

PETRA HAWPIA, PETITIONER, VS. COURT OF APPEALS AND AURELIA ALTEA, RESPONDENTS.*G.R. No. L-20047. June 30, 1967*

Ponente: DIZON, J.

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Appeal by certiorari taken by Petra Hawpia from the decision of the Court of Appeals in CA-G.R. No. L-11849-R modifying that of the Court of First Instance of Quezon Province in Civil Case No. 5271 and sentencing her to pay Aurelia Altea the, sum of P13,000.00 as actual and moral damages and P4,000.00 and attorney's fees.

Briefly, the facts are the following:

On August 2, 1932 Petra Hawpia purchased Lot No. 86 of the Cadastral Survey of Atimonan, Tayabas (now Quezon) from Valeriano Neala for the sum of P490.00. The contract provided that Neala could repurchase the property within period of ten years for the same amount.

Subsequently, Hawpia filed an application with the Court of First Instance of Tayabas for the registration of said lot in her name (Cadastral Proceedings No. 63, G.L.R: Record No. 1019). In a decision rendered on December 8, 1937, the Court adjudicated the property to her, and after the decree of registration had become final, Original Certificate of Title No. 43125 in her name was issued by the Register of Deeds of Tayabas.

Subsequently, in Civil Case No. 1125 of the then Justice of the Peace Court of Atimonan, Quezon, Neala was sentenced to pay the sum of P38.36 to Jose Escaga, alias Sia Chin Ting. Having failed to satisfy the judgment, a writ of execution was issued, and pursuant thereto Neala's right to repurchase Lot No. 8610 was levied upon and sold at public auction by the Provincial Sheriff of Quezon for the sum of P490.00 on May 29, 1937 to Aurelia Altea - the Filipina common-law wife of Jose Escasa, a Chinese subject and the final certificate of sale was issued to her on June 10, 1938. The amount of P490.00 paid by Altea to the Pro-vincial Sheriff was, in turn, deposited by the latter with the Clerk of Court but was later on withdrawn by Hawpia.

Within one year from the issuance of the final decree of registration in favor of Petra Hawpia, Altea filed in the same proceedings two petitions: one, for the reopening and review of the decree, and another, for the issuance of an order requiring Hawpia to execute a deed of reconveyance of the lot in question in her favor. After due hearing, the Cadastral Court ordered the reopening of the decree of registration aforementioned and afterwards ordered the cancellation of OCT No. 43125 issued in the name of Hawpia, and the issuance in lieu thereof of TCT No. 20400 in the name of Altea. From this decision Hawpia appealed, first to the Court of Appeals and later to this Court (G.R. Nos. 48209 & G. R. No. L-952). Both appellate courts affirmed the decision of the lower court (Exhs. 9-A and 9-B).

Sometime in 1947 Jose Escasa and Aurelia Altea, who had been living together as husband and wife for 16 years and had begotten seven children, lived separately for a period of four months due to jealousy. During this period Escasa filed an action against Altea in the Court of First Instance of Quezon (Civil Case No. 476) to compel her to

reconvey the 8 parcels of land acquired by them between 1937-1946, including Lot No. 8610, all in the name of Altea, in favor of their living children Norberto, Gloria, Jose, Jr., Corazon, Fely and Zenaida, who were joined as party defendants. The complaint alleged the following among other things:

"1. Que es mayor de edad, ciudadano chino, comerciante con residencia actual en el barrio Summit, municipio de Atimonan, Quezon.

"La demandada es mayor de edad, soltera, residente actualmente en el barrio Poktol, municipio de Unisan, Quezon, donde pueda ser emplazada de esta demanda.

"2 - Que las partes en esta causa, sin haberse casado, se unieron y convivieron como marido y mujer por espacio de unos diez y seis (16) años a esta fecha, habiendo por tal motivo tenido hijos cuyos nombres son los siguientes.

