

MAMERTA DE LA MERCED, PETITIONER, VS. COURT OF APPEALS, EZEQUIEL M. SANTOS AND AMPARO MACAPAGAL, RESPONDENTS.

G. R. No. L-17757. May 30, 1962

Ponente: BARRERA, J.

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BARRERA, J.:

This is an appeal from the decision of the Court of Appeals, affirming the original decision of the Court of First Instance of Nueva Ecija (in Civil Case No. 946), upholding the right of ownership of Ezequiel Santos over Lot No. 395 of the Rizal (Nueva Ecija) Cadastre.

As may be gathered from the extant records, the facts of the case are:

In a complaint filed in the Court of First Instance of Nueva Ecija dated May 3, 1952, which was later amended, Ezequiel Santos (and his wife) claiming ownership of Lot No. 395 of the Rizal Cadastre by virtue of an adjudication of the cadastral court denied December 26, 1923 in favor of his father, sought recovery of ownership and possession thereof from the named defendants, and of the landlord's share in the harvests for the agricultural years 1950-1956.

Defendants, in their answer, resisted plaintiffs' claim and asserted their ownership over said property as evidenced by Original Certificate of Title No. 3462 issued to their predecessor Juan de la Merced on October 10, 1931 and their continuous possession of the land for more than 30 years.

In the course of the proceedings, Mamerta de la Merced, a legitimate daughter of Juan de la Merced, was allowed to intervene and make common cause with the defendants.

On January 16, 1957, the court rendered a decision for the plaintiffs after making a finding that Lot No. 395 was part of the Original Certificate of Title No. 425, issued on May 30, 1916 in the name of the spouses Inocencio de los Santos and Victorina Macapagal, parents of plaintiff Ezequiel Santos; that in a decision rendered by the cadastral court on December 26, 1923 (Cad. Case No. 14, G.L.R.O. Rec. No. 281), the said lot was also adjudicated in favor of the conjugal partnership of Inocencio de los Santos and Victorina Macapagal; that pursuant to said decision, the cadastral court issued on December 17, 1925 an order for the issuance of a certificate of title for the said property; that on December 8, 1926, Transfer Certificate of Title No. 1971 was issued in the name of Ezequiel Santos in lieu of Original Certificate of Title No. 425 which was cancelled; that on December 28, 1926, the cadastral court declared lot 395 public land, as a consequence of which Juan de la Merced, after filing a homestead application therefor, was able to obtain Original Certificate of Title No. 3462 on October 10, 1931. Holding that the cadastral court had no jurisdiction to issue the order declaring the lot public land, and, therefore, the same as well as the certificate of title issued thereafter was null and void, the court ordered the cancellation of OCT No. 3462 in the name of Juan de la Merced; directed defendants to vacate Lot No. 395 of the Rizal Cadastre and surrender possession thereof to plaintiffs; and to pay the latter as the landlord's share, 50 cavans of palay yearly for the agricultural years 1950 to 1956 or their equivalent, and costs of the suit; and the receiver to deliver to plaintiffs the palay in his custody representing the harvest for the agricultural years

1953-1955.

Upon defendants' motion for reconsideration, however, the promulgation of the decision was ordered suspended and the case was reset for hearing for reception of additional evidence.

On August 6, 1957, the court amended its original decision, thus:

"The plaintiffs now admit that the litigated 'Lot No. 395 of the Rizal Cadastre, Nueva Ecija, is outside the parcel of land described in Transfer Certificate of Title No. 1971 and Original Certificate of Title No. 425, both of which cover Lot 396'. They, however, claim ownership over said Lot 395 by virtue of the decision rendered on December 26, 1923 in Cadastral Case No. 14, G.L.R.O. Rec. No. 21, entitled 'Government of the Philippines versus Justo Abacan, et al.,' (Exh. A-1), and the other dated December 17, 1925 directing the issuance of a decree pursuant to said decision (Exh. V-2, p. 10, rec. of exhibits).

"No decree has yet been issued pursuant to the said order, Exhibit B-2, much less was there a title issued in the name of the plaintiffs over the said lot.

"The defendants, on the other hand, predicate their claim of ownership over the said lot of Original Certificate of Title No. 3462 issued on October 10, 1931 in favor of Juan de la Merced, their predecessor-in-interest, pursuant to a homestead patent issued on September 15, 1931 (Exh. 1, for the defendants and intervenes), contending that the decision of December 26, 1923, adjudicating the lot to the plaintiffs, was still subject to review since there was no decree issued pursuant thereto.

