

DOMINADOR L. QUIROZ, AMPARO AQUINO QUIROZ, MARGARITA QUIROZ AND, JESUS AMOR; PETITIONERS-APPELLEES, VS. CANDELARIA MANALO, RESPONDENT-APPELLANT.

G.R. No. L-48162. June 18, 1992

Ponente: ROMERO, J.

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ROMERO, J.:

The question involved being purely one of law, the Court of Appeals certified to this Court[1] herein respondent-appellant's appeal from the Order of the then Court of First Instance of Bataan in Cadastral Case No. 21, GLRO Cad. Rec. No. 1385, ordering the respondent-appellant Candelaria Manalo to surrender to the Registry of Deeds of Bataan, the owner's duplicate of Original Certificate of Title No. 13522 covering Lot No. 23 of the Cadastral Survey of Morong.[2]

The facts as culled from the records are as follows:

Sometime on November 15, 1933, Juan Manalo executed a deed of pacto de retro sale in favor of Pedro Corpuz over a parcel of land known as Lot 23 of the cadastral survey of Morong, situated at Mauban, Morong, Bataan, with an area of 39,474 square meters, more or less. The said deed, annotated in the Original Certificate of Title No. 13522 covering the land had a redemption period of three years from the aforementioned date.[3] On December 29, 1936, two different deeds of sale with right to repurchase were again executed by Juan Manalo in favor of Pedro Corpuz. One was over said Lot 23 and the other, Lot 88 of the same Morong Cadastre. The redemption period in both deeds, however, was extended to five years from the date of the sale.[4] On April 30, 1939, two separate riders were written at the back of both deeds. Except for the amount stated, the contents of the said riders were similar, thus:

“TANTOIN NG SINOMANG BABASA NITO:

Pinatutunayan ko na ngayong fechang ito ay tumanggap ako kay G. Pedro Corpuz ng halagang x x x, salaping filipino, bilang paragdag sa halagang pagkakasangla ng aking lupa sa nasabing Corpuz na nasasabi sa kabilang pahina ng documentong ito.

Morong, Bataan, April 30, 1939.

(Sgd.) JUAN MANALO”

On October 20, 1942, Juan Manalo died[5] followed by Pedro Corpus on January 17, 1965[6] both leaving their respective heirs. Lot 23 has since been occupied by the heirs of Corpus while Lot 88 remained in the possession of the heirs of Manalo.[7]

On July 11, 1968, herein respondent-appellant Candelaria Manalo, representing the heirs of the late Juan Manalo, filed a complaint docketed as Civil Case No. 3241 against Anatalio Corpus, representing the heirs of the late Pedro Corpus, praying that the pacto de retro sale over Lot 23 be interpreted as a simple mortgage.[8] On July 19,

1968, during the pendency of the case, Anatalio Corpus and his co-heirs executed an extrajudicial partition of estate of the late Corpuz and in the same instrument conveyed by way of absolute sale the disputed property (Lot 23) in favor of herein petitioner-appellee Dominador Quiroz, who thereafter moved to dismiss respondent-appellant Candelaria Manalo's complaint. On September 13, 1968, the trial court rendered its decision, the dispositive portion of which reads:

“WHEREFORE, finding that the complaint does not state a cause of action and/or the limitations, the Court resolves to dismiss, as it hereby DISMISSES, this case, without costs.

SO ORDERED.”[9]

Respondent-appellant Manalo did not appeal; hence, the above decision became final.[10] Petitioner-appellee Quiroz, on the other hand, sought to register the extrajudicial settlement of estate and absolute sale in his favor with the Register of Deeds of Bataan, but he was informed that the owner's copy and/or the original of the corresponding certificate of title is indispensable for such registration. As the said owner's copy and/or certificate of title was still in the possession of respondent-appellant Candelaria Manalo, petitioner-appellee Quiroz filed a petition on May 18, 1970, praying that respondent-appellant Manalo be ordered to surrender the same to the Register of Deeds of Bataan, or in the alternative, her owner's copy be declared to have been lost or destroyed and the Register of Deeds be directed to issue a new owner's duplicate of the same original certificate of title.[11]

