

**LORENZANA FOOD CORPORATION, JIMMY CHUA CHI LEONG,
ALBERT CHUA AND SPS. EDUARDO SOLIS AND GLORIA VICTA,
PETITIONERS, VS. THE COURT OF APPEALS AND B.E. SAN DIEGO,
INC., RESPONDENTS.**

G.R. No. 105027. April 22, 1994

Ponente: PUNO, J.

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PUNO, J.:

This is a Rule 45 petition for review by certiorari of the Decision of the respondent Court of Appeals dated December 24, 1991 in CA-G.R. CV No. 13540.[1]

The controlling facts supported by the records are stated in the Decision under review, viz:

"The objects of the controversy are several portions of a large tract of land located in the municipality of Bacoor, Cavite. The large tract of land is claimed to be originally owned by one Juan Cuenca y Francisco, who had it surveyed way back in 1911. The land itself is traversed by railroad tracks dividing the land into two (2) parcels. On February 21, 1922, Juan Cuenca was issued Original Certificate of Title No. 1020 (Exhibit "H") covering the two parcels, designated as Lots 1 and 2. Original Certificate of Title No. 1020 was later reconstituted as O.C.T. No. (1020) RO-9, containing the technical descriptions of Lots 1 and 2.

On April 14, 1928, a separate original certificate of title for Lot 1, referring to the parcel north of the railroad tracks, was issued to Juan Cuenca as O.C.T. No. (1898) RO-58 (Exhibit "Z"). Lot 1 itself was divided into thirteen (13) parcels, eleven (11) of which were described therein as situated in the barrios of Talaba, Zapote, and Malicsi, while two (2) parcels were situated in the poblacion of Bacoor, Cavite.

Upon the demise of Juan Cuenca, an action for partition of his properties was filed by Jose Cuenca, one of the surviving heirs. On February 21, 1969, a project of partition was approved by the Land Registration Commission (Exhibit "EEE"), and on April 10, 1969, the court ordered the Register of Deeds of the Province of Cavite to issue individual titles for twelve (12) parcels of Lot 2 (Exhibit "GG"). Three (3) parcels thereof: Lot 2-A, 2-K, and 2--L, were titled (T.C.T. Nos. 35963, 35973 and 35974, respectively) and registered in the name of Juan Cuenca (Exhibits "K", "TTT-1" and "TTT--2") on April 21, 1969. All three titles stated that the lands covered therein were originally registered as O.C.T. No. RO-9 on February 21, 1922 (Exhibits "K", "G" and "H").

Lot 2-A of Juan Cuenca was later subdivided into seven (7) lots in 1969. Of these seven subdivided parcels, one parcel (Lot 2-A-3) was adjudicated to his heir, Pura Cuenca, who was issued Transfer Certificate of Title No. 41505 on February 24, 1970 (Exhibit "L"). The said T.C.T. No. 41505 states that the land covered therein was originally registered as Original Certificate of Title No. 1898 on April 14, 1928, and Transfer Certificate of Title No. RO-58-I was cancelled by virtue thereof. One other parcel (Lot 2-A-4) was adjudicated to another heir, Ladislaw Cuenca, who was issued Transfer Certificate of Title No. 41506 (Annex "M") on February 24, 1970. Likewise, T.C.T. No. 41506 stated that the land covered therein was originally registered as Original Certificate of Title No. 1898 on April 14, 1928, and that T.C.T. No. RO-58-I was cancelled by virtue thereof.

We interpose at this point the observation that although the transfer certificates of title issued to Pura and Ladislav Cuenca stated that the lands covered therein were originally registered as O.C.T. No. 1898, hence, referring to Lot 1 located at the northern portion of Juan Cuenca's large tract of land, the technical description appearing in said transfer certificates of title were taken or lifted from O.C.T. No. (1020) RO-9 covering Lot 2, referring to the southern portion of the original tract of land.

In the meantime, Lots 2-K and 2-L (T.C.T. Nos. 35973 and 35974) in the name of Juan Cuenca, were consolidated and, in turn, were subdivided into eight (8) lots. Lot 4 was adjudicated to Pura Cuenca, who was issued T.C.T. No. 41498 (Exhibit "TTT-5") on February 24, 1970. Lot 3 was adjudicated to Ladislav Cuenca, who was issued T.C.T. No. 41497 (Exhibit "TTT-4") on the same date. Lot 6 was adjudicated to Jose Cuenca, who was issued T.C.T. No. 41501 with the inscription therein that the land covered by said titles were originally registered as O.C.T. No. 1898 on April 14, 1928, and that T.C.T. No. RO-58-I was cancelled thereby, referring to Lot 1 of the original tract. However, the technical descriptions inscribed therein were lifted from O.C.T. No. (1020) RO-9 covering Lot 2 of the original tract of land.

