

RODOLFO, ANDRELINA, NORMA, LYDIA, VIRGINIA, SONIA, ELSA, ROGELIO AND RAFAEL, ALL SURNAMED ZUÑIGA, PETITIONERS, VS. COURT OF APPEALS (FIRST DIVISION), FELISA CERDEÑA, MARCIANA CE...

G.R. No. L-49776. January 28, 1980

Ponente: ANTONIO, J.

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ANTONIO, J.:

Petition for review by certiorari, to set aside the decision of the Court of Appeals, dated August 11, 1978 (CA-G.R. No. 50537-R), vacating the judgment of the Court of First Instance of Bulacan of August 31, 1971. This decision of the trial court ordered the registration of a parcel of land, situated in Meycauayan, Bulacan, described in Plan Ap-19129 (Exhibit "E") and its accompanying technical description (Exhibit "F"), in ten (10) undivided shares each in favor of Rodolfo, Andrelina, Norma, Lydia, Sonia, Virginia, Elsa, Rafael and Rogelio, all surnamed Zuñiga, and the minors Pablito, Anselmo, Marina and Alex Zuñiga, represented by their mother, Adoracion Padilla. The thrust of the petition is that the respondent Court of Appeals, in declaring that the trial court had no jurisdiction in passing upon questions involving ownership of the land in dispute, had decided the question in a manner contrary to law and applicable decisions of this Court.

The present proceedings originated from the application for the registration of title filed on January 22, 1970 by Felisa Cerdeña, Marciana Cerdeña, and the Heirs of Eustaquio, Placido, Rosa and Celestina, all surnamed Cerdeña, with the Court of First Instance of Bulacan, over a certain parcel of land in Meycauayan, Bulacan. They alleged, among others, that they are owners of the land in fee simple, having inherited the same from their deceased parents, Canuto Cerdeña and Francisca Serrano.

At the initial hearing, nobody appeared to oppose the application, except the heirs of Felix Zuñiga. An order of general default was entered against the whole world, with the exception of the aforementioned oppositors.

In their opposition, the oppositors (now petitioners) alleged, inter alia, that they are the owners in fee simple and in undivided share and interest over the parcel of land subject of registration, having inherited the same from their father, Felix Zuñiga, who died intestate on January 31, 1966 in Meycauayan, Bulacan; that the property was previously owned in common by Felix Zuñiga and Francisca Serrano, having purchased the same on March 4, 1919 from Benita Francia y Abacan; that after the death of Francisca Serrano, her heirs, namely, Celestina, Rosa, Felisa, Marciana and Sixta, all surnamed Cerdeña, sold the share which they inherited from their mother, Francisca Serrano, consisting of one-half (1/2) thereof to Felix Zuñiga and Rustica Tapispisan, parents of the oppositors. Hence, the oppositors Rodolfo, Andrelina, Norma, Lydia, Virginia, Sonia, Elsa, Rogelio and Rafael, all surnamed Zuñiga, together with their nephews and nieces, as the legitimate heirs of Felix Zuñiga who died intestate on January 31, 1966 at Meycauayan, Bulacan, became the exclusive and absolute owners of the entire property. They further alleged therein that they had been in actual, physical, peaceful, public, uninterrupted and continuous possession of the same as the true and lawful owners thereof and have caused the cadastral survey of

the land now known as Lot No. 4400, Meycauayan Cadastre, and the issuance of Plan Ap-19129 in the name of the Heirs of Felix Zuñiga.