On June 25, 1970, respondent-appellant Manalo filed another complaint docketed as Civil Case No. 52503, for quieting of title over the same property in question, praying among others, that the deed of sale in favor of petitioner-appellee Quiroz be declared as null and void and of no force and effect as against her and her co-heirs.[12] Respondent-appellant Manalo then moved to suspend the hearing on petitioner-appellee Quiroz' petition but the same was denied as the court, on January 4, 1971, laid down the following verdict:

“WHEREFORE, as prayed for, respondent Candelaria Manalo is hereby ordered to surrender to the Register of Deeds of Bataan, the owner's duplicate of Original Certificate of Title No. 13522 covering Lot No. 23 of the Cadastral Survey of Moron (sic), within five (5) days from receipt of a copy of this order. Thereafter, she is given two (2) days within which to show proof of said compliance.

SO ORDERED.”[13]

Respondent-appellant Manalo's motion for reconsideration was denied.[14] Meanwhile, her action for quieting of title was dismissed by the court in its order dated March 31, 1971.[15] Upon respondent-appellant Manalo's motion for reconsideration, the order of dismissal was set aside on June 10, 1971[16] but was again reinstated by the court on November 29, 1972.[17]

In view of the foregoing events, respondent-appellant Manalo elevated both cases, i.e., Civil Case No. 50324 Re: petition to surrender the owner's copy or the Original Certificate of Title No. 13522, and Civil Case No. 52503 which is for quieting of title, to the Court of Appeals. Petitioner-appellee Quiroz thereafter filed a motion to dismiss both appeals on July 6, 1973 on two grounds:[18] (1) that the records on appeal did not show that the appeals were perfected on time, and (2) that the appeals were manifestly and palpably frivolous, completely devoid of merit and interposed ostensibly for mere delay.[19] Acting on the appealed cases, the Third Division of the appellate court resolved to dismiss Civil Case No. 52503 on November 27, 1973,[20] and the same eventually became final on March 7, 1974.[21] Civil Case No. 50324, on the other hand, was decided by the Sixth Division of the Court of Appeals, holding as follows:

“WHEREFORE, and pursuant to the provisions of Section 17, sub-paragraph 6, in relation to Section 31 of the Judiciary Act of 1948 and Section 3, Rule 50, Revised Rules of Court, let the records of this case be certified to the Supreme Court.

SO ORDERED.”[22]

Thus, the instant case is before this Court with the following assignment of errors:

- (1) Whether the lower court had exceeded its jurisdiction as a land registration court in taking jurisdiction of the instant petition;
- (2) Whether it erred in denying Candelaria's Motion to Suspend Hearing of the Petition;
- (3) Whether it erred in denying the Motion for Reconsideration; and
- (4) Whether the order in question which involves purely questions of law is premature.

The Court finds no merit in respondent-appellant Manalo's appeal.

The law in point in the case at bar is Section 112 of Act 496, otherwise known as the Land Registration Act, which provides:

“Section 112. No erasure, alteration, or amendment shall be made upon the registration book after the entry of a certificate of title or a memorandum thereon and the attestation of the same by the clerk of court 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, or that any error, omission, or mistake was made in entering a certificate or any memorandum thereon, or on any duplicate certificate; or that the name of any person on the certificate has been changed; 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: x x x.”

Petitioner-appellee Quiroz heavily relied on the aforequoted provision of law in his petition to compel respondent-appellant Manalo to surrender the owner's copy of the disputed property's certificate of title. On the other hand, the application of the same law was strongly contested by respondent-appellant Manalo inasmuch as the relief afforded therein is available only if there is unanimity among the parties, or there is no adverse claim or serious objections on the part of any party in interest. Considering then that she has interposed her objections to the petition, she averred that the case was effectively placed beyond the ambit of the jurisdiction of the trial court sitting as a land registration court. Accordingly, the case, having become contentious and controversial, it should be threshed out in an ordinary action before a court exercising its general jurisdiction.

