

PEDRO PASCUA, LUISA CORPUZ, ANDRES PASCUA, VICTORIANO PASCUA AND BONIFACIA LORA, PLAINTIFFS-APPELLEES, VS. MARIANO COPUYOC, QUINTIN MELEBO, MARTA MANUEL, PEDRO PASCUA, SEVERINA ...

G.R. No. L-23197. May 26, 1977

Ponente: BARREDO, J.

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BARREDO, J.:

Appeal from the judgment of the Court of First Instance of Nueva Ecija in Civil Case No. 1445, Pedro Pascua et al. vs. Mariano D. Copuyoc et al. sentencing appellant Mariano D. Copuyoc to reconvey to appellees Pedro Pascua and Andres Pascua, in equal sharps, the lot in dispute, upon finding that there was "fraud and deceit in securing the order for the issuance of the decree (of registration) and the consequent issuance of OCT No. O-680, TCT Nos. NT-12784, NT-15124 and NT-15403."

According to the decision of the trial court, which, because it is well prepared, exhaustive, comprehensive and legally sound, We are adopting in toto:

"It appears from the evidence presented that the property which is identified as Lot No. 2986 of the Cadastral Survey of Guimba was first cleared by Juan Pascua who started working the land since before the revolution against Spain. On February 2, 1900, Juan Pascua, Catalina Garcia and Julian Pascua ceded the property to Victoriano Pascua and Bonifacia Lora, together with other things of value, per Exhs. A and A-2. From 1906 the property has been declared in the name of Victoriano Pascua, per Exh. B, thru the years, by the various re-assessments of the property, Exhs. B-1 to B-4, until the same was transferred to Pedro Pascua in the tax declaration Exh. B-5 and to Andres Pascua in the tax declaration Exh. B-6, for 1939. Victoriano Pascua has been religiously paying taxes on the property, per Exhs. C, C-1, to C-31, and after him, Andres Pascua and Pedro Pascua, per Exhs. C-32 to C-43. It did not appear clear, however, what of the rights of Bonifacia Lora, but that it can be presumed that Victoriano Pascua is the same Victoriano Pascua referred to in the instruments Exhs. A and A-2 and that Victoriano had exercised proprietary rights exclusively since about 1900. The property was caused to be surveyed by the same Victoriano Pascua on April 22, 1920, per Exhs. D and D-1, which also is a positive exercise of proprietary rights. On January 31, 1929, the spouses Victoriano Pascua and Bonifacia Lora sold 1/2 of the property in question to their son Andres Pascua, per Exh. F. And on March 2, 1936, Victor Pascua, who must also be the same Victoriano Pascua, donated the other half of the same property to Pedro Pascua on the occasion of the latter's marriage to Luisa Corpuz, per Exh. G and Pedro Pascua and Andres Pascua agreed to divide the property between themselves, the eastern half pertaining to Andres and the western half to Pedro Pascua, per Exh. H dated June 14, 1939. This agreement Exh. H as well as Exhibits F and G were registered in the Office of the Register of Deeds of Nueva Ecija, per annotation appearing on the backs of the instruments upon payment of the fees.

"On October 31, 1929 the Cadastral Court issued a decision awarding the ownership of Lot No. 2986 to the heirs of Juan Pascua, but named as his heirs Maria, Valeriana, Severina, Paulina, Victoriano, Pedro and Petronila, all surnamed Pascua, and upon discovery thereof by Pedro Pascua and Andres Pascua, they caused