Upon the deaths of Pura and Ladislav Cuenca, the administrators of their respective testate estates were given authority by the court to dispose of some parcels of land. Lot 2-A-3 of Pura Cuenca covered by T.C.T. No. 41505, and Lot 2-A-4 of Ladislav Cuenca covered by T.C.T. No. 41506, were eventually sold to herein appellee Lorenzana Food Corporation on February 4, 1977 (Annexes, "OOO", "CCC" and "UU--1"). Transfer Certificate of Title No. 41505 was cancelled by T.C.T. No. 88468 issued to, and registered in favor of, Lorenzana Food Corporation (Annex "D"). Transfer Certificate of Title No. 41506 was cancelled by T.C.T. No. 88467 (Exhibit "2") on February 18, 1977. Both T.C.T. Nos. 88467 and 88468 also stated that the lands covered therein were originally registered as O.C.T. No. 1898, but contained portions of the technical description appearing in O.C.T. No. (1020) RO-9.

On the other hand, Lot 3 of the consolidated Lots 2-K and 2-L, as part of the testate estate of Ladislav Cuenca, was sold to herein appellee Jimmy Chua Chi Leong. Transfer Certificate of Title No. 104248 (Exhibit "A") was issued to and registered in his name on May 9, 1979, cancelling T.C.T. No. 41497. Lot 4, being part of the testate estate of Pura Cuenca, was sold to Albert Chua, who was issued T.C.T. No. T-104249 on May 9, 1979 (Exhibit "B"), cancelling T.C.T. No. 41498. Lot 6 was sold by Jose Cuenca to Eduardo Solis, who was issued T.C.T. No. T-94389, cancelling T.C.T. No. T--41501. Common to the titles of Jimmy Chua Ching Leong, Albert Chua and Eduardo Solis is the inscription that the lands covered therein were originally registered as O.C.T. No. 1898 on April 14, 1928.

Another common feature of all these succeeding titles is the description that the property therein described is situated in the barrio of Talaba, Bacoor, Cavite. Looking back, the records show that the original tract of land owned by Juan Cuenca was bounded on the north by Calle Real de Talaba, on the south and southeast by Sapa Niog, and on the west, by Calle Niog. As mentioned earlier, the land was divided into two (2) by the railroad tracks running from and going to east and west. The area located north of the railroad tracks, bordering Calle Real de Talaba was later titled as O.C.T. (1898) 50-58, said parcel straddling the barrios of Talaba, Zapote and Milicsi, as well as the poblacion proper.

On the other hand, the portion located south of the railroad tracks was designated as Lot 2. Traversing this land is what used to be a national road, now called the Aguinaldo Highway, linking Tagaytay City to Metro Manila. This parcel was later titled as O.C.T. No. (1020) RO-9. The sub-divided parcels aforementioned, by their technical descriptions are located at the south to southeast portions of Lot 2, bounded on the south, by Sapa Niog and Calle Niog on the west. Nevertheless, the said parcels were described as situated in the barrio of Talaba.

The controversy arose when herein appellees learned that the same parcels were being claimed by herein appellant, B.E. San Diego, Incorporated. B.E. San Diego's claim was based on two (2) titles registered in its name. The first parcel was covered under T.C.T. No. T?17621 (Annex "C") issued on March 2, 1966, which

originated from O.C.T. No. 0-490 registered on December 22, 1965. The said title described "a parcel of land Plan Psu-211245, pursuant to L.R.C. Case No. N-467, (LRC) Record No. N-27923, situated in the Barrio of Niog, Municipality of Bacoor." The second parcel was titled under O.C.T. No. 0-644, registered on January 5, 1967, pursuant to LRC Case No. N-557, (LRC) Record No. N-30647, describing "a parcel of land (Lot 1, Plan Psu-223920), situated in Barrio of Niog." (Exhibit "9").

