

METROPOLITAN WATERWORKS AND SEWERAGE SYSTEMS, PETITIONER, VS. THE COURT OF APPEALS, JOSE P. SAMONTE, ET. AL., RESPONDENTS.

G.R. No. 103558. November 17, 1992

Ponente: CAMPOS, JR. J.

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CAMPOS, JR. J.:

This is a petition for review on certiorari which seeks to annul and set aside the decision* of the Court of Appeals dated January 13, 1992 in CA-G.R. C.V. No. 18671, entitled "Jose P. Samonte, et. al., Plaintiffs-Appellees vs. Metropolitan Waterworks and Sewerage System, Defendant?Appellant", affirming the decision** of the Regional Trial Court, National Capital Judicial Region, Branch 120, Kaloocan City declaring Transfer Certificate of Title (TCT) No. 41028 as void and ordering the Register of Deeds of Kaloocan City to cancel said Transfer Certificate of Title.

The antecedent facts are as follows:

Jose B. Dimson was the registered owner of a parcel land situated in Balintawak, Kaloocan City with an area of 213,012 square meters, more or less, and covered by TCT No. C-15167 which was registered on June 8, 1978. Said parcel of land was originally Lot 28 of the Maysilo Estate (LRC 5268) covered by Original Certificate of Title (OCT) No. 994 which was registered on April 19, 1917 pursuant to Decree No. 36455 issued in Land Registration Case No. 4429.

It appears that one of the original owners of OCT No. 994 was the late Maria Concepcion Vidal married to Pioquinto Rivera. Among the four children was Severo Rivera y Vidal who died in 1907 leaving Bartolome Rivera as the sole surviving heir.

Bartolome Rivera executed a Deed of Transfer and Conveyance in favor of Jose B. Dimson whereby he agreed to transfer twenty-five percent (25%) of whatever land he is entitled in Lot 28 and Lots 25, 26, 27 and 29, all of which are covered by OCT No. 994.

In an action for partition and accounting docketed as Civil Case No. C-424 filed by Bartolome Rivera and his co-heirs, the then Court of First Instance of Rizal rendered a decision dated December 29, 1965 ordering the partition of the properties described in OCT Nos. 994, 983, 984 and 985 among Bartolome Rivera and his co-heirs being co-owners and successors-in-interest of the late Maria Concepcion Vidal.

In an Order dated June 13, 1966, the then Court of First Instance of Rizal approved the Deed of Transfer and Conveyance executed by Bartolome Rivera in favor of Jose B. Dimson over Lot 28 and directed the Register of Deeds of Rizal to cancel the name of Maria Concepcion Vidal from OCT No. 994 and to substitute the names of Bartolome Rivera and his co-heirs.

In a verified petition docketed as Special Proceedings No. 732 filed by Jose B. Dimson, the validity of the court Order dated June 13, 1966 was confirmed. Likewise, an order was issued ordering the Register of Deeds of

Kaloocan to issue in the name of Jose B. Dimson separate TCT's for Lots 25-A-1, 25-A-2, 26 and 28 which are portions of the Maysilo Estate covered by OCT No. 994. Accordingly, on June 8, 1978, TCT No. 15167 covering Lot 28 was issued in the name of Jose B. Dimson.

On March 9, 1977 Jose B. Dimson sold to Jose P. Samonte a portion of Lot 28 covering an area of 591 square meters evidenced by a Deed of Absolute Sale.

On May 3, 1982, Jose B. Dimson sold to Francisco C. Isulat another portion of Lot 28 covering an area of 593 square meters evidenced also by a Deed of Absolute Sale.

On the other hand, Metropolitan Waterworks and Sewerage System (MWSS, for brevity) claimed that it is the registered owner of Lots 2693 and 2695, both with an area of 599 square meters covered by TCT No. 41028 issued by the Register of Deeds of Kaloocan City on July 29, 1940 and based on the Cadastral Survey of Kaloocan City, Cadastral Case No. 34. It appeared that both lots covered or included the parcels of land owned by Jose B. Dimson, Jose P. Samonte and Francisco C. Isulat. It further appeared on the face of TCT No. 41028 that it was a transfer from TCT No. 36957 which was derived from OCT No. 994 dated May 3, 1917.

In 1980, the MWSS filed an ejectment case against plaintiffs (now private respondents) Jose B. Dimson, et. al. before the City Court of Kaloocan City for the latter to vacate the lots in question. Judgment was rendered in favor of the defendant (now petitioner) MWSS which decision had become final and executory.

