

SPOUSES MARIANO AND ERLINDA LABURADA, REPRESENTED BY THEIR ATTORNEY-IN-FACT, MANUEL SANTOS, JR., PETITIONERS, VS. LAND REGISTRATION AUTHORITY, RESPONDENT.

G.R. No. 101387. March 11, 1998

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PANGANIBAN, J:

In an original land registration proceeding in which applicants have been adjudged to have a registrable title, may the Land Registration Authority (LRA) refuse to issue a decree of registration if it has evidence that the subject land may already be included in an existing Torrens certificate of title? Under this circumstance, may the LRA be compelled by mandamus to issue such decree?

[The Case]

These are the questions confronting this Court in this special civil action for mandamus[1] under Rule 65 which asks this Court to direct the Land Registration Authority (LRA) to issue the corresponding decree of registration in Land Registration Case (LRC) No. N-11022.[2]

[The Facts]

Petitioners were the applicants in LRC Case No. N-11022 for the registration of Lot 3-A, Psd-1372, located in Mandaluyong City. On January 8, 1991, the trial court, acting as a land registration court, rendered its decision disposing thus:[3]

“WHEREFORE, finding the application meritorious and it appearing that the applicants, Spouses Marciano [sic] and Erlinda Laburada, have a registrable title over the parcel of land described as Lot 3A, Psd-1372, the Court declares, confirms and orders the registration of their title thereto.

As soon as this decision shall become final, let the corresponding decree be issued in the name of spouses Marciano [sic] and Erlinda Laburada, both of legal age, married, with residence and postal address at No. 880 Rizal Ave., Manila.”

After the finality of the decision, the trial court, upon motion of petitioners, issued an order[4] dated March 15, 1991 requiring the LRA to issue the corresponding decree of registration. However, the LRA refused. Hence, petitioners filed this action for mandamus.[5]

Attached to the LRA’s comment on the petition is a report dated April 29, 1992 signed by Silverio G. Perez, director of the LRA Department of Registration, which explained public respondent’s refusal to issue the said decree:[6]

“In connection with the Petition for Mandamus filed by Petitioners through counsel, dated August 27, 1991 relative to the above-noted case/record, the following comments are respectfully submitted:

On March 6, 1990, an application for registration of title of a parcel of land, Lot 3-A of the subdivision plan Psd-1372, a portion of Lot 3, Block No. 159, Swo-7237, situated in the Municipality of San Felipe Neri,

Province of Rizal was filed by Spouses Marciano [sic] Laburada and Erlinda Laburada;

After plotting the aforesaid plan sought to be registered in our Municipal Index Sheet, it was found that it might be a portion of the parcels of land decreed in Court of Land Registration (CLR) Case Nos. 699, 875 and 817, as per plotting of the subdivision plan (LRC) Psd-319932, a copy of said subdivision plan is Annex 'A' hereof;

The records on file in this Authority show that CLR Case Nos. 699, 875 & 917 were issued Decree Nos. 240, 696 and 1425 on August 25, 1904, September 14, 1905 and April 26, 1905, respectively;

On May 23, 1991, a letter of this Authority was sent to the Register of Deeds, Pasig, Metro Manila, a copy is Annex 'B' hereof, requesting for a certified true copy of the Original Certificate of Title No. 355, issued in the name of Compania Agricola de Ultramar;

On May 20, 1991, a certified true copy of the Original Certificate of Title (OCT) No. 355 was received by this Authority, a copy is Annex 'C' hereof, per unsigned letter of the Register of Deeds of Pasig, Metro Manila, a copy is Annex 'D' hereof;

After examining the furnished OCT NO. 355, it was found that the technical description of the parcel of land described therein is not readable, that prompted this Authority to send another letter dated April 15, 1992 to the Register of Deeds of Pasig, Metro Manila, a copy is Annex 'E' hereof, requesting for a certified typewritten copy of OCT No. 355, or in lieu thereof a certified copy of the subsisting certificate of title with complete technical description of the parcel of land involved therein. To date, however, no reply to our letter has as yet been received by this Authority;

After verification of the records on file in the Register of Deeds for the Province of Rizal, it was found that Lot 3-B of the subdivision plan Psd-1372 being a portion of Lot No. 3, Block No. 159, Plan S.W.O. -7237, is covered by Transfer Certificate of Title No. 29337 issued in the name of Pura Escurdia Vda. de Buenaflor, a copy is attached as Annex 'F' hereof. Said TCT No. 29337 is a transfer from Transfer Certificate of Title No. 6595. However, the title issued for Lot 3-A of the subdivision plan Psd-1372 cannot be located because TCT No. 6595 consisting of several sheets are [sic] incomplete.