All parties resolutely seeking to enforce their respective claims over the subject properties, three (3) civil suits for quieting of title were filed before the Regional Trial Court of Bacoor, Cavite, Branch XIX. The first case, docketed as BCV-80-17 was filed by Lorenzana Food Corporation versus B.E. San Diego, Incorporated, and other defendants. The second civil case, BCV-81-18, was filed by Jimmy Chua Chi Leong and Albert Chua, also against B.E. San Diego, Inc., et al., as defendants. The last case, BCV-83-79 was filed by B.E. San Diego, Inc., against spouses Eduardo and Gloria Solis, as defendants.

In Civil Case No. BCV-80-17, Lorenzana Food Corporation claimed exclusive ownership over the two (2) parcels covered by T.C.T. Nos. 88467 and 88468, issued to it on February 18, 1977. Lorenzana Food Corporation alleged that it took immediate possession of the said property and even contracted to prepare the land for development. It is alleged that it was only years later that Lorenzana Food Corporation learned that B.E. San Diego, Inc. was claiming ownership over portions of the said parcels by virtue of O.C.T. No. 0-644. It is Lorenzana Food Corporation's contention that the O.C.T. No. 0-644, in B.E. San Diego's name is null and void because Lorenzana Food Corporation's title emanated from an O.C.T. issued more than thirty-nine (39) years prior to the issuance of B.E. San Diego's original certificate of title.

In answer, B.E. San Diego countered that it and its predecessors-in-interest have been in the open continuous and adverse possession in concept of owner of the subject property for more than fifty (50) years prior to Lorenzana Food Corporation's purchase of the two (2) parcels. It also argued that Original Certificate of Title No. 0-644 was not null and void since it was issued upon application and proper proceedings in (LRC) Case No. N-557 and N-30647, before the then Court of First Instance of Cavite. Pursuant to its issuance, the said property was declared by B.E. San Diego for tax purposes (Exhibits "Q" and "5-F") since June 22, 1966.

B.E. San Diego claims it bought the subject property from Teodora Dominguez on February 6, 1966 (Exhibit "5-D") and the absolute deed of sale was submitted in (LRC) Case No. N-577. It was further argued that Lorenzana Food Corporation was erroneously claiming the subject property because of Lorenzana's titled property is described to be located in Barrio Talaba, while B.E. San Diego's property is situated in Barrio Niog. Denying that Lorenzana Food Corporation's predecessor-in-interest had been in possession of the subject property, B.E. San Diego claimed that in 1979, by force, intimidation, threat, stealth, and strategy, Lorenzana Food Corporation entered and occupied the subject property, despite barbed wire fencing with warning signs, and security guards posted by B.E. San Diego.

In Civil Case No. BCV-81-18, plaintiffs Jimmy Chua Chi Leong and Albert Chua claim ownership over the parcels they respectively purchased from the heirs of Juan Cuenca, as evidenced by Transfer Certificates of Titles Nos. T-104248 and T-104249, issued on January 20 and 30, 1979, respectively. B.E. San Diego, for its part, claimed the property by virtue of Transfer Certificate of Title No. T-17621 issued on March 2, 1966, which cancelled Original Certificate of Title No. 0-490 originally issued to Teodora Dominguez, who sold the same property to B.E. San Diego. Again, B.E. San Diego argued that, as appearing in their respective titles, Jimmy Chua Chi Leong's and Albert Chua's properties were located in Barrio Talaba while that of B.E. San Diego was located in Barrio Niog.

The last case, BCV-83-79 was initiated by B.E. San Diego against the Solis spouses who, according to the former, unlawfully entered a portion of its property titled under Transfer Certificate of Title No. T-17621. The Solis spouses, meanwhile, claim the said portion by virtue of their Transfer Certificate of Title No. T-94389, issued pursuant to their purchase of said portion from Jose Cuenca.

In light of these factual findings, the respondent court decided in favor of the private respondent, B.E. San Diego, Inc. It rejected petitioners' titles because of the following defects, viz:

"(a) The appellees' (petitioners) titles are annotated with the inscription that the land described therein was originally registered under OCT No. 1898, but the technical descriptions found therein were lifted from OCT No. (1020) RO-9.

(b) The appellees (petitioners) titles state that the properties are located in the barrio of Talaba when the properties described therein are situated in the Barrio of Niog."

