

MARTA QUIÑIANO, TEODORICO SOLIS, ALBINO CALDONA, ANTERO SANCHEZ, FELIX CAPITO AND CELEDONIO FERMIN, PETITIONERS, VS. THE HON. COURT OF APPEALS, LUISA BARBOSA, MARIA SARMIENTO, A...

G.R. No. L-23024. May 31, 1971

Ponente: FERNANDO, J.

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FERNANDO, J.:

What is sought to be reversed in this petition for the review of a decision of respondent Court of Appeals is its judgment sustaining an action for reconveyance of three parcels of land in favor of private respondents.[1] They were the victims of a fraud of which principal petitioner Marta Quiñiano[2] was held responsible, it being shown that she was able to obtain a free patent to the disputed lots to which private respondents were entitled by virtue of an extra-judicial partition, executed nine years previously. The law in its wisdom certainly has not left private respondents remediless. Any form of deceit being viewed with disapproval, those victimized can look to its protection. So it has been attested by the constant course of decisions of this Court, Hence, petitioner Quiñiano's plea for reversal is devoid of merit. The other principal petitioner, Celedonio Fermin, bought two of the disputed parcels and three-fourths of the third from a previous vendee, but failed to obtain a title on his own behalf.[3] His claim, therefore, that as to him, the decision cannot stand, as he is innocent purchaser for value, is likewise unpersuasive. We affirm.

The facts as found by respondent Court of Appeals disclosed that the original owners of the disputed parcels located in Pangasinan were the spouses Fabiano Sarmiento and Tomasa de Guzman who, on October 13, 1894, obtained a "titulo real de composicion gratuita" covering the same.[4] The spouses had two children. The first was Jose, who in his lifetime was married to respondent Luisa Barbosa, with whom he had as issues the other respondents Maria, Agueda, Petra and Rufina, all surnamed Sarmiento.[5] The other was Joaquina, the mother of the principal petitioner, Marta Quiñiano.[6] In 1932, there was an extra-judicial partition adjudicating such lots to Jose.[7] This notwithstanding, Marta Quiñiano filed an application for a free patent in 1941 in order to acquire the same.[8] She was successful, a free patent being granted her on November 12 of that year, thereafter registered on November 26 as a result of which an original certificate of title was issued to her.[9] The evidence is clear, according to respondent Court of Appeals that private respondents were unaware of her machinations.[10] She was likewise able to take possession during the early part of the Japanese Occupation,[11] It was not until "some sort of peace and order had been restored", to quote from the appealed decision, that in November, 1943 a complaint for reconveyance with damages was filed with private respondents as plaintiffs wherein they specifically set forth the circumstances under which a free patent was obtained by Quiñiano without their knowledge. Thereafter they learned that on the 2nd of December, 1946, she had sold Lots 6 and 8 as well as three-fourths of Lot 5 to a certain Felix Capito and on December 7, 1946, she sold the remaining one-fourth of Lot 5 to Antero Sanchez, with the former in turn having transferred his rights to now petitioner Celedonio Fermin without such vendees, however, obtaining any certificate of title in their names. The complaint was then amended

on March 2, 1948 to include the other vendees as defendants.[12]

It should be noted that the complaint by private respondents, as plaintiffs, involved ten parcels situated in San Carlos, Pangasinan. They were sustained in the lower court decision as to Lots 1, 3, 4, 7, 9 and 11. Their action was dismissed as to Lots 2 and 10 as well as to the present disputed Lots 5, 6 and 8.[13] They elevated the matter to the Court of Appeals which, in the light of the above facts, awarded them Lots 5, 6 and 8, decreeing a reconveyance in their favor as well as ordering the receiver appointed "to deliver these properties unto the plaintiffs as well as the net harvest during his receivership; costs against defendant Marta Quiñiano." [14] It is from such a decision that a petition for review was taken to this Court.

Petitioners, as announced at the outset, cannot hope to succeed. On the facts as found, the law was correctly applied.

