

**HEIRS OF AGUSTINA BAGANO, NAMELY: IRENEO SECRETARIA,
LUCIA S. VILLANUEVA, RODRIGO SECRETARIA, JR.,
PLAINTIFFS-APPELLANTS, VS. SPOUSES PRISCO DIAO AND CRISTITA
T. DIAO, HEIRS OF ...**

Ponente: LAGURA-YAP, J.

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LAGURA-YAP, J.:

Before Us in an Appeal[1] from the July 15, 2008 Judgment[2] of the Regional Trial Court (RTC), Branch 6 of Cebu City in Civil Case No. CEB-21299, the dispositive of which reads as follows:

“WHEREFORE, judgment is hereby rendered dismissing the (plaintiffs-appellants) complaint against the (defendants-appellees) Prisco and Cristita Diao, Anacleto and Josephine Bana-ay, Andres and Olivia Mojar, and Juanito R. Cortes, Jr., with costs against the (plaintiffs-appellants). The said (defendants-appellees) counterclaims are likewise dismissed.”

The appeal prays that We set aside the judgment appealed from and render a new one, declaring the plaintiffs-appellants as owners of the undisposed portion of 1,119 square meters, and ordering the defendants-appellees Spouses Prisco and Cristita Diao, Spouses Anacleto and Josephine Bana-ay, and Spouses Amores and Olivia Mojar to return the disputed portion to the plaintiffs-appellants.

THE ANTECEDENTS

The instant case was commenced on December 8, 1997 by a Complaint for “Declaration of Nullity of OCT 176, Recovery of Possession and Ownership of Lot No. 1422-T, etc.”[3] filed before the RTC by plaintiffs-appellants, Heirs of Agustina Bagano, namely Ireneo Secretaria, Lucia S. Villanueva, Dennis Secretaria and Rodrigo Secretaria, Jr. against the original defendants, Spouses Prisco Diao, Cristita Diao, Filomena S. Campanilla and Rene Campanilla, Spouses Anacleto Bana-ay, and Josephine Bana-ay, Juanito Cortes, Gloria Blanco, Uldarico and Rosita Antig, and Spouses Amores and Olivia Mojar.

On April 26, 1999, the RTC, upon motion of plaintiffs-appellants,[4] issued an Order, striking out the name of Filomena Campanilla as defendant. In the same order, Gloria Blanco was also dropped as defendant and in her stead, the Philippine National Bank (PNB) was impleaded as new defendant.[5]

On April 5, 2001, the original complaint was amended for the first time.[6] The PNB was named defendant in lieu of Gloria Blanco, and the Heirs of Rene Campanilla were substituted for Rene Campanilla who died on May 4, 2000.[7]

On January 9, 2002, the complaint was again amended, and this time, defendant Philippine National Bank was replaced by the Spouses Marietta and Conrado Diaz.[8] The Second Amended Complaint[9] alleged as follows:

The plaintiffs-appellants are the legal heirs of Agustina Bagano who died intestate on January 15, 1945. Agustina Bagano was the owner and possessor of Lot No. 1442-T with an area of 1, 943 square meters, more

or less. Lot No. 1442-T was carved out from Lot No. 1442, which had an Original Certificate of Title issued, pursuant to decree No. 4666[10] dated October 10, 1910. Lot No. 1442 was covered by Decree No. 4666 issued on October 10, 1910. The original copy and the owner's copy of Transfer Certificate of Title of Lot No. 1442-T were lost during World War II. The title had not been transferred to any heirs or persons, thus, until now, it remains registered in the name of Agustina Bagano. Agustina Bagano had only one child, Felicidad Bagano Traya, who predeceased her on November 15, 1940. Felicidad Bagano Traya was married to Juanito Secretaria, with whom she had three children, namely: Ireneo Secretaria, Lucia Secretaria Villanueva and Rodrigo Secretaria, Sr. who is deceased, had two children, namely: Rodrigo Secretaria, Jr. and Dennis Secretaria.

