

ANGUSTIA M. IBAY, PETITIONER, VS. THE COURT OF APPEALS AND THE HEIRS OF LEOCADIO MANAHAN AND HEIRS OF JOSE MIRANDA SAMPEDRO, RESPONDENTS.

G.R. No. L-47158. August 05, 1992

Ponente: MEDIALDEA, J.

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MEDIALDEA, J.:

This is an appeal by certiorari from the decision of the Court of Appeals in CA-G.R. No. 54381-R entitled "Angustia M. Ibay v. Heirs of Leocadio Manahan and Heirs of Jose Miranda Sampredo," which reversed the lower court,[1] by awarding subject land to respondents.

In October 1967, Angustia M. Ibay sought confirmation and registration of her alleged title to a parcel of land, containing an area of 553,174 sq. m. (55 has.), situated in Bo. San Jose, Montalban, Rizal, covered by Plan Psu-207931. Ibay claimed to have purchased the land from one Fortunato Sta. Isabel (northern portion, 20 has.) and one Catalino Fernando (southern part, 35 has.) during the Japanese occupation; that her predecessors had been in possession and she continued as such, but that her deeds of sale had been burned during the Japanese occupation when her house had been burned, but her possession, tacked to that of her predecessors-in-interest, was more than 30 years.

Respondents opposed Ibay's application, claiming instead that subject land should be adjudged and registered in their names. The grounds for their opposition were in the alternative, that is, either -

"4. That the parcel of land sought to be registered by the applicant is a part and portion of the oppositors' land, the same has been adjudicated to them by the Court of Appeals, in the case entitled 'CA-G.R. No. 654, Jose Miranda Sampredo, et al. vs. The Dir. of Lands, et al.'

"or

"5. That the oppositors are in the open, exclusive, continuous public and adverse possession and under a bona fide claim of ownership of the said land from time immemorial, declared the same for taxation purposes and paying the taxes therefor." (pp. 290-291, Rollo)

On April 27, 1973, a decision was rendered by the Court of First Instance of Rizal in LRC-N-7381 in favor of herein petitioner-applicant, the dispositive portion of which reads as follows:

"WHEREFORE, the Court hereby declares the applicant Angustia M. Ibay, Filipino, of legal age, married to Justo I. Ibay and resident of Makati, Rizal, the true and absolute owner of the parcel of land described in plan Psu-207931 (Exhibit I) subject of the instant application and orders the registration thereof in her name.

"Once this decision becomes final let corresponding decree issue.

"SO ORDERED." (p. 291, Rollo)

On the first alternative ground, the trial court held:

"x x the oppositors' evidence is based on the supposed Court of Appeals decision, contending 'That the land subject of this registration proceeding has been already a subject of a previous land registration case in which the applicants in said case CA-G.R. No. 654 were granted by the Court of Appeals the land in 1938 and that said applicants in CA-G.R. No. 654 are now the oppositors in this instant case.' 'This Court is not incline to give weight to this argument of the oppositors because the jurisprudence on the point is to the effect that -

'A decision, or any court record for that matter, which is destroyed and not duly reconstituted within the period prescribed has no legal existence and no claim of prior adjudication can be made thereunder.' (Claridad vs. Novella, G.R. No. L-4207, October 24, 1952; Ambat vs. Dir. of Lands, G.R. No. 5042, June 30, 1953; Nacua vs. Amparo Alo de Beltran, G.R. No. L-4933, August 6, 1953, 93 Phil. 595; Chua Kay vs/ Lim Chang, G.R. No. L-5995, May 19, 1956, 99 Phil. 75 - Martin vs. Halili, et al., No. 19566-R, November 21, 1958/55 Off. Gaz. No. 16, p. 2899" (pp. 106-107, RA)' " (pp. 291-292, Rollo)

As regards the second ground, the trial court ruled:

