncement as to cost. Plaintiffs have taken the present appeal.

It is our opinion that the complaint, as amended, contains facts sufficient to constitute a cause of action or to serve as basis for granting the relief prayed for by plaintiffs. A cursory reading of the complaint will show that both Timoteo Villegas, predecessor-in-interest of the plaintiffs and Santos Belarmino, one of the defendants, purchased from the Bureau of Lands two lots each, the former lot No. 400 containing an area of 83,579 square meters and the latter Lot No. 3211 containing an area of 61,578 square meters, that lot No. 400 including the triangular portion now in question, and not lot No. 3211, and that since the date of its sale to Timoteo Villegas, the latter had been in possession of lot No. 400, including the triangular portion; that, in a re-survey made of those lots in accordance with the cadastral law, Lot No. 3211 was sub-divided into lots Nos. 3211-N, 4639, and 4640; that the original area of lot No. 3211 was 61,578 square meters, but after its subdivision into three lots, their total area was

increased to 67,808 square meters, or a difference of 6,230 square meters, with the result that the area of lot No. 400 became 76,591 square meters instead of its original area of 83,579 square meters; that defendants knew all the time that the triangular portion in question was included in the sale made way back in 1910 by the Bureau of Lands to Timoteo Villegas and not in the sale made in the same year by said Bureau to Santos Belarmino, as they likewise well knew that the lot bought by Timoteo Villegas, including the triangular portion, had always been in continuous, open, public, notorious, and adverse possession of the plaintiffs and their predecessors-in-interest as exclusive owners.

The foregoing facts unmistakably show: (1) that the lot bought by plaintiffs, predecessors-in-interest included the triangular portion in dispute; (2) that said triangular portion was erroneously included in the lot bought by Santos Belarmino in a re-survey made by the Bureau of Lands years later; (3) that defendants knew, or had actual or constructive knowledge, of such mistake; and (4) defendants never claimed any right of ownership or of possession of said portion until after the issuance of the title issued to them in 1952. Under these facts, it is obvious that defendants cannot claim to be purchasers in good faith of the portion in question even if they had paid the consideration therefor with the sanction of the Bureau of Lands. (Cui & Joven vs. Henson, 51 Phil., 606; Legarda and Prieto vs. Saleeby, 31 Phil., 590; Angeles vs. Samia, 66 Phil., 444.) It should be born in mind that the complaint was dismissed not because of any evidence presented by the parties, or as a result of the trial on the merits, but merely on a motion to dismiss filed by the defendants. Such being the case, the sufficiency of the motion should be tested on the strength of the allegations of facts contained in the complaint, and on no other. If these allegations show a cause of action, or furnish sufficient basis by which the complaint can be maintained, the complaint should not be dismissed regardless of the defenses that may be averred by the defendants. It has been said that the test of the sufficiency of the facts alleged in a complaint, to constitute a cause of action, is whether or not, admitting the facts alleged, the court could render a valid judgment in accordance with the prayer of said complaint. (Paminsan vs. Costales, 28 Phil., 487; Blay vs. Batangas Transportation Co., 45 Off. Gaz., Supp. to No. 9, p. 1; 80 Phil., 817.) In our opinion, the allegations of the instant complaint are of this nature, and so the lower court erred in dismissing it.

Wherefore, the order appealed from is set aside. The court orders that this case be remanded to the lower court for further proceedings, without pronouncement as to costs.

Paras, C. J., Pablo, Bengzon, Padilla, Montemayor, Reyes, A., Jugo, Labrador and Concepcion, JJ., concur.

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