

SEGUNDA MINA, PETITIONER-APPELLEE, VS. TRANQUILINO VALDEZ, RESPONDENT-APPELLANT.

G.R. No. L-25136. April 30, 1970

Ponente: TEEHANKEE, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/730ab841c193/>

TEEHANKEE, J.:

In this appeal certified to this Court by the Court of Appeals as involving purely issues of law, we hold that the Court of First instance which has pending and unresolved before it a civil case between the parties for the resolution of their conflicting claims of ownership of a certain parcel of land by virtue of the same having been sold twice to them by the original owner, cannot assume juris-diction as a court of land registration over a subsequent summary petition filed in the land registration case by petitioner, and order respondent to surrender the original owner's duplicate certificate of title in the latter's possession for cancellation and registration of the disputed sale and issuance of a new certificate of title in favor of petitioner.

The appellate court gives the following background facts and issues: "There was filed in the court below Civil Case No. 2221 which involves the partition and recovery of a certain parcel of land.

"It appears that the original owner of this land, Cornelio Balbin, had sold the same to several persons, two of whom were Segunda Mina and Tranquilino Valdes. The corresponding Tor-rens title was delivered to Valdes.

"While said civil case was pending in court, Segunda Mina sought to have her deed of sale registered in the office of the Re-gister of Deeds of Ilocos Sur. Because Tranquilino Valdes also sought the registration of his deed of sale of the same land, the Register of Deeds brought the matter en consulta to the Land Re-gistration Commission for resolution. The Commission ruled that the deed of sale in favor of Segunda Mina was registerable on condition that the owner's duplicate certificate of title of the land be produced. On the basis of this ruling by the Land Regis-tration Commission, Segunda Mina filed a petition with the court below praying that an order be issued requiring Tranquilino Valdes, who was in possession of the owner's duplicate certificate of title of the land, to surrender the same and to have it cancelled, and a new one, in lieu thereof, issued in favor of Segunda Mina.[1]

"This petition was opposed by Tranquilino Valdes. Acting on Mina's petition, the lower court issued the following order of February 19, 1962 –

‘Considering the resolution of the Honorable Commissioner, Land Registration Commis-sion in LRC Consulta No. 359 of the Register of Deeds of Ilocos Sur that the deed of sale executed in favor of the spouses Juan Miranda and Segunda Mina may be registered; and it appearing further that the said land is not delinquent in the payment of real property taxes as shown by the certificate of the municipal treasurer.

'WHEREFORE, as prayed for, the respondent Tranquilino Valdes and his wife Rosalina Gallon are hereby required to surrender within 10 days from receipt of copy of this Order, Owner's Dup-licate Certificate of Title No. 30 for its cancella-tion and the issuance of a new Certificate of Title in favor of the spouses Juan Miranda and Segunda Mina, after the payment of the proper fees.

'It appearing from the written and verbal manifestation of counsel for the respondent that Duplicate Certificate of Title No. 30 is presently in the Office of the Register of Deeds of Ilocos Sur and that he has no objection if said title remain in that Office pending the resolution of this motion, the Register of Deeds is au-thorized to comply with the order of this Court adverted to above if the said manifestation is correct.

'SO ORDERED.'

"Assailing the order as against the law, Tranquilino Valdes interposed the present appeal. No testimonial evidence in rela-tion to this petition was presented.

"We find the issues raised to be purely of law, namely: (1) Is the order in question appealable? (2) May the holder of a certificate of title be compelled to surrender the same for the purposes mentioned and under the circumstances given?"

1. The first issue as to the appealability of the questioned order, cited by the appellate court, is actually a counter-argument of petitioner-appellee. It is without merit. The Court has long held that such orders of the land registration court, which resolve important questions as to the respective rights of the parties and require the surrender of the Certificate of Title for cancellation and issuance of a new one in favor of a different owner, are appealable orders.[2]

2. The second and main issue cited by the appellate court has likewise been long resolved by the Court to the effect that where the same property is sold twice, it is precipitate and improper for the land registration court, under a petition filed under section 111 of the Land Registration Act[3] to order the party in possession of the title to surrender it to the Register of Deeds for cancellation and registration of the disputed sale in favor of the adverse party, un-til the conflicting claims of the parties have been definitely resolved. In the similar case of Oliveros vs. Catot,[4] the Court thus held: 'According to the facts, the controversy arose from the circumstance that the same lands were sold twice. We do not now decide which of these two sales is preferred and valid, but we do hold that until this question has been definitely resolved, it cannot be con-tended that the appellant holds transfer certificate of title with-out, just cause or right thereto, wherefore, it is not just that she be compelled to part with said document by surrendering it to the Register of Deeds.'

