

**LEANDRO N. DE LEON, CORAZON L. BODESTYNE, RAMON DE LEON
AND EVELYN DELIMA-BRAVO, PETITIONERS, VS. HON. EULALIO C.
DIAZ, III, IN HIS CAPACITY AS ADMINISTRATOR OF THE LAND
REGISTR...**

Ponente: GONZALES-SISON, M., J.

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GONZALES-SISON, M., J.:

By Petition for Review under Rule 43 of the Rules of Court, petitioners Leon N. De Leon, Corazon L. Bodestyne, Ramon De Leon, and Evelyn Delima-Bravo seek to appeal the 10 April 2012 Resolution of the Land Registration Authority denying the annotation of the adverse claim of the petitioners on TCT No. (13375) S-27924 as well as the 30 September 2013 Order denying their Motion for Reconsideration.

The facts of the case, as found by the public respondent, are as follows:

“Regina Niebres owns a parcel of land covered by TCT No. (13375) S-27924 located in Makati City, with an area of 265 square meters. On July 3, 1950, Regina executed a Deed of Absolute Sale in favor of Maria Niebres covering an area of 165 square meters out of the 265 square meters of the subject TCT No. 13375. This sale has been annotated on the title under Entry No. 25664/T-No. 13375.

On April 28, 1996, RTC Branch 62 of Makati City rendered a Decision in Civil Case No. 91-2301 entitled “Regina Niebres Segovia versus Leandro De Leon, et. al.” declaring the Deed of Absolute Sale dated July 3, 1950 void ab initio and ordering the Register of Deeds of Makati City to cancel the inscription of the said sale in the memorandum of encumbrances found at the dorsal portion of TCT No. (13375) S-27924. In compliance (with the Decision), the Register of Deeds on July 29, 2008 cancelled Entry No. 25664/13375 under Entry No. 85529/13375.

On December 10, 2008, petitioners as heirs of the late Maria Niebres filed “Joint Affidavit of Adverse Claim”contending that the final and executory Decision dated April 18, 1996 had already prescribed under the law, the cancellation of Entry No. 25664/13375 was attended with grave procedural irregularities tantamount to a denial of due process and considering that they have long been occupants of the subject parcel of land, and are the heirs of the late co-owner Maria Niebres, they have a vested interest in the property which they are to protect.

The Register of Deeds however denied registration of the adverse claim on the ground that “The right of an heir or co-heir cannot be the subject of an adverse claim.””

On 10 April 2012, the Land Registration Authority issued the impugned Resolution[1] the dispositive portion of which states, thus –

“WHEREFORE, premises considered, this Authority is of the opinion that the request of the petitioners to annotate the adverse claim on TCT No. (13375) S-27924 may not be favorably acted upon.

SO ORDERED.”[2]

Petitioners filed a Motion for Reconsideration but the same was denied in an Order dated 30 September 2013.

Hence, this appeal under Rule 43 of the Rules of Court with the lone issue for the resolution of this Court, to wit:

THE LAND REGISTRATION AUTHORITY COMMITTED REVERSIBLE ERROR IN DENYING PETITIONERS' MOTION FOR RECONSIDERATION DATED 24 APRIL 2012 NOTWITHSTANDING THE FACT THAT THE PRIMARY ISSUE IN THE APPEAL EN CONSULTA REFERS TO CANCELLATION OF ENTRY NO. 25664/13375 ON TRANSFER OF CERTIFICATE OF TITLE NO. (13375) S-27924 IN PURSUANT TO A DECISION RENDERED BY THE REGIONAL TRIAL COURT OF MAKATI CITY, BRANCH 62 DATED APRIL 18, 1996 WHICH HAS ALREADY PRESCRIBED AND THEREFORE HAS NO FORCE AND EFFECT AND AS SUCH, UNENFORCEABLE.