Such contentions must fail. Indeed, the proceedings contemplated in Section 112 of Act 496 are intended to grant relief to parties whose title to the property that is covered by a certificate of title is clearly established.[23]

In aforesaid case, this Court has clearly interpreted the phrase “unanimity among the parties” to mean absence of serious controversy between the parties in interest as to the title of the party seeking relief. Certainly, it is not enough that the petition of a party for relief under the said Section is opposed for one reason or another. The opposition must be serious enough to place in grave doubt the title over the registered property of the person who seeks relief. Otherwise, the efficacy of the remedy contemplated in this Section would be frustrated by the filing of any protest or claim, more or less baseless, which is intended merely to harass or prejudice the movant.[24] Furthermore, doctrinal jurisprudence holds that the Court of First Instance (now Regional Trial Court), as a Land Registration Court, can hear cases otherwise litigable only in ordinary civil actions, since the Courts of First Instance are, at the same time, courts of general jurisdiction which can entertain and dispose of the validity or invalidity of an adverse claim, with a view to determining whether petitioner is entitled or not to the relief that he

seeks. Ultimately, this doctrine is based on expediency.[25]

In fact, under Section 2 of the Property Registration Decree (Presidential Decree 1529), the jurisdiction of the Regional Trial Court, sitting as a land registration court, is no longer as circumscribed as it was under Act 496, the former land registration law. This Court has held that the Decree has eliminated the distinction between the general jurisdiction vested in the regional trial court and the limited jurisdiction conferred upon it by the former law when acting merely as a cadastral court.[26] By and large, the amendment was aimed at avoiding multiplicity of suits. The change has simplified registration proceedings by conferring upon the regional trial courts the authority to act not only on applications for original registration but also over all petitions filed after original registration of title, with power to hear and determine all questions arising from such applications or petitions.[27]

Turning now to the case at bar, the records readily reveal that the conflicting claims of petitioner-appellee Quiroz and respondent-appellant Manalo as to the ownership of Lot 23 were already judiciously settled by the court in Civil Case No. 3241. Inasmuch as respondent-appellant Manalo has herself admitted that the decision therein has long become final and executory, she cannot now raise the same claim of ownership as the basis for her objections to the petition. She should not be granted an unbridled license to come back for another try.[28] Definitely, the principle of res judicata barred her from doing so.

Accordingly, the title of petitioner-appellee Quiroz and his co-appellees, having been clearly established, the land registration court had authority, not only in taking cognizance of the case, but also in ruling as it did on the petition.

WHEREFORE, the appealed Decision of the trial court dated January 4, 1971 is hereby AFFIRMED.

SO ORDERED.

Gutierrez, Jr., Feliciano, Bidin, and Davide, Jr., JJ., concur.

[1] Rollo, p. 7.

[2] Ibid, p. 163.

[3] Rollo, p. 26.

[4] Ibid, p. 158.

[5] Ibid.

[6] Rollo, p. 26;

[7] Ibid, p. 60.

[8] Ibid, p. 164.

[9] Ibid, p. 26.

[10] Rollo, p. 40.

[11] Ibid, p. 26.

[12] Ibid, p. 158.

[13] Rollo, p. 10.

[14] Ibid, p. 26.

[15] Ibid, p. 158.

[16] Ibid.

[17] Ibid.

[18] Ibid, p. 48.

[19] Ibid.

[20] Ibid, p. 159.

[21] Ibid, p. 161.

[22] Ibid, p. 168.

[23] Diaz v. Court of Appeals, No. L-42180, November 10, 1986, 145 SCRA 346.

[24] Almiranez v. Devera, No. L-19496, February 27, 1965, 13 SCRA 343.

[25] Junio v. De los Santos, No. L-35744, September 28, 1984, 27 SCRA at 209.

[26] Vda. de Arceo v. Court of Appeals, G.R. No. 81401, May 18, 1990, 185 SCRA 489.

[27] Supra, at 494.

[28] Santos v. Intermediate Appellate Court, G.R. No. 66671, October 28, 1986, 145 SCRA 238.

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