

HEIRS OF JOSE DOLLETON AND HEIRS OF DIONISIO DOLLETON, PETITIONERS, VS. THE HON. COURT OF APPEALS, AND MARIA MAYUGA VDA. DE CAILLES, JOSE MAYUGA, CARMEN MAYUGA ABADEJOS, LOURDES...

G.R. No. L-26504. February 20, 1973

Ponente: MAKALINTAL, J.

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MAKALINTAL, J.:

Review by certiorari of the decision of the Court of Appeals.

Back in 1930 one Eduardo C. Guico applied in the Court of First Instance of Rizal (Land Registration Case No. 976) for the registration of the land described in plan Psu-80886. Jose and Dionisio, both surnamed Dolleton and the present petitioners' predecessors-in-interest, together with others similarly situated, opposed the application on the ground that their own respective land-holdings had been wrongfully included in plan Psu-80886[1]. The case eventually reached the Court of Appeals (TA-R.G. Nos. 209-211) which, in a decision promulgated on November 17, 1939, ruled as follows:

"Por todas las consideraciones expuestas, confirmamos la decision apelada en cuanto adjudica a Estanislao Mayuga los lotes 1, 2 y 3 de su plano y que equivalen a los lotes 4, 5 y 6 del plano de Baltazar y 4 y 5 del plano de Guico.

Estimamos las oposiciones de x x x Jose Dolleton, x x x Dionisio Dolleton, x x x, revocando la decision en cuanto desestima dichas oposiciones. Si estos opositores desean registrar sus respectivas porciones a su nombre, deberan presentar un plano debidamente aprobado por el Director de Terrenos y contribuir a los gastos de solicitud y publicacion proporcionalmente los 9 primeros a los hechos por Eduardo C. Guico, y los 5 ultimos a los de Florentino Baltazar.

xxx xxx xxx

Adjudicamos a Eduardo C. Guico los lotes 2 y 3 de su plano y las porciones que quedan de las adjudicadas a el por el Juzgado inferior y que no estan comprendidos en los terrenos reclamados por x x x Jose Dolleton, x x x, Dionisio Dolleton, x x x, debiendo al efecto presentar un plano enmendado debidamente aprobado por el Director de Terrenos, confirmando asi la decision apelada en los que estuviera conforme, y revocandola en lo que no lo estuviera.

Adjudicamos a los herederos de Narciso Mayuga, llamados Estanislao, Rafael, Nestor, Maura y Maria Mayuga, las porciones que el Juzgado inferior les adjudico, menos los reclamados por Maximo Gawaran, Pio Pangilin y Alejandro de la Cruz, debiendo tambien de levantar, al efecto, un plano enmendado para excluir dechos porciones.

xxx xxx xxx"

This decision became final.

More than twenty (20) years later, or on January 14, 1960 to be exact, the present petitioners, in their capacity as

heirs of Jose and Dionisio Dolleton, filed with the court a quo a petition[2] for the issuance of decrees of registration corresponding to the portions adjudicated to them in the decision of the Court of Appeals of November 17, 1939. Required by the court a quo to comment on the aforesaid petition, the Land Registration Commissioner submitted a report dated April 18, 1960, which clarified certain theretofore unknown facts relative to the lands involved. Thus:

"1.

That the parcel of land described on plan Re-844 (Psu-96903) and Lot 1, Re-845 (Psu-96911) are entirely inside Lot 10, plan Psu-80886 previously decreed in case No. 976, LRC (GLRO) Record No. 43516, Eduardo C. Guico, applicant, and for which decree No. N-60635 was issued on November 26, 1957, by virtue of an order of the Honorable Court dated November 25, 1957;

2.

That said decree No. N-60635 was issued by this Commission on the basis of plan Ap-4217 (Lot 10, Psu-80886) approved by the Bureau of Lands on September 30, 1957, which is an amended plan according to the petition dated November 19, 1957, accompanying the same;

3.

That the present petition for the issuance of the decree dated January 14, 1960, in so far as it relates to the parcels of land described on plan Re-844 (Psu-96903) and Lot 1, Re-845 (Psu-96911), would not seem to be proper in view of the findings noted in paragraphs 1 and 2 above;

4.

