

REPUBLIC OF THE PHILIPPINES, APPLICANT, VS. PEDRO ABACITE, ET AL., CLAIMANTS. DEVELOPMENT BANK OF THE PHILIPPINES, PETITIONER AND APPELLANT.*G.R. No. L-15415. April 26, 1961*

Ponente: BARRERA, J.

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On December 16, 1958, the Development Bank of the Philippines (formerly Rehabilitation Finance Corporation), filed with the Court of First Instance of Davao, sitting as a cadastral court (in Cad. Case No. N-2, LRC Cad. Rec. No. N-14), a petition for amendment of OCT No. O-117 issued by the Register of Deeds in its name, pursuant to the decree of said court of February 18, 1958.

It was alleged that petitioner is the owner of a parcel of land situated in barrio Malagos, Davao City, with an area of 15.6882 hectares and previously covered by TCT No. T-4629; that when the State started cadastral proceedings, which included the said parcel of land, petitioner filed its answer claiming ownership over the same, which was referred to as Lot No. 1676, specifying the area of said land to be 15.6882 hectares; that in support of such allegation, TCT No. T-4629 was submitted in court and presented as exhibit, and that nobody opposed the same. When the certificate of title was issued by the Register of Deeds, petitioner found out that Lot No. 1676 merely contains 93,052 square meters and not 15.6882 hectares as claimed by it in its answer and as embraced in TCT No. T-4629 presented as evidence of such ownership. Petitioner, therefore, prayed that OCT No. O-117 be amended to include the remaining portion of 63,830 square meters designated in the new cadastral plan as part of Lot No. 1674.

After hearing the petition, the court issued an order denying the same, on the ground that since in its answer petitioner merely claimed ownership of Lot No. 1676 and did not include a portion of Lot No. 1674, the cadastral court could not have decreed more, nor could it now amend such decree. Its motion for reconsideration of the order having been denied, petitioner interposed the instant appeal.

The property originally covered by TCT No. T-4629 and admittedly belonging to petitioner was described in said certificate as follows:

"A parcel of land situated in the District of Gianga, Davao City, more particularly bounded and described as follows: Beginning at point marked 1 on plan H-216582, N. 7-21' W., 1,401.87 m. more or less from B.L.L.M. No. 28, Gianga Cad. No. 174 (now within the City of Davao), thence S. 51-43' W., 201.12 m. to point 2; N. 33-34' W., 46.56 m. to point 3; N. 46-38' W., 491.71 m. to point 4; N. 82-30' E., 490.43 m. to point 5; S. 48-47' E., 300.69 m. to point 6; S. 56-03' W., 199.55 m. to point 1, point of beginning. * * * Containing an area of 15.6882 hectares. * * * Bounded on the North, by property of Mariano Balbuena; on the Northeast, by property of Heirs of Walan (Bagobo); on the Southeast by properties of Molo (Ata) and Heirs of Lemondang (Bagobo); and on the Southeast, by public land. * * *."

It appears, however, that for purposes of the cadastral proceedings, the aforementioned parcel of land was

subdivided into two lots, one of 93,052 square meters, designated as Lot No. 1676 and another of 63,830 square meters which was included in Lot No. 1674. When required to file its answer, petitioner mentioned only Lot No. 1676, although in specifying the boundaries and area thereof, it stated:

"2. Area and boundaries.—That said lot is situated in the barrio of District of Guianga, Davao City of said municipality, contains an area of 156,882 square meters, more or less, according to the cadastral plan, and is bounded:

On the North by property of Mariano Balbuena;

On the Northeast by property of Heirs of Walan (Bagobo);

On the Southeast by properties of Molo (Ata) and Heirs of Lemondang (Bagobo), and

On the Southwest by Public Land."

Patently, this is exactly the same parcel of land covered by TCT No. T-4629. These data notwithstanding, the cadastral court decreed in favor of petitioner only Lot No. 1676, and declared the whole of Lot No. 1674, including the portion of 63,830 square meters, as public land.[1]

Under Section 112 of Act 496, alteration, amendment or correction of a certificate of title may be allowed where there has been, among others, error, omission, or mistake in the issuance thereof, provided that the amendment, alteration, or erasure would not amount to a reopening of the original decree of registration and the "title or other interest of a purchaser holding a certificate for value and in good faith" be not thereby impaired.

In the instant case, prior to the institution of the cadastral proceedings, the whole of 15.6882 hectares was already covered by a Torrens certificate of title. It is true that the original certificate of title was issued pursuant to a homestead patent, but such a patent once registered under the Land Registration Act becomes as indefeasible as a Torrens title[2] especially in the absence of any private third party claiming the land against the Government. As far as said lot is concerned, therefore, the cadastral proceeding would no longer be for the purpose of adjudicating ownership thereof to its claimant (herein appellant), because that was already accomplished in a previous appropriate proceeding, but merely to substitute the old certificate of title issued in said prior proceeding with a new one. The cadastral court, certainly, would have no jurisdiction to diminish nor enlarge the area of the property thus already decreed. (Govt. of the Phils., vs. Arias, 36 Phil., 194).

True it is that petitioner-appellant erroneously referred to its property as Lot No. 1676, yet it has sufficiently identified the same to be the lot covered already by TCT No. T-4629. For this reason, even the State, through the Solicitor General, acknowledged appellant's right over a portion of Lot No. 1674 (the cadastral court decreed the whole of said lot to be public land), and manifested its conformity to the amendment prayed for by petitioner-appellant. (See Manifestation dated March 1, 1960.) Under the circumstances, the amendment of OCT No. O-117, so as to include thereunder all the land covered by a prior title (TCT No. T-4629), is in order.

In the first place, such correction sought by appellant will not amount to a reopening of the original decree. On the contrary, the petition to include in the new certificate of title that portion of Lot No. 1674 originally covered by TCT No. T-4629, would even give effect to and make the later decree conform with the original adjudication. As held by this Court, a petition, as the one presented in this case, for the correction of the area and description in the new certificate, of the land lawfully belonging to petitioner and previously registered in his name, does not involve a reopening of the original decree.[3]

Secondly, the amendment of the new certificate will cause no prejudice to any third party. As stated above, the Government, in whose favor the entire Lot No. 1674 has been decreed, recognizes the right of appellant over the portion in Question and agrees to the amendment prayed for by said appellant.

Wherefore, the order appealed from is hereby set aside and another hereby entered directing the Register of Deeds, of Davao to amend OCT No. O-117 of his office, to include therein all the land embraced in TCT No. T-4629. Without costs. So ordered.

Bengzon, Acting C.J., Padilla, Bautista Angelo, Labrador, Concepcion, and Reyes, J.B.L., JJ., concur.

[1] The entire area of 15.6882 was originally acquired as homestead by Irineo Legaso who obtained title therefor (OCT No. 242) on July 19, 1940. After a series of transactions, ownership over the same was transferred to Manuel Nuque who was issued TCT No. T-4629. It was from the latter that petitioner acquired the said property.

[2] Director of Lands vs. De Luna, 110 Phil., 28; citing Ramoso vs. Obligado, 70 Phil., 86, and Lucas vs. Durian, L-7886, Sept. 23, 1957.

[3] Legarda vs. Saleeby, 31 Phil., 590.

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