During the course of the hearing, the applicants, Felisa Cerdeña, et al., filed on March 29, 1971, a motion praying that a document handwriting expert from the National Bureau of Investigation be appointed to conduct an examination of the deeds or documents submitted by oppositors at the hearing on February 22, 1971, consisting of: (a) a deed of sale executed on March 4, 1919 by Benita Francia (Exhibit "1-Oppositors"); and (b) a deed of sale executed on November 27, 1946 by Rosa Cerdeña and Celestina Cerdeña (Exhibit "2-Oppositors"). This motion was granted by the trial court on May 4, 1971. On May 27, 1971, Felisa Cerdeña, et al. filed with the trial court an urgent ex parte motion for amendment/modification of the order of May 4, 1971 to the effect "that the Provincial Assessor for the Province of Bulacan submits or surrenders to the National Bureau of Investigation, Manila, for examination purposes, the documents (Exhibits 1 and 2, Oppositors), as well as instruments available thereat bearing sample standards of the thumbmarks of Benita Francia of Meycauayan, Bulacan,* * * and directing the National Bureau of Investigation to examine said documents, firstly: to determine the genuineness and authenticity as to age, type and execution, and secondly: to examine the thumbmarks appearing on said documents with sample standards furnished by the Provincial Assessor for Bulacan, with respect to Benita Francia, and those furnished by the applicants herein, the latter upon previous notice to oppositors or counsel."

On May 31, 1971, the trial court issued an order, declaring that it was the duty of the applicants "to search for and provide the documents to serve as standards of comparison for the examination", and if the applicants are aware of such documents, "they should submit the same to this Court for approval as standards, otherwise the order for examination of the documents will be cancelled."

On June 11, 1971, applicants Felisa Cerdeña, et al. again presented a motion for the transfer of the custody of the deeds of sale submitted by the oppositors from the Provincial Assessor of Bulacan to the Acting Chief, Dactyloscopy Section, Criminalistics Division, National Bureau of Investigation, Manila, for examination. This was granted by the trial court on June 14, 1971.

On August 31, 1971, the trial court rendered decision, declaring and stating as follows:

"The facts as found by the Court from the evidence are as follows: The land was originally owned by Benita Francia, who sold it in 1919 to Francisca Serrano and Felix Zuñiga (Exh. 1, 1-A and 1-B). Felix Zuñiga was the grandson of Francisca Serrano, being the son of the latter's daughter, Celestina Cerdeña. Francisca Serrano died in 1933, and her half of the property was inherited by her children Celestina, Rosa, Felisa and Marciana Cerdeña. Under a public document dated November 27, 1946, they sold their half of the property to Felix Zuñiga (Exh. 2). Ownership therefore became consolidated in Felix Zuñiga, and upon his death on January 31, 1966 his heirs, oppositors in this case, executed an extrajudicial settlement of the estate with waiver (Exh. 4).

"Applicants, who are led by Felisa Cerdeña and Sixta Cerdeña, denied that they executed Exhibit 2 and that the thumbprints appearing thereon were theirs. The document was submitted to the NBI for a determination of the authenticity of the thumbprints. The NBI examiner, Tomas Toribio, found the questioned prints to be slurred, smudged, or fragmentary, and declared that they cannot be used as basis for an examination.

"The mere denial by Felisa Cerdeña and Sixta Cerdeña that the thumbmarks were theirs is not sufficient to overcome the presumption that the notarial document was validly and regularly executed.

"It appears further that the Zuñigas have always been in possession of the property, to the exclusion of the applicants. This fact bolsters the claim of the oppositors that their father owned the property. This ownership, which is traced back to the purchase of the property from Benita Francia in 1919 has lasted for at least 50 years.

"It having been satisfactorily established that oppositors and their predecessors-in-interests have been in open, public, continuous, adverse and notorious possession of the land aforementioned under a bona fide claim of ownership for more than fifty years prior to the filing of the application oppositors are therefore entitled to the registration applied for under C.A. 141.

"WHEREFORE, the Court hereby orders the registration of the parcel of land covered by plan AP-19129 (Exh. E) and its accompanying technical description (Exh. F) in the following manner: 1/10 undivided shares each in favor of Rodolfo Zuñiga, married to Lucia Urian; Andrelina Zuñiga, married to Luis Porras; Norma Zuñiga, married to Epifanio Diano; Lydia Zuñiga, married to Leopoldo Jaime, Jr.; Virginia Zuñiga, married to Arsenio de Vega; Elsa Zuñiga, married to Beltran Fitalcorin; Rafael Zuñiga, married to Aida Arzadon; Rogelio Zuñiga, single; all of legal age, Filipinos, and residents of Malhacan, Meycauayan, Bulacan; and 1/10 undivided shares in favor of Pablito, Anselmo, Marissa, and Alex, all surnamed Zuñiga, represented by their mother, Adoracion Padilla, minors, Filipinos, and residents of Malhacan, Meycauayan, Bulacan, as their exclusive property."

