

**SIXTA VENGASO, ETC., PLAINTIFF AND APPELLEE, VS. CENON BUENCAMINO, ET AL., DEFENDANTS. FELIPE C. VERENDIA, DEFENDANT AND APPELLANT.***G.R. No. L-9576. August 31, 1960*

Ponente: BARRERA, J.

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In Cadastral Case No. 16 (G.L.R.O. Cad. Rec. No. 342) of the Court of First Instance of Nueva Ecija, Cenon Buencamino, et al., defendants-appellants made claim to Cadastral Lot No. 1547, Lupao Cadastre, while plaintiff-appellee filed an opposition asserting ownership and possession of the northern half of the same lot.

Upon petition of the defendants, said lot No. 1547 was set for hearing, of which no notice was served on the plaintiff or her attorney. After receiving the evidence of defendants, the cadastral court, on March 21, 1951, entered judgment adjudicating the whole lot No. 1547 to defendants, and the corresponding decree was issued on August 15, 1951.

In the meantime, as stated, neither plaintiff nor her counsel knew of the hearing as well as of the decision. She only learned about it on April 21, 1953, or 1 year, 8 months and 6 days after the issuance of the decree, when a surveyor conducted a relocation of the boundaries of said Lot No. 1547, at the instance of Felipe C. Verendia, husband of Juanita Buencamino, one of the defendants. Plaintiff immediately protested said relocation. Subsequently, she learned through her counsel that defendants had, allegedly by means of fraud and misrepresentation, obtained in their favor the aforementioned decision of the cadastral court and the corresponding decree of registration based thereon, as well as the certificate of title (No. 0-572, Office of the Register of Deeds of Nueva Ecija), which covers not only the southern half portion of said Lot No. 1547 belonging to defendants, but also the northern half portion thereof, pertaining to plaintiff and her deceased husband, Rafael Otones.

On May 28, 1953, plaintiff filed with the Court of First Instance of Nueva Ecija the present action (docketed therein as Civil Case No. 1192) praying the court, inter alia, (1) to declare the decision (of March 2, 1951) in said cadastral proceedings null and void because obtained by fraud, as well as said Certificate of Title No. 0-572, insofar as it includes the northern half portion of Lot No. 1547; (2) to declare plaintiff and her deceased husband, Rafael Otones, absolute owner of said portion; and (3) to order defendants to reconvey the same to plaintiff. To this complaint, defendants filed their answer on July 1, 1953. Thereafter, the case was heard and, after hearing, the court rendered a decision on May 27, 1953 which, insofar as pertinent, reads:

\* \* \* \* \*

"It may be argued that it is within the power of the Court to order the reconveyance of a property once the decree of registration has already become final by the expiration of the statutory period of one year. To this argument, we counter that this procedure is only followed in case the registration or cadastral proceeding is valid in every way and that the decision rendered by the court, consequently, can serve as a legal basis of

registration. This is permissible only in those cases of cadastral proceedings wherein the parties interested do not file an opposition and become a party to the said proceeding, for, in the absence of any opposition, the cadastral court has complete jurisdiction to adjudicate the property to whomsoever the evidence so warrants. The situation that obtains in this case is entirely different from that one. In this case, there was an opposition filed by the plaintiff's husband to the petition of the defendants' predecessor-interest for the registration of the property in question. It was the duty of the cadastral court to hear the said petition, as well as the opposition made thereto and to thresh out the question of who is entitled to the registration of the said property. The court, however, failed to do this in accordance with the procedure prescribed by law and, therefore, rendered a judgment which is unlawful and cannot serve as a basis for the valid registration of the property in question. There being no valid registration of the said property, it is not proper to order the reconveyance of the same by the defendants, in whose name the said property appears now to be registered, in favor of the plaintiff, for the reason that the rights of the defendants over this property do not exist. In the eye of the law, they are not the owners of the said property, and that there is no valid registration of the same in their names for the said registration is null and void ab initio.

"In view thereof, it is absolutely improper to pass upon the question of whether or not the plaintiff or the defendants should be adjudged the owners of the said property. The simple question that this Court is called upon to determine, if we treat this action as one of annulment of judgment under Sec. 43 of Act 190, is whether there was a valid judgment rendered in the said cadastral proceeding by the Court. This question must be decided in favor of the plaintiff to the effect that the judgment rendered in the said case is null and void and no further. It is that cadastral proceeding which must be continued until its logical conclusion. The plaintiff herein, who to the oppositor in that case, should be heard in that ease and allowed to present her evidence in support of her claim to the said property.

"For all the foregoing considerations, the Court hereby renders judgment, declaring the judgment rendered by the Cadastral Court dated March 2, 1951, as well as the decree of registration and the registration itself based thereon, null and void and without any legal effect, with costs against the defendants.

"SO ORDERED."

From this decision, defendants appealed directly to us.

