

MARCELINO TIBURCIO, ET AL., PLAINTIFFS AND APPELLANTS, VS. PEOPLE'S HOMESITE & HOUSING CORPORATION, ET AL., DEFENDANTS AND APPELLEES.*G. R. No. L-13479. October 31, 1959*

Ponente: BAUTISTA ANGELO, J.

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This is an action for reconveyance of a parcel of land located in Quezon City containing an area of about 430 hectares.

On October 11, 1957, plaintiffs filed an action before the Court of First Instance of Quezon City alleging that for many years prior to March 25, 1877 and up to the present they and their ancestors have been in actual, adverse, open, public, exclusive and continuous possession as owners of the land in litigation; that they have been cultivating the land and enjoying its fruits exclusively; that from time immemorial up to the year 1955, they have been paying the land taxes thereon; that in 1955 defendant People's Homesite & Housing Corporation began asserting title thereto claiming that its Transfer Certificate of Title No. 1356 embraces practically all of plaintiffs' property, while the other defendant University of the Philippines began also asserting title thereto claiming that its Transfer of Certificate of Title No. 9462 covers the remaining portion; that defendants are not innocent purchasers for value, having had full notice of plaintiffs' actual possession and claim of ownership thereof; and that the inclusion of plaintiffs' property within the technical boundaries set out in defendants' titles was a clear mistake and that at no time had defendants' predecessors-in-interest exercised dominical rights over plaintiffs' property.

On October 31, 1957, defendant University of the Philippines filed a motion to dismiss alleging that the complaint states no cause of action; that it is barred by the statute of limitations; that the court has no jurisdiction over the case; and that in the event the motion is not granted, defendant be separated from the case and be impleaded in a separate action. To this motion plaintiffs filed a reply alleging that the complaint on its face alleges a valid and sufficient cause of action upon which the court could render a valid judgment. Defendant People's Homesite & Housing Corporation, on the other hand, filed a motion for bill of particulars to which plaintiffs filed also a reply. On November 20, 1957, Leonila G. de Perucho and Jose Peñaranda filed a motion for intervention which was likewise opposed by plaintiffs. On December 11, 1957, the trial court issued an order dismissing the complaint on the ground of lack of cause of action and that it is already barred by the statute of limitations, leaving unresolved the other points raised in the pleadings for being unnecessary. From this order plaintiffs took the present appeal.

Appellants contend that the lower court erred in dismissing the complaint on the ground of lack of sufficient cause of action for the reason that on its face said complaint alleges sufficient facts on which a valid judgment could be rendered against defendants. Thus, it is claimed that the complaint alleges the following facts: that plaintiffs are the sole heirs of Eladio Tiburcio who died intestate in 1910; that upon his death Eladio Tiburcio left to plaintiffs as his sole heirs a tract of land located in Quezon City; that said plaintiffs have always been in actual, open, notorious and exclusive possession of the land as owners pro indiviso; that sometime in 1955 defendants began

asserting title to the land claiming that the same is embraced and covered by their respective certificates of title; that defendants acquired their respective titles with full notice of the actual possession and claim of ownership of plaintiffs and as such they cannot be considered innocent purchasers for value.

It appears, however, that the land in question has been placed under the operation of the Torrens system since 1914 when it has been originally registered in the name of defendant's predecessor-in-interest. It further appears that sometime in 1955 defendant People's Homesite & Housing Corporation acquired from the original owner a parcel of land embracing practically all of plaintiffs' property for which Transfer Certificate of Title No. 1356 was issued in its favor, while defendant University of the Philippines likewise acquired from the same owner another portion of land which embraces the remainder of the property for which Transfer Certificate of Title No. 9462 was issued in its favor. It is, therefore, clear that the land in question has been registered in the name of defendant's predecessor-in-interest since 1914 under the Torrens system and that notwithstanding what they now claim that the original title lacked the essential requirements prescribed by law for their validity, they have never taken any step to nullify said title until 1957 when they instituted the present action. In other words, they allowed a period of 43 years before they woke up to invoke what they now claim to be erroneous when the court decreed in 1914 the registration of the land in the name of defendants' predecessor-in-interest. Evidently, this cannot be done for under our law and jurisprudence, a decree of registration can only be set aside within one year after entry on the ground of fraud provided no innocent purchaser for value has acquired the property (Section 38, Act No. 496; *Apurado vs. Apurado*, 26 Phil., 581; *Salmon vs. Bacando*, 40 Off. Gaz., 13th Supp. 1607; *Rivera vs. Moran*, 48 Phil., 836).