the institution of a petition for review marked Exh. I. The petition for review was filed, per Exhs. I-2 and I-3, but on June 12, 1940 an amended notification was sent to the affected parties, per Exh. I-4, and service thereof to some of the parties is evidenced by Exh. I-5. Pedro Pascua, who appears in the decision to be married to Marcelina Ancheta, duly recognized the petition for review, per Exh. J, and recognized the rights of the children of the spouses Victoriano Pascua and Bonifacia Lora to the property, by the instrument marked Annex A - Pedro Pascua. Angelo Reyes, who appears to be the only heir of Maria Pascua, who also appears as one of the heirs of Juan Pascua, similarly recognized the transmission of the property in question from Juan Pascua to the spouses Victoriano Pascua and Bonifacia Lora, and subsequently the children of the latter spouses, Pedro Pascua and Andres Pascua, by the instrument marked Exh. K. Severina Pascua also executed a similar recognition on the proprietary rights of Pedro and Andres Pascua and agreed to the petition for review, per Exh. L and its annex. Petronila Pascua, another adjudicatee, appears to have died but was survived by her husband Marcelo Baltazar and their two children Flaviano and Virginia, and Marcelo Baltazar, having been appointed guardian ad litem, per Exhs. M-1 and M-2, also recognized the exclusive proprietary rights of Pedro and Andres Pascua in the property in question, per Exhs. M-3 and M-4.

"On March 31, 1952 Marta Manuel, an heir of Victoriano Pascua, presented an 'Ex-parte Motion for the Issuance of a Decree,' claiming that the decision of this Court dated October 31, 1929 has already become final and praying for the issuance of an order for decree, Exh. N. The order for the issuance of decree was issued on April 7, 1952, Exh. O, and for which OCT No. O-680 Exh. R was issued upon the decree dated June 18, 1952 marked Exh. 2-A-2-Copuyoc, under Decree No. 7264 marked Exh. 2-A-1-Copuyoc. By a series of transactions beginning with the sale by Pedro Pascua, married to Marcelina Ancheta, in favor of Marta Manuel, Exh. S; by Angelo Reyes in favor of Marta Manuel, Exh. T; and a deed of donation by Flaviano Baltazar in favor of Marta Manuel, Exh. U, all made on August 3, 1952, before the same Notary Public, Mr. Nicanor B. Serrano, Marta Manuel acquired 4/7 share in the property, Valeriana, Severina and Victoriano remaining with a 1/7 share each, and TCT No. NT-12784 was correspondingly issued to them, per Exh. V. And, before the same Notary Public, Marta Manuel declared herself the sole heir of the spouses Valeriana Pascua and Julian Manuel, by the instrument dated November 30, 1953, Exh. X. On March 12, 1953 Marta Manuel acquired the rights of Severina Pascua, also before Mr. Serrano, Exh. W, thus accumulating a total of 6/7 share in the name of the said Marta Manuel, and on November 30, 1953 she sold off all her rights to Quintin Melebo, also before Mr. Serrano, per Exh. Y. A new title, TCT No. NT-15124, Exh. Z, was issued to Quintin Melebo for 6/7 share and Victoriano Pascua for 1/7 share. On March 22, 1954 Quintin Melebo conveyed the property to Mariano D. Copuyoc for P4,000.00, per Exh. AA. Title has consequently been issued to Mariano D. Copuyoc for 6/7 share and Victoriano Pascua for 1/7 share, per TCT No. NT-15403, Exh. BB, which still stands.

"There is no question that Andres Pascua and Pedro Pascua (married to Luisa Corpuz) are the owners of Lot No. 2986 of the Cadastral Survey of Guimba. They are also the ones in possession of the said lot, each of them occupying definite portions of the land, and their possession dates back to the time their parents Victoriano Pascua and Bonifacia Lora had conveyed their respective portions to them, to Andres Pascua on January 31, 1929 and to Pedro Pascua on March 2, 1936, even as their predecessors, the spouses Victoriano Pascua and Bonifacia Lora, had occupied the same from the time that they acquired it from the spouses Juan Pascua and Leonarda Sanchez on February 2, 1900, Exh. A, and that Juan Pascua had exercised proprietary rights and possession, the same since before the outbreak of the revolution against Spain. The ownership of Andres and Pedro Pascua to the lot in question would therefore appear to be indubitable thru all the years to the present, and Marta Manuel, who accumulated the 6/7 share by acquisition from her co-heirs, has not really acquired anything, and similarly, did not convey anything to Quintin Melebo nor did Quintin Melebo convey anything to Mariano Copuyoc. Under the circumstances he may not obtain a better title than his predecessor in interest.

