

VICENTE GARCIA, ET AL., PLAINTIFFS AND APPELLANTS, VS. PEDRO DE GUZMAN, DEFENDANT AND APPELLEE.*G.R. No. L-15988. August 30, 1962*

Ponente: PADILLA, J.

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On 24 March 1959 Vicente, Benjamin, Anatalia, Fabian, all surnamed Garcia, and Tranquilino Reyes, the husband of the late Francisca Garcia, whose appointment as guardian ad litem of the five minor children of the late Francisca Garcia is asked, brought an action in the Court of First Instance of Pangasinan against Pedro de Guzman to recover title to a parcel of land described in the complaint (par. 5) and P1,000 for damages, to cancel original certificate of title No. 25381 for the parcel of land sought to be recovered issued in the name of Pedro de Guzman by the Register of Deeds in and for the province of Pangasinan, to compel the defendant to reconvey to the plaintiffs the aforesaid parcel of land, and to secure any other lawful and equitable remedy that may be afforded them, on the allegation that the defendant Pedro de Guzman secured by means of or through fraud the registration in his name of the parcel of land sought to be recovered. On 4 April 1959 the defendant moved for the dismissal of the complaint on the ground that the cause of action is barred by a prior judgment; that there is no sufficient legal ground for the reconveyance of the parcel of land to the plaintiffs; and that the action is barred not only by extinctive but also by acquisitive prescription. In support of the motion to dismiss, the defendant points out that the decree entered on 30 January 1923 in land registration case No. 765, G.L.R.O. Record No. 15485, ordering the registration of the parcel of land sought to be recovered by the plaintiffs in the name of Pedro de Guzman, the defendant, upon which original certificate of title No. 25381 was issued, put at rest the question of title to the parcel of land sought to be recovered by the plaintiffs; that the action to recover title to the parcel of land is brought more than 36 years after the decree had been entered in said land registration case; that the reopening of a decree of registration is not allowed except on the ground of fraud and upon petition filed within one year after entry of the decree, as provided for in section 38 of the Land Registration Act (Act No. 496). He further alleges that, aside from indefeasibility of his title, he has acquired by prescription the ownership or title to the parcel of land sought to be recovered by the plaintiffs which bars an action for ejectment or to quiet title thereto. The plaintiffs filed their objection to the motion to dismiss claiming that it would not be fair, just and legal to dismiss the complaint without trial and presentation of evidence.

On 27 April 1959 the trial court found that the decree of registration was entered on 30 January 1923; that original certificate of title No. 25381 upon the said decree was issued on 18 July 1923; that the deed of donation claimed to have been fraudulently secured by the defendant from Juan Garcia, the late father of the plaintiffs, who died in 1950, was executed on 1 June 1918; that the said donor therefore had 32 years from the date of the execution of the deed of donation until his death within which to file a complaint or bring an action to annul the deed of donation on the ground of fraud but did not do so; that when the cadastral survey was undertaken or commenced in San Carlos in 1929 the donor, if he really did not donate the parcel of land to the defendant, should have had it surveyed in his name and his answer filed in the cadastral court claiming it as his property; that by then he would have discovered the fraudulent registration of the parcel of land by the defendant, as now claimed by the

plaintiffs; that the plaintiffs, after their father's death in 1950, had more than sufficient time to bring an action to annul the deed of donation on the ground of fraud; that as an action predicated on fraud prescribes in four years the action brought by the plaintiffs is beyond the 4-year limit fixed by law. Upon those grounds, the complaint was dismissed without costs.

On 18 May 1959 the plaintiffs filed a pleading entitled motion for reconsideration, motion for new trial and motion for a 30-day period within which to perfect an appeal should the motion for reconsideration be denied, which the defendant answered in a pleading filed on 26 June 1959.

On 4 June 1959, acting upon the motion for reconsideration, the trial court hold that, as may be gathered from the facts alleged in paragraphs 10, 16 and 18 of the plaintiffs' complaint, the reconveyance of the parcel of land sought by the plaintiffs is not on a breach of an express trust but on intrinsic fraud and on constructive or implied trust, and following the rule laid down by the Supreme Court in *Lucas vs. Durian*, G. R. No. L-7886, 23 September 1957; *Diaz, et al. vs. Gorricho, et al.*, 108 Phil., 261; and *Roco, et al. vs. Gimeda*, 104 Phil., 1011; the deed of donation upon which the decree of registration was entered an conclusive until declared void in an action filed for that purpose and cannot be collaterally attacked in this case, and for these reasons the court denied the motion for reconsideration. However, it granted an extension of 20 days within which to appeal from the order of dismissal.

In their brief the appellants contend that the trial court committed a reversible error when it dismissed the complaint without trial or hearing the evidence of the parties, as there is no evidence or fact by which it could determine the truthfulness of the allegations of the complaint. There is no merit in this error assigned by the appellants, because the deed of donation executed by Juan Garcia in favor of Pedro de Guzman on 1 June 1918 and acknowledged before a notary public on the same date (Appendix A); a petition for the registration of the parcel of land dated 18 October 1918 by Pedro de Guzman, the appellee (Appendix B); judgment rendered on 30 January 1923 in land registration case No. 765, G.L.R.O. Record No. 15485, decreeing the registration of the parcel of land in the name of the appellee (Appendix D); original certificate of title No. 25381 issued on 18 July 1923 by the Registrar of Deeds in and for the province of Pangasinan upon the decree just referred to (Appendix C), all attached to the complaint, indubitably show that the action brought by the plaintiffs is barred by a prior decree entered in land registration case No. 765, G.L.R.O. Record No. 15485, Pedro de Guzman, applicant.

The appellants also claim that the trial court erred in holding that an action for reconveyance on the ground of fraud is barred after the lapse of four years from the time the right of action accrued and that for that reason this action was brought beyond the 4-year period prescribed by law. There is also no merit in this claim, for the reason that, as correctly held by the trial court, from 1 June 1918 to 1950 or for a period of 32 years Juan Garcia, the appellants' father who donated to the appellee the parcel of land, could have asked for the annulment of the deed of donation and yet did not do so. He had another opportunity to annul such deed when in 1929 a survey of the lands in San Carlos was begun. He should have had the parcel of land surveyed in his name and his answer filed in the cadastral court claiming it as his property but he did not do so. As regards the appellants, after their father's death in 1950, they should have taken steps or filed an action to annul the said deed of donation on the ground of fraud. Even if the parcel of land were not registered in the name of the appellee under the Torrens system he would have acquired title to it by prescription no matter how the possession thereof had originated or begun, which precludes an action for its recovery on the ground of fraud.

The order appealed from is affirmed, with costs against the appellants.

Bengzon, C. J., Bautista Angelo, Labrador, Concepcion, Reyes, J. B. L., Barrera, Paredes, Dizon, Regala, and Makalintal, JJ., concur.

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