On the other hand, our law is clear that upon the expiration of the one-year period within which to review the decree of registration, the decree as well as the title issued in pursuance thereof becomes incontrovertible (Section 38, Act No. 496). The purpose of the law in limiting to one year the period within which the decree may be reviewed is to put a limit to the time within which a claimant may ask for its revocation. If after title to property is decreed an action may be instituted beyond the one-year period to set aside the decree, the object of the Torrens system which is to guarantee the indefeasibility of the Title would be defeated (*Cabanos vs. Register of Deeds*, 40 Phil., 520).

Plaintiffs likewise contend that since the complaint alleges that defendants acquired their respective titles with full notice of the actual possession and claim of ownership of plaintiffs with respect to the land in question, it is error to dismiss the complaint for such averment is sufficient to establish a cause of action against defendants. This contention overlooks the fact that the land in question is covered by Torrens title. Thus, it appears that defendant People's Homesite & Housing Corporation bought the portion of the property in question from its predecessor-in-interest sometime in 1955 for which Transfer Certificate of Title No. 1356 was issued in its favor. There is nothing in the complaint to show that when it acquired the property said defendant knew of any defect in the title appearing on its face in the form of any lien or incumbrance. The same thing is true with regard to defendant University of the Philippines. It likewise acquired the portion of the property in question sometime in 1955 from its predecessor-in-interest for which Transfer Certificate of Title No. 9462 was issued in its favor. There is also nothing in the complaint to show that when it acquired the property it knew of any defect in the title appearing on its face in the form of any lien or incumbrance. Said defendants are therefore, presumed to be purchasers for value and in good faith and as such are entitled to protection under the law.

The foregoing finds support in the following well-settled principle: "A person dealing with registered land is not required to go behind the register to determine the condition of the property. He is only charged with notice of the burdens on the property which are noted on the face of the register or the certificate of title. To require him to do more is to defeat one of the primary objects of the Torrens system" (*William H. Anderson vs. Garcia*, 64 Phil,

306; Castillo vs. Sian, 105 Phil., 622; Paraiso vs. Camon, supra, p. 187, 1959).

Assuming arguendo that plaintiffs' action for reconveyance had not yet prescribed as contended, their right however to bring the instant action may be considered barred by laches for not having taken the action seasonably after title to the property had been issued under the Torrens system. It appears' that the property in question was originally registered on May 3, 1914 and it was only on October 11, 1957 that appellants asserted their claim thereto when they brought the present action. In the recent case of Domingo vs. Mayon Realty Corporation, 102 Phil., 32; 54 Off. Gaz., 4954), September 30, 1957, this Court said: "Like Ciriaco Allingag in the previous case, appellants herein could have raised the issue of the validity of the Certificate of Title issued to Valle Cruz since 1928, when the foreclosure sale in her favor was confirmed. They failed to do so until 18 years afterwards, and their action (if any) now should be held barred by their own laches and negligence."

Appellants finally claim that the lower court erred in dismissing the complaint on the ground of res judicata by taking judicial notice of its own records in Land Registration Case No. L-3 invoking in support of their contention the principle that a court cannot take judicial notice of the contents of the records of other cases even when such cases had been tried by the same court and notwithstanding the facts that both cases may have been tried before the same judge. While the principle invoked is considered to be the general rule, the same is not absolute, There are exceptions to this rule. Thus, as noted by former Chief Justice Moran:

"In some instance, courts have taken judicial notice of proceedings in other causes, because of their close connection with the matter in controversy. Thus, in a separate civil action against the administrator of an estate arising from an appeal against the report of the committee on claims appointed in the administration proceedings of said estate, to determine whether or not the appeal was taken on time, the court took judicial notice of the record of the administration proceedings. Courts have also taken judicial notice of previous cases to determine whether or not the case pending is a moot one or whether or not a previous ruling is applicable in the case under consideration." (3 Moran, Comments on the Rules of Court, 1957 ed., pp. 36-37)

Moreover, appellants' objection to the action of the trial court on this matter is merely technical because they do not dispute the fact that appellant Marcelino Tiburcio, who instituted the present case, is the same person who filed the application in Land Registration Case No. L-3 for the registration of the same parcel of land which application was denied by the court. It appears that in that registration case the oppositors were the People's Homesite & Housing Corporation, Tuason and Co., and the Bureau of Lands. Although the University of the Philippines was not an oppositor in that case, in effect it was represented by its predecessor-in-interest, Tuason and Co. from which it acquired the property. It may therefore be said that in the two cases there is not only identity of subject-matter but identity of parties and causes of action. Indeed, the trial court did not err in dismissing the complaint on the ground of res judicata.

Wherefore, the order appealed from is affirmed, with costs against appellants.

Paras, C. J., Bengzon, Padilla, Montemayor, Labrador, Reyes, J. B. L., Endencia, Barrera, and Gutierrez David, JJ., concur.

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