

HEIRS OF JOSE OLVIGA, NAMELY: PLACIDA S. OLVIGA, VIRGILIO OLVIGA, LOLITA OLVIGA, CARMENCITA O. ALPUERTO AND JEANETTE OLILA, PETITIONERS, VS. THE HON. COURT OF APPEALS, ANGELITA...

G.R. No. 104813. October 21, 1993

Ponente: GRIÑO-AQUINO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-104813/>

GRIÑO-AQUINO, J.:

This is a petition to review the decision of the Court of Appeals in CA-G.R. CV No. 30542, affirming in toto the decision of the Regional Trial Court of Calauag, Quezon ordering the defendants, heirs of Jose Olviga (petitioners herein), to reconvey the land in dispute to the plaintiffs, heirs of Cornelia Glor (now private respondents), and to pay attorney's fees and the costs of suit.

This case started as an action (Civil Case No. C-883) filed in the Regional Trial Court of Calauag, Quezon by Angelita Glor and her children against the heirs of Jose Olviga for reconveyance of a parcel of land, measuring 54,406 square meters (5.44 has), more or less, known as Lot 13, Pls-84 of the Guinayangan Public Land Subdivision.

The court, after due trial, rendered judgment in favor of the private respondents, the dispositive portion of which reads:

"WHEREFORE, and considering the foregoing judgment is hereby rendered in favor of the PLAINTIFFS and against the defendants as heirs of Jose Olviga to reconvey the land in dispute to the plaintiffs as heirs of Cornelio Glor Sr.; condemning the defendants jointly and severally to pay the plaintiffs attorneys fees of P5,000.00 plus the costs of the suit. The counterclaim interposed by the defendants is dismissed." (p. 12, Rollo.)

The judgment was appealed to the Court of Appeals by the defendants who raised several factual issues regarding possession and fraud, as well as legal issues involving prescription and purchaser in good faith, but the appellate court dismissed the appeal and affirmed in toto the decision of the trial court.

It was established by the evidence on record that the land in question was, in 1950, still forest land when Eutiquio Pureza, then only twelve years old, and his father cleared and cultivated it. In 1954, they introduced improvements such as, coconut trees, jack-fruit, mangoes, avocado and bananas. When the area was released for disposition, the Bureau of Lands surveyed the same in 1956 in the name of Eutiquio Pureza. Since then, the land has been known as Lot 13, Pls-84 of the Guinayangan Public Land Subdivision. Godofredo Olviga, a son of Jose Olviga then living with the latter, protested the survey but only with respect to a one-half-hectare portion "sa dakong panulukan ng Amihanan Silan-ganan." This protest or "tutol" (Exh. B) of Godofredo Olviga, brother of petitioners Virgilio Olviga and Lolita Olviga Olila, is of public record in the Bureau of Lands (Exh. B). In said document, Godofredo Olviga expressly admitted that the lot belonged to Eutiquio Pureza, except the 1/2 hectare portion claimed by him (Godofredo) which was included in the survey of Pureza's Lot 13.

In 1960, Eutiquio Pureza filed a homestead application over Lot 13. Without his application having been acted upon, he transferred his rights in said lot to Cornelio Glor in 1961. Neither the homestead application of Eutiquio nor the proposed transfer of his rights to Cornelio Glor was acted upon by the Director of Lands for reasons that the records of the Bureau of Lands do not disclose.

In 1967, Jose Olviga obtained a registered title for said lot in a cadastral proceeding, in fraud of the rights of Pureza and his transferee, Cornelio Glor and his family, who were the real and actual occupants of the land.