For this Authority to issue the corresponding decree of registration sought by the petitioners pursuant to the Decision dated January 8, 1991 and Order dated March 15, 1991, it would result in the duplication of titles over the same parcel of land, and thus contravene the policy and purpose of the Torrens registration system, and destroy the integrity of the same (G.R. No. 63189, *Pedro E. San Jose vs. Hon. Eutropio Migrino, et al.*); x x x."

In view of the foregoing explanation, the solicitor general prays that the petition be dismissed for being premature.

After the filing of memoranda by the parties, petitioners filed an urgent motion, dated September 4, 1995,[7] for an early resolution of the case. To this motion, the Court responded with a Resolution, dated October 23, 1995, which ordered:[8]

"x x x Acting on the urgent motion for early resolution of the case dated 04 September 1995 filed by petitioner Erlinda Laburada herself, the Court resolved to require the Solicitor General to report to the Court in detail, within fifteen (15) days from receipt of this Resolution, what concrete and specific steps, if any, have been taken by respondent since 19 May 1993 (the date of respondent's Memorandum) to actually verify whether the lot subject of LRC Case No. N-11022 (Regional Trial Court of Pasig, Branch 68), described as Lot 3A, Psd-1372 and situated in Mandaluyong City, might be a portion of the parcels of land decreed in Court of Land Registration Case (CLR) Nos. 699, 875 and 917."

On December 29, 1995, the solicitor general submitted his compliance with the above resolution, to which was

attached a letter dated November 27, 1997 of Felino M. Cortez, chief of the LRA Ordinary and Cadastral Decree Division, which states:[9]

“With reference to your letter dated November 13, 1995, enclosed herewith is a copy of our letter dated 29 April 1992 addressed to Hon. Ramon S. Desuasido stating among others that Lot 3-B, of the subdivision plan Psd-1372, a portion of Lot 3, Blk. 159, Swo-7237 is really covered by Transfer Certificate of Title No. 29337 issued in the name of Pura Escurdia Vda. de Bunaflor [sic] which was transfer[ed] from Transfer Certificate of Title No. 6395, per verification of the records on file in the Register of Deeds of Rizal. However, the title issued for the subject lot, Lot 3-A of the subdivision plan Psd-1372, cannot be located because TCT #6595 is incomplete.

It was also informed [sic] that for this Authority to issue the corresponding decree of registration sought by the petitioners pursuant to the decision dated January 9, 1991 and order dated March 15, 1991, would result in the duplication of [the] title over the same parcel of land, and thus contravene the policy and purposes of the torrens registration system, and destroy the integrity of the same (O.R. No. 63189 Pedro K. San Jose vs. Hon. Eutropio Migrino, et. al.).

Hence, this case will be submitted to the Court for dismissal to avoid duplication of title over the same parcel of land.”

[Issue]

Petitioners submit this lone issue:[10]

“Whether or not Respondent Land Registration Authority can be compelled to issue the corresponding decree in LRC Case No. N-11022 of the Regional Trial Court of Pasig, Branch LXVIII (68).”

[The Court’s Ruling]

The petition is not meritorious.

[Sole Issue: Is Mandamus the Right Remedy?]

