

ANGELINA MAQUILING, REPRESENTED BY HER GUARDIAN AD-LITEM, CARLOS MAQUILING, PETITIONER, VS. MONSERRAT UMADHAY, MANUEL UMADHAY, CRISANTA S. GUMBAN, AND THE HONORABLE COURT OF APP...

G.R. No. L-25147. May 29, 1970

Ponente: MAKALINTAL, J.

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MAKALINTAL, J.:

Petition for certiorari to review the decision of the Court of Appeals in its CA-G. R. No. 25016-R dated July 31, 1965.

The pertinent facts are set forth in said decision as follows:

"The whole parcel of land of which the disputed portion forms an integral part, designated as Lot No. 3092 of the Cadastral Survey of Jaro, Iloilo and then covered by Transfer Certificate of Title No. 1766 of the Register of Deeds of Iloilo, was originally owned in common by seven persons, namely: Epifanio Gerochi, Paz Maquiling, Jose Trimones, Antonio Maquiling, Maria Maquiling and Felicidad Jimenea (Exh. A). Subsequently, Paz Maquiling acquired by means of purchase the one-seventh portion pertaining to Maria Maquiling, thus making her the owner of 2/7 of the entire property.

Paz Maquiling died on May 11, 1928 leaving three children: Eriberto, Car-men, and Enrique all surnamed Gunban. On February 28, 1947, Enrique sold his 1/3 share in the portion owned by his late mother to herein plaintiff, Angelina Maquiling for the sum of P400.00. How-ever, this transaction was not regis-tered (Exh. B). A few years later, Angelina Maquiling was declared insane and her brother, Carlos Maquiling was appointed by the court guardian of her person and property (Exh. 1). On the other hand, Eriberto Gumban, Jr. on July 14, 1950, adjudicated unto himself the entire participation of his late mother, claiming to be her only forced heir and, in the same document executed a mortgage over the entire 2/7 portion of the late Paz Maquiling including a house of strong materials built on it, in favor of Monserrat J. Umadhay for and in consideration of the sum of P3,000.00 (Exh. 1). This transaction was duly re-gistered and annotated on Transfer Cer-tificate of Title No. 1766. (Sheet 3, Exh. A) Upon failure of Eriberto Gumban Jr. to redeem the portion mortgaged within the time agreed upon for its redemption, the 2/7 share of the late Paz Maquiling was sold at public auction. Monserrat J. Umadhay was the highest bidder at the said auction sale and the property was adjudicated in her favor (Exh. 4). This sale was confirmed by the Court of First Instance of Iloilo on January 9, 1954 (Exh. 5). Both, the Certificate of Pub-lic Auction and the Order in favor of Mrs. Umadhay appear at the back of T.C.T. No. 1766 (Sheet 3, Exh. A). The evidence shows that Umadhay paid for the real es-tate taxes due on the property involved for the period 1952-1953 (Exh. 4-A). Thus, another Transfer Certificate of Title No. T-15522 was issued substitu-ting the name of Monserrat J. Umadhay in place of Paz Maquiling (Exh. 1). On July 14, 1954, the Umadhay spouses sold the aforementioned property, together with the house of strong materials built thereon, to defendant Crisanta S. Gumban (Exh. 6) who had a new Transfer Certificate of Title No. T-18274 over the said property issued, replacing Monserrat J. Umadhay's name with hers (Exh. 4).

Carmen Gumban's share in her mother's property was disposed of as follows:

On May 2, 1946 she sold her 1/3 share to Salvador M. Verroya for the sum of P325.00. Verroya later sold the same portion to Carlos Maquiling who in turn sold it on September 24, 1948 to Eriberto Gumban, Jr. Hence, Eriberto Gumban, Jr. now owns two-thirds of his Late mother's 2/7 portion of the pro-perty owned in common. The dispute we are asked to resolve refers to the one-third share originally pertaining to Enrique and which he sold to herein plaintiff who failed to register the sale in the proper registry.