"The defendants Quintin Melebo and Mariano Copuyoc raise the defense of ignorance of the flaw in the title, considering that the title does not appear to have any encumbrance, and that, consequently, they could be regarded as innocent purchasers for value with the corresponding protection under the Torrens system of registration. According to them, they do not have to look beyond the title as a feature of the Torrens system.

This could be correct, under the situation where there are no circumstances which would convince a reasonable mind of the presence of marks or evidence of fraud and deceit. Both Quintin Melebo and Mariano Copuyoc are lawyers by profession, and the last named had moreover served as councilor of Guimba, Nueva Ecija. The titles they each purchased or acquired bore the annotation on their faces of the existence of the legal encumbrance represented by Section 74 of the Rules of Court, and it was only natural for them to inquire as to the existence of other heirs or on the very rights of these purported heirs. They could have looked into the cadastral records and they would have found the petition for review filed by Andres and Pedro Pascua years before unacted upon. And, as the purchasers of a property which is in their own hometown, it should have been natural also for these two to look over the property and find out, even only to satisfy their curiosity, if they do not give much regard to the sum of money, P4,000.00, which they appear to have given away for the acquisition of the said property. And if they did, as the defendant Copuyoc found out, they would have found Andres and Pedro Pascua or even only their father Victoriano Pascua standing on the land that they have cultivated for years and which they have learned to regard to be a part of their lives. All transactions by which Marta Manuel, who appears to be illiterate, as she merely affixed her thumbmark to the documents, alternately acquired and sold what could be acquired and what could be sold under what appears to be a great haste, do not appear to be the work of an unlettered person.

"For all these, this Court finds fraud and deceit in connection with securing the order for the issuance of decree and the consequent issuance of OCT No. O-680, TCT Nos. NT-12784, NT-15124 and NT-15403, and finds the plaintiffs Pedro Pascua, married to Luisa Corpuz, and Andres Pascua to be the absolute owners of Lot No. 2986 of the Cadastral Survey of Guimba, Cadastral Case No. 23, G.L.R.O. Record No. 401." (Pp. 78-86, Rec. on Appeal.)

Parenthetically, it may be added that from the above decision, Copuyoc appealed directly to this Court, while Quintin Melebo appealed to the Court of Appeals, where a judgment of affirmance, now final, was rendered on March 7, 1973. (CA-G.R. No. 34202-R)

The questions of law raised by Copuyoc in this appeal before Us are:

"ASSIGNMENT OF ERRORS

I

"THE LOWER COURT ERRED IN HOLDING THAT THE HEREIN APPELLANT COULD NOT BE HELD AN INNOCENT PURCHASER FOR VALUE BECAUSE THE CERTIFICATE OF TITLE TO THE LAND HE BOUGHT BORE THE ANNOTATION OF RULE 74 OF THE RULES OF COURT WHICH, ACCORDING TO THE LOWER COURT, REQUIRED THE PURCHASER TO LOOK INTO THE CADASTRAL RECORDS OF THE COURT WHICH ISSUED THE DECREE OF REGISTRATION, AND ALSO, HE IS REQUIRED TO HAVE A LOOK ON THE PROPERTY.

II

"THE LOWER COURT ERRED IN ORDERING THE RECONVEYANCE OF THE LAND IN QUESTION AND THE CANCELLATION OF TRANSFER CERTIFICATE OF TITLE NO. NT-15403 OF THE HEREIN APPELLANT.

III

"THE LOWER COURT ERRED IN NOT ORDERING THE APPELLEES TO DELIVER THE POSSESSION OF THE LAND IN QUESTION TO THE HEREIN APPELLANT, WITH DAMAGES."

We find no merit in these assignments of error.