What must have happened, as found by the Court of Appeals, is that since Cornelio Glor, Sr. was sickly, and his wife (now widowed) Angelita Glor, was un-schooled, they failed to follow up Pureza's homestead application over Lot 13 in the cadastral proceedings in the Municipal Court of Guinayangan Public Land Subdivision, Pls-84, Case 1 (Philcusa-Foa). In fact, they were not aware of the proceedings. Angelita Glor testified that no notice was ever posted on Lot 13 about the proceedings nor did anyone, not even the barangay captain, tell her about them. Neither did she receive any notice from the court sheriff or any court employee. This non-posting of the notice of the cadastral hearing on the land, or in the barangay hall, was confirmed by petitioner Virgilio Olviga himself who testified that he did not notice any papers posted on the property in question (tsn., October 18, 1990, pp. 83-84). On the other hand, petitioners' father, Jose Olviga, claimed both Lots 12 and 13, which are adjoining lots, in the same cadastral proceedings. He falsely omitted in his answer mention of the fact that other persons were in possession of, and claiming adverse interest in, Lot 13 and that the land had been surveyed for Eutiquio Pureza, the former occupant who sold his interests to private respondents' parent, Cornelio Glor, in 1961. Glor was Olviga's neighbor. As a result, both Lots 12 and 13 were declared as uncontested in the name of Jose Olviga (Exh. 7), and were registered in his name in 1967 in Original Certificate of Title, No. 0-12713 (Exh. 5). In 1971, Olviga requested that OCT No. 0-12713 be split into two (2) TCT's, one each for the two (2) lots. TCT Nos. T-103823 and T-103824 were issued for lots 12 and 13, respectively. Jose Olviga later transferred Lot 13 to his son-in-law, Jaime Olila and daughter, Lolita Olviga resulting in the cancellation of TCT No. T-03824 and the issuance of TCT No. T-241314 in the names of the spouses (Exh. 3).

It was also established that the spouses Jaime Olila and Lolita Olviga Olila, were not innocent purchasers for value of the land from their father, and have never been in possession. The Glors and their predecessors-in-interest (Cornelio Glor Sr., and Eutiquio Pureza) were the ones found to be in possession of the property.

From said findings and conclusions, the appellate court in its decision dated January 13, 1992, resolved the issues presented, thus:

"x x x whether or not plaintiffs' action is really one for quieting of title that does not prescribe; or assuming that their demand for the reconveyance of the lot in question prescribes in ten years, being based on an implied trust, whether their cause of action should be counted from the date of the issuance of the late Jose Olviga's title over said lot in 1967 and has, therefore, already prescribed, or whether the prescriptive period should be counted from the date plaintiffs acquired knowledge of said title sometime in 1988.

"The first question should be answered in the affirmative. x x x.

"xxx xxx xxx.

"But even assuming that plaintiffs' action for reconveyance, being based on an implied or constructive trust, prescribes in ten years, the lower court again correctly ruled that their cause of action should be considered to have accrued not from the date of registration of the title of Jose Olviga, defendants' predecessor-in-interest, over the lot in question in 1967, but only from the time plaintiffs learned of such title in 1988. x x x.

"xxx xxx xxx.

"All in all, therefore, the court a quo did not err in holding that plaintiffs' action against defendants-appellants for the reconveyance of the lot in question filed on April 10, 1989, or in less than a year after they learned of the issuance of a title over said lot to Jose Olviga, predecessor-in-interest of defendants, has not yet prescribed.

"WHEREFORE, the decision appealed from herein is AFFIRMED in toto, with costs against defendants-appellants." (pp. 48-51, Rollo.)

Petitioners now seek a review of the above decision. They allege that: (1) the present action has already prescribed; (2) the Court of Appeals erred when it ruled that the private respondents' cause of action accrued not in 1967 but in 1988; (3) that the Court of Appeals erred when it failed to consider that private respondents as mere homestead transferees cannot maintain an action for reconveyance; (4) that the Faja and Caragay-Layno cases have no bearing and direct application to the case at bar; and (5) that private respondents have not proven by preponderance of evidence their ownership and possession of the disputed land.

With regard to the issue of prescription, this Court has ruled a number of times before that an action for reconveyance of a parcel of land based on implied or constructive trust prescribes in ten years, the point of reference being the date of registration of the deed or the date of the issuance of the certificate of title over the property (*Vda. de Portugal vs. IAC*, 159 SCRA 178). But this rule applies only when the plaintiff is not in possession of the property, since if a person claiming to be the owner thereof is in actual possession of the property, the right to seek reconveyance, which in effect seeks to quiet title to the property, does not prescribe.