On June 13, 1986 Jose B. Dimson and Jose P. Samonte (now deceased) filed a complaint for quieting of title with damages and prayer for preliminary injunction against the MWSS.

On February 17, 1987, the trial court issued a writ of injunction restraining the eviction of private respondents pending adjudication of the case.

On April 3, 1988, the trial court rendered its decision in favor of private respondents, the dispositive portion of which reads:

"WHEREFORE, judgment is hereby rendered:

1. Declaring plaintiff's Transfer Certificate of Title No. 15167 as valid and legal;
2. Declaring defendant's Transfer Certificate of Title No. 41028 as void and the Register of Deeds of Caloocan City is hereby ordered to cancel said Transfer Certificate of Title and its registration from the Records of the Registry of Deeds;
3. Declaring the writ of injunction permanent and;
4. Without pronouncement as to damages and attorney's fees for plaintiff and defendant's counterclaim is hereby dismissed with costs against defendant.

SO ORDERED."[1]

Not satisfied with the decision, petitioner MWSS appealed to the court of Appeals. In a decision dated January 13, 1992, the Court of Appeals rendered its decision, the dispositive portion of which reads:

"IN VIEW OF THE FOREGOING CONSIDERATIONS, the decision appealed from is hereby AFFIRMED in toto, with costs against defendant-appellant.

SO ORDERED."[2]

Hence this petition.

Petitioner MWSS raised the following issues:

I

WHETHER THE PETITIONER-DEFENDANT-APPELLANT HAS A BETTER CLAIM OF OWNERSHIP OVER THE QUESTIONED PROPERTY THAN THAT OF THE PLAINTIFF-APPELLEE(sic) AND RESPONDENT-INTERVENOR-APPELLEE TAKING INTO ACCOUNT THAT THE TITLE OF THE FORMER WAS REGISTERED IN 1940 AS AGAINST THE 1978 TITLE OF THE LATTER.

II

IN THE AFFIRMATIVE, WHETHER DEFENDANT-APPELLANT'S TITLE THERETO IS VALID AND THEREFORE THE TITLES OF THE PLAINTIFFS AND INTERVENOR-APPELLEES (sic) ARE VOID.

The main issue to be resolved is: In case of overlapping titles, which title should prevail.

It is the contention of petitioner MWSS that since its TCT No. 41028 was issued in 1940 while the TCT No. 15167 of private respondents was issued only in 1978, petitioner's title prevails over that of private respondents' in point of priority of issuance.

We do not agree.

Although petitioner's title was issued in 1940, it will be noted that petitioner's title over Lots 2693 and 2695 both with an area of 599 square meters was based on the Cadastral Survey of Kaloocan City, Cadastral Case No. 34, while private respondents' title was derived from OCT No. 994 issued on April 19, 1917. In the case of *Pamintuan vs. San Agustin*,^[3] this Court ruled that in a cadastral case the court 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.

It must be observed that the title of petitioner MWSS was a transfer from TCT No. 36957 which was derived from OCT No. 994 registered on May 3, 1917. Upon the other hand, private respondents' title was derived from the same OCT No. 994 but dated April 19, 1917. Where two certificates (of title) purport to include the same land, the earlier in date prevails. x x x. In successive registrations, where more than one certificate is issued in respect of a particular estate or interest in land, the person claiming under the prior certificate is entitled to the estate or interest; and the person is deemed to hold under the prior certificate who is the holder of, or whose claim is derived directly or indirectly from the person who was the holder of the earliest certificate issued in respect thereof.^[4] Hence, in point of priority of issuance, private respondents' title prevails over that of petitioner MWSS.

Lastly, a certificate is not conclusive evidence of title if it is shown that the same land had already been registered and an earlier certificate for the same is in existence.^[5] Since the land in question has already been registered under OCT No. 994 dated April 19, 1917, the subsequent registration of the same land on May 3, 1917 is null and void.

In the light of the applicable law and jurisprudence on the matter, the decision of the Court of Appeals is hereby **AFFIRMED** in toto.

SO ORDERED.

Narvasa, C.J., (Chairman), Feliciano, Regalado, and Nocon, JJ., concur.

* Penned by Justice Consuelo Ynares-Santiago and concurred in by Justices Ricardo L. Pronove, Jr. and Nicolas P. Lapeña, Jr..

** Penned by Judge Arturo A. Romero.

[1] Rollo, p. 37.

[2] Rollo, p. 29.

[3] 43 Phil. 558 (1922).

[4] Garcia vs. Court of Appeals, 95 SCRA 380, 387 (1980).

[5] Register of Deeds vs. PNB, 13 SCRA 46 (1965).

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