

LUNA, ET AL. VS. MONS. SANTOS, ET AL., PETITIONERS AND APPELLEES VS. MONS. PEDRO P. SANTOS, ET. AL., RESPONDENTS AND APPELLANTS

G. R. No. L-10457. May 22, 1962

Ponente: BAUTISTA ANGELO, J.

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BAUTISTA ANGELO, J.:

This is an appeal taken by respondents from a decision rendered by the Court of First Instance of Sorsogon on August 31, 1955 dismissing the petition as well as the counterclaim interposed by respondents. The appeal was taken directly to the Court of Appeals, but as petitioners also appealed from the decision directly to this Court because they impugned the jurisdiction of the court a quo, the appeal was forwarded to this Court in a resolution entered on January 4, 1956 (G. R. No. L-10457).

Petitioners' appeal was docketed as G. R. No. L-9914, and the same was decided by this Court on December 19, 1957. In ruling on the issue raised by petitioners, we said that the court a quo, as a court of general jurisdiction, had authority to pass upon the validity of the document in controversy and so it found no reason to reverse its ruling that the act of the register of deeds in cancelling O.C.T. No. O-32 and issuing T.C.T. Nos. 656 and 657 is proper.

The facts of this case, as found by this Court in G. R. No. L-9914 (102 Phil., 588) are as follows:

"Rev. Fr. Martin S. Alcazar was the original owner of 2 parcels of land: one located at Bariis, Pilar, Sorsogon, containing an area of 34,8471 hectares, and the other at Burabon, Loreto, Castilla, of the same province, with an area of 440.3326 hectares (Exh. 1). In an absolute deed of sale dated February 17, 1948, Fr. Alcazar appeared to have sold the aforementioned parcels of land together with a house of strong materials erected on the land of Frank Hoelzl at Putiao, Pilar, Sorsogon, to the Roman Catholic Bishop of Nueva Caceres in consideration of the sum of P12,000.00. It was specifically provided for in said instrument that as the said parcels of land were not yet brought under the Torrens system, although at the time of the transaction the proceeding for the registration of the same was still pending (GLRO No. 2, Rec. No. N-728), the deed of sale should be registered under Act 3344. On July 4, 1953, Original Certificate of Title No. O-32 covering the parcels of land abovementioned was actually issued in the name of Fr. Martin S. Alcazar. It does not appear from the record that the deed of sale (Exh. 1) was ever registered under the provisions of Act 3344 as agreed upon.

"On January 17, 1954, after the demise of Fr. Martin Alcazar, the deed of sale (Exh. 1) was presented to the Register of Deeds of Sorsogon for registration, together with an instrument executed by Monsignor Pedro P. Santos ceding all the property rights and interests that he had as the Roman Catholic Archbishop of Nueva Caceres over the properties subject of the sale in favor of the Roman Catholic Bishop of Legaspi, with Mons. Flaviano B. Ariola as incumbent (Exh. D). As a consequence thereof, O.C.T. No. O-32 was cancelled and Transfer Certificate of Title No. 656 was issued to Mons. Pedro P. Santos, but said certificate was likewise cancelled on the same day and Transfer Certificate of Title No. 657 was issued in the name of Mons. Flaviano B. Ariola in virtue of the cession of rights executed by Mons. Santos in favor of the Roman Catholic Bishop of

Legaspi.

"On April 20, 1954, Concepcion H. Luna, Alfredo Hoelzl, Carmen A. Hoelzl, Elizabeth A. Hoelzl, Ignacio A. Luna, Juan Alcazar, Reynaldo Alcazar, Gloria Amparo Huab, Francisca H. Javier, Angela A. Buencamino, Lourdes, Alcazar Dellosa, Irineo Dellosa, Ruperto Alcazar, Jr. Jose Alcazar, Rigoberto Alcazar, Purita Alcazar, Thelma Alcazar, Lorencita A. de Vera and Delfin de Vera, nephews and nieces and alleged heirs of the late Fr. Martin Alcazar filed a petition with the Court of First Instance of Sorsogon, which was docketed as Special Action No. 879, contending that the cancellation of O.C.T. No. O-32 and the subsequent issuance of T.C.T. Nos. 656 and 657 were illegal because the alleged right of Mons. Pedro P. Santos was deemed abandoned upon the issuance of the original certificate of title in the name of Fr. Alcazar without the said deed of sale being annotated therein, and consequently, the transfer of said right in favor of the Roman Catholic Bishop of Legaspi was equally null and void. Thus they prayed the Court to order Mons. Flaviano B. Ariola to surrender T.C.T. No. 657 to the Register of Deeds of Sor-sogon; to order said Register of Deeds to cancel the same and issue a new certificate of title in substitution of the Original Certificate of Title No. O-32 in the name of the late Fr. Alcazar, and for. such other relief as may be deemed proper in the premiss."

This decision will be confined to the appeal taken by respondents docketed as G. R. No. L-10457.

On this point, respondents contend that the trial court erred in holding that "en cuanto a las reconversiones de los recurridos, no se ha presentado prueba alguna de la mala fe o de deseos mal intencionados de los recurrentes al entablar esta accion, aparte de que el Juzgado es de opinion que estos procedimientos no habian adquirido publicidad de tal manera que pueda crear un descredito e verguenza de parte de los recurridos."

We note that respondent Mons. Pedro P. Santos set up in his answer a counterclaim in the amount of P1,000.00 as actual damages and attorney's fees and the sum of P10,000.00 as moral damages, whereas respondent Mons. Flaviano B. Ariola set up a counterclaim in the amount of P100,000.00 as moral damages considering that he is a bishop of the Roman Catholic church and as already stated, the court a quo denied both counterclaims on the ground that petitioners acted in good faith in filing the present petition.

Considering that petitioners are the nephews and nieces of the late Fr. Martin Alcazar who was the real owner of the two parcels of land which were allegedly sold to the Roman Catholic Bishop of Nueva Caceres in consideration of the sum of P12,000.00 the annulment of which was sought by them in the petition, and it appearing that they filed said petition in the honest belief that the transfer was not really effected in the sense that the real consideration of the sale was not paid because, as found by the court a quo, of said consideration only the sum of P2,200.00 was paid, the balance having been left in the care of Mons. Santos so that it may be added to the original fund of P50,000.00 which the late friar Alcazar entrusted to him for the purpose of establishing a mission house in the diocese of Nueva Caceres, we are of the opinion that there is no sufficient basis for holding them responsible for (the) moral damages as found by the trial court. This is also the same conclusion we reached in G. R. No. L-9914.

Wherefore, the decision of the court a quo, insofar as the appeal of respondents is concerned, is affirmed, without costs.

Padilla, Concepcion, Reyes, J.B.L., Barrera, Paredes, and Dizon, JJ. concur.

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