Upon the death of Agustina Bagano, her legitimate heirs Rodrigo Secretaria, Sr., Ireneo Secretaria and Lucia Secretaria Villanueva inherited all her properties including Lot No. 1442-T. When Rodrigo Secretaria, Sr. died on November 9, 1996, his two children inherited all his properties, including his interest in Lot 1442-T. On April 4, 1961, Rodrigo Secretaria, Ireneo Secretaria and Lucia Secretaria Villanueva sold a 174 square meter portion of Lot No. 1442-T in favor of spouses Luis and Francisca Gloria. On May 22, 1961, Rodrigo Secretaria, Sr., Ireneo Secretaria, and Lucia Secretaria Villanueva sold another portion consisting of 579 square meters of Lot No. 1442-T to Anastacio Campanilla. The total land area sold was therefore 753 square meters, leaving 1,119 square meters to the plaintiffs. Plaintiffs-appellants have not sold any portion of the remaining area. A petition for reconstitution was filed before the Court of First Instance, 4th Branch, Cebu City but it was denied by the court on June 24, 1963. Despite the denial thereof, on January 11, 1965, Petronio and Flora Gica, Prisco and Cristita Diao, Anastacio and Filomena Campanilla, Francisco and Belen Gica, and Gloria Gica filed an application/petition for registration of title of said lot with the Court of First Instance, 3rd Branch, bringing the said lot under the operation of the Land Registration Act for the second time. On November 29, 1965, the court granted their petition. Despite the opposition to the November 29, 1965 order by the Commissioner of Land Registration Commission and a manifestation of the land Register of Deeds of Cebu that Lot 1442 had been subdivided and titles were issued to the sub-lots, the Court issued subsequent orders dated January 22, 1966 and September 27, 1967,[11] forcing the Commissioner to issue Decree No. N-177382 on November 7, 1967 on Land Registration Case No. N-601, LRC Record No. N-27713. Accordingly, on December 18, 1967, the Land Registration Commission issued Original Certificate of Title No. 176.[12]

From OCT 176 was derived all the subsequent Transfer Certificates of Title (TCT) issued on Lot 1442-T, and the said TCTs are now in the names of the following defendants-appellees, who allegedly own portions of the land, as follows:

Title No. 40444, Lot No. 1442-T-1 with an area of 110 sq. meters in the names of Prisco Diao and Cristita Diao;[13]

Title No. 154991, Lot No. 1442-T-2 with an area of 47 sq. meters in the names of spouses Marietta Diaz and Conrado Diaz;

Title No. 106949, Lot No. 1442-T-3 with an area of 577 sq. meters in the names of Filomena S. Campanilla;[14]

Title No. 129787, Lot No. 1442-T-4 with an area of 174 sq meters in the name of Spouses Anacleto Bana-ay and Josephine Bana-ay;[15]

Title No. 12229, Lot No. 1442-T-5 with an area of 169 sq. meters in the name of Juanito R. Cortes, Jr.;[16]

Title No. 56968, Lot No. 1442-T-6 with an area of 182 sq. meters in the name of Uldarico Antig and Rosita Antig;[17] and

Title No. 106778, Lot No. 1442-T-7 with an area of 684 sq. meters in the name of spouses Andres Mojar and Olivia Mojar.[18]

Upon discovery of this unlawful act, the plaintiffs-appellants confronted and demanded the return of ownership of the lot but the defendants refused. The case was brought to Barangay Sambag for settlement and conciliation but to no avail. Hence this present action xxx with the prayer that a decision be rendered in favor of the plaintiffs-appellants, declaring the Original Certificate of Title No. 176, its subsequent transfer of certificate of title as null and void and ordering the Register of Deeds of Cebu City to cancel said title and its subsequent transfer; declaring plaintiffs-appellants Lucia Villanueva, Ireneo Villanueva 1/3 share each and Dennis and Rodrigo, Jr. 1/6 share each as the rightful owners and possessors of Lot 1442-T with respect to the undisposed portion of 1,119 sq. meters more or less; and ordering defendants-appellees Spouses Frisco Diao and Cristita Diao, Juanito R. Cortes, Jr., Spouses Uldarico Antig and Rosita Antig, and Spouses Andres Mojar and Olivia Mojar to return their possession and ownership of the Lot in question to plaintiffs-appellants.

