

ROSALINA Z. TIONGCO, PETITIONER, VS. GUILLERMO DE LA MERCED AND RITA VENERACION, RESPONDENTS.*G.R. NO. L-24426. July 25, 1974*

Ponente: FERNANDO, J.

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With respondents Guillermo de la Merced and Rita Veneracion having been found by the Court of Appeals to be innocent purchasers for value, a formidable obstacle stands in the way of petitioner, who seeks to reverse a decision of the Court of Appeals sustaining a lower court judgment of the then Judge Felix B. Makasiar, denying a petition for review of a cadastral decree covering Lots 1838 and 1856 of the Sta. Rosa Cadastre, Nueva Ecija in Cadastral Case No. 67. The obstacle is posed by *Vda. de Cuaycong vs. Vda. de Sengbengco*.^[1] There was in that case a pronouncement by this Court, through former Chief Justice Concepcion that even if a decree in a cadastral proceeding is infected with nullity in view of a clear denial of procedural due process, still an innocent purchaser for value relying on a Torrens title issued in pursuance thereof is protected. The best that could be done in the highly readable and, from its standpoint, well-reasoned brief for petitioner, through her counsel, former Judge Francisco Carreon, is to stress what was considered its obiter aspect. That does not suffice, for the reference to the rights vested in an innocent purchaser for value is based on express statutory language, allowing the filing of a petition for review within one year after entry of the decree, provided no innocent purchaser for value has acquired an interest.^[2] The decision of the Court of Appeals must be affirmed.

As noted by the Court of Appeals, the facts are "undisputed."^[3] For it, "the inescapable conclusion is that petitioner Tiongco and the other claimants of the lots in question were deprived of their rights without due process of law, through the fraudulent machinations of deputy clerk of court Pascual Cando."^[4] It went on to state: "However, we cannot subscribe to the theory of petitioner Tiongco to the effect that no innocent purchaser for value, assuming the judgment and subsequent decree to be void ab initio for lack of due process, can acquire a valid title as against the party adversely affected thereby."^[5] This, too: "Clearly, Rita Veneracion and Guillermo de la Merced are innocent purchasers of Lots 1838 and 1856, and as such protected by the provisions of Sections 38 and 39 of the Land Registration Act."^[6]

Thus the question squarely posed before both the lower court and the Court of Appeals was whether under the circumstance of there being an innocent purchaser for value, there could still be a review of a decree of registration? The answer both times was in the negative. It must be so for the third time.

1. As stated at the outset, even petitioner could not deny that the pronouncement of this Court, through former Chief Justice Concepcion, in the *Vda. de Cuaycong*,^[7] decision was a hurdle that must be overcome. The language of the opinion clearly explains why it is so. As was therein pointed out: "Again, a decree of registration secured through fraud is valid, although annulable, upon petition filed within one (1) year after entry of the decree, in the absence of an innocent purchaser for value, whereas a decision rendered without notice to the parties of record is void for lack of due process ... Indeed, acts of Congress, as well as those of the Executive, can deny due process only under pain of nullity, and judicial proceedings suffering from the same flaw are subject to

the same sanction, any statutory provision to the contrary notwithstanding." [8] Nonetheless, the next paragraph was explicit on the point that the reopening on the ground of fraud was predicated on "no innocent purchaser for value [being] injured thereby." Thus: "Now then, if a decree issued in pursuance of a valid decision, obtained by fraud, may be annulled within one (1) year from entry of said decree, there is more reason to hold that the same, if entered in compliance with a decision suffering from a fatal infirmity, for want of due process, may be reviewed, set aside and cancelled upon petition filed within the same period, provided that no innocent purchaser for value will be injured thereby." [9] It need not be repeated that such a clarification is unavoidable in view of the express language of Section 38 of the Land Registration Act referred to earlier in this opinion. The vigorous effort on the part of petitioner then to dispute the correctness of the Court of Appeals decision insofar as it would differ from the view of the Cuaycong doctrine must go for naught.

2. Such a point was not missed by petitioner. That explains the rather extended discussion, certainly impressed with plausibility, that there were indications that did cast doubt on the bona fides of respondent. Such a contention as a matter of fact was pressed before the Court of Appeals. That was the proper forum. It was rejected. It is undoubted that this Court cannot set aside the express finding of the Court of Appeals. Thus: "Clearly, Rita Veneracion and Guillermo de la Merced are innocent purchasers of Lots 1838 and 1856, and as such protected by the provisions of Sections 38 and 39 of the Land Registration Act." [10] In *Chan vs. Court of Appeals*, [11] promulgated in 1970, reference was made to such a principle first being announced in *Guico vs. Mayuga*, [12] a 1936 decision, with the opinion coming from the then Justice Recto. It was likewise noted that by then there were thirty-six other cases decided. [13] The latest case, *Evangelista & Co. vs. Abad Santos*, [14] is worth noting. As was pointed out by the present Chief Justice: "It is not the function of the Supreme Court to analyze or weigh such evidence all over again, its jurisdiction being limited to reviewing errors of law that might have been committed by the lower court." [15]

WHEREFORE, the Court of Appeals decision of February 26, 1965 is affirmed. Costs against petitioner.

Zaldivar, (Chairman), Barredo, Antonio, Fernandez, and Aquino, JJ., concur.

[1] 110 Phil. 113 (1960).

[2] Section 38. Act. No. 496. The Land Registration Act (1902), insofar as pertinent reads as follows: "if the court after hearing finds that the applicant or adverse claimant has title as stated in his application of adverse claim and proper for registration, a decree of confirmation and registration shall be entered. Every decree of registration shall bind the land, and quiet title thereto, subject only to the exceptions stated in the following section. It shall be conclusive upon and against all persons including the Insular Government and all the branches thereof, whether mentioned by name in the application, notice or citation or included in the general description. To all whom it may concern.' Such decree shall not be opened by reason of the absence, infancy or other disability of any person affected thereby, nor by any proceeding in any court for reversing judgments or decree, subject, however to the right of any person deprived of land or of any estate or interest therein by decree of registration obtained by fraud to file in the competent Court of First Instance a petition for review within one year after entry of the decree provided no innocent purchaser for value has acquired an interest."

[3] Decision of Court of Appeals, Annex A to Petition, 6.

[4] Ibid.

[5] Ibid.

[6] *ibid.* 11.

[7] Vda. de Cuaycong vs. Vda. de Sengbengco, 110 Phil. 113 (1960).

[8] Ibid. 117-118.

[9] Ibid, 118.

[10] Decision of Court of Appeals, Annex A to Petition. 11.

[11] L-27488, June 30, 1970, 33 SCRA 737.

[12] 63 Phil. 328.

[13] Since then, the following decisions may be added to the list: Simeon vs. Pena, L-29049, Dec. 29, 1970, 36 SCRA 610; Garcia vs. Court of Appeals. L-20264, Jan. 30, 1971, 37 SCRA 129; Reyes vs. Court of Appeals, L-28466, March 27, 1971, 36 SCRA 138; Torres vs. People, L-21751, May 29, 1971, 39 SCRA 28; Naga Development Corp., vs. Court of Appeals, L-28173, Sept. 30, 1971, 41 SCRA 105; Napolis vs. Court of Appeals, L-28865, Feb. 28, 1972, 43 SCRA 301, Tamayo vs. Collejo, L-25563, July, 28, 1972, 46 SCRA 27; Evangelista & Co. vs. Abad Santos, L-31684, June 28, 1973, 51 SCRA 416.

[14] L-31684, June 28, 1973, 51 SCRA 416.

[15] Ibid, 419.

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