"1. Ernesto Escasa, muerto y sin heredero;

"2. Norberto Escasa de 13 años de edad;

"3. Gloria Escasa de 12 años de edad;

"4. Jose Escasa, Jr. de 10 años de edad;

"5. Corazon Escasa de 8 años de edad;

"6. Fely Escasa de 6 años de edad;

"7. Zenaida Escasa de 5 años de edad.

"3, - Que durante el periodo de diez y seis -(16) años, arriba mencionado, en que las partes en esta causa convivieron, el demandante adquirió en compra las siguientes propiedades inmuebles, a saber:

x x x x x x x x

"OCTAVA PARCELAS - Una parcela de terreno cocal dubierto por el certificado de transferencia, de título No. 20400, del registro de la propiedad de esta provincia de Quezon.

El demandante adquirió dicha parcela en la subasta pública llevada a cabo por el Sheriff provincial de esta provincia por la suma de P150.00 con los gastos incidentales.

"4. - Que las propiedades descritas arriba fueron adquiridas por el demandante de su propio peculio y para sus hijos arriba nombrados, pero los documentos correspondientes se otorgaron a nombre de la demandada tanto por razón de confianza como por los motivos siguientes (a) Porque la constitución filipina no permite que los ciudadanos chinos adquieran propiedades inmuebles en estas Islas, x x x x." (pp. 2-3, Complaint, Exh. C).

Shortly after Altea had filed her answer, the parties were reconciled and lived together again. Two years after the filing of the complaint, however, a certain Atty. de Guzman prepared for Altea's signature a petition in Tagalog entitled: "Salaysay sa Juzgado" which the latter signed in the belief - as she was assured - that it was necessary to avoid further litigation. Filed in court on April 26, 1949, the document read as follows:

"Humaharap ngayong ang demandada sa asuntong ito at sa Kagalangalang ng Juzgado ay nagsasaysay:

1. Na tutoo at tinatangap niya ang lahat at bawat isa sa anim na pangkat na bumubuo ng demanda laban sa akin ni Jose Escasa, na may fecha 8 de Mayo, 1947.

2. Na pumapayag ng kusang loob na nombrahang Tutor si Jose Escasa ng mga bienes na walong (8) parcela na binabangit sa nasabing demanda, na pagaari ng aming mga anak na ang ngalan ay nababangit na sa pangkat No. 2 ng naulit na demanda.

3. Na pumapayag na sentenciahin o pasiyahan ng Kagalangalang na Juzgado ang asuntong ito susog sa kahilingan sa demanda at sa hina-harap na kasagutan, na walang costas.

Lucena, Quezon, Abril 26, 1949.

Lubos na gumagalang

(Sgd.) AURELIA ALTEA

Demandada

"Suscrito y jurado ante mi por Aurelia Altea, con certificado de residencia No. A.-3037868, expedido en Lucena, provincia de Quezon, el dia 16 Febrero, 1949, hoy a 26 de Abril, 1949.

(Sgd.) GREGORIO L. GONZALES

Escribano

JUZGADO DE PRIMERA

INSTANCIA DE QUEZON"

As consequence, judgment was rendered by the Court on May 11, 1949 declaring that the 8 lots, including Lot No. 8610 were the property in common and pro-indiviso of the seven minor children abovenamed, and should be registered in their names, and ordering Escasa to institute within 30 days the necessary guardianship proceedings.

Upon being informed by her counsel - who happened to come across the record of Civil Case No. 4763 - that Altea was merely a dummy of Escasa in the purchase of lot 8610, Petra Hawpia and her husband, Sergio Tan See, a naturalized Filipino filed on October 20, 1951 the present action (Civil Case No. 5271) in the Court of First Instance of Quezon Province against Altea and Escasa, praying for the (1) cancellation of TCT No. 20400 and (2) for the re-conveyance to them of Lot No. 8610. As ground for the action they alleged that the purchase at the auction sale of said lot by Escasa, through his common-law wife, was tainted with fraud and misrepresentation and was therefore null and void, it being furthermore violative of the provision of C.A. No. 108, as amended by C.A. No. 421 and R.A. 134 in relation to Section 5, Article XII of the Constitution.

