

ANICIA T. REYES, PLAINTIFF-APPELLANT, VS. GREGORIO APOSTOL AND ADELAIDA CARPIO APOSTOL, DEFENDANTS-APPELLEES.

G.R. No. L-25375. October 30, 1970

Ponente: DIZON, J.

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DIZON, J.:

Appeal taken by Anicia T. Reyes from an order issued by the Court of First Instance of Bulacan on July 12, 1965 dismissing her complaint in Civil Case No. 3214-M, on the ground that the cause of action stated therein was already barred by the statute of limitations.

On May 19, 1965 appellant filed an action in the lower court against the spouses Gregorio Apostol and Adelaida Carpio to recover ownership and possession of the parcel of land described therein located in barrio San Sebastian, Hagonoy, Bulacan and/or for its reconveyance to her, with damages.

After being summoned appellees filed on June 22, 1965 a motion to dismiss the complaint on the ground that the cause of action alleged therein was already barred by the statute of limitations.

After hearing the parties, the lower court issued the appealed order which appellant now urges us to reverse.

The only issue before us therefore is whether or not, upon the facts pleaded in the complaint, it appears that appellant's cause of action had already prescribed when the action was commenced on May 19, 1965.

Pertinent to the above issue are the allegations made in Paragraphs 7, 8, 9, 10 and 11 of the complaint of the following tenor:

"VII

That on December 26, 1946, defendants, with evident bad faith and notwithstanding the fact that they were already charged with the knowledge and information of the contract entered into in 1943 by plaintiff with Antonio de Pano, connived and confederated with the latter in buying again from him the same parcel of land covered by Tax Declaration No. 8164, as evidenced by a document purporting to be a "PAGBIBILIHANG PATULUYAN" and appearing to be covered by "inst. No. 106, Folio No. 4, Libro IV, Serie de 1946" of the Notarial Register of Rafael T. Leon, of Hagonoy, Bulacan;

VIII

That under date of April 25, 1947, defendants declared the abovementioned land in their names under Tax Declaration No. 9020, to begin "with the year 1948", and at the same time unlawfully effected the double cancellation of Tax Declaration No. 8164, notwithstanding and defying the fact that said Tax Declaration No. 8164 had already been cancelled by Tax Declaration No. 8991 earlier issued in the name of plaintiff;

IX

That subsequently and up to this date, defendants declared and continue to declare the land in question under

Tax Declaration No. 295 in their names, bearing the following particulars which tally with those appearing in plaintiff's own tax declaration, to wit:

Location of property - S. Sebastian, Hagonoy, Bulacan

Boundaries:

North - Justo Celso

East - Calle del Pilar

Kind of land - solar

Classification - 1-R

South - Pedro Santos

West - River

Area - 405

Value - P320.00

X

That plaintiff came to know of the aforesaid second sale when defendants, in apparent furtherance of their conveyance with Antonio de Paño, unlawfully and wantonly erected their house in the land in question in 1947;

XI

That when plaintiff learned of defendants' unlawful occupation, plaintiff immediately informed defendants that they had no rights to occupy the land and that they should vacate the same, but defendants refused to do so, alleging that they also bought the same property from Antonio de Pano and passing the responsibility for the double sale to the latter,"

Paragraph 13 of the same pleading also alleges that when appellant made demands to vacate the property, appellees refused to vacate the same claiming ownership thereof and alleging further that they had already secured a Torrens title over the property. In this connection it really appears that, after appropriate proceedings, appellees had registered the land in their name in accordance with the provisions of Act No. 496 and that Original Certificate of Title No. 0-39 had been issued in their name on November 25, 1947 by virtue of the decision rendered on September 22 of the same year (Record on Appeal Pages 13, 18-19).

From all the foregoing it appears that appellant came to know of the sale made by Antonio de Pano in favor of appellees since the year 1947; that after the sale appellees took possession of the land in question, declared it in their name for tax purposes and built their house thereon; that prior to September 22, 1947 appellees instituted appropriate registration proceedings in which they secured judgment in their favor on the date aforesaid, Original Certificate of Title No. 0-39 having been issued in their name on November 25 of the same year; that appellant filed the present action to recover ownership and possession of the land in question and/or to compel appellees to reconvey the same to her, only on May 19, 1965, that is, 18 years after the issuance of the Original Certificate of Title mentioned heretofore; and that appellant came to know of the sale made by Antonio de Pano in favor of appellees in the year 1947 - again almost 20 years before the filing of the action at bar.

Upon the facts set forth above, it seems clear that whether we consider appellant's action as an accion

rein vindicatoria or as a personal action for reconveyance, the filing of her complaint was made long after the expiration of the corresponding period of prescription.

Moreover, the undisputed facts of the case likewise show that even considering appellant's action as one to secure - on the ground of fraud ? the annulment of the Deed of Sale executed by De Pano in favor of appellees or of the proceedings that resulted in the registration of the property in the name of appellees, the action appears to have been filed long after the expiration of the corresponding period of prescription.

Concerning the "implied trust" relied upon by appellant in her brief, all that we need to say is that the facts alleged in her complaint are utterly insufficient to constitute an allegation of extrinsic fraud sufficient to justify the annulment of the registration proceedings mentioned above.

WHEREFORE, finding no error in the appealed order, the same is hereby affirmed, with costs.

Concepcion, C.J., Makalintal, Zaldivar, Ruiz Castro, Fernando, Teehankee, and Barredo, JJ., concur.
Reyes, J.B.L., Villamor, and Makasiar, JJ., no part.

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