To counter the complaint, defendants-appellees separately filed their respective answers, viz:

Defendants-appellees Spouses Prisco Diao and Cristita T. Diao, narrated in their Answer the history of their ownership over their claimed portion.[19] They alleged that sometime on January 11, 1965, they, together with other applicants, filed an Application for Registration of Lot 1442-T in LRC No. 601, LRC Record No. N-27713, entitled "Petronio M. Gica, et.al." at the CFI, 3[rd] Branch, which thereafter found in its November 29, 1965 Decision as follows:

1. That Lot No. 1442-T originally belonged to Agustina Bagano, who died and was survived by her heirs, Rodrigo, Ireneo and Lucia, all surnamed Bagano;
2. That the said heirs partitioned the property among themselves, which was approved by the probate court;
3. That Lot No. 1442-T-1-A-3, with an area of 124 sq meters, was later sold to defendant Francisco Diao who purchased it from the spouses Herminigildo Trazo and Adelaida Mancalos, who in, turn, had earlier acquired it from the original owners; and
4. That the spouses Prisco A. Diao and Cristita T. Diao were therefore the owners of Lot No. 1442-T-1-A-3 with an area of 124 sq. meters and were entitled to confirmation of their titles.

Defendants-appellees Spouses Diao averred that as a consequence of the November 29, 1965 Decision, Decree No. N-117382 was issued and pursuant thereto, Transfer Certificate of Title No. T-40444 was issued to them. The plaintiffs therefore have no cause of action against them because they have been in open, public and adverse possession for more than 30 years, and thus the complaint is barred by prescription, estoppel and laches.

The defendants-appellees Spouses Conrado and Marietta Diaz alleged in their Answer[20] that TCT No. 154991 covering Lot No. 1442-T-2 had been legally issued in their favor as purchasers for value and in good faith. They bought the lot on November 16, 1999 from Clarita Guillena, who purchased it from the Philippine National Bank (PNB). They claim that they have never met plaintiffs-appellants and have been in peaceful, public, open and continuous possession in concept of true owners of the land in question for more than 10 years. The complaint is therefore barred by prescription or laches, and is moreso dismissible for the reason that the condition precedent for filing a claim under the Katarungang Pambarangay Law has not been complied with.

In their Answer,[21] the defendants-appellees Spouses Anacleto Bana-ay and Josephine Bana-ay averred:

1. That in 1963, Rodrigo Secretaria, heir of Agustina Bagano, filed a Petition for the Reconstitution of the Transfer Certificate of Title supposedly covering Lots 1442-E and 1442-T. The said petition was however dismissed for lack of proof that his predecessor, Agustina had title to the land.
2. That sometime on January 11, 1965, the Spouses Luis P. Gloria and Francisca Gloria, together with other applicants, filed an application for registration of Lot 1442-T in LRC No. N-601, LRC Rec. No. N-27713,

entitled "Petronio N. Gica, et. al. The court found therein that Lot 1442-T originally belonged to Agustina Bagano, but that upon her death, it was partitioned, and the portions were sold by the heirs, Rodrigo, Ireneo and Lucia, in favor of the Spouses Luis and Francisca Gloria, among others. Judgment was therefore rendered by the said court on November 29, 1965 in favor of the applicants and the spouses Luis and Francisca Gloria were declared owners of Lot 1442-T-1-B-4 and 1442-T-1-A-1 with an area of 63 sq meters and 111 sq meters of their respective titles.