In their answer the defendants set up the affirmative defenses of prescription and the indefeasibility of their Torrens title, and pleaded a counterclaim for damages, legitimate expenses and attorney's fees in the sum of P17,000.00.

After trial, the lower Court rendered judgment on February 24, 1953 dismissing the complaint, with costs against the plaintiffs, as well as defendants' counter-claim, for lack of merit. Both parties appealed to the Court of Appeals.

On June 18, 1962 the Court of Appeals rendered the appealed judgment, the dispositive portion of which is as follows:

"With all these circumstances, it can easily be gleaned that, indeed, plaintiffs-appellants' purpose in filing the present action was merely to harass herein defend-ants-appellants. As a consequence, defendants incurred not only actual but also moral damages, aside from attorney's fees. We, therefore, sentence plaintiffs-appellants to pay defendants-appellant the sum of P13,000.00, as actual and moral damages and the further sum of P4,000.00 as attorney's fees.

"WHEREFORE, except as above modified the judgment appealed from is hereby affirmed, with costs against plaintiffs appellants."

In support of her appeal, petitioner raises the following questions: (1) that the Court of Appeals erred in not declaring that Lot No. 8610 of the Cadastral Survey of Atimonan, province of Quezon, was bought by Jose Escasa and that the latter being then a Chinese citizen, the transaction was null and void; (2) that, as a consequence, it also erred in not ordering Jose Escasa, Aurelia Altea and their children to reconvey said lot to petitioner; and lastly, that the Court of Appeals erred in sentencing petitioner to pay damages to Aurelia Altea.

Upon the facts stated heretofore, We find the present appeal to be without merit.

Petitioner's theory is that while Aurelia Altea appeared to be the highest bidder at the auction sale of lot 8610, the real purchaser was her common-law husband Jose Escasa, and that whatever donation is claimed to have been intended in favor of their children was a mere subterfuge to go around the constitutional prohibition against the acquisition of agricultural lands by aliens. The Court of Appeals, however, held - and with this we agree that petitioner utterly failed to prove this contention by substantial evidence.

Moreover, as stated above, as a result of the petitions filed by Aurelia Altea in Cadastral Case No. 63, G.L.R.O. Record No, 1019, the Court of First Instance of Quezon Province reopened the registration proceedings and, after hearing the parties, ordered the cancellation of Original Certificate of Title No. 43125 issued in the name of petitioner Petra Hawpia and ordered the issuance, in lieu thereof, of a transfer certificate of title over the same property in favor of Aurelia Altea, to whom in fact Transfer Certificate of Title No. 20400 was thereafter issued. From said decision petitioner appealed to the Court of Appeals where the decision was affirmed. Not yet satisfied, petitioner appealed to us, but we, likewise affirmed the decision rendered by the Court of Appeals. It is, therefore, inevitable that we must accept the fact that the lot already referred to was purchased by and belonged to Aurelia Altea, although it was subsequently transferred to her children.

In connection with the portion of the judgment under review sentencing herein petitioner to pay damages, it appears that aside from the case at bar, petitioner, with blind persistence, had filed case after case and complaint after complaint against Aurelia Altea and her common-law husband. Among others, she filed the following cases against them: Criminal Case No. 11153 in the Court of First Instance of Quezon; Criminal Case No. 5836 of the Court of First Instance of Quezon; Criminal Case No. 5898 of the same Court; Criminal Case No. 121 of the Municipal Court of Atimonan, Quezon Province; Criminal Case No. 1125 of the Court of First Instance of Quezon; Criminal Case No. 11025 of the same Court, later on elevated to the Court of Appeals as G. R. No. 12844-R. Not a single case, among those enumerated, prospered. That petitioner harassed and embarrassed Aurelia Altea in particular and thereby made her suffer actual damages and moral suffering and anxiety is, therefore, beyond doubt.

WHEREFORE, the decision appealed from being in accordance with law and the evidence, the same is affirmed, with costs.

Concepcion, C.J., Reyes, J.B.L., Makalintal, Bengzon, J.P., Zaldivar, Sanchez, and Castro, JJ., concur.

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