

SOLEDAD DE G. CRISOLO, IN HER BEHALF AND AS GUARDIAN OF NOEL CRISOLO, PETITIONER, VS. THE HONORABLE COURT OF APPEALS AND ALBERTA REINOSO, AS GUARDIAN OF PELAGIO REINOSO, RESPOND...

G.R. No. L-33093. December 29, 1975

Ponente: ESGUERRA, J.

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ESGUERRA, J.:

Petition for review on certiorari of the decision of the Court of Appeals in its CA-G.R. No. 3S422-B, setting aside the order of the trial court of May 13, 1966, denying the petition for review of private respondent Alberta Reinoso, as guardian of Pelagio Reinoso, in Land Registration Case No. A-154, LRC Record No. N-23728, and ordering the remand of the case to the trial court (Court of First Instance of Pangasinan, Branch VII) for further proceedings under Section 38 of Act No. 496.

The uncontroverted facts of the case as found by the Court of Appeals are, more or less, as follows:

"On August 20, 1965, judgment was rendered by the Court of First Instance, Branch VII, of Pangasinan, ordering the registration of Lots 1 and 2, Plan Psu-189357, Exhibit A, situated in the Poblacion of Mabini, Pangasinan, and more particularly bounded and described in the technical descriptions (Exhibits B and B-1) in the name of applicant spouses, Pedro C. Crisolo and Soledad de G. Crisolo. On September 20, 1965, the court ordered the issuance of the Decree, followed three months later by writ of possession in favor of the spouses.

"On February 15, 1966, within one year from the issuance of the decree, Alberta Reinoso, as guardian of her brother Pelagio who was allegedly confined in the National Psychopathic Hospital filed a Petition for Review under Section 38 of Act 496. Among the allegations of the petition are the following:

4. That sometime in 1952, the applicants herein, Pedro Crisolo and Soledad de Guzman, taking advantage of the insanity and incapacity of said Pelagio Reinoso by means of brazen and actual fraud induced and/or caused Pelagio Reinoso to sign a Deed of Exchange whereby the above-described property was exchanged for defendants' property x x x.

5. That in pursuance of the fraud attendant at the time said Deed of Exchange was executed, the applicants never delivered the possession of the property described under par. 4 hereof to herein guardian not to any representatives of incompetent Pelagio Reinoso;

6. That while Pelagio Reinoso was confined in the National Psychopathic Hospital, the applicants herein instituted a Land Registration case numbered and docketed in this Honorable Court as LRC No. 154 and were able to obtain a decree therefor, based on the fictitious and fraudulent Deed of Exchange referred to, a copy of which is hereto attached as Annex "B" and also made integral part of this petition.

"Acting on the foregoing petition, the lower court, considering applicants' opposition and the respective memoranda of the contending parties, issued the order of May 13, 1966 finding no merit in the petition for review and denying the same. From the adverse order of May 13, 1966, Alberta Reinoso filed the instant appeal. In the

meanwhile, the demolition of the house belonging to oppositor Alberta Reinoso on the land in controversy was stayed until further orders in view of the instant appeal.

"In attacking the order of the lower court denying the petition for review of decree, appellant has ascribed four errors which may be boiled down to the question of whether the lower court erred in denying the petition for reopening."

While the appeal was pending in the Court of Appeals, herein petitioner filed therein a Motion to Remand the Case to the Supreme Court, claiming that the appeal involves purely questions of law and, therefore, falls within the exclusive jurisdiction of the Supreme Court. (Annex "A". Petition for Review on Writ of Certiorari, p. 1 of Rollo). The Court of Appeals, nevertheless, on November 11, 1970, rendered the decision now subject of this instant petition for certiorari, the dispositive portion of which reads as follows:

"WHEREFORE, the order dated May 13, 1966, is hereby set aside and the case remanded to the trial court for further proceedings under Section 38 of Act No. 496. No pronouncement as to costs."

From the aforementioned decision, after a motion for reconsideration had been denied, herein petitioner interposed this appeal for review and reversal thereof.