On the other hand, it found the titles of private respondent unblemished by any defect. It also considered in private respondent's favor its open, adverse and continuous possession of the disputed land since 1966. The respondent court gave little weight to the verification survey of Felipe Venezuela, Chief of the Technical Services Section of the Bureau of Lands favoring the claims of the petitioners on the ground that the "survey was just based on the technical descriptions appearing in the opposing parties' titles." [2]

The dispositive portion of the disputed Decision decreed:[3]

"WHEREFORE, in view of all the foregoing, the appealed Joint Decision dated July 15, 1986 is hereby REVERSED and SET ASIDE and a new one entered ordering:

1. The nullification and cancellation of Transfer Certificates of Title Nos. T-88467 and T-88468 in the name of appellee Lorenzana Food Corporation, and dismissing Civil Case No. BCV-80-17;
2. The nullification and cancellation of Transfer Certificates of Title Nos. T-104248 and T-104249 in the names of appellees Jimmy Chua Chi Leong and Albert Chua, and dismissing Civil Case No. BCV-81-18; and
3. The nullification and cancellation of Transfer Certificate of Title No. T-94389 in the names of appellees-spouses Eduardo and Gloria Solis, who are hereby ordered to immediately vacate the subject property.

No pronouncement as to costs.

SO ORDERED."

Petitioners assail the Decision in this petition for review on certiorari as having been issued in grave abuse of discretion. Petitioner Lorenzana Food Corporation and the spouses Eduardo Solis and Gloria Victa raise the following:

"ASSIGNMENT OF ERRORS

I

The Honorable Court of Appeals committed reversible error of law and grave abuse of discretion in reversing the decision of the lower court to uphold the validity of the land titles of private respondent in spite of the fact that these were issued some forty six (46) years later than the titles of petitioners and their predecessors-in-interest.

II

The Honorable Court of Appeals committed reversible error of law and grave abuse of discretion in giving more significance to the annotation than the technical description in identifying the lots in dispute.

III

The Honorable Court of Appeals committed reversible erroneous conclusion of facts, amounting to reversible error of law and grave abuse of discretion in holding in its resolution denying petitioner's motion for reconsideration that petitioners failed to make proper correction of their titles.

IV

The Honorable Court of Appeals committed grave abuse of discretion when it failed to pass judgment on the liabilities of the estate of Pura Cuenca and Ladislaw Cuenca, predecessors--in-interest (sellers) of the petitioners."

Petitioners Albert Chua and Jimmy Chua Chi contend:

1. In the face of its own admission that petitioners (including Albert Chua and Jimmy Chua Chi Leong) 'can trace their titles as having been originally registered on February 21, 1922', the respondent Court of Appeals obviously erred and gravely abused its discretion in nullifying and ordering the cancellation of petitioners' transfer certificates of title and dismissing their complaints (including those of Albert Chua and Jimmy Chua Chi Leong), and in upholding private respondent's title.
2. The respondent Court gravely erred and abused its discretion in finding that petitioners' titles (including Albert Chua's and Jimmy Chua Chi Leong's) are annotated with the inscription that the land described therein was originally registered under OCT No. 1898, but the technical description found therein were lifted from OCT No. (1020) RO-9.
3. The mother title of petitioners' lots is Original Certificate of Title No. (1020) RO-9 and not 1898.
4. The respondent court gravely erred and abused its discretion in not finding that private respondent's title is rooted in a fake or spurious title.
5. The respondent court gravely erred and abused its discretion in discrediting the verification survey conducted by Engr. Felipe Venezuela, Chief of the Technical Service Section of the Bureau of Lands, who was commissioned to conduct said survey, by order of the Court, which confirmed the fact that petitioners' lots originated from Lot 2, Psu-1075, covered by OCT No. (1020) RO-9 and that they are overlapped by the lots of respondent, as evidenced by his Report (Exhibits "F", "F-1" and "F-2").
6. Even private respondent expressly admitted that based on the technical descriptions of the lots of petitioners, three are overlappings of said lots and respondent's lots, and the respondent court gravely erred and abused its discretion in holding otherwise.
7. The entries in the second paragraph of petitioners' titles are mere clerical errors which can not defeat the fact that petitioners' titles originated from Lot 2, Psu-1075, covered by OCT No. (1020) RO-9.
8. The respondent court's holding that there could be no overlapping because in petitioners' titles it appears that their lots are situated in Barrio Talaba, while its lots are situated in Barrio Niog, is devoid of merit."

We find no merit in the petition.

A perusal of the petition will reveal that it does not raise any question of law of sufficient significance to warrant the interposition of the power of review of this court. Neither does the petition demonstrate that the disputed Decision is anchored on factual findings so grossly misappreciated by the respondent court, as to result in a wanton distortion and denial of the legal rights of petitioners.