Appellant does not seriously question the finding of the trial court that from the evidence, "there is no question that Andres Pascua and Pedro Pascua (married to Luisa Corpuz) herein appellees -- are the owners of Lot 2986 of the Cadastral Survey of Guimba", the land in dispute. What is more, appellant admits that said appellees are in actual possession of said land, so much so that, in his brief, appellant himself states that "on March 24 or 25, 1954, herein appellant Mariano D. Copuyoc attempted to take possession of the land but Victoriano Pascua prevented him from taking possession of the land because the latter claimed to be the owner." (p. 5, Appellant's Brief)

Indeed, according to the lower court, "They (appellees) are also the ones in possession of the said lot, each of them occupying definite portions of the land, and their possession dates back to the time their parents Victoriano Pascua and Bonifacia Lora had conveyed their respective portions to them, to Andres Pascua on January 31, 1929 and to Pedro Pascua on March 2, 1936, even as their predecessors, the spouses Victoriano Pascua and Bonifacia Lora, had occupied the same from the time that they acquired it from the spouses Juan Pascua and Leonardo Sanchez on February 2, 1900, Exh. A, and that Juan Pascua had exercised proprietary rights and possession, the same since before the outbreak of the revolution against Spain." (p. 83, Rec. on Appeal) And with particular reference to Victoriano Pascua, it is a fact that when appellant bought the land in question from Quintin Melebo, the title itself showed that Victoriano was owner of at least 1/7 thereof, and yet appellant has not shown that he inquired about the circumstances surrounding the acquisition by Victoriano of such share. Had he been prudent enough to find out, he would have known likewise the interest of appellees thereon.

In other words, at the time appellant made his purchase from Melebo, he well knew that his vendor was not the one in possession of the land being sold to him. As a lawyer and ex-councilor of the town, this significant fact alone should have put him on notice that Melebo's representation of ownership might not be in fee simple. But he did not even inquire why the Pascua's instead of Melebo were in possession. And so, as contended by appellees in their Motion to Dismiss Appeal dated June 6, 1974, "Being thus aware of sufficient facts to induce a reasonably prudent man to inquire into the status of the title to the property in litigation, plaintiff can not legally claim the rights of a purchaser in good faith. INDEED, BY APPEALING DIRECTLY TO THIS COURT, WHICH WOULD HAVE NO JURISDICTION TO ENTERTAIN THE APPEAL IF QUESTIONS OF FACT WERE RAISED THEREIN, PLAINTIFF HAS WAIVED THE RIGHT TO QUESTION THE FINDING OF HIS HONOR, the trial Judge, TO THE EFFECT THAT HE IS NOT A PURCHASER IN GOOD FAITH. (Mañacop vs. Cansino, 1111 Phil. 166, 170-171)." In Capitol Subdivision Inc. vs. Province of Negros Occidental, 7 SCRA 60, Mr. Justice later Chief Justice Concepcion, who penned Mañacop held again for the Court, citing other cases:

"Upon the other hand, the main purpose of the Torrens System is to avoid possible conflicts of title in and to real estate, and to facilitate transactions relative thereto by giving the public the right to rely upon the face of a Torrens certificate of title and to dispense with the need of inquiring further, except when the party concerned has actual knowledge of facts and circumstances that should impel a reasonably cautious man to make such further inquiry (Tiburcio vs. PHHC, L-13479, October 31, 1959; Revilla vs. Galindez, G.R. No. L-19940, March 30, 1960; Mañacop, Jr. vs. Cansino, G.R. No. L-13791, February 27, 1961)."

It being clearly borne by the evidence discussed in its decision, We share the trial court's feeling that in the various transactions undertaken by Marta Manuel, which resulted in the acquisition by appellant of the land in question, she was merely the tool of others who, being acquainted with the technicalities of the Land Registration Act and the Torrens system and yet ignorant of the moral principles that have always been enforced by this Court in their application, maneuvered to either acquire the same or to otherwise profit from the deals involving it. As pointed out by His Honor, in complete disregard of the fact that there was pending unresolved by the court the motion for review filed by appellees Pedro and Andres Pascua of the court's decision declaring all the heirs of Juan Pascua, including the predecessor of Marta, of which the interested parties were notified, and ignoring the

formal recognition already separately entered in the records by her co-heirs, among them, the other Pedro Pascua, married to Marcelina Ancheta, Angelo Reyes, who is the only heir of Maria Pascua, Severina Pascua and Petronila Pascua, that appellees are the real owners of the land in dispute, Marta misrepresented to the court that the decision had already become final and subsequently undertook steps to have 6/7 of the land titled in her name.