"The evidence also shows that the land which the Oppositors claim as theirs and supposedly covered by their plan Psu-697-Amd. has been in the actual and adverse possession of other persons. Nemesio Roxas, one of the two witnesses for the oppositors and one of the alleged heirs of the late Leocadio Manahan, admitted that these actual occupants of the land supposedly covered by Plan Psu--697-Amd. of the Oppositors are: Jose Salamat, Maximo Calalang, Valentin Buenviaje, Juana Estanislao, Arcadio Tolentino, and 'LOTS OF NAMES MENTIONED TO ME BY JULIAN MANAHAN to be on the property' (pp. 30-33, 35, 36-37, 41 tsn., hearing of June 14, 1971). Oppositors thus admit impliedly that they are not in fact in actual, continuous, uninterrupted peaceful possession of the land they claim as theirs for at least thirty years and they failed to prove their absolute ownership of the land herein applied for registration by the applicant Angustia M. Ibay." (pp. 292, Rollo)

The trial court's ruling was premised mainly on this Court's decision in the case of "Jose Miranda Sampedro and Pedro Manahan v. Director of Lands, G.R. No. L-24901, April 28, 1969.

A brief statement of the background of this case is imperative to better appreciate the lower court's ruling.

On October 27, 1959, the heirs of Jose Miranda Sampedro and the heirs of Leocadio Manahan (respondents in this petition), had petitioned the Court of First Instance of Rizal a) to approve their amended plan Psu-697-Amd, corresponding to a parcel of land situated in Macabud, Montalban, Rizal, which amended plan was platted in accordance with a certain decision of the Court of Appeals[2] and b) to direct the Land Registration Commission to issue in their names, as successors-in-interest of the original applicants Sampedro and Manahan in Land Registration Case No. 1117, CFI, Rizal, a decree of registration over Lot 1 of said Plan Psu-697-Amd.

Appended to the petition was a copy of a decision wherein the Court of Appeals purportedly affirmed a lower court's award of said lot to original applicants Jose Miranda Sampedro and Leocadio Manahan, with the modification that one-sixth thereof was to belong to spouses Jose Villegas and Irene Santos, after excluding therefrom portions encompassed by the forest zone, homestead and others.

On December 2, 1959, the Court of First Instance of Rizal issued an Order approving plan Psu-697-Amd. and directing the Land Registration Commission to issue the appropriate decree of registration. On December 22, 1959, the corresponding decree was issued, with spouses Villegas and Santos as owners of undivided one-sixth portion and two groups of heirs as pro-indiviso owners of the remaining portion. The decree was transcribed two days later in the registration book of the Register of Deeds of Rizal as OCT No. 2180.

Within one year from issuance of the decree, Ibay and other persons filed petitions for review in the Court of First Instance, because of the alleged undue inclusion of some tracts of land in Lot No. 1, Plan Psu-697-Amd., leveling

against the heirs of Sampedro and Manahan charges of fraud in the procurement of the decree. They prayed that the decree be reopened and OCT No. 2180 be annulled. The annulment of the order of December 2, 1959 was specifically prayed for by Ibay.

A motion to dismiss as well as a subsequent motion for reconsideration was denied by the court.

At the pre-trial, it was discovered that the copy of the 1938 Court of Appeals decision submitted by the heirs of Sampedro and Manahan was merely a "certified copy of another copy in the office of the Land Registration Commission which in turn was copied from a copy of the Bureau of Lands." The records of LRC No. 1117 of the Court of First Instance of Rizal, including the original of the Court of Appeals' decision supposedly rendered therein, were allegedly lost or destroyed during the second world war.

This discovery prompted Ibay and others to file in March, 1963, separate petitions to set aside the Order of December 2, 1959. In addition to their previous assertion of fraud, they contended, among other things, that the alleged pre-war decision was unenforceable as it was not properly reconstituted pursuant to Act No. 3110.

On August 23, 1963, the court set aside the assailed order of December 2, 1959 on the ground of lack of authority to issue said order of December 2, 1959 in view of non-reconstitution of the land registration case as well as the Court of Appeals' pre-war decision.