"The position of the defendants and intervenor would have been correct if there was actually a petition for review of the decision of December 26, 1923, or a new trial or a reopening of the case concerning Lot No. 395. The fact of the matter is that Original Certificate of Title No. 3462 was issued pursuant to a homestead patent long after Lot No. 395 was declared a public land in a decision dated March 29, 1926 at Rizal, Nueva Ecija, and December 28, 1926 at Rizal, Nueva Ecija, and December 28, 1926 at Manila for Cabanatuan City (Exh. 4) states that Lot No. 395, together with Lots Nos. 394 and 2044, was declared a public land and was the object of a homestead application by the respective concessionaires (p. 21, rec. of exhibits). * * *.

"It would seem that the cadastral court in the same cadastral cases No. 14, G.L.R.O. Rec. No. 281, entitled Government of the Philippines vs. Justo Abacan, et al. erroneously reopened the hearing of Lot 395 which was already adjudicated in favor of the plaintiff by the decision dated December 26, 1923 (Exh. A-1, and A-2, pp. 2 and 5, rec. of exhibits) and decreed that lot 395 is public land. The same cadastral court should have taken judicial notice of the said decision and the other promulgated therein for the issuance of a decree in favor of the plaintiffs over Lot 395 (Exh. B-2)."

While the court held that the land having ceased to be part of the public domain, the Director of Lands no longer had authority to grant the homestead patent over the same to Juan de la Merced, it declared nevertheless that, inasmuch as no title was actually issued therefor, the said lot may be acquired by adverse possession. And, as defendants had been in possession of the property for over 20 years, they were declared to have acquired the right over the same by prescription. The complaint was consequently ordered dismissed; OCT No. 3462 cancelled and a new one issued to defendants in lieu thereof; and plaintiffs were directed to vacate the one-third portion of Lot No. 395 occupied by them, and to pay the costs.

Plaintiffs interposed an appeal to the Court of Appeals. The appellate court, in its decision of July 20, 1960, sustained the contention of appellants on the basis of the doctrine laid down by this Court in the case of Government of the Philippine Islands vs. Abural (39 Phil. 997), that upon the finality of the decree by the cadastral court, adjudicating ownership of the land, the title thereto becomes incontrovertible and may no longer be acquired by prescription. And, as the land was no longer part of the public domain when the homestead patent was obtained by Juan de la Merced, the same can not prevail over the cadastral court's decree of registration of

Lot No. 395 in favor of appellant Santos' predecessor.

Hence, the filing of the instant petition for review of the aforesaid decision of the Court of Appeals.

The questions actually raised by the present appeal are: What is the effect of the order of the cadastral court of December 26, 1923 adjudicating the lot in favor of Santos, and the subsequent order dated December 17, 1925, directing the issuance of a certificate of title to Inocencio Santos? Did those orders constitute registration under the law even though the corresponding certificate of title has not been issued? In the affirmative, could the property thereby affected still be lost by adverse possession?

For purposes of resolving the above questions, these salient facts must be considered:

By virtue of the final decision rendered in Cadastral Case No. 14, G.L.R.O. Rec. No. 21, dated December 26, 1923, Santos' title to Lot No. 395 was definitely confirmed as against the whole world, including the Government;

That the same cadastral court issued a decree dated December 19, 1925 declaring its decision of December 26, 1923 final and directing the Chief of the General Land Registration Office to Issue the certificate of title to Inocencio de los Santos, although no such certificate was actually issued; '

That under date of December 28, 1926, the cadastral court, without reopening the case, declared the same Lot 395 public land as a result of which Juan de la Merced, after due application, was able to obtain therefor a homestead patent and OCT No. 3462 on October 10, 1931;

That as found by the Court of Appeals, Juan de la Merced, until his death in 1931, was the overseer of Inocencio de los Santos for a big portion of land which included Lot 395 in question and was, therefore, a trustee for said lot at the time he applied for it as a homestead;

That the complaint for recovery of ownership and possession was filed in 1952.

There is no doubt that had the land involved herein been public, by specific provision of Act 496, the act of registration shall be the operative act to convey and affect the same, and such registration shall be made in the office of the register of deeds for the province where the land lies. (Sec. 122, Act 496). In other words, in cases of public lands, the property is not considered registered until the final act or the entry in the registration book of the registry of deeds had been accomplished.