The case at bench started as actions to quiet petitioners' titles over certain parcels of land filed against private respondent.[4] The disputed lots are in the possession of the private respondent who has consistently paid their

taxes since 1966. The lots are located in barrio Niog, municipality of Bacoor, province of Cavite. They are covered by private respondent's titles, TCT No.T-17621 and OCT No. 0-644. As noted by the respondent court, the titles of private respondent are "... not blemished by any defect and were regularly issued."

Private respondent's titles were assailed by the petitioners. They allegedly cast a cloud of doubt on their titles. Petitioners' evidence showed that their titles were derived from the original title of Juan F. Cuenca issued on February 21, 1922. The origin of their titles was traced by Eng. Felipe Venezuela of the Bureau of Lands.

The basic question is whether petitioners were able to discharge their burden of proving the superiority of their titles over the titles of the private respondent. The respondent court found the quantum and quality of evidence presented by the petitioners insufficient. We find no compelling reason to reverse this ruling. The defects appearing on the face of the titles of the petitioners are too glaring to escape the naked eye. These are recited in detail in the Resolution of the former Special Sixth Division of the respondent court thru Mr. Justice Jose C. Campos, Jr.,^[5] when it denied petitioners' Motion for Reconsideration, to wit:

"From the evidence, the appellees derived their titles from the defective titles of their vendors, namely Pura and Ladislaw Cuenca. Although the titles issued to Pura and Ladislaw Cuenca stated that the lands covered therein were originally registered as OCT No. 1898 hence referring to Lot 1 located at the northern portion of Juan Cuenca's large tract of land, the technical descriptions appearing in the certificates of titles were taken or lifted from OCT No. (1020) RO-9 covering Lot 2, referring to the southern portion of the original tract of land. The land covered by OCT No. 1898 is not the land covered by the title of the appellees Lorenzana, because the title of the lot was derived from OCT No. 1898 but its technical description was drawn from OCT No. 1020. The land covered by OCT No. 1898 is located in the northern portion of the land covered by OCT No. 1020.

The title of the appellant's predecessors--in-interest showed that the land acquired by the appellant and for which title was issued in the appellant's name was described in said title as being located in Barrio Niog, while the appellees' title described the property covered by their title as located in Barrio Talaba. But appellees claim a parcel of land that is located in Barrio Niog. These two barrios of the town of Bacoor, Cavite, are located poles apart and were never one and the same town in the history of the province. The appellees are claiming property not located in the barrio as described in the technical description:

To be sure, these defects were judicially admitted by the petitioners. They attached their defective titles to their complaints in the trial court. As aforesaid, their titles showed on their very face that they covered lots located in barrio Talaba, municipality of Bacoor whereas the lots of private respondent are in barrio Niog of the same municipality. The two barrios are one and a half kilometers away from each other. Likewise, the face of their titles show that they emanated from OCT No. 1898 or from Lot 1 constituting the northern portion of Juan Cuenca's property before its subdivision. Nonetheless, the technical descriptions of the lots appearing in their titles were lifted from OCT No. (1020) RO-9 or from Lot 2 forming the southern portion of Juan Cuenca's land. No less than petitioners' witness, Eng. Venezuela, confirmed these blatant defects when he testified, thus:

"BY ATTY. VASQUEZ: (to the witness)

Q You said you referred to these titles in connection with your verification?

WITNESS:

A Yes, sir.

Q Now, I presume you also saw the matters stated in the second paragraph of the first page of the titles, I am referring . . . particularly to the fact that as stated in both of these titles, this land was originally registered on April 14, 1928 as Original Certificate of Title 1898 pursuant to Decree No. 338259 LRC Record No. 29214, did you notice those?

WITNESS:

A I noticed that, sir.

x x x

BY ATTY. VASQUEZ: (To the witness)

Q In the report that you submitted to this Court on your verification survey, we find in paragraph 8, No, paragraph 4, subparagraph f, the following statement which I read, "THAT AS PER TECHNICAL DESCRIPTIONS APPEARING ON TCT NO. 88467 AND TCT NO. 88468 REGISTERED IN THE NAME OF. . . . LORENZANA FOOD CORPORATION, THE PROPERTY FALLS IN THE BARRIO OF NIOG, BACOR, CAVITE," CONTRADICTING TO THE LOCATION STATED IN THE TITLE WHICH IS BARRIO TALABA, I READ FURTHER, "IT MAY BE DUE TO THE FACT THAT SAID TITLE ORIGINATED FROM ORIGINAL CERTIFICATE NO TITLE NO. 1898 DECREED UNDER NO. 338259 WHICH IS ACTUALLY LOCATED IN BARRIO TALABA, BACOR, CAVITE.