3. That on June 14, 1967, the Commissioner of Land Registration reported to the CFI Branch III that the November 29, 1965 Order in LRC Case 601, LRC Record N-27713 had already been decided but the final decree of registration was yet pending issuance. The applicants submitted a Certified Copy of the Order of the CFI Branch IV dated June 4, 1963 which dismissed the 1963 Petition for Reconstitution of Rodrigo Secretaria and on that strength, the CFI Branch III ordered the issuance of Decree No. N-117382 over lot 1144-declaring all the applicants, including spouses Gloria, owners in fee simple of the same lot. Pursuant to the said decree, a Certificate of Title was issued on February 22, 1968.

4. That on August 13, 1991, Francisca Gloria, the surviving spouse and sole heir of Luis Gloria, executed an Extrajudicial Adjudication of the Estate of Luis Gloria with a Deed of Sale in favor of defendants-appellees Spouses Anacleto Bana-ay and Josephine Bana-ay. The deed ceded and transferred to spouses Bana-ay Lot No. 1442-T-4 for which they were issued TCT No. 129787.

5. That based on the foregoing, plaintiffs-appellants have no cause of action against them. And granting that a cause of action exists, the same is barred by prescription, estoppel and laches as they, through their predecessors-in-interest, have been in open, public and adverse possession of the property for more than 30 years.

The defendants-appellees Heirs of Spouses Rene and Filomena Campanilla alleged in their Answer[22] that their predecessor-in-interest was a legitimate buyer in good faith of Lot 1442-T-3 covered by TCT No. 106949. They adopted en toto all special and affirmative defenses contained in the answer of defendants-appellees Spouses Bana-ay and the allegations in the answer of defendants-appellees Antig. They prayed for the dismissal of the complaint.

Defendant Juanito Cortes, Jr., in his Answer[23] denied all the allegations in the complaint and alleged that he was a buyer in good faith and for value of Lot No. 1442-T-5 which was previously registered and declared under the name of Spouses Francisco Cubelo and Maxima B. Cubelo under TCT No. 40449. He bought the 169 sq. m. lot on March 16, 1971 and was issued TCT No. 122229 by the Registry of Deeds of Cebu City. He had been in peaceful, open, continuous and public possession of the land in controversy for the past 27 years. The plaintiffs-appellants allegedly have no cause of action against him, and if there is any, plaintiffs-appellants could be guilty of estoppel and laches, which merits the dismissal of the case.

In their Answer,[24] Defendants-appellees Uldarico and Rosita Antig, admitted to being the registered and absolute owners of Lot 1447-T-6 which is covered by TCT No. 56968. They have a good and valid title to Lot 1442-T-6 and had been in open, continuous, exclusive and actual possession of the said lot for almost 24 years. Granting that the procurement of OCT 176 was tainted with fraud, they claimed that they had no participation whatsoever therein. They raised as defenses, the lack of cause of action, prescription and laches.

Defendants-appellees Spouses Andres and Olivia Mojar who were issued Transfer Certificate of Title No. 106778, with an area of 684 square meters, however did not file their answer and were thus declared in default[25] upon motion by plaintiffs-appellants.[26]

On August 1, 2002, the defendants-appellees Heirs of Rene Campanilla filed a Motion for Summary Judgment[27] alleging therein that the plaintiffs-appellants had no genuine issue against the defendants-appellees

Heirs of Rene Campanilla, in view of the plaintiffs-appellants' admission that said defendants validly acquired a portion of the land in litigation. The Court on August 23, 2002 granted the motion and rendered judgment in favor of the movants, thereby dropping them from the case.[28]

Subsequently, trial ensued and the parties presented their witnesses to testify on their own assertion of the facts, to wit:

For the Plaintiffs-Appellants:

The first witness for the plaintiffs-appellants was Lucia Villanueva, who testified that she is one of the owners of Lot 1442-T because her grandmother, Agustina, originally owned the said lot. Her mother is Felicidad Traya, the only daughter of Agustina Bagano. Her mother Felicidad predeceased her grandmother Agustina, thus she, together with her two brothers Ireneo Secretaria and Rodrigo Secretaria, Sr acquired the subject lot by hereditary succession.

