

**MIGUELA MIRANDA, FELICIDAD DE LA ROSA AND LUZ DE LUBIO,
PETITIONERS, VS. HON. COURT OF APPEALS, JUSTA ALORA
RANSUYO, (DEC.) SUBSTITUTED BY HER CHILDREN, NAMELY:
REBECCA RANSUY...**

G.R. No. L-46064. September 07, 1989

Ponente: GRIÑO-AQUINO, J.

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GRIÑO-AQUINO, J.:

This is a petition for review on certiorari of the Court of Appeals' decision dated February 7, 1977 in CA-G.R. No. L-58560-R, entitled "Justa Alora Ransuyo, et al. vs. Pedro de la Cruz, et al.," affirming in toto the decision of the Court of First Instance of Laguna in an action for reconveyance, annulment and damages, the dispositive portion of which reads:

"IN VIEW OF THE FOREGOING CONSIDERATIONS, judgment is hereby rendered for the plaintiffs against the defendants and the deed of sale executed by Norberto Almoro on June 10, 1917 conveying the one-third (1/3) northern portion of Lot No. 581 of the Biñan Estate in favor of Melecio Legasto as well as the deed of sale executed by Melecio Legasto in favor of spouses Gabriel Alora and Tarcila Alzona on April 28, 1930 conveying and transferring the same portion of Lot No. 581 of the Biñan Estate are declared valid for having been legally made. The deed of donation executed by Roberto Almoro on January 19, 1948 transferring by way of donation the entire parcel of Lot No. 581 of the Biñan Estate to the defendants is declared void only with respect to the one-third (1/3) northern portion of Lot No. 581, which is adjudged in favor of the plaintiffs. The defendants Miguela Miranda, Felicidad dela Rosa and Luz de Lubio except Pedro de la Cruz are ordered to reconvey to the plaintiffs therein, as heirs and successors-in-interest of the deceased Gabriel Alora and Tarcilla Alzona, the one-third (1/3) northern portion or 205.66 square meters of Lot No. 581 of the Biñan Estate. The Register of Deeds of the Province of Laguna is directed, upon payment of the prescribed legal fees, to cancel Transfer Certificate[s] of Title Nos. T-21306, T-21307, T-21308 and T-21309. Defendants are jointly and severally ordered to pay the plaintiffs the sum of P500.00 as attorney's fees.

With costs against the defendants." (pp. 106-107, Record on Appeal.)

The private respondents, as plaintiffs in the Court of First Instance of Laguna, alleged in their complaint:

"That they are the children and legal heirs of the deceased spouses Gabriel Alora and Tarcila Alzona of Biñan, Laguna, who during their lifetime purchased from one Melecio Legasto the disputed 1/3 portion of Lot 581 consisting of 205.66 sq. meters, evidenced by an ancient document dated April 28, 1930 (Exh. A); that this Melecio Legasto, bought the same 1/3 portion of said Lot 581, from the original owner, Roberto Almoro, predecessor-in-interest of herein defendants, except Pedro de la Cruz, on June 10, 1917, evidenced by public instrument (Exh. B); that immediately after the sale to their father Gabriel Alora in 1930, the latter, declared the said disputed 1/3 portion of Lot 581 in his own name, under Tax Declaration No. 9386 (Exh. C), which said Gabriel Alora executed on July 11, 1931, and paid its corresponding land taxes, as shown by Exhibit E; that Gabriel Alora likewise fenced the disputed land in question; built a small resthouse; they also helped Gabriel Alora plant vegetables and other plants over the questioned premises; that it was only in 1961 when

they came to know that the entire Lot 581, which included the disputed 1/3 portion therein was donated by Roberto Almoro in favor of his proteges and adopted daughters, Roberto Almoro and his wife being childless, sometime in January, 1948, and on August 5, 1948 also donated the disputed 1/3 part thereon in favor of the defendant Pedro de la Cruz; that despite demands to reconvey the questioned premises herein defendants, except Pedro de la Cruz, still refuses to do so hence the present recovery suit." (pp. 1-2. CA Decision on pp. 30-31, Rollo.)

Pedro de la Cruz executed on May 31, 1961 a "Salaysay" renouncing all his rights over any portion of Lot 581. The defendants subsequently had the entire property subdivided, then caused the registration of the subdivided lots in their respective names and the issuance of Transfer Certificates of Title Nos. T--21306, T-21307, T-21308 and T-21309 of the Laguna Registry of Deeds on September 20, 1961.

In their answer, the defendants alleged that the plaintiffs' cause of action had already prescribed, and that the deeds of sale (Exhibits A and B) as well as the certifications issued by the Acting Register of Deeds (Exhibits L, M and N) attesting that said deeds are copies of the originals long filed in his office, are fake and falsified.

After trial, the lower court rendered the assailed judgment on August 5, 1975. The defendants appealed to the Court of Appeals which affirmed the trial court's decision in toto. It held that prescription had not set in because the plaintiffs discovered in 1968 that the defendants (herein petitioners) had registered the entire Lot 581 in 1961, and they filed their complaint for reconveyance in 1968 also. Therefore, the ten-year prescriptive period had not yet elapsed.

It upheld the authenticity and due execution of the deed of sale for these were ancient and genuine documents written on paper which had turned yellow with age but remained unblemished by alterations or circumstances of suspicion. The documentary stamps appended thereto were those of that era, still bearing the name "Philippine Islands." Moreover, the plaintiffs had tax declarations: (1) Tax Declaration No. 9386 dated July 11, 1931 (Exh. C), together with Tax Receipt (Exh. D); and (2) Tax Declaration No. 1776 (Exhibit E-1) for 1948, also in Gabriel Alora's name. These tax declarations cancelled in part Roberto Almoro's Tax Declaration No. 6824 for Lot 581. Moreover, they have been in peaceful, open, and continuous possession of the one-third portion. The petitioners' attempt to assail these findings of the CA must fail for they are factual. It is a cardinal rule that in petitions for review under Rule 45 only legal issues may be raised.

Petitioners' reliance on the registration of the entire Lot 581 in 1961 to secure their ownership over the disputed portion is misplaced. The deed of donation (Exh. F) which Almoro made in favor of the petitioners, was void with respect to the one-third portion which he had already sold. The petitioners acquired only the portion, which still belonged to their donor-benefactor. The portion which he no longer owned but conveyed to the petitioners was impressed with a trust in favor of the true owners, the private respondents (Amerol, et al. vs. Bagumbaran, 154 SCRA 396).

While land registration is a proceeding in rem and binds the whole world (*Moscozo vs. CA*, 128 SCRA 70), the simple possession of a certificate of title under the Torrens system does not necessarily make the holder a true owner of all the property described therein. If a person obtains a title under the Torrens system, which includes by mistake or oversight land which can no longer be registered under the system, he does not, by virtue of said certificate alone, become the owner of the lands illegally included (*Coronel vs. IAC*, 155 SCRA 270, citing *Ledesma vs. Municipality of Iloilo*, 49 Phil. 769, 773; *Caragay-Layno vs. CA*, 133 SCRA 718).

"Registration does not vest title. It is not a mode of acquiring property. It does not give the holder any better right than what he actually has, especially if the registration was done in bad faith. The effect is that it is as if no registration was made at all.

"x x x Settled is the rule that a donor cannot lawfully convey what is not his property." (De Guzman vs. CA, 156 SCRA 701.)

WHEREFORE, finding no reversible error in the decision of the Court of Appeals, the petition for review is denied with costs against the petitioners.

SO ORDERED.

Narvasa, (Chairman), Cruz, Gancayco, and Medialdea, JJ., concur.

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