Petitioners contend that mandamus is available in this case, for the LRA “unlawfully neglect[ed] the performance of an act which the law specifically enjoins as a duty resulting from an office x x x.” They cite four reasons why the writ should be issued. First, petitioners claim that they have a “clear legal right to the act being prayed for and the LRA has the imperative duty to perform” because, as land registration is an in rem proceeding, the “jurisdictional requirement of notices and publication should be complied with.”[11] Since there was no showing that the LRA filed an opposition in this proceeding, it cannot refuse to issue the corresponding decree. Second, it is not the duty of the LRA to “take the cudgels for the private persons in possession of OCT No. 355, TCT No. 29337 snf [sic] TCT No. 6595.” Rather, it is the “sole concern of said private person-holders of said titles to institute in a separate but proper action whatever claim they may have against the property subject of petitioners’ application for registration.” Third, petitioners contend that they suffered from the delay in the issuance of their title, because of “the failure of the Register of Deeds of Pasig, Metro Manila to furnish LRA of [sic] the certified copies of TCT No. 29337 and TCT No. 6595” notwithstanding the lack of opposition from the holders of said titles.[12] Fourth, the State “consented to its being sued” in this case[;] thus, the legislature must recognize any judgment that may be rendered in this case “as final and make provision for its satisfaction.”[13]

On the other hand, the LRA, represented by the solicitor general, contends that the decision of the trial court is not valid, considering that “[the] Court of First Instance has no jurisdiction to decree again the registration of land already decreed in an earlier land registration case and [so] a second decree for the same land is null and void.”[14] On the question of whether the LRA can be compelled to issue a decree of registration, the solicitor

general cites *Ramos vs. Rodriguez*[15] which held:[16]

“Nevertheless, even granting that procedural lapses have been committed in the proceedings below, these may be ignored by the Court in the interest of substantive justice. This is especially true when, as in this case, a strict adherence to the rules would result in a situation where the LRA would be compelled to issue a decree of registration over land which has already been decreed to and titled in the name of another.

It must be noted that petitioners failed to rebut the LRA report and only alleged that the title of the Payatas Estate was spurious, without offering any proof to substantiate this claim. TCT No. 8816, however, having been issued under the Torrens system, enjoys the conclusive presumption of validity. As we declared in an early case, ‘(t)he very purpose of the Torrens system would be destroyed if the same land may be subsequently brought under a second action for registration.’ The application for registration of the petitioners in this case would, under the circumstances, appear to be a collateral attack of TCT No. 8816 which is not allowed under Section 48 of P.D. 1529.” (Underscoring supplied.)

We agree with the solicitor general. We hold that mandamus is not the proper remedy for three reasons.

[First: Judgment Is Not Yet Executory]

Contrary to the petitioners’ allegations, the judgment they seek to enforce in this petition is not yet executory and incontrovertible under the Land Registration Law. That is, they do not have any clear legal right to implement it. We have unambiguously ruled that a judgment of registration does not become executory until after the expiration of one year after the entry of the final decree of registration. We explained this in *Gomez vs. Court of Appeals*:[17]

“It is not disputed that the decision dated 5 August 1981 had become final and executory. Petitioners vigorously maintain that said decision having become final, it may no longer be reopened, reviewed, much less, set aside. They anchor this claim on section 30 of P.D. No. 1529 (Property Registration Decree) which provides that, after judgment has become final and executory, the court shall forthwith issue an order to the Commissioner of Land Registration for the issuance of the decree of registration and certificate of title. Petitioners contend that section 30 should be read in relation to section 32 of P.D. 1529 in that, once the judgment becomes final and executory under section 30, the decree of registration must issue as a matter of course. This being the law, petitioners assert, when respondent Judge set aside in his decision, dated 25 March 1985, the decision of 5 August 1981 and the order of 6 October 1981, he clearly acted without jurisdiction.

Petitioners’ contention is not correct. Unlike ordinary civil actions, the adjudication of land in a cadastral or land registration proceeding does not become final, in the sense of incontrovertibility until after the expiration of one (1) year after the entry of the final decree of registration. This Court, in several decisions, has held that as long as a final decree has not been entered by the Land Registration Commission (now NLTDRA) and the period of one (1) year has not elapsed from date of entry of such decree, the title is not finally adjudicated and the decision in the registration proceeding continues to be under the control and sound discretion of the court rendering it.”