After due trial, the Court a quo rendered judgment for the plaintiff, the diapositive portion of which reads in part as follows, to wit:

"POR TANTO, el Juagado falla esta asunto:

- a) Declarando a la demandante dueña de una tercera (1/3) parte de porcion de 2/7 avas pastes del lote No. 3092 de la medicion cadastral de Jaro (Pavia), Iloilo, ahora cubierto por el Certificado de Transferencia de Titulo No. T-18274 (antes No. 1766) de la oficina del Registrador de Titulos de Ilo-ilo, con derecho de la posecion de dicha tercera parte;
- b) Ordenando a la demandada Crisanta S. Gumban que desaloje dicha porcion, entregando la po-secion de la misma a la deman-dante;
- c) Condenando a los demandados Monserrat J. Umadhay y Manuel Umad-hay que devuelvan a la demandada Crisanta S. Gumban una tercera parte de lo que habian recibido de ella como precio de La propiedad vendida o sea la suma de P1,500.00;
- d) Ordenando al Registrador de Titulos de Iloilo que, previo pago de los derechos correspondientes, expida otro certificado de Trans-ferencia de Titulo pars el lote No. 3092 de Jaro (Pavia), Iloilo, adjudicando una tercera (1/3) parte de la participacion de Crisanta S. Gumban a favor de la demandante Angelina Maquiling, parteneciendo el resto de 2/3 partes a la demandada Crisanta S. Gumban; y
- e) Condenando, ademas, a los demandados que paguen, mancomunada y solidariamente, las costae del juicio.' (pp. 34-35 Record on Appeal)"

The Court of Appeals reversed the decision of the trial court; upheld the validity of the deed of mortgage and subsequent foreclosure sale in favor of the Umadhay spouses as well as the sale by the latter to Crisanta S. Gumban; declared all these defendants as purchasers in good faith and for value; and held that the plaintiff's cause of action was barred by laches.

Both the trial court and the Court of Appeals erred, although the latter's error, which is only partial, can afford no comfort to the petitioner. Both viewed the case from a single perspective and failed to discern the dis-tinction between the position of the Umadhay spouses and that of Crisanta S. Gumban.

With respect to the Umadhays the pivotal fact is that when the deed of mortgage was executed in their favor the registered owner was still Paz Maquiling and they relied merely on the affidavit of Eriberto Gumban, Jr. adjudicating Paz' entire share to himself, both the affidavit of adjudication and the mortgage being embodied in the save instrument. Under the circumstances the Umadhays could not claim conclusiveness of what appeared on the face of the certificate of title; it was not in Eribertot's name and his self-serving declaration that he was Paz Maquiling's sole heir could not be availed of by them in derogation of the share of the other heir - Enrique Gumban - or of the latter's transferee, the petitioner herein.

Mari et al., vs. Bonilla, et al., 83 Phil. 137, re-solved a similar issue. The certificate of title to the property disputed therein was in the name of the deceased Casimiro Evangelista when his son, Deogracias, posing as sole heir, adjudicated the property to himself and sold it to the defendant in the case without first having the title

transferred in his name. This Court held:

"Good faith affords protection only to purchasers for value from the registered owner. Deogracias Evange-lista, defendant's grantor, was not a registered owner. The land was and still is registered in the name of Casimiro Evangelista. In no way does the certificate state that Deogracias owned the land; consequently defend-ants cannot summon to their aid the theory of indefeasibility of Torrens Title. There is nothing in the certi-ficate and in the circumstances of the transaction which warrant them in supposing that they need not look beyond the title. If anything, it would have put them on their guard, cautioned them to ascertain and verify that the vendor was the only heir of his father, that there was no debt, and that the latter was the sole owner of the parcel of land."

However, while the Umadhay spouses cannot rely on the title, the same not being in the name of their grantor, respondent Crisanta S. Gumban stands on a different footing altogether. At the time she purchased the land the title thereto was already in the name of her vendors (T.C.T. 15522). She had the right to rely on what appeared on the face of said title. There is nothing in the record to in-dicate that she knew of any unregistered claims to or equities in the land pertaining to other persons, such as that of herein petitioner, or of any other circumstances which should put her on guard and cause her to inquire be-hind the certificate. According to the Court of Appeals, "she took all the necessary precautions to ascertain the true ownership of the property, having engaged the services of a lawyer for the specific purpose and, it was only after said counsel had assured her that everything was in order did she make the final arrangements to purchase the property." The appellate court is conclusion that respondent Crisanta S. Gumban was a purchaser in good faith and for value is correct, and the title she has thereby acquired is good and indefeasible.

Wherefore, modified only insofar as the ruling with respect to respondent Umadhay spouses is concerned, the decision of the Court of Appeals reversing that of the trial court is affirmed, and the complaint is dismissed, without prejudice to any other relief which, under the law, may be available to herein petitioner against Eriberto Gumban, Jr. and/or against respondent Umadbay spouses. Costs in this instance to be recovered by respondent Cri-santa S. Gumban against petitioner.

Concepcion, C.J., Reyes, Dizon, Zaldivar, Fernando, Teehankee, Barredo, and Villamor, JJ., concur.
Castro, J., on leave.

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