

DIONICIA VILLANUEVA-RICAFRENTE, ROSITA V. LOYOLA, JUANITA V. RICASA AND BIBIANA ANGELES-CATIPON, PETITIONERS, VS. HONORABLE COURT OF APPEALS AND FILEMON P. RUIZ, RESPONDENTS.

G.R. No. 102855. November 13, 1992

Ponente: MELO, J.

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MELO, J.:

In their petition for review filed under Rule 45, petitioners seek the review and the consequent reversal of the decision of the Court of Appeals sustaining the dismissal by the trial court of their complaint against private respondent Filemon Ruiz, on the ground of failure of the complaint to state a cause of action.

Petitioners' cause of action as alleged in the complaint is culled by the Court of Appeals in its Decision thus:

"Plaintiffs sought to annul the sale of two (2) parcels of land situated in Barrio Sapang, Ternate, Cavite, x x x, in favor of defendants spouses Danilo Andra and Angela Olano, then to defendants spouses Amado Ibañez and Esther Rafael Ibañez, and finally to defendant Filemon P. Ruiz; and Original Certificate of Title No. P-3746 and Transfer Certificates of Title Nos. T-242173, T-242510 and T-242645 on the ground of illegality in the execution of the deed of sale and issuance of the certificates of title.

x x x

x x x

x x x

"As gathered from the allegations of appellants' complaint, after the sale of the parcels of land in question to defendants spouses Amado O. Ibañez and Esther Rafael Ibañez, on May 11, 1981, Original Certificate of Title No. P-33746 was issued in their favor upon free patent granted (Annex I, Complaint, p. 21, rec.). Said defendants spouses transferred ownership of the parcels of land in question to Masuwerte Rural Bank of Bacoar, Inc., whereupon OCT NO. P-3746 was cancelled and Transfer Certificate of Title No. T-242173 was issued in the name of the bank (Annex K, Complaint, p. 23, rec.). Ownership to the said parcels of land was then re-acquired by said defendants spouses, whereupon TCT No. T-242173 was cancelled and TCT No. T-242510 was issued in their names (Annex L, Complaint, p. 24, rec.). Said defendants finally conveyed the parcels of land in question to the appellee, whereupon TCT No. T-242510 was cancelled and TCT No. T-242645 was issued in his name (Annex M, Complaint, p. 71, rec.)." (pp. 76-77, Rollo.)

In sustaining the dismissal, respondent Court of Appeals, through Justice Pedro A. Ramirez, ruled:

"Nothing is alleged in appellants' complaint showing that appellee was aware of any defect in the title of the sellers of the parcels of land in question, much less anything in their title to place him in notice thereof. Hence, appellee is an innocent purchaser for value and in good faith, as correctly held by the trial court. Appellants, therefore, have no cause of action against him." (pp. 78-79, Rollo.)

Affirmance of the respondent court's action is in order, consistent with our previous ruling in a similar case that --

"... the lower court is right in observing in the order appealed from that there is no allegation at all in appellants' complaint that they are purchasers in bad faith or with notice of the alleged defect in the (Torrens) title of their vendor, with the result that the allegations of said pleading are not sufficient to constitute a cause of action against them." (Galvez vs. Tuazon, 10 SCRA 344 [1964], at p. 348.)

Indeed, while the complaint stated that private respondent's predecessors-in-interest succeeded in securing a Torrens title covering the subject properties, it failed to state that private respondent was aware of any flaw in the title or of any circumstance to put him on notice of petitioners' claim of an adverse interest.

Nor is there the least hint in the complaint about private respondent's involvement in an actionable wrong violative of petitioners' supposed proprietary rights. No statement is therein made of private respondent's participation in the transfer of the subject property from the spouses Andra and Olano to Amado Ibañez (the seller to private respondent) and in the manner the latter secured a free patent title over the same property.

The only possible allusion to private respondent's measure of culpability is found in paragraph 13 of the complaint which states that "thru strategy and scheme and in conspiracy and in connivance with the other defendants or some of them, the defendants Spouses Amado Ibañez and Esther Rafael caused to transfer, as in fact they actually conveyed and transferred the properties covered by TCT No. T-242510 in favor of their co-defendant Filemon P. Ruiz" (p. 33, Rollo). The deficiency of the averment is at once apparent. There is no specific statement that the alleged conspiracy was intended to unlawfully deprive petitioners of their property. There is no submission that private respondent knew of such unlawful intent and knowingly participated therein. There is no allegation that private respondent otherwise committed an actionable wrong prejudicial to petitioners. Absent such averments, an essential element of a cause of action is missing, which is an act or omission on the part of private respondent in violation of petitioner's legal right. Such a complaint must succumb to a motion to dismiss on the ground of failure to state a cause of action (Tantuico, Jr. vs. Republic, 204 SCRA 428 [1991]).

At most the averments as they are formulated merely tend to show the fact of transfer to private respondent, but certainly fail to point to any taint or nullifying circumstance in said transfer.

The supposed assertion by private respondent of possessory right as alleged in paragraph 14 of the complaint is but an incident of his title, which petitioners admitted and the validity of which the complaint failed to adequately challenge. Such act, admitted hypothetically, does not give rise to a cause of action.

Further demonstrating the inadequacy of the complaint is the admission therein that private respondent's predecessor acquired a free patent title over the subject property in 1981 (Annex I, Complaint; p. 49, Rollo). As correctly held by respondent Court of Appeals, the subject pieces of property were, from then on, brought under the operation of the Land Registration Act. The original certificate of title issued on the strength of the Free Patent being in the nature of a certificate issued in a judicial proceeding became indefeasible and incontrovertible upon the expiration of one (1) year from date of issuance thereof. Hence, the case commenced seven years thereafter, in 1988, was filed out of time.

WHEREFORE, there being no reversible error in the decision under review, the petition is dismissed.

SO ORDERED.

Gutierrez, Jr., Acting C.J., (Chairman), Bidin, Davide, Jr., and Romero, JJ., concur.

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