

ARSENIO, ELENA, PILAR, LOLITA, AND FEDERICO, ALL SURNAMED OFRECIO; JOSE, PACITA, EVARISTA, AND NICASIO, ALL SURNAMED CAPISTRANO, PETITIONERS, VS. TOMAS, ROSENDO, MARIA, AND CARI...*G.R. No. L-35696. March 28, 1988*

Ponente: SARMIENTO, J.

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In this petition for review by way of certiorari, the petitioners, heirs of Francisco Enrique and Pascual Capistrano, previously declared co-owners in undivided shares of the parcels of land covered by Transfer Certificate of Title (TCT) No. 6200 in a resolution issued in Sp. Proc. No. 1283, assail the decision of the Court of Appeals which awarded the two parcels of land now subject of the controversy and which were covered by TCT No. 6200 above-mentioned to the private respondents and reversed the decision of the then Court of First Instance of Tarlac.

The petitioners allege that on December 5, 1931, TCT No. 6200 was issued in favor of Francisco Enrique and Pascual Capistrano, co-owners of the lots in question. The said TCT was never delivered to the co-owners during their lifetime nor even to their heirs after the co-owners' death. On December 23, 1947, the private respondents Tomas Lising, Casimiro Sabado, Esteban Samoy, Eustaquio Santos, Francisco Llabres, and Guillermo Ramos allegedly in connivance with each other, fraudulently and illegally secured from the lower court an order which became their basis for securing a second owner's duplicate of TCT No. 6200. By virtue of this duplicate, the fraudulent registration of various deeds of sale supposedly executed by the registered owners Francisco Enrique and Pascual Capistrano in favor of the abovenamed private respondents, the partition of the lands, and the eventual sale of the partitioned lands to the other respondents herein were allegedly made possible.

The private respondents, on the other hand, allege that the Original Certificate Of Title, from which was drawn TCT No. 6200, was originally owned in common by Francisco Enrique, Pascual Capistrano, and Rosendo Lising, the latter being the father of private respondents Maria, Caridad, and Tomas. When TCT No. 6200 was issued, Rosendo Lising was no longer a co-owner as his six-hectare share was already deducted. Respondent Tomas Lising, however, became a co-owner when the two deeds of sale dated 1926 and 1930, respectively, were executed by Capistrano and Enrique in his (Tomas Lising) favor. Being, therefore, a co-owner of the property in question, the request made by him for a duplicate copy of the title in 1947 was perfectly valid.

Considering the issues and arguments adduced in the petition, the comments, and other related pleadings, the Court, on October 30, 1972, resolved to give due course to the petition.

As correctly pointed out by the respondent Court of Appeals, the petitioners' evidence which consisted in the testimony of various witnesses, were all in the negative if they were not mere hearsay. There was no convincing proof that the petitioners were defrauded of the lands in question. The petitioners also failed to explain how they lost the said lots.

The deeds of sale and the other documents presented were found by the respondent court to be regular. Absent any proof that these were tampered with, their validity should be sustained.

Furthermore, if indeed the petitioners were illegally deprived of their land, their cause of action has long prescribed. The deeds of sale in question were all executed more than twenty years prior to the filing of the complaint on May 8, 1959. The case, being one for reconveyance and not for the recovery of ownership and possession of a registered land has thus long prescribed.

For the reasons cited above, the appealed decision is hereby **AFFIRMED**. No costs.

SO ORDERED.

Yap, (Chairman), Melencio-Herrera, Paras, and Padilla, JJ., concur.

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