Petitioners insist that the basis for the cancellation of Entry No. 25664/13375 which was the Decision of the Regional Trial Court of Makati City, has already prescribed and could no longer be enforced. Moreover, the cancellation of Entry No. 25664/13375 was not made under a Writ of Execution nor was it made through a Sheriff as the proper officer of the court.

On the other hand, private respondents maintain that the public respondent did not commit any reversible error and prays that the instant petition be dismissed for utter lack of merit.

The Petition is unmeritorious.

Petitioners proffer that the cancellation of Entry No. 25664/13375 is annotated at the back of TCT No. (13375) S-27924 as follows:

“Entry No. 85529/13375 – Decision

By virtue of the DECISION of the court, RTC Makati, Branch 62 under Civil Case No. 91-23101, the Absolute Sale annotated under Entry No. 25664/13375 is hereby cancelled. So Ordered by Judge Roberto C. Diokno.

Date of instrument - 18 April 1996

Date of inscription - 29 July 2008.

Petitioners conclude that it violates the rule that a Decision is enforceable under and within five (5) years from the date of entry of finality of judgment by Motion for Issuance of Writ of Execution or after five (5) years but within ten (10) years from the date of entry or finality of decision by a petition/complaint for revival of judgment.[3]

Furthermore, they contend that it is in violation of Article 1144 of the Civil Code which provides that actions must be brought within 10 years from the time the right of action accrues.

Hence, petitioners argue, the cancellation of entry had lost its validity and efficacy and should therefore be declared null and void.

Petitioners' arguments deserve scant consideration.

In the case of *Spouses Paredes v. CA*,^[4] the Supreme Court explained, thus:

“In a later case [*Sta. Ana v. Menla*, 111 Phil. 947 (1961)], the Court also ruled that the provision in the Rules of Court to the effect that judgment may be enforced within five years by motion, and after five years but within ten years by an action (Section 6, Rule 39) refers to civil actions and is not applicable to special proceedings, such as land registration cases. The Court said:

"The second assignment of error is as follows:

"That the lower court erred in ordering that the decision rendered in this land registration case on November 28,

1931 or twenty six years ago, has not yet become final and unenforceable.

We fail to understand the arguments of the appellant in support of the above assignment, except in so far as it supports his theory that after a decision in a land registration case has become final, it may not be enforced after the lapse of a period of 10 years, except by another proceeding to enforce the judgment or decision. Authority for this theory is the provision in the Rules of Court to the effect that judgment may be enforced within 5 years by motion, and after five years but within 10 years, by an action (Sec. 6, Rule 39). This provision of the Rules refers to civil actions and is not applicable to special proceedings, such as a land registration case. This is so because a party in a civil action must immediately enforce a judgment that is secured as against the adverse party, and his failure to act to enforce the same within a reasonable time as provided in the Rules makes the decision unenforceable against the losing party. In special proceedings the purpose is to establish a status, condition or fact; in land registration proceedings, the ownership by a person or a parcel of land is sought to be established. After the ownership has been proved and confirmed judicial declaration, no further proceeding to enforce said ownership is necessary, except when the adverse or losing party had been in possession of the land and the winning party desires to oust him therefrom.” (Emphasis and underscoring supplied)

Petitioners have not supplied any cogent reason for this Court to deviate from the foregoing ruling.

Furthermore, public respondent Land Registration Authority found, thus:

“The cancellation of Entry No. 25664/13375 was effected on July 29, 2008 by virtue of the annotation of Entry No. 85529/13375 pursuant to a Court Decision dated April 18, 1996. Whether or not said Decision should be annotated on the ground of prescription is a matter not for the Registrar of Deeds to decide but a court of competent jurisdiction. Said annotation having been annotated, its annotation has become, in consulta jurisprudence, a fait accompli. The only way to have it canceled is for a proper petition to be filed in court in accordance with the above-quoted[5] provision of law. That remedy being still available to the herein petitioners, they cannot avail the remedy of adverse claim.”[6](underscoring supplied)

Section 108 of PD 1529 reads:

"SEC. 108. Amendment and alteration of certificates. — No erasure, alteration, or amendment shall be made upon the registration book after the entry of a certificate of title or of a memorandum thereon and the attestation of the same by the Register of Deeds, except by order of the proper Court of First Instance. A registered owner or other person having an interest in registered property, or, in proper cases, the Register of Deeds with the approval of the Commissioner of Land Registration, may apply by petition to the court upon the ground that the registered interests of any description, whether vested, contingent, expectant or inchoate appearing on the certificate, have terminated and ceased; or that [a] new interest not appearing upon the certificate have arisen or been created; or that an omission or error was made in entering a certificate or any memorandum thereon, or on any duplicate certificate; or that the name of any person on the certificate has been changed; or that the registered owner has married, or, if registered as married, that the marriage has been terminated and no right or interest of heirs or creditors will thereby be affected; or that a corporation which owned registered land and has been dissolved has not conveyed the same within three years after its dissolution; or upon any other reasonable ground; and the court may hear and determine the petition after notice to all parties in interest, and may order the entry or cancellation of a new certificate, the entry or cancellation of a memorandum upon a certificate, or grant any other relief upon such terms and conditions, requiring security or bond if necessary, as it may consider proper; Provided, however, that this section shall not be construed to give the court authority to reopen the judgment or decree of registration, and that nothing shall be done or ordered by the court which shall impair the title or other interest of a purchaser holding a certificate for value in good faith, or his heirs and assigns, without his or their written consent. Where the owner's duplicate certificate is not presented, a similar petition may be filed as provided in the preceding section.

"All petitions or motions filed under this section as well as under any other provision of this Decree after original registration shall be filed and entitled in the original case in which the decree or registration was entered."

It is thus clear from the above-quoted provision that no certificate of title may be amended or altered except by order of the proper regional trial court. The petition for the purpose must be filed before the regional trial court, sitting as a land registration court, and entitled in the original case in which the decree of registration was entered. Certainly, this Court cannot arrogate unto itself that power lodged exclusively with the land registration court without running afoul with the said provision of law. The correction of the entries in the transfer certificates of title should be effected before the Regional Trial Court sitting as a land registration court which has original jurisdiction over the same pursuant to Sec. 112 of Act 496 (now Sec. 108, PD 1529). For as long as these entries appear in the transfer certificates of title, they are binding and conclusive upon the court (Sec. 47, Act. 496). Otherwise stated, these entries, until ascertained to be erroneous in an appropriate proceeding before the land registration court, are binding and conclusive in all courts including this Court.[7]

Accordingly, petitioners may avail of the remedy provided under Section 108 of PD 1529. This, however, does not necessarily mean that they are automatically entitled to the relief prayed for — the cancellation of the annotation. It is incumbent upon them to satisfy the requirements and conditions prescribed under the statutory provision.

In fine, the Land Registration Authority did not commit any reversible error in denying petitioners' request to annotate the adverse claim on TCT No. [13375] S-27924.

WHEREFORE, premises considered, the 10 April 2012 Resolution issued by the Land Registration Authority as well as its 30 September 2013 Order in Consulta No. 4944 are hereby **AFFIRMED** in toto. With costs against the petitioners.

SO ORDERED.

Carandang, R.D., (Chairperson), and Sorongon, E.D., JJ., concur.

[1] Rollo, pp. 31-32.

[2] *id.*, p. 32

[3] Section 6, Rule 39 of the Rules of Court which provides: Sec. 6. Execution by motion or by independent action. — A final and executory judgment or order may be executed on motion within five (5) years from the date of its entry. After the lapse of such time, and before it is barred by the statute of limitations, a judgment may be enforced by action. The revived judgment may also be enforced by motion within five (5) years from the date of its entry and thereafter by action before it is barred by the statute of limitations.

[4] G.R. No. 147074. July 15, 2005

[5] Section 108 of PD 1529.

[6] Rollo, p. 32.

[7] *Widow & Orphans Association, Inc. v. CA, et. al.*, G.R. No. 91797. August 7, 1992.

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