Petitioner herein ascribes four errors which, however, boil down to two (2) main issues, as follows:

- I. Whether or not the appeal in question is within the jurisdiction of the respondent Court of Appeals; and
- II. Whether or not an oppositor in a land registration case, after having abandoned his opposition thereto and a decision and a decree had been issued in the case, is entitled to a reopening of the decree of registration by means of a petition for review under Section 38 of Act 496.

The second issue is certainly the primordial question to be resolved in the instant petition for certiorari and on it hinges the determination of this appeal.

Petitioner herein avers that during the hearing of the petition for review or reopening of the decree of registration no oral or documentary evidence was presented by private respondent Reinoso to prove the grounds alleged by him in said petition; that no affidavit of merits was submitted or attached to the petition for review; that no question of fact was decided by the lower court in its order of May 13, 1966, denying the petition and which was the subject of appeal to the Court of Appeals; that the issues involved in the petition for review and/or to reopen are the same legal issues involved in the instant appeal which are, (1) whether or not Pelagio Reinoso is entitled to a review or reopening of the decree of registration, considering that he was a party oppositor in the original land registration case; (2) whether or not the intrinsic fraud alleged in the petition for review is a good ground for the reopening of the decree of registration; (3) whether or not fraud which is merely alleged and not proved, can be a valid ground for the reopening or review of a decree of registration (P. 8, Brief for the herein petitioner-appellant); and that the aforesaid issues involve purely questions of law and hence are within the exclusive appellate jurisdiction of the Supreme Court.

Petitioner contends that Pelagio Reinoso, the ward of respondent Alberta Reinoso, for whose benefit the petition for review and/or to reopen was filed, announced his opposition during the initial hearing of the original land registration proceedings, duly assisted by his counsel, Atty. Orlando Catalan, on September 2, 1963 and was given 15 days within which to formalize his opposition in writing (P. 1, Decision of the lower court dated 20 August, 1965, pp. 26-30, ROA); that Pelagio Reinoso failed to formalize in writing his announced opposition within the period given him by the trial court and so his opposition was ordered dismissed; that private respondent was, therefore, afforded his day in court to prove his right to the land subject of registration but forfeited the opportunity given him by sleeping on his rights; that the persons contemplated in Section 38 of Act 496, who are

entitled to a review of a decree of registration, are those who had had no opportunity to be heard in the original land registration case and/or had not been party oppositors therein; and that the private respondent should not be given another day in court for he had been so afforded once but forfeited it through his own negligence.

Petitioner further maintains that the fraud alleged in the petition for review of the decree of registration, which allegedly consisted in the taking advantage of the alleged insanity of Pelagio Reinoso by herein petitioner in securing the execution of the deed of exchange of properties by and between the petitioner and the private respondent-ward, was not proved; that no iota of proof on this matter was ever presented by private respondent; and that, consequently, in order that a decree of registration may be set aside and ordered reopened, the allegation of fraud must firstly be duly established by proper evidence.

— I —

While it is true that the question as to whether any particular transaction shows fraud or not is a question of fact (Grey Alba, et al. vs. De la Cruz, No. 5246, September 16, 1910, 17 Phil. 49, 58), yet the question raised on appeal, according to the very decision of the respondent Court of Appeals itself, is "the question of whether the lower court erred in denying the petition for reopening" on the ground that the defense of fraud, which consisted of the alleged nullity of the deed of exchange, was available to the private respondent during the proceedings in the original land registration case, but was never availed of when he abandoned his opposition to the registration of the land involved. Under the circumstances of the case the aforementioned question elevated to the Court of Appeals certainly involves purely a question of law and therefore beyond jurisdiction of the Court of Appeals.

We have held in numerous cases that a question of law is one which does not call for an examination of the probative value of the evidence presented by the parties-litigants. There is a question of law when the doubt or difference of opinion arises as to what is the law on a certain state of facts. And, consequently, there is a question of fact when the doubt or difference arises as to the truth or the falsehood of the alleged facts. (Ramos, et al. vs. Pepsi-Cola Bottling Co. of the P.I., et al., L-22533, February 9, 1967, 19 SCRA 289; Goduco vs. C.A., L-17647, February 28, 1964, 10 SCRA 275; Yupangco & Sons, Inc. vs. Commissioner of Customs, L-22259, January 19, 1966, 16 SCRA 1; Butuan Sawmill, Inc. vs. C.A., L-20601, February 26, 1966, 16 SCRA, 277; Salazar vs. de Castrodes, et al., L-25949, May 22, 1969, 28 SCRA 299). The question raised on appeal to the Court of Appeals being one of law, the same falls squarely within the exclusive appellate jurisdiction of this Court. The law on this score is clear as provided in Section 17 of the Judiciary Act of 1948, to wit:

"SEC. 17. Jurisdiction of the Supreme Court. — x x x

"The Supreme Court shall have exclusive jurisdiction to review, revise, reverse, modify or affirm on appeal, certiorari or writ of error, as the law or rules of court may provide, final judgments and decrees of inferior courts as herein provided, in —

"xxx xxx xxx

"(6) All other cases in which only errors or questions of law are involved."

This Court has always been a stickler for consistency in the judicious application of the laws of the land and shall continue exerting its efforts towards this end in order to attain maximum efficiency and decorum in all courts, which under the present Constitution, are now under the administrative supervision and stewardship of this Court. What the Court of Appeals should have done was to certify the appeal to this Court for final disposition on its merits. Its failure to do so is indeed unfortunate, to say the least, as further delay was incurred in the disposition of this case.

II

On the primary question of whether or not an oppositor, after abandoning his opposition in a land registration case and after a decision had been rendered and a decree of registration issued thereunder, is entitled to a reopening of the proceedings by means of a petition for review based on fraud under Section 38 of Act 496, We are of the opinion that he is not so entitled.

The record shows that private respondent had been duly afforded the opportunity to object to, the registration and substantiate the same. The decision of the lower court dated August 20, 1965, (pp. 26-30), ROA) categorically states:

"Arty. Orlando Catalan, also appeared to announce the opposition of Pelagio Reinoso and his children, Alberta Reinoso and Brigido Reinoso. This announced oppositions refer to both lots of the application. The oppositors were given 15 days to submit their announced opposition in writing. The records show that the oppositors Alberta Reinoso and Brigido were the only ones who have perfected their opposition. During the hearing on March 5, 1964, upon motion by the counsel for the applicants, the announced opposition of the oppositors Pelagio Reinoso and his children were considered abandoned."

The person(s) contemplated under Section 38 of Act 496, to be entitled to a review of a decree of registration, are those who were fraudulently deprived of their opportunity to be heard in the original registration case. Such is not the situation of the private respondents here. They were not denied their day in court by fraud, which the law provides as the sole ground for reopening of the decree of registration. In fact they opposed the registration but failed to substantiate their opposition. In *Salomon, et al. vs. Bocauto, et al.*, No. 47900, March 15, 1941, 71 Phil. 363, 365, a petition for review of a decree of registration was, among other grounds, properly denied for "both petitioners had notice of the original registration proceedings, but failed to put up any claim and to show title in themselves."

Mere allegation of fraud is not enough. Specific, intentional acts to deceive and deprive another of his right, or in some manner injure him, must be alleged and proved. There must be actual or positive fraud as distinguished from constructive fraud to entitle one to the reopening of a decree of registration. And it must be extrinsic and not intrinsic fraud. (*Grey Alba vs. De la Cruz*, supra, 17 Phil. 49, 57). This is necessary to maintain the stability of judicial decisions and save the precious time of the courts from being wasted by unnecessary proceedings. Otherwise, We will be opening the floodgate of delay in the disposition of cases and thus contributing to the perennial problem of the clogging of court dockets. No premium should be given to sheer negligence of parties, otherwise we will encourage delay in the administration of justice.

WHEREFORE, the decision of the Court of Appeals dated November 11, 1970, is reversed and set aside. The judgment of the trial court of May 13, 1966, denying the petition for review and/or to reopen decree of registration in Land Registration Case No. A-154, LRC Reg. No. 23728, is hereby ordered reinstated and affirmed, without prejudice to whatever right, if any, that may still be availed of under existing law by the private respondent.

Costs against private respondent.

SO ORDERED.

Makasiar, Muñoz Palma and Martin, JJ., concur.

Teehankee (Actg. Chairman), J., concurs in the result.

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