

ELENO T. SANGALANG, SR., PETITIONER-APPELLANT, VS. HUGO H. CAINGAT, MOVANT-APPELLEE.*G.R. No. L-25531. September 26, 1968*

Ponente: CONCEPCION, C.J.

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Appeal from an order of the Court of First Instance of Pampanga.

The factual background is not in dispute. Eleno T. Sangalang, Sr. and his children—hereinafter referred to collectively as the Sangalangs—are registered owners of two (2) parcels of land situated in the Barrio of San Pedro, San Fernando, Pampanga, and covered by transfer certificates of title Nos. 35337-R, 43147-R, 43149-R, 39775-R, 43142-R, 43144-R, 39777-R, 39776-R, 43146-R and 43148-R of the Office of the Register of Deeds of said province. On September 11, 1963, the Sangalangs and Hugo P. Caingat executed a public instrument—which was duly registered and annotated on said transfer certificates of title, as Entries Nos. 5482 and 5483—whereby Caingat bound himself to undertake and manage the formation or conversion into subdivisions of the aforementioned lands, as well as the sale of the subdivision lots to the public, under the terms and conditions specified in said instrument. Paragraph 13 thereof stipulated that the Sangalangs "shall have the right to cancel" the agreement in the event of failure of Caingat "to comply with any of the conditions" thereof or of violation by him of "any" of its "provisions."

Purporting to act pursuant to this paragraph, on January 25, 1965, Eleno T. Sangalang, Sr.—hereinafter referred to as Sangalang Sr., who had authority to represent his children—wrote a letter to Caingat cancelling and rescinding the aforementioned agreement. Subsequently, or on July 1, 1965, Sangalang Sr. filed, with the Court of First Instance of Pampanga, a petition for cancellation of said Entries Nos. 5482 and 5483 and of the annotation thereof on said TCT Nos. 35337-R, 43147-R, 43149-R, 39775-R, 43142-R, 43143-R, 43144-R and 39777-R, upon the ground that Caingat had failed "to comply with the terms and conditions" of said agreement, and that, accordingly, the Sangalangs had revoked and cancelled the same. Instead of the reglementary notice setting it for hearing, the petition contained a request, addressed to the Clerk of Court, to "kindly submit" it to "the Court for consideration and approval upon receipt." Sure enough, the petition was granted in an order dated July 3, 1965. On August 6, 1965, Sangalang Sr. filed a similar petition for cancellation of the pertinent annotations on the other certificates of title^[1] alleging that the same "were inadvertently omitted in the petition dated July 1, 1965." Like such petition, that of August 6, 1965 asked the Clerk of Court to submit it "to the Honorable Court, for consideration and approval upon receipt," which approval was given on the same date.

Presently, or on August 30, 1965, Caingat filed a motion to set aside the order of July 3, 1965,^[2] because it had been granted without giving him an opportunity to be heard and without a previous judicial declaration of rescission of the contract between the parties, in an action brought for such purpose. On September 4, 1965, the lower court revoked its order of July 3, 1965, and set the "case" for hearing on September 11, 1965, on which date it issued another order denying the petition for cancellation of the encumbrances annotated on the certificates of title and ordering the Register of Deeds to reinstate the entries of said encumbrances and the annotations thereof

on said certificates of title, for the reason that, "Section 112 of Act 496 . . . contemplates a non-controverted case," and that, since the alleged right of the Sangalangs "is controverted . . . an ordinary civil action is necessary to determine whether . . . cause exists for the termination" of the contract in question. A motion for reconsideration of this order of September 11, 1965, having been denied, Sangalang Sr. interposed the present appeal.

We find no merit therein. The proceedings under Section 112 of Act No. 496, upon the authority of which Sangalang Sr. seeks to cancel the annotations of the entries adverted to above, are "summary in nature, and are allowed only when a scrutiny of the allegations discloses that the issues presented by the pleadings need not be tried because they are so patently insubstantial as not to be genuine issues." Indeed, the relief provided in said section "can only be granted if there is unanimity among the parties or there is no adverse claim or serious objection on the part of any party in interest," for "otherwise the case becomes controversial and should be threshed out in an ordinary case or in the case where the incident properly belongs" and because controversies arising "after the entry of the original decree of registration" are "beyond the limited authority Of a land registration court to pass" upon. This was the view taken by this Court as late as February 22, 1968[3] relying upon *Tanganan vs. Republic*[4] consistently with an unbroken line of other decisions on the same subject.[5]

WHEREFORE, the order appealed from should be, as it is hereby affirmed, with costs against petitioner-appellant, Eleno T. Sangalang, Sr.

Concepcion, C.J., Reyes, J.B.L., Makalintal, Sanchez, Ruiz Castro, Angeles, Fernando and Capistrano, JJ., concur.

Judgment affirmed.

[1] TCT Nos. 39776-R, 43146-R and 43148-R.

[2] Not the order of August 6, 1965.

[3] *Mabilin vs. Millar*, L-24146.

[4] 94 Phil. 171.

[5] *Enriquez vs. Atienza*, 100 Phil. 1072; *Castillo vs. Ramos*, 78 Phil. 809, 813,814; *Laguda vs. Casimoro*, 98 Phil. 102; *Jimenez vs. de Castro*, 67 Phil. 398, 400; *Gov't. of the Phil. vs. Jalandoni*, 44 O.G. 1837.

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