1. The controlling legal norm was set forth in succinct language by Justice Tuason in a 1953 decision, *Director of Lands v. Register of Deeds of Rizal*. [15] Thus: "The sole remedy of the 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, as was done in the instant case, but, respecting the decree 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." [16] Such a doctrine goes back to the 1919 landmark decision of *Cabanos v. Register of Deeds of Laguna*. [17] If it were otherwise, the institution of registration would, to quote from Justice Torres, serve "as a protecting mantle to cover and shelter bad faith * * *." [18] In the language of the then Justice, later Chief Justice, Bengzon: "A different view would encourage fraud and permit one person unjustly to enrich himself at the expense of another." [19] It would indeed be a signal failing of any legal system if under the circumstances disclosed, the aggrieved party is considered as having lost his right to a property to which he is entitled. It is one thing to protect an innocent third party; it is entirely a different matter, and one devoid of justification, if deceit would be rewarded by allowing the perpetrator to enjoy the fruits of his nefarious deed. As clearly revealed by the undeviating line of decisions coming from this Court, such an undesirable eventuality is precisely sought to be guarded against. So it has been before; so it should continue to be.

The brief for petitioners would seek to escape from the unmistakable sense of our past decisions. It sought to justify what was done by Marta Quiñiano. Obviously; such effort was in vain. It is contended in its first assignment of error that the defense of prescription would lie. The patent was obtained in 1941; the complaint was filed in 1943, barely two years after. An ordinary action based on fraud should be filed within four years. [20] Where the action is one for reconveyance based on constructive trust, a ten-year period is allowed. [21] The same lack of merit is clearly discernible insofar as the next seven errors alleged to be committed in the disposition of the claim of petitioner Marta Quiñiano. The second and the third alleged errors concerning the appraisal of certain documentary exhibits are essentially factual and need not be inquired into. So it is with the sixth and the seventh assigned errors to the effect that the lands in question had already been adjudicated to private respondents when the free patent was applied for and that they were more-over in possession as found by this Court. The fourth and the fifth alleged errors dealt with the effect of the issuance of the free patent and would assert contrary to the decisions referred to that thereby Marta Quiñiano could no longer be compelled to reconvey. The eighth alleged error, discussed in one paragraph, was merely a consequence of the preceding ones. It would insist contrary to what had been established that petitioner Quiñiano did not obtain her free patent and title through fraud.

2. Insofar as petitioner Celedonio Fermin, who acquired the rights of a previous vendee, petitioner Felix Capito, from petitioner Quiñiano, the appealed decision did not consider him an innocent purchaser for value. It is undisputed that neither the first vendee, Capito, nor petitioner Fermin took the trouble of securing certificates of

title in their names.[22] Necessarily then, in the light of our applicable decisions, respondent Court could not consider them as innocent purchasers for value.

So it was held in *Mirasol v. Gerochi*,^[23] decided in 1953. Thus: "Antonio Mirasol is in a different predicament. He bought the property from Natividad Escarrilla, who in turn acquired it from Salvador Solano. The different deeds of conveyance were merely annotated on the original and duplicate certificates of title which appear in the name of the previous owners. Neither Solano, nor Escarrilla, nor Mirasol ever secured from the Register of Deeds the transfer of a new certificate of title in their names. In other words, the only picture Mirasol presents before us is that of a purchaser of registered land from a person who did not have any certificate of title in his name, his only evidence being the deed of sale in his favor, and its annotation on the certificate of title which still appears in the name of the previous owners, most of whom had already died. He is not therefore a 'subsequent purchaser of registered land who takes a certificate of title for value and in good faith' and who is protected against any encumbrance except those noted on said certificate, as provided for in section 39 of Act No. 496."^[24] The *Mirasol* ruling was reiterated in *Revilla v. Galindez*,^[25] decided seven years later, in these words: "Where a person buys land not from the registered owner but from one whose right to the land has been merely annotated on the certificate of title, and such purchaser merely had his deed of sale annotated on the certificate of title, he is not considered a 'subsequent purchaser of registered land who takes certificate of title for value and in good faith and who is protected against any encumbrance except those noted on said certificate.'" ^[26]

It is thus apparent that the attempt of petitioner Fermin to impute alleged errors to respondent Court is devoid of any support in law.

WHEREFORE, the decision of respondent Court of Appeals of February 27, 1964 is affirmed. With costs against petitioners, except petitioner Antero Sanchez.

Concepcion, C.J., Reyes, Dizon, Makalintal, Zaldivar, Teehankee, Barredo, Villamor, and Makasiar, JJ., concur.
Ruiz Castro, J., no part.