The only issue to be resolved lit this case is whether the lower court had authority or jurisdiction to annul the decision of the cadastral court (dated March 2, 1951) adjudicating the ownership of the property in question to defendants, as well as the corresponding<sup>1</sup> decree of registration based thereon (of August 15, 1951).

As regards procedure, a cadastral case is governed exactly by the same rules and provisions of law as ordinary cases for registration of land under the Land Registration Act (Act No. 496, as amended). In order to discover the procedure to be followed in a cadastral case, it is therefore only necessary to examine the law applicable to the procedure in ordinary registration cases (*Caballes vs. Director of Lands*, 41 Phil., 357). From this, it would "follow that doctrines which are applicable in land registration cases under the Land Registration Act are likewise, applicable to land registration cases under the cadastral system (Act No. 2259, as amended).

The sole remedy of a land owner whose property has been wrongfully or erroneously registered in another's name is, after one year from the date of the decree, not to set aside the decree, but, respecting it as incontrovertible and no longer open to review, to bring an ordinary action in the ordinary court of justice for reconveyance or, if the property has passed into the hands of an innocent purchaser for value, for damages (*Director of Lands vs. Register of Deeds*, 92 Phil., 826; 49 Off. Gaz., [3] 935). Although this remedy of reconveyance is seemingly based merely on equity, it has the full sanction of the law, for it is so provided in Section 55 of the Land Registration Act that "in all cases of registration procured by fraud, the owner may pursue all his legal and equitable remedies against the parties to such fraud, without prejudice, however, to the rights of any innocent holder for value of a certificate

of title." (Peña, Registration of Land Titles and Deeds [1958 Ed.] 130.) It is to be borne in mind, however, that the Court of First Instance, in the exercise of its jurisdiction as a land registration court, has no authority to order a reconveyance of a property erroneously registered in another's name (Casillan vs. Vda. de Espartero, et al., 95 Phil., 799; 50 Off. Gaz., [9] 4183.)

It is not disputed that plaintiff filed the present action in the lower court (not sitting as a land registration Court) [Civil Case No. 1192] on March 28, 1953, that is 1 year, 9 months, and 13 days, after the issuance by the cadastral court of the decree of registration relative to Lot No. 1547 in question in favor of defendants. Plaintiff's prayer in said action for declaration of herself and her husband as absolute owners of the northern half portion of said lot, and for reconveyance of the same to her, obviously and undoubtedly conforms to the rulings just stated.

Upon the other hand, the lower court committed a grave and reversible error when it declared the judgment rendered by the cadastral court dated March 2, 1951, as well as the decree of registration of August 15, 1951 based thereon, null and void and without legal effect.

It is well-settled that, upon the expiration of the one-year period within which to review the decree of registration, said decree as well as the title issued in pursuance thereof, becomes incontrovertible (Sec. 38, Land Registration Act), and the same may no longer be changed, altered, or modified (Director of Lands vs. Gutierrez David, 50 Phil., 797.) For if after the ownership of a property is decreed by a court in favor of a person, an action may still be instituted beyond the one-year period fixed by said Section 38 of the Land Registration Act, for the purpose of modifying or setting aside the decree of registration, then the object of the Torrens System, which is to guarantee the indefeasibility of the title to the property would be defeated (Cabanos vs. Register of Deeds, 40 Phil., 620; Ventura, Land Titles and Deeds [1955 Ed.] 172). Needless to say, the annulment by the lower court of the aforementioned decision and decree, and the remedy suggested by it, namely, to reopen the cadastral proceedings (in Cadastral Case No. 16, G.L.R.O. Cad. Rec. No. 342, Lupao Cadastre) relative to the lot in question, so that plaintiff may be heard therein and allowed to present her evidence in support of her claim to said lot, clearly violate the aforesaid doctrine of incontrovertibility of a decree of registration, upon the expiration of the one-year period allowed by law for its review. What the lower court should have done was not to set aside said decree, but, respecting it as incontrovertible and no longer open to review (Director of Lands vs. Register of Deed, supra), to hear plaintiff's action for reconveyance and appellants' defenses in Civil Case No. 1192, allowing the parties to present evidence in support of their respective contentions and order or deny, as may be warranted by the evidence, the reconveyance of the northern half portion of Lot No. 1547 in question (Casillan vs. Vda.de Espartero, supra)[1]

Wherefore, the decision appealed from is hereby set aside and the case remanded to the court of origin, for further proceedings not inconsistent with this decision. No costs. So ordered.

Paras, C. J., Bengzon, Bautista Angelo, Labrador, and Reyes, J. B. L., JJ., concur.

Concepcion, J., reserves his vote.

Padilla and Gutierrez David, JJ., took no part.

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[1] See also Aban, et al., vs. Cendaña, G. R. No. L-11989, prom. May 23, 1958.

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