

PON'S REALTY CORPORATION, PETITIONER, VS. THE HON. COURT OF APPEALS, AND PRUDENCIO G. FALCIS, IN HIS CAPACITY AS ATTORNEY-IN-FACT OF THE HEIRS OF THE ESTATE OF DON MARIANO SAN P...

G.R. No. L-48074. December 14, 1978

Ponente: BARREDO, J.

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BARREDO, J.:

Petition for review of the decision of the Court of Appeals in CA-G.R. No. SR-06142 (Pon's Realty Corporation vs. Hon. Leo D. Medialdea, etc. et al.) dismissing for lack of merit the petition for certiorari of herein petitioner against the order of the trial court denying said petitioner's motion to dismiss the complaint of private respondent Prudencio G. Falcis, in representation of several persons, seeking the nullification and cancellation of certain torrens titles issued in the name of petitioner. Notwithstanding proper service of summons since July 25, 1978 no answer to the instant petition has been filed by private respondents.

It appears from the very complaint filed by private respondent in the trial court on April 7, 1976 that herein petitioner Pon's Realty Corporation is the registered owner of the parcels of land claimed by him pursuant to Transfer Certificates of Title Nos. 258006, 258005 and 179173, which were derived from Original Certificates of Title Nos. 4420 and 978 and 355, respectively, issued on March 5, 1931 and November 10, 1916 and August 21, 1907, respectively.

Private respondent's personality to file the above-mentioned complaint is stated to be:

"2. That plaintiff, Prudencio G. Falcis, is suing in his capacity as an Administrator-Plenipotentiary-Extraordinary, Xerox copy of the appointment is hereto attached as ANNEX "A" hereof, and as Attorney-in-fact of the heirs of the Estate and administrator of their respective shares as Extra-Judicially settled among the heirs themselves, pursuant to the instrument entitled 'Reconfirmation and Ratification of whatever Power and Authority vested in Prudencio G. Falcis, etc., xerox copies of which as ANNEXES "B", "B-1" to "B-5", while plaintiff ALEJANDRO J. VICTORINO and EDDIE S. YAP Filipino, of legal age, married, hereinafter referred to as the plaintiff-lot-buyers, evidenced by copies of Deed of Conditional Sale, hereto attached as ANNEXES "C" and "C-1", of land presently under the alleged possession and ownership of defendant PON'S REALTY CORPORATION, x x x." [1]

The cause of action asserted in said complaint is as follows:

"6. That from 1894 to the present time, the above plaintiff heirs have been in open, public, continuous and adverse possession of the said vast parcel of lands left by their predecessor in interest, Don Mariano San Pedro Y Esteban, as some of the heirs are actually residents of Manila, Bulacan, Rizal and other places, all within the

areas as embraced in said Titulo de Propriedad No. 4136;

"7. That through fraudulent means, misrepresentation, deceit, and bad-faith, knowing fully well as he does that all the lands in the Province of Rizal is embraced in the Titulo de Propriedad No. 4136 duly registered under the Spanish Mortgage Law, and despite his actual and constructive notice thereof, defendant succeeded in having the land illegally and unlawfully declared in his name, proved by said Annex 'D', 'D-1', 'D-2' hereof." (Pp. 45-46, Record.)

while the prayer is:

"WHEREFORE, it is most respectfully prayed of this Honorable Court that after due hearing, judgment be rendered in favor of the plaintiffs and against the defendant:

"1. To declare as null and void ab initio TCT Nos. 258006, 258005, 179173, and OCT Nos. 355, 4420 and 978.

"2. To declare the heirs plaintiffs as the lawful and legal owners of the subject land the same being embraced in their titulo de propiedad No. 4136.

"3. To order the Register of Deeds of Rizal to issue appropriate title of ownership that may be presented by the heirs plaintiffs to ALEJANDRO J. VICTORINO AND EDDIE S. YAP, the lot-buyer's plaintiff hereof.

"4. To order defendant to pay the plaintiff's damages, litigations expenses, cost of suits and attorney's fee equal to ten (10%) of the current market value of their covered properties, and

"5. Other remedies deemed just and proper under the premises." (Pp. 46-47, Rec.)

Under date of April 26, 1976, petitioner filed its answer with affirmative defenses. These defenses which were reiterated in a formal motion to dismiss dated August 18, 1976 are the following:

"1. There is a pending action involving the same subject matter, parties and cause.

"2. The complaint states no cause of action, plaintiffs having no personality to pursue the instant action.

"3. Defendant purchased the parcels of land involved here in good faith and for value and acquired an indefeasible title thereto.

"4. Prescription and/or laches has attached.

"5. The Court has no jurisdiction over the nature of the action or suit." (Page 82, Record.)

After an opposition was filed by private-respondent, the trial court denied the motion and the decision of the Court of Appeals under review sustained said denial.

We do not hesitate in holding that the complaint in question should have been dismissed, if only because as an action to nullify and cancel the torrens titles in dispute, it is not the proper remedy under the Land Registration Act and the jurisprudence thereunder concerning the indefeasibility of the decrees of registration on which said titles are based after one year from their issuance, which took place way back, at the latest in 1931, and as a suit for damages, it cannot prosper against herein petitioner who was not the original registrant but a mere second transferee, as evidenced by the annotation on the said titles themselves, xerox copies of which are Annexes A, B and C of the petition, apart from the fact that the cause of action for damages generally alleged in the complaint has already prescribed, the impugned titles having been issued at the latest in 1931.

Moreover, inasmuch as it is alleged in the complaint that the lands claimed by private respondent on behalf of his supposed principals are alleged to constitute part of the estate of Don Mariano San Pedro whose estate is under administration in Special Proceedings No. 312-B of the Court of First Instance of Bulacan, the suit can be filed only by the judicial administrator of that estate or another person duly authorized by the probate court. Additionally, the Court is of the considered opinion that the above-quoted supposed Appointment in favor of respondent Falcis as "Administrator-Plenipotentiary-Extraordinary" is on its face so irregular, the language and matter treated therein being obviously impossible to have been officially the act of any President of the Philippines, that it cannot and should not be given recognition by anyone, much less the courts. Private respondent Falcis has no legal personality to file the complaint in issue.

WHEREFORE, the decision of the Court of Appeals above-referred to is hereby reversed and the trial court, presided by the Hon. Leo D. Medialdea, is hereby ordered to grant herein petitioner's motion to dismiss the complaint abovementioned in Civil Case No. 23255 of that court.

No costs.

Fernando, (Chairman), Antonio, Aquino, Concepcion, Jr., and Santos, JJ., concur.

[1] "MEMORANDUM TO : All Concern

SUBJECT : Abandon Estate

DATE : December 23, 1954

Attn. : Mr. PRUDENCIO G. FALCIS

972 Bilibid Viejo St.

Quiapo, Manila

Mr. Falcis:

Effective immediately you are hereby designated and appointed as an Administrator-Plenipotentiary-Extraordinary over the property subject for expropriation now in the Lower and Upper House. This property is known as the Estate of Don Mariano San Pedro y Esteban covered by Titulo Propiedad No. 4136 dated April 25, 1894.

"You are further instructed to investigate and look into the legal heirs of said property of which portion are now being sponsored for expropriation by our government. Furtherly advise to report from time to time any results of activation to me or to my Technical Assistants concerning thereof confidentially.

"Your other assignment in Kulaman Valley, Cotabato, is hereby automatically cancelled. Please coordinate yourself to any officials I have already assigned in this case.

(SGD.)

RAMON D. MAGSAYSAY

President

Republic of the Philippines" (Page 48, Record.)

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