

PEDRO RALLA, PETITIONER-APPELLANT, VS. PABLO RALLA, CARMEN MUÑOZ AND REGISTER OF DEEDS OF ALBAY, RESPONDENTS-APPELLEES.*G.R. Nos. L-25624-31. June 22, 1968*

Ponente: SANCHEZ, J.

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The jurisdictional issue is this: May a first instance court sitting in cadastral proceedings annul certificates of title issued upon a deed of sale in favor of the vendees who obtained their vendor's titles to the lands sold - from the court who had custody thereof in a partition case - for safe-keeping and upon the condition that said vendor's titles "are made available at any time to the Court," and who, in violation of such trust presented said vendor's titles to the Register of Deeds, to procure registration of their said deed and obtain the Torrens titles in their names? That court itself resolved the question in the negative.

Hence, this appeal.

Petitioner invokes Section 112 of Act 476. The eight petitions themselves, all filed on May 10, 1965, are separately entitled and docketed to correspond to the original cadastral cases[1] in compliance with the last paragraph of Section 112. Said petitions, except for the designated cadastral lot numbers and their corresponding Torrens titles, contain identical averments. Since the eight petitions were dismissed below upon respondents' motion to dismiss, perforce, we must look into the petitions' factual averments. And these are that:

Original owners of the 113 lots each covered by original certificates of title issued in eight different cadastral cases were the spouses Rosendo Ralla and Paz Escarella.[2] Petitioner Pedro Ralla and respondent Pablo Ralla are heirs of said deceased spouses. The estate of Rosendo Ralla is under settlement in Special Proceedings 564, Court of First Instance of Albay, entitled "In the Matter of the Testate Estate of the Deceased Rosendo Ralla"; the estate of Paz Escarella, upon the other hand, is the subject of partition proceedings in Civil Case 2023 of the same court, labeled "Partition of Estate". The estate of Rosendo Ralla is under judicial administration; that of Paz Escarella is under receivership.

In the course of the proceedings in both testate estate and partition cases, respondent Pablo Ralla came to know that the purported deed of sale executed in his favor by his deceased father Rosendo Ralla covering, inter alia, the 113 parcels of land, alleged by petitioner Pedro Ralla to form part of the two estates, would not bind the property unless his document is registered.

In those two proceedings, the owners' duplicates of the original certificates of title were presented and offered in evidence in court. But the originals of said certificates of title were lost. So the receiver in Case 2023 was ordered to reconstitute the same and for the purpose was authorized to use the owners' duplicates hereof.

Came respondent Pablo Ralla with a petition dated August 28, 1963 in the partition case (Case 2023) that he be authorized to withdraw the owners' duplicates of the titles, purportedly for safekeeping with the promise "to

produce them when demanded by the Court." Pablo's reason was that they might be lost, destroyed or misplaced while in the court's custody. This drew an opposition from petitioner Pedro Ralla who entertained the fear that respondent Pablo Ralla while in custody thereof might tamper with or make use of the same to register the deed of sale in his (Pablo's) favor. Petitioner's opposition was - on September 3, 1963 - overruled; Pablo's motion was granted. Reconsideration was denied. In consequence, the owner's duplicates of the titles to the 113 lots were turned over to Pablo Ralla.

Petitioner made it abundantly clear before the cadastral court in the petitions therein that in both Special Proceedings 564 and Civil Case 2023 aforesaid, he has impugned the validity of the alleged deed of sale executed by his father, Rosendo Ralla, in favor of his brother, respondent Pablo Ralla. Because, that deed was "fraudulent, simulated, fictitious and without consideration, it having been made to deprive him (Pedro Ralla) of his successional rights, interest and participation over the said property."

Instead of merely keeping in his custody the owner's duplicates of the certificates of title entrusted to him and to make them available at any time to the court as specified in the court's order in the partition case (2023), so the petitions below continue, respondent Pablo Ralla without court authority "made the reconstitution of the titles to get ahead of the receiver in reconstituting them." It was said that this was done with fraudulent intent "to give efficacy to the validity of the deed of sale adverted to so as to bind the land."

Once in possession of the owners' reconstituted titles and without the court authority, respondent Pablo Ralla "surreptitiously caused the cancellation" thereof and procured new Torrens titles to the 113 lots "in his name and of his wife, the respondent, Carmen Muñoz."

The Register of Deeds was made party respondent to the eight petitions upon the averment that, at the time the disputed deed of sale was registered in his office, he had full knowledge of the fact that the properties covered by the certificates of title in question were "being litigated in Court".

The eight petitions wound up with the prayer that the cancellation of the original certificates of title as well as the issuance in lieu thereof of new titles in favor of respondents Pablo Ralla and Carmen Muñoz be declared null and void, and that the original Torrens titles be restored.

The cadastral court - on June 11, 1965 - dismissed the petitions. Because, in the court's own words, said petitions involve "issues which are litigious and hence outside of the limited jurisdiction of this court to hear, try and decide."