This decision was appealed by Felisa Cerdeña, et al. to the Court of Appeals, contending that the lower court erred in finding that: (a) the land applied for was sold by Benita Francia in 1919 to Francisca Serrano and Felix Zuñiga; (b) the heirs of Francisca Serrano sold their half of the property to Felix Zuñiga; (c) the possession by the Zuñigas of the property bolsters their claim that their father owned the property, and, as a consequence, in ordering the registration of the property in the names of the oppositors.

It was on the basis of the afore-cited facts that the Court of Appeals, instead of solving the factual issues raised, declared the court a quo as without jurisdiction to pass upon questions involving the ownership of the land in dispute and vacated the judgment appealed from, without prejudice to having the issue of ownership litigated in an ordinary action before a regular court of first instance.

The purposes of the land registration law, in general, are: "to ascertain once and for all the absolute title over a given landed property; to make, so far as it is possible, a certificate of title issued by the court to the owner of the land absolute proof of such title; to quiet title to the land and to put a stop forever to any question of legality to a title; and to decree that land title to be final, irrevocable and, undisputable." [1]

It is true that a court of first instance acting as a land registration court has limited and special jurisdiction. It cannot be denied, however, that when the law confers jurisdiction upon a court, the latter is deemed to have all the necessary powers to exercise such jurisdiction to make it effective. [2] The purpose of the applicant is to prove that he has an absolute or simple title over the property sought to be registered, otherwise his application will be denied. An absolute oppositor claims a dominical right totally adverse to that of the applicant. If successful, registration will be decreed in favor of the oppositor. As to whether or not private respondents have absolute or fee simple title over the property sought to be registered necessarily requires a resolution of the question as to whether or not the oppositors had a dominical right totally adverse to that of the applicants. Hence, the relevancy of the issue of the validity of the conveyances in question. This issue is not foreign but intimately related to the principal question involved in the registration proceedings. Conceding the materiality of this question, both parties submitted for resolution to the court a quo the issue on the genuineness and authenticity of the deed of sale, executed by Benita Francia on March 4, 1919 in favor of Francisca Serrano and Felix Zuñiga (Exhibits "1", "1-A" and "1-B"), and the deed of sale executed by applicants on November 27, 1946 in favor of Felix Zuñiga (Exhibit "2"). Thus, private respondents, as applicants in the afore-mentioned proceedings, moved on March 29, 1971 before the land registration court, for the appointment of a handwriting expert to conduct an examination of the aforesaid deed of sale submitted by oppositors on the hearing of March 22, 1971. Even after this motion was granted by the trial court on May 4, 1971, private respondents again on May 27, 1971 sought the modification of the order of the trial court of May 4, 1971 to the effect that the Provincial Assessor of Bulacan should submit to the National Bureau of Investigation for examination purposes "the documents (Exhs. 1 and 2, Oppositors) as well

as instruments available thereat bearing sample standards of the thumbmarks of Benita Francia of Meycauayan, Bulacan." Subsequently on June 11, 1971, applicants moved for the transfer of the possession and custody of the afore-cited documents from the Provincial Assessor to the Acting Chief, Dactyloscopy Section, Criminalistics Division, NBI, Manila for examination, which motion was granted by the Court on June 14, 1971. The result of the examination was discussed in the decision of the trial court. The validity of the aforesaid conveyances was, therefore, duly threshed out in the hearings before the trial court. Full opportunities were given to both parties in the presentation of their respective sides and in the submission of evidence in support thereof. The evidence presented by the parties was fully considered by the court in its decision. As a matter of fact, on appeal, the main assignment of error of private respondents before the Court of Appeals dealt with the sufficiency of the finding of fact of the trial court that the land in question was sold to the oppositors. In *Franco, et al. v. Monte de Piedad*,^[3] this Court stated in emphatic terms that although the general rule is that a land registration court has no power to decide cases involving issues properly litigated in ordinary actions, yet inasmuch as in this jurisdiction it is the courts of first instance that also function as courts of land registration, our jurisprudence recognizes exceptions to said rule, where the parties have acquiesced in submitting the issues for determination in the registration proceedings, and they are given full opportunity to present their respective sides and submit their evidence.^[4] From the cases, it may be gathered that, from the otherwise rigid rule that the jurisdiction of a land registration court, being special and limited in character and proceedings thereon summary in nature, does not extend to issues properly litigatable in ordinary civil action, deviations have been sanctioned under the following conditions: (1) the parties mutually agreed or have acquiesced in submitting the aforesaid issues for determination by the court in the registration proceedings; (2) the parties have been given full opportunity in the presentation of their respective sides of the issues and of the evidence in support thereof; and (3) the court has considered the evidence already of record and is convinced that the same is sufficient and adequate for rendering a decision upon the issues.^[5] The foregoing situations exist in the case at bar.