In the words of His Honor, "On March 31, 1952 Marta Manuel, an heir of Victoriano Pascua, presented an 'Ex-parte Motion for the Issuance of a Decree,' claiming that the decision of this Court dated October 31, 1929 has already become final and praying for the issuance of an order for decree, Exh. N. The order for the issuance of decree was issued on April 7, 1952, Exh. O, and for which OCT No. O-680 Exh. R was issued upon the decree dated June 18, 1952 marked Exh. 2-A-2-Copuyoc, under Decree No. 7264 marked Exh. 2-A-1-Copuyoc. By a series of transactions beginning with the sale by Pedro Pascua, married to Marcelina Ancheta, in favor of Marta Manuel, Exh. S; by Angelo Reyes in favor of Marta Manuel, Exh. T; and a deed of donation by Flaviano Baltazar in favor of Marta Manuel, Exh. U, all made on August 3, 1952, before the same Notary Public, Mr. Nicanor B. Serrano, Marta Manuel acquired 4/7 share in the property, Valeriana, Severina and Victoriano remaining with a 1/7 share each, and TCT No. NT-12784 was correspondingly issued to them, per Exh. V. And, before the same Notary Public, Marta Manuel declared herself the sole heir of the spouses Valeriana Pascua and Julian Manuel, by the instrument dated November 30, 1953, Exh. X. On March 12, 1953 Marta Manuel acquired the rights of Severina Pascua, also before Mr. Serrano, Exh. W, thus accumulating a total of 6/7 share in the name of the said Marta Manuel, and on November 30, 1953 she sold off all her rights to Quintin Melebo, also before Mr. Serrano, per Exh. Y. A new title, TCT No. NT-15124, Exh. Z, was issued to Quintin Melebo for 6/7 share and Victoriano Pascua for 1/7 share. On March 22, 1954 Quintin Melebo conveyed the property to Mariano D. Copuyoc for P4,000.00, per Exh. AA. Title has consequently been issued to Mariano D. Copuyoc for 6/7 share and Victoriano Pascua for 1/7 share, per TCT No. NT-15403, Exh. BB, which still stands." (pp. 81-82, Rec. on Appeal.) Thus, "all transactions by which Marta Manuel, who appears to be illiterate, as she merely affixed her thumbmark to the documents, alternately acquired and sold what could be acquired and what could be sold under what appears to be a great haste, do not appear to be the work of an unlettered person." (p. 85, Rec. on Appeal.)

Needless to say, lawyers should be the last ones to take undue advantage of the special evidentiary value accorded to Torrens titles. More than anybody else, they should always bear in mind that whenever there are extant circumstances related to the ownership and possession of a titled land which by their nature would suggest to any prudent man that there could actually be some flaw in the rights of the registered owner, the fact that there is such a Torrens title does not relieve the party who deals with the holder of the title from the duty to make the proper inquiry. While an inherently defective Torrens title may not ordinarily be cancelled even after proof of its defect, the law nevertheless safeguards the rightful party's interest in the titled land from fraud and improper use of technicalities by allowing such party, in appropriate cases, to judicially seek reconveyance to him of whatever he has been deprived of as long as the land has not been transferred or conveyed to a purchaser in good faith. (Sec. 55, Act 496; Registration of Land Titles and Deeds by Peña, p. 137, 1961 ed.) It is certainly a rank disservice to the noble profession of law, for any member of the bar to knowingly use his superior knowledge of the intricacies of the Torrens system as a means to unduly deprive anyone of his rights over land.

Accordingly, We hold that, regardless of whether or not Section 4 of Rule 74 has been correctly applied by His Honor, - a point We need not decide - here the trial court's conclusion that appellant is not a purchaser in good faith is legally correct.

WHEREFORE, the appealed decision is affirmed, with costs against appellant.

Fernando, (Chairman), Antonio, and Martin, JJ., concur.

Aquino, J., in the result.

Concepcion, Jr., J., on leave.

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