Lucia testified further that Lot 1442-T is covered by a Transfer Certificate of Title and Tax Declaration No. 34143[29] in the name of Agustina Bagano. As owners, they admitted to have sold two portions thereof to Anastacio Campanilla and Luis Gloria but denied selling the remaining portions thereof.

On cross examination by counsel for the defendants-appellees spouses Diao, Lucia testified that the original owner of the lot was her grandmother Agustina Bagano who inherited the lot from her father, Alejandro Bagano. Alejandro Bagano was the one who purchased the subject lot from the government but the sale was registered in the name of his eldest daughter, Genoveva.[30] Genoveva initiated the subdivision of the lot, among Alejandro's other children and the shares which went to Agustina were Lots 1442-T, 1442-N, 1442-Y and 1442-E. No other person has ever claimed ownership with respect to Lots 1442-N, 1442-Y and 1442-E, the latter being the lot she is now occupying.

On cross examination by counsel for the defendants-appellees spouses Diaz, the witness testified that her proof of ownership over Lot 1442-T is a document of partition.[31] She admitted that she did not cause the declaration of Lot 1442 in her name and did not introduced any improvement thereof as she never occupied the same lot. She averred that she knew of the Diaz' occupation of a portion of the lot just recently and has not yet made a demand on the Diazes to vacate the property. She admitted having sold a portion of Lot 1442-T but strongly asserted that it is not the same portion being occupied by the Spouses Diaz.

On cross examination by counsel of defendant-appellee Juanito Cortes, Lucia denied knowing Juanito. She said that she did not know that Juanito acquired Lot 1442-T-5 from the spouses Francisco Cubelo and Maxim Cubelo, and that Juanito has titled the land in his name.

The second witness for the plaintiffs-appellants was Engr. Rafaela Belleza, Chief Service Assistant of the Land Registration Office and a Geodetic Engineer. She has been holding her position since July 1985. She saw a copy of the subdivision plan[32] of Lot No. 1442, designated as Lot 490-A, Banilad Friar Land under PSD-3601. She averred that Lot 490-A is another designation of Lot No. 1442. Lot 490-A was changed to 1442 for the possible reason that this number was an unused number of the Banilad Friar Land Estate.

After plaintiffs-appellants rested their case, the defendants-appellees Uldarico and Rosita Antig and Spouses Conrado and Marietta Diaz filed separate Demurrer to Evidence.[33] While the Antig's claimed that the plaintiffs-appellants failed to prove their ownership, the spouses Diaz posited that the plaintiffs-appellants had no right to the relief prayed for in the complaint under the attendant facts and law or jurisprudence. The court in its May 26, 2003 Order[34] granted the separate Demurrer, and the case was dismissed as against them. The plaintiffs-appellants appealed the said order to the Court of Appeals,[35] and the other defendants-appellees then proceeded to present their witnesses, viz:

For the Defendants-appellees:

Defendant-appellee Juanito Cortes, Jr. himself testified that he purchased Lot No. 1442-T with TCT No. 40448[36] on March 16, 1971 from his in-laws Mr. Francisco Cubelo and Maxima Cubelo.[37] His father-in-law acquired the same lot from the plaintiffs Ireneo Secretaria, Rodrigo Secretaria and Lucia Secretaria as evidenced by a Deed of Absolute Sale[38] of Lot No. 1442-T from the National Archives in Manila. The land is covered by TCT No. 12229.[39] He had the title consolidated in his name in 1991.[40] He has been staying in the said lot for more than 30 years.