Upon denial of their motion for reconsideration, the heirs of Sampedro and Manahan appealed directly to this Court (G.R. L-24901). Jose Villegas and the heirs of Irene Santos, who for the first time, had appeared to set aside the order of August 23, 1963, went to the Court of Appeals, upon denial of said petition. Their case was certified to this Court on pure questions of law, docketed as G.R. No. L-27347.

This Court rendered its decision on both cases on April 28, 1969, disposing as follows:

"WHEREFORE, finding no reversible error in the appealed orders of 24 August 1963 and 11 April 1964, the same are hereby affirmed. As to the order of 26 April 1961, denying the motion to dismiss the petition for review, the appeal therefrom is dismissed for being premature. Let the records be remanded to the court of origin for further proceedings. Costs shall be paid in solidum by appellants in both cases, G.R. Nos. L-27347 and L-24901." (pp. 250-251, Rollo)

In sum, this Court had ruled that the act of the court below in revoking the previous order for the issuance of a decree of registration was in order, "for the reason that neither the records of the registration proceedings nor the decision of the Court of Appeals in 1938 had been properly reconstituted conformably to the law" (Act 3110).

This Court further stated:

"The jurisprudence of this Court is to the effect that upon failure to reconstitute destroyed judicial records within the period prescribed by law (which expired in 17 June 1963, pursuant to Republic Act No. 3081) the parties 'are deemed to have waived the effects of the decision rendered in their favor and their only alternative is to file an action anew for the registration in their names of the lots in question' (Mayal v. Piccio, 99 Phil. 404; Ambut v. Director of Lands, 92 Phil. 567, Carungkong v. Cayunges, 88 Phil. 527). Appellants not having applied indue time for proper reconstitution of their registration proceedings, the court below had no recourse but to set aside the order for the issuance of the decree." (p. 249, Rollo)

From the adverse ruling of the court in LRC N--7381, respondents' (oppositors) appealed, assigning the following errors:

"1. granting registration of the land applied for by the applicant-appellee who has no title to register and confirm.

“2. granting registration of the land applied for by applicant-appellee which was not identified.

“3. not finding that applicant-appellee failed to satisfy other essential requirements to entitle her to the issuance of certificate of title.

“4. holding that the oppositors’ plan Psu-697-AMD, is a disapproved plan.

“5. not holding that the land applied for registration be registered in the names of the oppositors.” (pp. 222-223, CA Decision, Rollo)

The Court of Appeals reversed the trial court, disposing as follows:

“IN VIEW WHEREOF, this Court is constrained to reverse, as it now reverses, judgment appealed from, application is dismissed, and subject land is adjudicated to and ordered registered in the names of oppositors, costs against appellants.

“SO ORDERED.” (p. 228, CA Decision, Rollo)

Hence, this appeal by certiorari.

We hold for petitioner Ibay.

The Court of Appeals upheld the claim of respondents heirs of Manahan and Sampedro for the following reasons:

1. despite the fact that subject land had been purchased during the Japanese occupation, Ibay had declared the land for the first time under a "NEW" tax declaration in 1962, and had it surveyed for purposes of registration only 2 years later (p. 223, Rollo);

2. although she had presented testimonial proof of her purchased from the former owners, Ibay failed to present the deed of sale covering subject land, nor exhibited the previous tax declaration in the names of said former owners, Fortunato Sta. Isabel and Catalino Fernando that would have evidenced the latter's claim of ownership (ibid).

3. while conceding this court's affirmance in G.R. No. L-24801 of the order dated August 23, 1963 annulling and setting aside of OCT 2180 in respondents' names, for non-reconstitution of the land registration proceedings as well as the 1938 CA decision, the Court of Appeals nonetheless pointed out that such nullification did not necessarily result in the disapproval of Plan Psu-697-Amd., since "what the Supreme Court had held in G.R. No. L-24081 was that the Court of First Instance had no authority on the basis of the decisions in the pre-War registration case, to order issuance of the decree thereon, only that, it had not annulled the plan of oppositors, et al. x x x." (p. 226, Rollo)

It is clear that in the resolution of this case, the sole issue to be resolved is whether or not respondents' sole documentary proof, which is Plan Psu--697-Amd, may be relied upon.

