

REMIGIO JOAQUIN, PLAINTIFF-APPELLANT, VS. ISIDRA CUJUANGCO, JOSE CUJUANGCO, JR., RAMON CUJUANGCO, LOURDES CUJUANGCO, JUAN CUJUANGCO, EDUARDO CUJUANGCO, JR., AURORA CUJUANGCO, IS...

G.R. No. L-18060. July 25, 1967

Ponente: MAKALINTAL, J.

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MAKALINTAL, J.:

Plaintiff interposed this appeal as a pauper from the order of the Court of First Instance of Nueva Ecija dismissing the complaint upon defendants' motion on the ground that it fails to state a cause of action and is barred by the statute of limitations.

Four parcels of land are involved in this action. The pertinent allegations in the complaint are paraphrased in the order appealed from as follows:

"Plaintiff alleges in the amended complaint that he is the intestate and testate heir of his deceased uncle Pedro Joaquin who died on March 21, 1914 and who left the four parcels of land enumerated in paragraph 2 of the complaint; that parcel (a) was judicially administered from 1914 by the deceased spouses Marcelo Garcia and Alberta Zamora, but notwithstanding that they were merely administrators, by means of fraud, they procured the registration of the said parcel of land with OCT 1579 and transferred the same land by means of TCT No. 2918 in favor of the defendant Isidra Cojuangco and the deceased Jose Cu-juangco Sr., grandfather and predeces-sor of the other defendants, who ac-cepted the transfer knowing that it was the property of the deceased Pedro Joaquin and that the spouses Marcelo Garcia and Alberta Zamora were merely administrators of the same parcel of land.

It is alleged also that the parcel of land described in paragraph (b) of paragraph 2 was the property of the de-ceased Pedro Joaquin but that notwith-standing that Lorenzo Mendoza was only an administrator or encargado of the deceased Pedro Joaquin, he procured, thru fraud, the registration of the parcel with OCT No. 4695, and transferred the same about the year 1925 by means of TCT 10487 in favor of Isidra Cojuangco and the deceased Jose Cojuangco Sr., who ac-cepted the same knowing that it was the property of Pedro Joaquin and that Lorenzo Mendoza was merely administrator thereof.

It is alleged also that the parcels of land described in paragraphs 3 and 4 was and still is registered under OCT No. 161 in the name of the spouses Pedro Joaquin and Teodora Garcia; that Teodora Garcia died on October 24, 1913; that during their lifetime they sold these two parcels of land with pacto de retro to Marcelino de Santos redeeming the same within the stipulated period; that, thereafter, they mortgaged the same for P8,640.00 to secure a debt which they contracted from the spouses Isidra Co-juangco and Jose Cojuangco Sr., and that when the plaintiff offered to re-deem the land and to pay the said sum at various times since 1917, the defend-ant said that the land had been sold to them by Pedro Joaquin and Teodora Garcia; and that it was only recently that he had discovered that OCT No. 161 had not been transferred to anyone altho it is true there existed in the office of the Re-gister of Deeds a document of sale in favor of Jose Cojuangco Sr., which do-cument, however, is absolutely null be-cause it did not express the true intention of the parties, and

because the signature which appears therein is not the genuine signature of Pedro Joa-quin, and that of Teodoro Garcia is not her signature as she did not know how to sign, and that therefore any transfer of TCT which cancels OCT No. 161 was fraudulently procured."

The prayer in the complaint asks: (1) that plaintiff be declared owner of the four parcels aforementioned, al-though with respect to the last two his right to enter into possession thereof is subject to the previous payment to defendants of the mortgage indebtedness of P8,640.00; (2) that defendants be ordered to pay damages; and (3) that defendants be ordered to transfer to plaintiff the certi-ficates of title covering the disputed properties.

For purposes of the motion to dismiss the averments in the complaint are hypothetically admitted. Defendants, however, were allowed to present evidence to supply certain facts pertinent and material to the motion, and said facts are not denied. It appears, with respect to the first parcel (identified as parcel (a) in the order of dismissal) that pursuant to a decree in registration case No. 563, G. L. R. O. Rec. No. 14740 original certificate of title No. 1579 was issued as early as 1921 in the names of the spouses Marcelo Garcia and Alberta Zamora, and that the transfer in favor of defendants Jose Cojuangco, Sr. (now deceased) and Isidra Cojuangco took place not long thereafter, those transferees obtaining transfer certificate of title No. 2918 in their own names in 1928, thirty-one years be-fore the present action was filed in 1959.

With respect to the second parcel (identified as parcel (b) in the order appealed from) the same was registered under original certificate of title No. 4695 in the name of Lorenzo Mendoza in 1925, pursuant to a decree in G.L.R.O. Cad. Rec. No. 390, and then conveyed by him to Isidra Co-juangco and Jose Cojuangco, Sr., also in 1925. Transfer Certificate of title No. 10487 was issued in 1936 in the name of Jose Cojuangco, Sr. alone.

It is clear that as far as these two parcels are concerned the action is barred both by extinctive and by acquisitive prescription. In the first place the question of ownership was settled in the land registration proceedings as a result of which the corresponding original certificates of title were issued in 1921 and 1925, respectively. Under section 38 of the Land Registration Act a decree of registration quiets title to the land definitely, subject only to reopening on the ground of fraud, upon petition of the party defrauded within a period of one year. It seems, however, that the action is one for reconveyance, on the theory that the original registered owners - the spouses Marcelo Garcia and Alberta Zamora in regard to the first parcel, and Lorenzo Mendoza in regard to the second - were the administrators of those lands, and hence held them in a fiduciary capacity. Even assuming that this was true, the disabilities imposed by such relationship did not extend to the transferees of said administrators, who acquired the land for value and claimed adverse title in themselves. The action for reconveyance on the theory of trust might prosper, if at all, as against the trustees and provided they still hold the properties, but not as against third persons who do not occupy the same fiduciary position.

In any event it is not denied that defendants acquired the lands and obtained transfer certificates of title in their names in 1928 and 1936, respectively, and that since then their possession has been adverse. What-ever may be said, therefore, as to the nature of the posses-sion of their immediate predecessors, and irrespective of the fact that said defendants had a right to rely on the former's certificates of title and became registered owners themselves upon the conveyance of the lands to them, their adverse possession ripened into ownership by prescription for 10 years, according to Section 41 of the Code of Civil Procedure, and bars an action for recovery there-after.

Plaintiff's allegation relative to the third and fourth parcels is that they were merely mortgaged by Pedro Joaquin and his wife to Isidra Cojuangco and the late Jose Cojuangco Sr. to secure a loan of P8,640.00. Defendants have shown, on the other hand, that while these parcels were registered in the names of the spouses Pedro Joaquin and Teodora Garcia, with original certificate of Title No. 161, the said title was cancelled and transfer certificate No. 20 was issued to Jose Cojuangco, Sr. on May 21, 1913, by virtue of a deed of sale in his favor. There may be an issue of fact here which ordinarily would require a trial on the merits, namely, whether the transaction was a sale

or a mortgage. But plaintiff, pursuing his theory of the case, alleges in the complaint that he offered to redeem the mortgage in 1917 but that defendants refused the offer on the ground that the lands had been sold to them. From that time, at least, defendants' possession was ad-verse, and after 10 years became a dominical title by ac-quisitive prescription. The present action, therefore, was correctly dismissed by the court below.

The order appealed from is affirmed, without pronouncement as to costs.

Reyes, JBL, Bengzon, JP, Zaldivar, Sanchez, Ruiz Castro, Angeles, and Fernando, JJ., concur.
Concepcion, C.J., and Dizon, J., did not take part.

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