The witness for the defendants-appellees Diao was Imelda Diao, who substituted her deceased father.[41] She claimed that they have been living in Lot 1442-A for 41 years. To prove that her parents were really the owners of the land, she presented the following documents: a. the Order of the court dismissing the petition for reconstitution of the titles covering Lot No. 1442-L and 1442-T of subdivision plan PSD-3601[42]; b. the Application for Registration of Title in Land Registration Case No. 601[43] where his parents were among the claimants; c. the Court Order in Land Registration Case No. N-601 finding that Lot 1442-T originally belonged to Agustina Bagano and that Lot 1442-T-1-A-3 with an area of 124 sq. meters was sold to Prisco Diao[44]; d. the Order of the court rejecting the recommendation of the Land Registration Commission covering Lot No. 1442-T-IRC No. 601[45]; e. a certified true copy of Certificate of Title No. 176[46], f. and a certified true copy of TCT No. 40444 in the name of spouses Diao.[47]

The lone witness for defendants-appellees spouses Bana-ay, was Josephine who testified that they purchased Lot 1442-T-4 from Francisca Gloria on July 23, 1991 by virtue of an Extra-Judicial Adjudication of the Estate of Luis Gloria with deed of sale[48]. She learned from the Glorias that they bought the same lot from the heirs of Agustina Bagano, namely: Lucia, Ireneo and Rodrigo Secretaria by virtue of a Deed of Sale executed April on 4, 1961.[49] As proof of the sale between her and Francisca Gloria, she presented the annotation of the Deed of Sale on the Title[50] of Gloria, and likewise presented TCT No. 129787[51] to prove further that she has titled the said lot in their names. She also testified on the exhibits offered by defendants-appellees spouses Diao which the spouses Bana-ay adopted and marked as their own, by leave of court[52].

On July 15, 2008, the trial court rendered the assailed decision in favor of defendants-appellees. The trial court ratiocinated therein that the plaintiffs-appellants are bereft of any evidence to substantiate the allegation in their complaint and their evidence has not disproved the defendants-appellees' claims that they validly purchased their lots from the previous owners who had legally acquired them from plaintiffs-appellants. Accordingly, the court dismissed plaintiffs-appellants' complaint.

Aggrieved, plaintiffs-appellees interposed the instant appeal with the following issues: a) Whether OCT No. 176 is null and void, and b) Whether plaintiffs-appellants are the owners of the undisposed portion of the 1,119 square meters of Lot 1442-T.

OUR RULING

The plaintiffs-appellants are submitting two main arguments in their appeal to wit: One, that OCT 176 is null and void and Two, that they are owners of the undisposed portion of Lot 1442-T.

In arguing for the first, plaintiffs-appellants posit that OCT 176 is already a second Original Certificate of Title over Lot 1442, as prior its issuance in 1967, the lot has already been registered and titled in the name of their predecessor-in-interest, Agustina Bagano.

In arguing for the second, plaintiffs-appellants aver that except for the lots they sold to the Glorias and the Campanillas, the remaining portions of Lot 1442-T have not been sold by them thus title to the assailed portions have remained in Agustina's name.

Plaintiffs-appellants therefore pray, for 1) the cancellation of OCT 176 and its subsequent TCTs in the name of defendants-appellees, and 2) the consequent recovery of the ownership and possession of the assailed portion of

Lot 1442-T.

We could not however accede to both courses of action.

THERE IS NO PROOF TO PLAINTIFFS-APPELLANTS' TITLE OVER LOT 1442-T

It is beyond cavil that a land registration court has no jurisdiction to order the registration of land already decreed in the name of another in an earlier land registration case. A second decree issued for the same land would be null and void, since the principle behind original registration is to register a parcel of land only once.[53]

It stands to reason however, that to warrant the nullity of a second decree issued on a lot, proof of the decree previously issued over the same lot should be presented. While this should have been the foremost onus of plaintiffs-appellants in their original case for "Declaration of nullity, etc." in the court below Us, they evidently failed to adduce evidence to discharge of this burden, thus We believe the the trial court was correct to dismiss plaintiffs-appellants' action.