In G.R. No. L-24901, this Court had ruled that the trial court in LRC No. 1117 did not err in revoking the order dated August 23, 1983 for the issuance of a decree of registration for the reason that neither the records of the registration proceedings nor the decision of the Court of Appeals in 1938 had been properly reconstituted conformably to the law (Act 3110).

Reference by this Court to the "records of the proceedings" in G.R. No. 24901 can only mean the entire records of the registration proceedings, including Plan Psu-697-Amd of respondents, upon which they had premised their claim. Their failure to reconstitute these records therefore had the effect of rendering non-existent and without legal effect Plan Psu-697-Amd, the Court of Appeals' reliance on this plan was in complete disregard of Our intent in L-24901.

Likewise, petitioner correctly observed that respondents had simply filed their opposition to petitioner's application for registration, thereafter "foisting the alleged pre-war decision as an adjudication to them of the land in dispute" (pp. 301-302, Rollo).

We agree with petitioner that the Court of Appeals gravely erred in treating respondents' opposition as "an application-filed-anew" for the registration of subject land in respondents' name, as it completely disregarded Our clear ruling in L-24907 as well as settled jurisprudence that "a decision or any court record for that matter, which is destroyed and not duly reconstituted within the period prescribed has no legal existence and no claim of prior adjudication can be made thereunder." (Claridad vs. Novella, G.R. No. L-4207, October 24, 1952; Ambat vs. Dir. of Lands, G.R. No. 5042, June 30, 1953; Nacua vs. Amparo Alo de Beltran, G.R. No. L-4933, August 6, 1953, 93 Phil. 595; Chya Kay vs. Lim Chang, G.R. No. L-5995, May 19, 1956, 99 Phil. 75, Martin vs. Halili, et al., No. 19566-R, November 21, 1958/55 Off. Gaz. No. 16, p. 2899' (pp. 106-107, RA)."

Undoubtedly, petitioner's right to the registration in her name of the title to the land in question must be upheld. Evidence during the trial, show that oppositors/respondents were not in actual possession of the land claimed by them, and that said land was in fact in the possession of third parties (p. 31, Petitioner's Brief). Also, the Land Registration Commission had certified that subject land had never been the subject of prior application for original registration under Act No. 496 (Exh. F, p. 4, TSN, May 6, 1968, p. 34, Petitioner's Brief). Upon due assessment of the evidence, the trial court found that petitioner "has satisfied all the conditions essential to a government grant and therefore is entitled to the issuance of a certificate of title in her favor pursuant to Section 48 of CA No. 141, as amended by RA No. 6236 (p. 108, Records on Appeal, Ibid, pp. 34-38).

Factual findings of the trial court are accorded great respect. The Court of Appeals has sought to set aside its findings on petitioner's continued possession and that of her predecessors' by its observation that petitioner's tax declaration on subject land (Exh. G) was obtained only in 1962 and designated as "New".

We believe that the use of the term "new" only meant that it was a "new tax declaration" in petitioner's name, i.e., that being now in possession, after her predecessors-in-interest she was now declaring said land "'for taxation purposes' for the first time in her name." As a layman, petitioner's lapse should not be taken against her. We agree with petitioner that the 1962 tax declaration should "not derogate the probative value of petitioner's other competent evidence establishing beyond cavil, petitioner's continued adverse peaceful possession and ownership of the subject property." (p. 35, Rollo).

ACCORDINGLY, the judgment appealed from is REVERSED and the decision of the lower court is REINSTATED. Costs against respondents.

SO ORDERED.

Cruz, (Chairman), Grino-Aquino, and Bellosillo, JJ., concur.

[1] CFI, Rizal, 7th Judicial District, Br. II, LRC N-7381, Judge Pedro Navarro, presiding.

[2] Jose Miranda Sampredo, et al. v. The Director of Lands, et al., CA-G.R. No. 654, November 26, 1938.

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