Second: A Void Judgment Is Possible

That the LRA hesitates in issuing a decree of registration is understandable. Rather than a sign of negligence or nonfeasance in the performance of its duty, the LRA’s reaction is reasonable, even imperative. Considering the probable duplication of titles over the same parcel of land, such issuance may contravene the policy and the purpose, and thereby destroy the integrity, of the Torrens system of registration.

In *Ramos vs. Rodriguez*,[18] this Court ruled that the LRA is mandated to refer to the trial court any doubt it may have in regard to the preparation and the issuance of a decree of registration. In this respect, LRA officials act not as administrative officials but as officers of said court, and their act is the act of the court. They are specifically

called upon to “extend assistance to courts in ordinary and cadastral land registration proceedings.”

True, land registration is an in rem proceeding and, therefore, the decree of registration is binding upon and conclusive against all persons including the government and its branches, irrespective of whether they were personally notified of the application for registration, and whether they filed an answer to said application. This stance of petitioners finds support in Sec. 38 of Act 496 which provides:

“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 exceptions 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 judgments 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. If there is any such purchaser, the decree of registration shall not be opened, but shall remain in full force and effect forever, subject only to the right of appeal herein before provided: Provided, however, That no decree or certificate of title issued to persons not parties to the appeal shall be cancelled or annulled. But any person aggrieved by such decree in any case may pursue his remedy by action for damages against the applicant or any other person for fraud in procuring the decree. Whenever the phrase ‘innocent purchaser for value’ or an equivalent phrase occurs in this Act, it shall be deemed to include an innocent lessee, mortgagee, or other encumbrancer for value. (As amended by Sec. 3, Act No. 3621; and Sec. 1, Act No. 3630, and PD 1529, Sec. 39).”

However, we must point out that the letters of Silverio G. Perez and Felino M. Cortez, dated April 29, 1992 and November 27, 1995, respectively, clearly stated that, after verification from the records submitted by the Registry of Deeds of Rizal, the property which petitioners are seeking to register -- Lot 3-A of Subdivision Plan Psd-1372 -- is a portion of Lot No. 3, Block 159, Plan S.W.O.-7237, over which TCT No. 6595 has already been issued. Upon the other hand, in regard to Lot 3-B of said Lot 3, TCT No. 29337 was issued in lieu of TCT No. 6595. Thus, the LRA’s refusal to issue a decree of registration is based on documents which, if verified, may render the judgment of the trial court void.

It is settled that a land registration court has no jurisdiction to order the registration of land already decreed in the name of another in an earlier land registration case. A second decree for the same land would be null and void,[19] since the principle behind original registration is to register a parcel of land only once.[20] Thus, if it is proven that the land which petitioners are seeking to register has already been registered in 1904 and 1905, the issuance of a decree of registration to petitioners will run counter to said principle. As ruled in *Duran vs. Olivia*:^[21]

“As the title of the respondents, who hold certificates of title under the Land Registration Act becomes indefeasible, it follows that the Court of First Instance has no power or jurisdiction to entertain proceedings for the registration of the same parcels of land covered by the certificates of title of the respondents. Such has been our express ruling in the case of *Rojas, et al. v. The City of Tagaytay, et al.*, G.R. No. L-13333, prom. November 24, 1959, in which this Court, through Mr. Justice Barrera, said:

‘As thus viewed, the pivotal issue is one of jurisdiction on the part of the lower court. All the other contentions of respondent regarding possession in good faith, laches or claims of better right, while perhaps valid in an

appropriate ordinary action, as to which we here express no opinion, can not avail in the case at bar if the court a quo, sitting as land registration court, had no jurisdiction over the subject matter in decreeing on June 30, 1957, the registration, in favor of respondent city, of a lot already previously decreed and registered in favor of the petitioners.