To explain, the records per se reveal a complete absence of substantiation for plaintiffs-appellants' cause of action. There is no proof of the existence of the first OCT in the name of Agustina, and there is likewise no proof of the decree adjudicating the land to her, which should have established the issuance of the alleged title, upon which this action is hinged unto. While plaintiffs-appellants attached in their Memorandum, Decree 4666[54] purportedly to show that the subject lot is already a titled lot as early as 1910, plaintiffs-appellants evidently failed to prove that the said decree pertained to the lot in litigation or at the most, that the said decree awarded the land covered therein to Agustina. Needless to mention, the 1963 Petition for Reconstitution filed by plaintiff-appellant Rodrigo Secretaria, which sought to restore the alleged title issued in the name of Agustina, was even dismissed by a court of competent jurisdiction. While the dismissal cannot constitute res judicata in this case, We opine that the findings of the court therein militate against plaintiffs-appellants' assertions over the property and Agustina's alleged prior title to it. Clearly, there is consequently no proof of defendants-appellants' alleged title to the land.

DEFENDANTS-APPELLEES' TITLES ARE INDEFEASIBLE AND INCONTROVERTIBLE AND ARE CONCLUSIVE EVIDENCE OF OWNERSHIP OVER LOT 1442-T

It must be remembered that Original Certificate of Title 176 was issued by virtue of an Application for Land Registration, passed upon and approved by a competent court, in favor of the applicants named therein, as follows: Francisco M. Gica, Francisco G. Cubelo and Maxima Cubelo, Spouses Luis P. Gloria and Francisca Gloria, Spouses Petronio M. Gica and Flora T. Gica, Spouses Anastacio Campanilla and Filomena Campanilla, Gloria Blanco and Spouses Prisco A. Diao and Cristita T. Diao. The TCTs held by defendants-appellees on the other hand, are the result of the sales of the land executed by the foregoing adjudicated owners, in favor of defendants-appellees. While plaintiffs-appellants in this case are not impugning the validity of the later mentioned conveyances, they are apparently questioning the validity of the aforementioned OCT from which the assailed TCTs were derived, and also including validity of its corresponding Decree of Registration. This, We could not however permit, as OCT 176 has become, by law and jurisprudence,[55] indefeasible and incontrovertible one year after its issuance,[56] and its decree consequently binds the land thereto,[57] viz:

"Under the Torrens System of registration, the Torrens title becomes indefeasible and incontrovertible one year from its final decree. A Torrens title is generally conclusive evidence of the ownership of the land referred to therein.[58] A strong presumption exists that the title was regularly issued and that it is valid. It is incontrovertible as against any "information possessoria" or title existing prior to the issuance thereof not annotated on the title."[59]

Relative to the foregoing, the Supreme Court in *National Grains Authority vs. IAC*.[60], had the occasion to

declare:

“The real purpose of the Torrens system is to quiet title to land and put a stop forever to any question as to its legality.[61] Once a title is registered, the owner may rest secure, without the necessity of waiting in the portals of the court, or sitting on the "mirador su casa," to avoid the possibility of losing his land.”

In the case at bar, the decree was issued in 1967 while plaintiffs-appellants filed their complaint for “Declaration of Nullity, etc” in 1997. By the time the complaint was filed, OCT 176 has therefore long become indefeasible and the decree final, thus not susceptible to review.

THERE IS NO PROOF TO PLAINTIFFS-APPELLANTS' OWNERSHIP OVER THE ASSAILED PORTIONS OF LOT 1442-T

Aside from the fact that plaintiffs-appellants have not, and cannot now, impugn the validity of OCT 176 and the TCTs subsequently issued therefrom, they have also not proven their claims of ownership over the assailed portion of Lot 1442. Though they have proffered in evidence a single Tax Declaration over the lot in the name of their predecessor-in-interest, Agustina, this does not positively show their ownership thereof as it is not even corroborated by any other evidence.[62] Even plaintiffs-appellants admitted that they are not in possession of the property. Though they have generally denied selling the portions which they call to own, they have not particularly disputed the validity of the conveyances that led to defendants-appellees' acquisition of the property. Neither have they positively adduced evidence of any form of fraud on the part of defendants-appellees who were able to trace back the origins of their TCTs to the valid issuance of the decree covering OCT 176.