The problem posed calls for the application of paragraph 1, Section 112 of Act 496 relied upon by petitioner, thus

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"SEC. 112. No erasure, alteration, or amendment shall be made upon the registration book after the entry of a certificate of title or of a memorandum there-on and the attestation of the same by the clerk or any register of deeds, except by order of the court. Any registered owner or other person in interest may at any time apply by petition to the court, upon the ground that registered interests of any description, whether vested, contingent, expectant, or inchoate, have terminated and ceased; or that new interests have arisen or been created which do not appear upon the certificate; x x x or upon any other reasonable ground; and the court shall have jurisdiction to hear and determine the petition after notice to all parties in interest, and may order the entry of a new certificate, the entry or cancellation of a memorandum upon a certificate, or grant any other relief upon such terms and conditions, requiring security if necessary, as it may deem proper; Provided, however, That this section shall not be construed to give the court authority to open the original decree of registration, and that nothing shall be done or ordered by the court which shall impair the title or other interest of a purchaser holding a certificate for value and in good faith, of his heirs or assigns, without his or their written consent."

We draw enlightenment from judicial construction long respected that relief under Section 112 just cited may be granted if there is unanimity amongst the parties; or, in case of opposition, no serious adverse claim or serious objection on the part of an interested party affecting the subject matter of the petition.[3] Considered serious enough to warrant dismissal of the petition under Section 112 is the question involving ownership of or title to real property.[4]

From our viewpoint, there is no necessity for the cadastral court to pass upon the question of the Validity of the alleged sale by Rosendo Ralla in favor of Pablo Ralla. The point we want to drive home is that the higher interests of justice demand that - given the testate estate proceeding covering the estate of Rosendo Ralla and the partition proceeding covering that of Paz Escarella - none of the parties should be allowed to take advantage of the other. Prior to the registration of that deed of sale, Pedro Ralla and respondent spouses Pablo Ralla and Carmen Muñoz were on the same footing. That was disturbed by the registration. Why? Obviously, Pablo Ralla could take advantage of the titles appearing in his name and that of his wife to the detriment of the interest of Pedro Ralla. Really, if those Torrens titles were to remain as they are now, Pablo Ralla and Carmen Muñoz would be placed at a distinct advantage over Pedro Ralla. They will, for instance, enjoy the presumption of legitimate ownership of the 113 lots because of the Torrens titles. Worse, proliferation of court cases may result. Such a changed situation of the parties brought about by registration is utterly unfair.

Courts are not powerless to fashion a remedy. Equitable considerations require that the status quo ante be restored. All that is required is proof that the owner's duplicates of the original Torrens titles were delivered by the court to Pablo Ralla in trust for safekeeping, and to produce them when required by the court.

For the reasons given, the order of June 11, 1965 is hereby reversed; and -

We, accordingly, order: (1) that the cadastral court make an inquiry to ascertain the fact averred in the petition, to wit: whether or not the owner's duplicates of the original certificates of title presented and offered in evidence in Special Proceedings No. 564 (Testate Estate of the deceased Rosendo Ralla) and/or in Civil Case No. 2023 (Partition of Estate of Paz Escarella) were entrusted to respondent Pablo Ralla for safekeeping with the obligation to produce them when demanded by the court; and (2) upon an affirmative finding, that the said cadastral court direct respondent Register of Deeds (a) to cancel the Torrens titles in the names of the spouses Pablo Ralla and Carmen Muñoz, and (b) to reinstate the original Torrens titles in the names of Maria Madrid and Rosendo Ralla and Paz Escarella; or, otherwise, to dismiss the petitions herein.

Cost against respondents Pablo Ralla and Carmen Muñoz.

SO ORDERED.

Concepcion, C.J., Reyes, J.B.L., Dizon, Makalintal, Zaldivar, Castro, Angeles, and Fernando, JJ., concur.

[1] Cadastral Cases Nos. M-5061, M-5063, M-5064, M-5066, M-5067, M-5069, M-5070, and M-5072.

[2] The titles themselves appear in the names of Maria Madrid (said to be the mother of Rosendo Ralla, petitioner's brief, p. 5) and the spouses Rosendo Ralla and Paz Escarella.

[3] Garcia vs. Belzunce, 84 Phil. 802, 804-805; Nicolas Lizares & Co., Inc. vs. Tan, 85 Phil. 159, 161-162; Cabangcala vs. Domingo, 96 Phil. 124, 126; Lagula vs. Casimiro, 98 Phil. 102, 106; Enriquez vs. Atienza, 100 Phil. 1072, 1077-1078; Caoibes vs. Sison de Martinez, 102 Phil. 19, 30-31; Angeles vs. Razon, L-13679, October 26, 1959; Rehabilitation Finance Corporation vs. Alto Surety & Insurance Co., Inc., L-14303, March 24, 1960; Government vs. Laperal, L-14228, June 30, 1960 and cases cited; Almirañez vs. Devera, L-19496, February 27,

1965.

[4] Angeles vs. Razon, *supra*; Lagula vs. Casimiro, *supra*; Almirañez vs. Devera, *supra*.

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