That Lot 2, plan Re-845 (Psu-96911) is a portion of Lot 9, plan Psu-80886, which according to our records is pending amendment to exclude therefrom the area claimed by Jose Dolleton, et al., for which no decree or registration has as yet been issued;

5.

That the decision of the Honorable Court of Appeals promulgated on November 17, 1939, did not specifically state the area of the portion adjudicated in favor of Jose Dolleton, et al., but the boundaries, however, are well defined; and

6.

That though the boundaries of Lot 2 plan Re-845 (Psu-96911), differ in some respect from that stated in the said decision of the Honorable Court of Appeals, the correspond-ing decree and title may, however, be issued upon order of the Honorable Court."

Claiming that it was only upon receipt of the Commissioner's report that they came to learn that the land adjudicated in favor of Dionisio Dolleton and a portion (Lot 1, Re-845, Psu-96911) of the land adjudicated in favor of Jose Dolleton had already been the subject of a decree of title in favor of Eduardo C. Guico, the

petitioners accordingly amended their petition below by incorporating therein an additional plea to annul the said decree (No. 60635) insofar as the parcels of land described in plan Re-844 (Psu-96903) and Lot 1, Re-845 (Psu-96911) were concerned. With respect to the petitioners' claim relative to Lot 2, plan Re-845 (Psu-96911) – actually a portion of Lot 9, plan Psu-80886 – the herein private respondents, collectively referred to as the Mayugas, registered their opposition to the petition. In time the lower court rendered judgment on November 7, 1960, "x x x dismissing the petition to annul the decree of registration and the original petition for registration of the two parcels of land, described in plan Re-844 (Psu-96903) and Lot 1, Re-845 (Psu-96911), adjudicating the third parcel of land described in Lot 2, Plan Re-845 (Psu-96911) in favor of the petitioners and dismissing the opposition of the oppositors." Upon appeal taken by the contending parties to the Court of Appeals (CA-G.R. No. 29863-R) the lower court's decision was affirmed, with modification, as follows:

"ACCORDINGLY, the judgment a quo is hereby modified in the sense that the Heirs of Narciso Mayuga, named Estanislao, Rafael, Nestor, Maura and Maria, all surnamed Mayuga, are hereby declared absolute owners of Lot 9, Psu-80886, including Lot 2 of Plan RE-845 (Psu-96911), and the corresponding decree of registration must issue in their names. In all other respects, the judgment a quo is hereby affirmed, without pronouncement as to costs."

Although the Court of Appeals found as a fact that the decree of registration (N-60635) issued in favor of Eduardo C. Guico was irregularly obtained – it appearing that the court a quo had been fraudulently led to believe that the submitted amended plan (Ap-4217) was in accordance with the final decision of the Court of Appeals dated November 17, 1939 (T.A. – R.G. Nos. 209-211) – it nevertheless refused to consider said decree as null and void on the strength of section 38 of Act 496, otherwise known as the Land Registration Act, the pertinent portion of which reads:

"x x x Every decree of registration shall bind the land, and quiet title thereto. x x x Such decree shall not be opened by reason of the absence, infancy, or other disability of any person affected thereby nor by any proceeding in any court for reversing judgments or decrees; subject, however, to the right of any person deprived of land or of any estate or interest therein by decree of registration obtained by fraud to file in the competent Court of First Instance a petition for review within one year after entry of the decree provided no innocent purchaser for value has acquired an interest. Upon the expiration of said term of one year, every decree or certificate of title issued in accordance with this section shall be incontrovertible. x x x"

The Court of Appeals took note that the decree of registration was entered on November 26, 1957 while the petition to annul the same was presented only on August 1, 1960, and held that since more than one year had elapsed the decree had become incontrovertible. On the award of Lot 2 of Plan RE-845 (Psu-96911) in favor of herein private respondents, the appellate court explained:

"x x x While it is true that this Court held that 'Erro, por consiguiente, el Juzgado al desestimar estas oposiciones bajo el fundamento de que no se han identificado los terrenos objetos de las mismas. Estos opositores probaron que ellos y sus causantes poseyeron sus terrenos desde el tiempo del Gobierno Español, en concepto de dueños, publica, pacífica, continuada y exclusivamente,'

the dispositive portion of the said judgment affirms the adjudication made by the court a quo in favor of the heirs of Narciso Mayuga, and at the same time excluding the portions claimed by Maximo Gawaran, Pio Pangilin and Alejandro de la Cruz. It is to be noted that the judgment of the court a quo reads:

'EN MERITOS DE TODO LO EXPUESTO, se ordena el registro de los Lotes 1, 2 y 3 del plano Psu-47035 a nombre de Estanislao Mayuga, desestimando la oposicion de Florentino Baltazar y Eduardo Guico con respecto a dichos lotes; tambien se ordena el registro de los lotes 1, 7, 8 y 9 del plano Psu-56007 y los lotes 8, 9 y 11 del plano Psu-80886 a favor de los Herederos de Don Narciso Mayuga, desestimando la oposicion de

Eduardo Guico con respecto a los lotes 7 y 8. Se sobresee toda la solicitud de Florentino Baltazar, asi mismo se ordena el registro de los lotes 1, 2, 3, 6, 7 y lo del plano Psu-80886 a nombre de Eduardo Guico, desestimando la oposicion de Florentino Baltazar en cuanto a los lotes 3 y 6 de Guico, finalmente se sobresee en su totalidad la oposicion presentada por Vale-riano Miranda contra el late 6 de Eduardo Guico, asi como la de los opositores appellidados Igaya, Gawaran, Pangilin y de la Cruz en los expedien-te Nos. 657 y 758, y Jose Dolleton en el expediente No. 976, y una vez firme esta decision, expidianse los decretos correspondientes. Sin especial pro-nunciamiento en cuanto a las costas.'

However, Lot 2, plan Re-845 (Psu-96911), is a portion of Lot 9, Plan Psu-80886. But Lot 9, Plan Psu-80886, was adjudicated in favor of the Heirs of Narciso Mayuga by the court a quo, which adjudication was affirmed by this Court, inasmuch as the opposition of Gawaran, Pangilin and de la Cruz pertained to other lots. There-fore, it is obvious that the court a quo as well as this Court adjudicated Lot 9, Plan Psu--80886 to the Heirs of Narciso Mayuga. Therefore, the court a quo erred in holding that the petitioners acquired said lot by prescription in accordance with the judgment of the Court in TA-G.R. Nos. 209, 210 and 211."

Insofar as the instant petition seeks the annulment of the decree of title issued in favor of Eduardo C. Guico on November 26, 1957 and, accordingly, the reversal of the decision of the Court of Appeals on that point, the petition cannot be entertained since Eduardo C. Guico does not appear to be a party respondent, not only here but even in the Court of Appeals. The only respondents are the Mayugas (heirs of Narciso Mayuga), who alone have filed a brief in reply to that of the petitioners. It is, therefore, unnecessary for this Court to pass upon the merits of the petition with respect to the question of whether or not the decree of title of Eduardo C. Guico was wrongfully issued and whether or not the steps taken by the petitioners for its annulment were timely in the light of Section 38 of Act No. 496.

Regarding Lot 2 of plan RE-845 (Psu-96911) the Court of Appeals correctly held that the petitioners' claim is with-out basis because the said lot is admittedly a portion of Lot 9, plan Psu-80886, which had been adjudicated by final judgment in favor of the heirs of Narciso Mayuga, herein private respondents.

WHEREFORE, the decision of the Court of Appeals is affirmed, without prejudice to whatever other action may still be available to the petitioners with respect to the lots adjudicated to them and allegedly included in the decree of title issued to Eduardo C. Guico. No costs.

Concepcion, C.J., Zaldivar, Fernando, Teehankee, Barredo, Makasiar, Antonio, and Esguerra, JJ., concur.
Ruiz Castro, J., took no part.

[1] The land described in plan Psu-80886 was actually subdivided into eleven (11) lots. The land claimed by Jose Dolleton was allegedly inclu-ded in Lots 9 and 10 while that claimed by Dionisio Dolleton was alleged to be included in Lot 10, both of plan Psu-80886.

[2] Attached to the petition were copies of the approved plans covering the land adjudicated in favor of Jose and Dionisio Dolleton, plan Psu-96911 and plan Psu-96903, respectively.

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