In *Sapto vs. Fabiana*, 103 Phil. 683, 686-687, appellants' predecessors sold to appellees in 1931 a parcel of land. The sale was approved by the Provincial Governor of Davao but was never registered. Possession of the land was, however, transferred to Fabiana and the latter has been in possession thereof from 1931 up to the present. The widow and children of Samuel Sapto filed an action to recover the land. This Court in affirming the validity of the sale in favor of appellee (Fabiana) held:

"No enforcement of the contract is in fact needed, since the delivery of possession of the land sold had consummated the sale and transferred title to the purchaser, registration of the contract not being indispensable as between the parties. Actually the action for conveyance was one to quiet title, i.e., to remove the cloud cast upon appellee's ownership by the refusal of the appellants to recognize the sale made by their predecessors. This action accrued only when appellants initiated their suit to recover the land in 1954. Furthermore, it is an established rule of American jurisprudence (made applicable in this jurisdiction by Art. 480 of the New Civil Code) that actions to quiet title to property in the possession of the plaintiff are imprescriptible (44 Am. Jur. p. 47; *Cooper vs. Rhea*, 39 L.R.A. 930; *Inland Empire Land Co. vs. Grant County*, 138 Wash. 439, 245 Pac. 14)."

In *Faja vs. Court of Appeals*, 75 SCRA 441, 446, this Court likewise reiterated the ruling that:

"x x x. There is settled jurisprudence that one who is in actual possession of a piece of land claiming to be owner thereof may wait until his possession is disturbed or his title is attacked before taking steps to vindicate his right, the reason for the rule being, that his undisturbed possession gives him a continuing right to seek the aid of a court of equity to ascertain and determine the nature of the adverse claim of a third party and its effect on his own title, which right can be claimed only by one who is in possession. No better situation can be conceived at the moment for Us to apply this rule on equity than that of herein petitioners whose mother, Felipa Faja, was in possession of the litigated property for no less than 30 years and was suddenly confronted with a claim that the land she had been occupying and cultivating all these years, was titled in the name of a third person. We hold that in such a situation the right to quiet title to the property, to seek its reconveyance and annul any certificate of title

covering it, accrued only from the time the one in possession was made aware of a claim adverse to his own, and it is only then that the statutory period of prescription commences to run against such possessor."

In the case at bar, private respondents and their predecessors-in-interest were in actual possession of the property since 1950. Their undisturbed possession gave them the continuing right to seek the aid of a court of equity to determine the nature of the adverse claim of petitioners, who in 1988 disturbed their possession.

The other issues raised in the petition are factual.

The Court of Appeals and the trial court correctly based their findings of fact on the testimonies of the parties and their witnessess. It can be said therefore that those conclusions are based on substantial evidence. No cogent reason exists to disturb them. As reiterated in a long line of decisions, it is beyond the province of this Court to make its own findings of facts different from those of the trial court as affirmed by the Court of Appeals (*Vda. de Cailles vs. Mayuga* 170 SCRA 347; *New Owners/Management of TML Garments, Inc. vs. Zaragosa*, 170 SCRA 563). In petitions for review of decisions of the Court of Appeals, the jurisdiction of this Court is confined to a review of questions of law, except when the findings of fact are not supported by the records or are so glaringly erroneous as to constitute a serious abuse of discretion (*Lim vs. Court of Appeals*, 158 SCRA 307; *Samson vs. CA*, 141 SCRA 194; *Republic vs. IAC*, 144 SCRA 705). The case at bar does not fall under the exceptions.

WHEREFORE, finding no reversible error in the decision of the Court of Appeals, the petition for review is DENIED, with costs against the petitioners.

SO ORDERED.

Cruz, (Chairman), Davide, Jr., Bellosillo, and Quason, JJ., concur.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.