With respect to private lands, however, the pertinent provisions of Act 496 are:

"SEC. 38. If the court after hearing finds that the applicant or adverse claimant has title as stated in his application or adverse claim and proper for registration, a decree of confirmation and registration shall be entered. Every decree of registration shall bind the land, and quiet title thereto, subject only to the exception stated in the following section. It shall be conclusive upon and against all persons including the Insular Government and all the branches thereof, whether mentioned by name in the application, notice or citation, or included in the general description 'To all whom it may concern'. 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 judgment 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. * * *." (Italics supplied.)

"SEC. 40. Every decree of registration shall bear the day of the year, hour, and minute of its entry, and shall be signed by the Chief of the General Land Registration Office (now Land Registration Commissioner). * * *. The decree shall be stated in a convenient form for transcription upon the certificates of titles hereinafter

mentioned." (Italics supplied.)

It is apparent from the foregoing provisions that a decree of registration and a certificate of title, under Act 496, are two different things. And it is the decree of registration, to be issued by the Land Registration Commissioner, which shall be the basis of the certificate of title to be issued subsequently by the corresponding register of deeds, that quiets title to and binds the land.

But, it must be remembered that the abovementioned provisions apply only to voluntary registration under the Land Registration Act. With respect to lands titled through compulsory proceedings, the Cadastral Act prescribes:

"SEC. 11. The trial of the case may occur at any convenient place within the province in which the lands are situated or at such other place as the court, for reasons stated in writing and filed with the record of the case, may designate, and shall be conducted in the same manner as ordinary trials and proceedings in the Court of First Instance and shall be governed by the same rules. Orders of default and confession shall also be entered in the same manner as in ordinary cases in the same court and shall have the same effect. All conflicting interests shall be adjudicated by the court and decrees awarded in favor of the persons entitled to the lands or the various parts thereof, and such decrees, when final, shall be the basis for original certificates title hi favor of said persons which shall have the same effect as certificates of title granted on application for registration of land under the Land Registration Act. * * *." (Italics supplied.)

Confronted with the question of when title to the land in a cadastral proceeding is vested, this Court, in the case of *Government of the Philippine Islands vs. Abural*,^[1] said:

"After trial in a cadastral case, three actions are taken. The first adjudicates ownership in favor of one of the claimants. This constitutes the decision—the judgment—the decree of the court, and speaks in a judicial manner. The second action is the declaration by the court that the decree is final and its order for the issuance of the certificates of title by the Chief of the Land Registration Office. Such order is made if within thirty days from the date of receipt of a copy of the decision no appeal is taken from the decision. This again is judicial action, although to a less degree than the first.

"The third and last action devolves upon the General Land Registration Office. This, office has been instituted 'for the due effectuation and accomplishment of the laws relative to the registration of land.' (Administrative Code of 1917, sec. 174.)* * *.

"The judgment in a cadastral survey, including the rendition of the decree, is a judicial act. As the law says, the judicial decree when final is the base of the certificate of title. The issuance of the decree by the Land Registration Office is a ministerial act. The date of the title prepared by the Chief Surveyor is unimportant, for the adjudication has taken place and all that is left to be performed is the mere formulation of the technical description. * * *.

"As a general rule, registration of title under the cadastral system is final, conclusive, and indisputable, after the passage of the thirty-day period allowed for an appeal from the date of receipt by the party of a copy of the judgment of the court adjudicating ownership without any step having been taken to perfect an. appeal. The prevailing party, may then have execution of the judgment as of right and is entitled to the certificate of title issued by the Chief of the Land Registration Office. The exception is the special provision providing for fraud."

Under the foregoing pronouncement, the title of ownership on the land is vested upon the owner upon the expiration of the period to appeal from the decision or adjudication by the cadastral court, without such an appeal having been perfected. The certificate of title would then be necessary for purposes of effecting registration of subsequent disposition of the land where court proceedings would no longer be necessary.

As we have here a decree issued by the cadastral court, ordering the issuance to Inocencio de los Santos of the

certificate of title over Lot No. 395 after the decision adjudicating ownership to him of the said property had already become final, and there being no imputation of irregularity in the said cadastral proceedings, title of ownership on the said adjudicatee was vested as of the date of the issuance of such judicial decree. The land, for all intents and purposes, had become, from that time, registered property which could not be acquired by adverse possession.

Wherefore, the decision of the Court of Appeals is hereby affirmed, with costs against petitioner Mamerta de la Merced. So ordered.

Padilla, Bautista Angelo, Concepcion, Reyes, J.B.L., Paredes, and Dizon, JJ., concur.

[1] 39 Phil. 997.

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