‘In a quite impressive line of decisions, it has been well-settled that a Court of First Instance has no jurisdiction to decree again the registration of land already decreed in an earlier land registration case and a second decree for the same land is null and void. This is so, because when once decreed by a court of competent jurisdiction, the title to the land thus determined is already a *res judicata* binding on the whole world, the proceedings being in rem. The court has no power in a subsequent proceeding (not based on fraud and within the statutory period) to adjudicate the same title in favor of another person. Furthermore, the registration of the property in the name of first registered owner in the Registration Book is a standing notice to the world that said property is already registered in his name. Hence, the latter applicant is chargeable with notice that the land he applied for is already covered by a title so that he has no right whatsoever to apply for it. To declare the later title valid would defeat the very purpose of the Torrens system which is to quiet title to the property and guarantee its indefeasibility. It would undermine the faith and confidence of the people in the efficacy of the registration law.’

Third: Issuance of a Decree Is Not a Ministerial Act

The issuance of a decree of registration is part of the judicial function of courts and is not a mere ministerial act which may be compelled through mandamus. Thus, this Court held in *Valmonte and Jacinto vs. Nable*:^[22]

“Moreover, after the rendition of a decision by a registration or cadastral court, there remain many things to be done before the final decree can be issued, such as the preparation of amended plans and amended descriptions, especially where the decision orders a subdivision of a lot, the segregation therefrom of a portion being adjudicated to another party, to fit the said decision. As said by this Court in the case of *De los Reyes vs. De Villa*, 48 Phil., 227, 234:

‘Examining section 40, we find that the decrees of registration must be stated in convenient form for transcription upon the certificate of title and must contain an accurate technical description of the land. This requires trained technical men. Moreover, it frequently occurs that only portions of a parcel of land included in an application are ordered registered and that the limits of such portions can only be roughly indicated in the decision of the court. In such cases amendments of the plans and sometimes additional surveys become necessary before the final decree can be entered. That can hardly be done by the court itself; the law very wisely charges the chief surveyor of the General Land Registration Office with such duties (Administrative Code, section 177).’

Furthermore, although the final decree is actually prepared by the Chief of the General Land Registration Office, the administrative officer, the issuance of the final decree can hardly be considered a ministerial act for the reason that said Chief of the General Land Registration Office acts not as an administrative officer but as an officer of the court and so the issuance of a final decree is a judicial function and not an administrative one (*De los Reyes vs. De Villa*, supra). x x x” (Underscoring supplied.)

Indeed, it is well-settled that the issuance of such decree is not compellable by mandamus because it is a judicial act involving the exercise of discretion.^[23] Likewise, the writ of mandamus can be awarded only when the petitioners’ legal right to the performance of the particular act which is sought to be compelled is clear and complete.^[24] Under Rule 65 of the Rules of Court, a clear legal right is a right which is indubitably granted by law or is inferable as a matter of law. If the right is clear and the case is meritorious, objections raising merely technical questions will be disregarded.^[25] But where the right sought to be enforced is in substantial doubt or dispute, as in this case, mandamus cannot issue.

A court may be compelled by mandamus to pass and act upon a question submitted to it for decision, but it cannot

be enjoined to decide for or against one of the parties.[26] As stated earlier, a judicial act is not compellable by mandamus.[27] The court has to decide a question according to its own judgment and understanding of the law.[28]

In view of the foregoing, it is not legally proper to require the LRA to issue a decree of registration. However, to avoid multiplicity of suits and needless delay, this Court deems it more appropriate to direct the LRA to expedite its study, to determine with finality whether Lot 3-A is included in the property described in TCT No. 6595, and to submit a report thereon to the court of origin within sixty (60) days from receipt of this Decision, after which the said court shall act with deliberate speed according to the facts and the law, as herein discussed.

WHEREFORE, the petition is hereby DISMISSED but the case is REMANDED to the court of origin in Pasig City. The Land Registration Authority, on the other hand, is ORDERED to submit to the court a quo a report determining with finality whether Lot 3-A is included in the property described in TCT No. 6595, within sixty (60) days from notice. After receipt of such report, the land registration court, in turn, is ordered to ACT, with deliberate and judicious speed, to settle the issue of whether the LRA may issue the decree of registration, according to the facts and the law as herein discussed.

SO ORDERED.

Davide, Jr. (Chairman), Bellosillo, Vitug and Quisumbing, JJ., concur.

[1] This case was filed prior to the issuance of Revised Administrative Circular 1-95 which directs that actions against quasi-judicial bodies in general should be filed in the Court of Appeals.