3. Here, where the ownership of the same property was being directly litigated between the same parties and other ad-verse claimants to whom the original owner had likewise sold the same, in Civil Case No. 2221 pending before the same lower court as a regular court of general jurisdiction, it was jurisdic-tional error on the lower court's part to take cognizance of the summary petition filed by petitioner as a land registration pro-ceeding and order respondent to be summarily dispossessed of the owner's duplicate certificate of title in the latter's possession. The question of which of the various sales executed by the ori-ginal owner in favor of the contending parties here and various other vendees was certainly a prejudicial question which had to be finally decided on its merits, and the pendency of the civil case before the lower court barred it and any other court from assum-ing jurisdiction and taking cognizance of any subsequent case or proceeding involving directly the same question and issue. Fur-thermore, as the Court has consistently ruled in numerous cases, controversial issues, which may not be considered a mere inci-dental matter in the land registration case but should be the ob-ject of a personal action between the parties, such as the con-flicting claims to the land here in question of the contending par-ties and other adverse vendees thereof, should be adjudicated by the Court of First Instance only in ordinary actions and not under the summary proceedings provided in the Land Registration Act.[5]

4. The lower court was obviously misled into issuing its questioned order by the representation in the land registration proceeding that the Land Registration Commissioner had ruled in the consulta elevated to him by the Register of Deeds as to the conflicting deeds of sale presented for registration by the parties "that the deed of sale

executed in favor of the spouses Juan Mi-randa and Segunda Mina may be registered." This was not exactly accurate for what the Commissioner had ruled was: 'With respect to the first point raised in the first question (1-a) of the Register of Deeds, the Commission believes that the deed of sale executed in favor of the spouses Juan Miranda and Segunda Mina, on the assumption that the clerical defects pointed out by the Register of Deeds have already been rectified and the evidence of non-delinquency in the payment of realty taxes is available, may be registered under Act No. 496 under a new entry if the spouses can present the owner's duplicate of Original Certificate of Title No. 30 which of course poses a problem because said owner's duplicate Certificate, although presently in the possession of the Register of Deeds, is actually under the control and disposition of Tranquilino Valdes. As the latter surrendered it for the specific purpose of registering the sale made in his favor as well as to allow the registration of the earlier notice of lis pendens, no other party may take advantage of such surrender, and the Register of Deeds may not annotate on said owner's duplicate certificate any other transaction in favor of some other person. Segunda Mina is not precluded though from availing her-self of any legal recourse she may deem appropriate. Section 111 of Act No. 496 may be one remedy. [6] The Commissioner was further careful to caution the Register of Deeds and state in his conclusion that: "Let it be made plain that the Commission has merely passed upon the registrability of the documents subject of this Consulta. Their validity is for a Court of competent jurisdiction to determine." [7]

It should be noted that such resolutions of consultas from registers of deeds "shall be conclusive and binding upon all Registers of Deeds" alone, and not upon other parties, much less upon the lower court where the validity and effectivity of the conflicting deeds of sale were being directly litigated, as acknowledged by the Commissioner himself. As the Court held in *Noblejas vs. Teehankee*, [8] "(I)t will be noted that by specific provision of the section, the decision of the Land Registration Commissioner 'shall be conclusive and binding upon all Registers of Deeds' alone, and not upon other parties. This limitation in effect identifies the resolutions of the Land Registration Commissioner with those of any other bureau director, whose resolutions or orders bind his subordinates alone. 'That the Commissioner's resolutions are appealable does not prove that they are not administrative; any bureau director's ruling is likewise appealable to the corresponding department head.'"

Respondent was under no constraint to appeal from the Commissioner's Resolution, as contended by petitioner, since by its own terms, no document not submitted by respondent, who had delivered the same to the Register of Deeds, could be annotated thereon without the corresponding court order. It was from the lower court's order to surrender the title that respondent properly appealed from.

5. The supplementary order issued by the lower court on March 27, 1962, [9] directing the Register of Deeds to refrain from delivering to respondent the owner's duplicate certificate of title and ordering respondent not to withdraw the same from the office of the Register of Deeds must likewise be set aside, for lack of jurisdiction and authority on the lower court's part in the summary land registration proceeding, as held hereinabove. Until the issue of ownership shall have been finally decided in the pending civil case, respondent is entitled to possession of said certificate of title, as his possession thereof has not been shown to have been unlawfully obtained; on the contrary, in accordance with his averments, said title was delivered to him upon the execution of the deed of sale in his favor by the original owner. At any rate, the interests of all the parties, including the other vendees, impleaded as defendants in the pending civil case, have been amply protected with the annotation on the title, caused by petitioner, of the corresponding notice of lis pendens, giving notice in rem of the pendency of said civil case.

ACCORDINGLY, the appealed orders of February 19, 1962 and March 27, 1962 are hereby annulled and set aside, with costs against petitioner-appellee.

Concepcion, C.J., Reyes, JBL, Dizon, Makalintal, Zaldivar, Ruiz Castro, Fernando, and Villamor, JJ., concur.

Barredo, J., took no part.

[1] The petition was simply docketed as "For the surrender of Duplicate Title No. 30 (Bu. of Lands No. 9290, Patent No. 2292." Record p. 1.

[2] *Haw Pia v. San Jose*, 78 Phil 238 (1947); *Seton vs. Rodriguez*, L-16285, Dec. 29, 1960.

[3] Act No. 496.

[4] 69 Phil 168 (1939).

[5] *Vicente vs. de los Santos*, L-20351; Feb. 27, 1969 and cases therein cited.

[6] Record, p. 60.

[7] *Id.*, p. 61-62.

[8] L-28790, April 29, 1968, 23 SCRA 405.

[9] Record, p. 88.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.