[1] These respondents are: Luisa Barbosa, Maria Sarmiento, Agueda Sarmiento, Petra Sarmiento and Rufina Sarmiento.

[2] She is married to one of the petitioners, Teodorico Solis. Another petitioner, Albino Caldon, appeared to be her overseer.

[3] Petitioner Felix Capito was such previous vendee who first acquired the same from petitioner Marta Quiñiano. The last-named person in the petition, Antero Sanchez, bought one-fourth of a lot in dispute from petitioner Quiñiano. No further notice need be taken of him, as this Court, by a resolution of July 20, 1964, reaffirmed in another resolution of September 7, 1964 denying a motion for reconsideration, dismissed his petition for being late.

[4] Decision of the Court of Appeals, Appendix to the Brief for the Petitioners, p. 37.

[5] *Ibid*, p. 38.

[6] *Ibid*.

[7] *Ibid*, p. 45.

[8] *Ibid*, p. 39.

[9] *Ibid*.

[10] Ibid.

[11] Ibid, p. 40.

[12] Ibid, pp. 40-41 and p. 51.

[13] Ibid, p. 34.

[14] Ibid, p. 54.

[15] 92 Phil. 826. Cf. *Avecilla v. Yatco*, 103 Phil. 666 (1958); *Nebrada v. Heirs of Alivio*, 104 Phil. 126 (1958); *Roco v. Gimeda*, 104 Phil. 1011 (1958); *Aragon v. Aragon*, 105 Phil. 365 (1959); *Republic v. Heirs of C. Carle*, 105 Phil. 1227 (1959); *Moldero v. Yandoc*, L-14321, Oct. 20, 1961, 3 SCRA 246; *Alzona v. Capunitan*, L-10228, Feb. 28, 1962, 4 SCRA 450; *Juan v. Zuñiga*, L-17044, April 28, 1962, 4 SCRA 1221; *J.M. Tuazon & Co., Inc. v. Macalindong*, L-15398, Dec. 29, 1962, 6 SCRA 938; *Gonzales v. Jimenez*, L-19073, Jan. 30, 1965, 13 SCRA 80.

[16] Ibid, p. 831.

[17] 40 Phil. 620. The Cabanos decision was subsequently cited in the following cases: *Sotto v. Sotto*, 43 Phil. 688 (1922); *Severino v. Severino*, 44 Phil. 343 (1923); *Paguio v. Manlapid*, 52 Phil. 534 (1928); *Garcia v. Doncillo*, 53 Phil. 682 (1929); *Philippine Land Improvement Co. v. Blas*, 55 Phil. 540 (1930); *Roco v. Gimeda*, 104 Phil. 1011 (1958); *Tiburcio v. P.H.H.C.*, 105 Phil. 477 (1959); *Vengaso v. Buencamino*, 109 Phil. 206 (1960); *Caladiao v. Vda. de Blas*, L-19063, April 29, 1964, 10 SCRA 691; *Almirañez v. Devera*, L-19496, Feb. 27, 1965, 13 SCRA 343; *P.H.H.C. v. Mencias*, L-24114, Aug. 16, 1967, 20 SCRA 1031; *Gestosani v. Insular Development Co. Inc.*, L-21166, Sept. 15, 1967, 21 SCRA 114; *Galarpe de Melgar v. Pagayon*, L-22731, Nov. 15, 1967, 21 SCRA 841.

[18] Ibid, p. 632.

[19] *Juan v. Zuñiga*, L-17044, April 28, 1962, 4 SCRA 1221, 1226.

[20] *Llanera v. Lopos*, 106 Phil. 70 (1959); *Gerona v. de Guzman*, L-19060, May 29, 1964, 11 SCRA 153.

[21] *Gonzales v. Jimenez*, L-19073, Jan. 30, 1965, 13 SCRA 80, citing *Boñaga v. Soler*, L-15717, June 30, 1961, 2 SCRA 755; *Alzona v. Capunitan*, L-10228, Feb. 28, 1962, 4 SCRA 450; *Joaquin v. Cujuangco*, L-18060, July 25, 1967, 20 SCRA 769.

[22] Decision of the Court of Appeals, Appendix to the Brief for the Petitioners, p. 52.

[23] 93 Phil. 480.

[24] Ibid, pp. 485-486.

[25] 107 Phil. 480 (1960).

[26] Ibid, p. 486.

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