[2] Per decision of the Regional Trial Court of Pasig, Metro Manila (now Pasig City), Branch LXVIII.

[3] Rollo, p 5.

[4] Rollo, p 6.

[5] The case was deemed submitted for resolution on March 25, 1997, upon this Court's receipt of the public respondent's reply in compliance with the Resolution of the Court dated July 10, 1996.

[6] Rollo, pp. 48-49.

[7] Rollo, pp. 83-84.

[8] Rollo, p 85; original text in upper case.

[9] Rollo, p 113.

[10] Rollo, p 70; petitioners' memorandum, p 2.

[11] Rollo, p 71; petitioners' memorandum, p 3

[12] Rollo, p 72; petitioners' memorandum, p 4.

[13] Rollo, p 73; petitioners' memorandum, p 5.

[14] Rollo, p 63; the LRA's rejoinder, p 2; citing Rojas, et al., vs. City of Tagaytay and Hon. Jimenez, 106 Phil 512, November 24, 1959; Duran vs. Olivia, 3 SCRA 154, September 29, 1961.

[15] 244 SCRA 418, 423-424, May 29, 1995, per Romero, J.

[16] Rollo, p. 165; the LRA's reply, p. 5.

[17] 168 SCRA 503, December 15, 1988, per Padilla, J.; citing Section 32, PD 1529; Capió vs. Capió, 94 Phil 113; Valmonte vs. Nable, 85 Phil 256; Afalla and Pinanoc vs. Rosauo, 60 Phil 622; Roman Catholic Bishops of Cebu vs. Phil Railway Co., 49 Phil 540; De los Reyes vs. De Villa, 48 Phil 227; Pamintuan vs. San Agustin, 43 Phil 558, June 22, 1922; Director of Lands vs. Busuego, 12 SCRA 678.

[18] Supra, at 422.

[19] Metropolitan Waterworks and Sewerage Systems vs. Court of Appeals, 215 SCRA 783, November 17, 1992, citing Pamintuan vs. San Agustin, 43 Phil 558, June 22, 1922.

[20] PD 1529 provides:

"SEC. 14. Who may apply. -- The following persons may file in the proper Court of First Instance an application for registration of title to land, whether personally or through their duly authorized representatives:

(1) Those who by themselves or through their predecessors-in-interest have been in open, continuous, exclusive and notorious possession and occupation of alienable and disposable lands of the public domain under a bona fide claim of ownership since June 12, 1945, or earlier.

xxx xxx xxx"

[21] Supra, at pp 159-160, per Labrador, J; citing Pamintuan vs. San Agustin, supra; Timbol vs. Diaz, 44 Phil 587, 590, March 5, 1923; Perez vs. Bolbon, 50 Phil 791, 795, September 30, 1927; Singian vs. Manila Railroad Co., 60 Phil 192, 203, June 19, 1934; Addison vs. Payatas Estate Improvement Co., 60 Phil 673, September 27, 1934; Sideco, et al. vs. Aznar, 92 Phil 952, April 24, 1953.

[22] 85 Phil 256, 260-261, December 29, 1949, per Tuason, J.

[23] Go vs. Court of Appeals, 252 SCRA 564, 567, January 29, 1996.

[24] Garces vs. Court of Appeals, 259 SCRA 99, July 17, 1996, University of San Agustin, Inc. vs. CA, 230 SCRA 761, March 7, 1994; Tamano vs. Manglapus, 214 SCRA 567, October 13, 1992; Marcelo vs. Tantuico, Jr., 142 SCRA 439, July 7, 1986; Samson vs. Barrios, 63 Phil 198, July 20, 1936.

[25] Pelileo vs. Ruiz Castro, 85 Phil 272, December 29, 1949.

[26] Mateo vs. Court of Appeals, 196 SCRA 280, 284, April 25, 1991; Diokno vs. Rehabilitation Finance Corporation, 91 Phil 608, July 11, 1952.

[27] Go vs. Court of Appeals, supra.

[28] Lupisan vs. Alfonso and Arguieta, 78 Phil 842, July 31, 1947.

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