All available evidence negate plaintiffs-appellants' claims. The dismissal of the case is therefore in order.

WHEREFORE, premises considered, the instant appeal is DENIED. The July 15, 2008 Judgment of the RTC, Branch 6 of Cebu City in Civil Case No. CEB-21299 is therefore AFFIRMED in toto.

SO ORDERED.

Ingles[**], and Lopez, JJ., concur.

[**] Vice Justice Delos Santos who is on wellness leave, per Office Order No. 13-14-GTI dated June 17, 2014.

[1] Rollo, pp. 44-49.

[2] Rollo, pp. 666-683.

[3] Records, pp. 1-5.

[4] Records, pp. 36-37.

[5] Records, pp. 57-58.

[6] Records, p.168.

[7] Records, pp. 161-165.

[8] Records, p. 254.

[9] Records, pp. 237-241.

[10] Records, pp. 625-644.

- [11] Records, p. 395.
- [12] Records, p. 360.
- [13] Records, p. 361.
- [14] Records, p. 362.
- [15] Records, p. 364.
- [16] Records, p. 365.
- [17] Records, p. 366.
- [18] Records, p. 367.
- [19] Records, p. 671.
- [20] Records, pp. 266-273.
- [21] Records, pp. 17-20.
- [22] Records, pp. 112-115.
- [23] Records, pp. 173-176.
- [24] Records, pp. 9-11.
- [25] Records, pp. 57-58.
- [26] Records, pp. 34-35.
- [27] Records, pp. 312-314.
- [28] Records, p. 336.
- [29] Records, p. 368.
- [30] Records, pp. 398-399.
- [31] Records, pp. 400-403.
- [32] Records, p. 369.
- [33] Records, pp. 429-432, 435-440.
- [34] Record, pp. 492-493.
- [35] Records, p. 526.
- [36] Records, p. 482.
- [37] Records, pp. 214-215.
- [38] Records, pp. 484-486, 488-489.
- [39] Records, p. 481.
- [40] Records, p. 217.
- [41] Records, pp. 301, 303.

- [42] Records, pp. 500-503.
- [43] Records, pp. 504-511.
- [44] Records, pp. 512-515.
- [45] Records, pp. 516-517.
- [46] Records, p. 518.
- [47] Records, p. 520.
- [48] Records, pp.603-604.
- [49] Records, pp.605-606.
- [50] Records, p. 521.
- [51] Records, p. 522.
- [52] Records, p.539.
- [53] Laburada vs. Land Registration Authority, G.R. No. 191387, March 11, 1998.
- [54] Records, p. 625-644.
- [55] Calalang vs. Register of Deeds of Quezon City, G. R. No. 76265, April 22, 1992; Ching vs. Court of Appeals, G.R. No. 59731, January 11, 1990.
- [56] Section 32, PD 1529. Review of decree of registration; Innocent purchase for value.-
- xxx
- Upon the expiration of said period of one year, the decree of registration and the certificate of title issued shall become incontrovertible. xxx
- [57] Section 31 of PD 1529-
- the decree of registration shall bind the land quiet title thereto, subject only to such exceptions or liens as may be provided by law. It shall be conclusive upon and against all persons, including the National Government and all branches thereof, whether mentioned by name in the application or notice, the same being included in the general description "To all whom it may concern."
- [58] Section 49, Act 496.
- [59] Salamat Vda. de Medina v. Cruz, G.R. No. 39272, May 4, 1988.
- [60] National Grains Authority v. Intermediate Appellate Court, G.R. No. L-68741, January 28, 1988.
- [61] Republic of the Philippines vs. Benjamin Guerrero, G.R. No. 133168, March 28, 2006.
- [62] Republic of the Philippines vs. Juanito Manimtim, G.R. No. 169599, March 16, 2011.

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