To require that this case be litigated anew in another action between the parties would lead to multiplicity of suits, abet unnecessary delays in the administration of justice and negate the constitutional right of all persons "to a speedy disposition of their cases before all judicial, quasi-judicial, or administrative bodies."^[6]

WHEREFORE, in view of all the foregoing, the decision of respondent Court of Appeals in CA-G.R. No. 50537-R is hereby set aside, and the respondent Court is hereby directed to decide the appeal on the basis of the questions of fact raised by the parties.

SO ORDERED.

Concepcion, Jr. and Abad Santos, JJ., concur.

Barredo, (Chairman), J., concurs in the main opinion of Justice Antonio as well as in the concurring opinion of J. Aquino.

[1] *Benen v. Tuason*, L-26127, June 28, 1974, 57 SCRA 531.

[2] As the Court declared in a previous case: "La facultad, portanto, de determinar la legalidad o ilegalidad de las disposiciones testamentarias, es inherente a la jurisdiccion del tribunal al proceder a una distribucion justa y legal de la herencia. Por otra parte, declarar que una accion independiente y separada es necesaria a ese fin, es ir contra la tendencia general de la jurisprudencia de evitar multiplicidad de pleitos, y es, ademas, costoso, dilatorio y nada practico." (*Marcelino v. Antonio*, 70 Phil. 388, 391.)

[3] L-17610, April 22, 1963, 117 Phil. 672.

[4] Aglipay v. De los Reyes, L-12776, March 23, 1960, 107 Phil. 331.

[5] Aglipay v. De los Reyes, Ibid.; Florentino v. Encarnacion, Jr., L-27696, Sept. 30, 1977.

[6] Section 16, Article IV, Constitution of the Philippines.

CONCURRING OPINION

AQUINO, J.:

I concur in the result. The Court of Appeals misapplied and misunderstood the rule that "questions which involve the ownership of the litigated lands are not within the province of a court of land registration" (Tomada vs. Tomada, L-21887, July 30, 1969, 28 SCRA 1028).

That rule applies only to the exercise of jurisdiction by the Court of First Instance, acting as a land registration court, subsequent to the original registration of the land, or to incidents affecting registered land such as the cases arising under section 112 of Act No. 496, regarding alteration or amendment of the certificate of title.

It does not apply to the land registration proceeding itself where the basic question in issue is the ownership of the land or whether the applicant or oppositor has a registerable title to the land or the land should be declared public land.

The instant case is an original land registration proceeding. So, naturally, the question of ownership and all the incidents thereof have to be decided by the land registration court, that is, whether it is the Cerdeña applicants or the Zuñiga oppositors who have an imperfect title that may be confirmed under section 48 of the Public Land Law. (See Oh Cho vs. Director of Lands, 75 Phil. 890.)

In this case, the Court of First Instance, in order to determine the issue of ownership or the registerability of the title of the Cerdeñas or Zuñigas correctly passed upon the issue of whether the deed of sale relied upon by the Zuñiga oppositors was forged or is authentic. That issue is a mere incident in the proceeding. A separate action to determine that issue is not necessary.

The determination of that issue falls within the exclusive competence of the trial court acting as a land registration court in an original land registration proceeding as distinguished from a proceeding involving land already registered or a proceeding subsequent to the original land registration proceeding.

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