MY QUESTION IS, BARRIO TALABA AND BARRIO NIOG ARE DIFFERENT BARRIOS?

WITNESS:

A YES, SIR.

Q And you have apparently noticed that the statement contained in the second paragraph of the title of plaintiff stating that the land supposed to be covered by said titles is derived from OCT No. 1898?

A Yes, sir.

Q Are we to understand that the land covered by OCT No. 1898 is not the same land covered by the titles of the Lorenzana?

x x x

A In a sense it is not actually, the title OCT 1898 is located on northern portion of OCT No. 1020, in fact I made here a working sheet showing the titles, the one Original Certificate of Title 1020 and Original Certificate of Title 1898 and I have here a sketch plan of the positions. x x x .

x x x

BY ATTY. VASQUEZ: (To the witness)

Q You are mentioned OCT No. 1898 and OCT No. 1020, you will tell the Court of these two (2) titles cover different parcels of land?

WITNESS:

A As per my sketch sheet plan, Original Certificate of Title No. 1020 is located at the southern portion of the Original of Title No. 1898, meaning to say that they are far apart from each other.

Q Now, this technical description that you utilized to plot the land described in the title or titles of the plaintiff, which title did you use, 1898 or 1020?

A I just followed the title as issued, as ordered by the Court.

I based my verification based on the title as required by the Court.

Q THE QUESTION IS, ACCORDING TO YOU . . . VERIFICATION, THE LAND BEING CLAIMED BY THE PLAINTIFF; IS IT COVERED BY 1898 OR 1020?

WITNESS:

A WELL, IT IS ALREADY CLEAR ON THE TITLE THAT IT WAS TAKEN FROM OCT 1898.

Q I will not argue to that fact that the title of Lorenzana was taken from 1898 but I am asking you the plotting of the technical description as described on the title of the plaintiff is referring to a land covered by original certificate of title 1898 or 1020?

A It is very clear on my plan that the two (2) titles of Lorenzana happened to fall to Original Certificate of Title No. 1020.

Q IN OTHER WORDS, IF WE GO BY THE TITLE, IT WOULD APPEAR THAT THIS TITLE OF THE LORENZANAS WAS DERIVED FROM 1898 BUT THE TECHNICAL DESCRIPTION WAS FROM ANOTHER TITLE SPECIFICALLY 1020?

WITNESS:

A YES, SIR, BY USING THE TECHNICAL DESCRIPTION (pp. 34-35, 37-40, 41-43, tsn, 12-9-80, bold letters supplied).

His attempt to reconcile the defects and inconsistencies appearing on the faces of petitioners' titles did not impress the respondent court and neither are we. His opinion lacks authoritativeness for his verification survey was not made on the land itself. It was a mere table survey based on the defective titles themselves.

Petitioners would minimize the import of the defects in their titles by describing them as "clerical." The plea does not persuade for the self-contradictions in petitioners' titles infract their integrity. Errors that relate to the lots' mother title, their technical descriptions and their locations cannot be dismissed as clerical and harmless in character. With these errors, the titles of the petitioners do not deserve the sanctity given to torrens title. These errors precisely created and cast the cloud of doubt over petitioners' titles and precipitated the case at bench.

Petitioners also missed the thrust of the assailed Decision with their argument that the respondent court gave more importance to the misleading annotations in their titles rather than to their technical descriptions. In pointing out the discrepancies in petitioners' titles, the respondent court was simply stressing that these titles cannot be upheld against the unblemished titles of the private respondent. The case at bench is not one where petitioners are correcting the defects in their titles by reconciling the annotations therein and the technical descriptions of the lots. Rather, the case involves actions for quieting of titles where petitioners are urging that their error-filled titles should be adjudged as superior to the regularly issued titles of the private respondent. Petitioners would also oust private respondent from the lots it has occupied from 1966 and whose taxes it has paid since then.

In a last swing against the disputed Decision, petitioners contend that the respondent court committed grave abuse of discretion when it failed to pass judgment on the liabilities of the estates of Pura Cuenca and Ladislaw Cuenca, their predecessors-in-interest. The contention deserves scant attention. The records show that the trial court dismissed petitioners' Complaint against the Estates of Pura Cuenca and Ladislaw Cuenca in Civil Cases No. BCV-80-17 and BCV-81-18. They alleged that the said Estates breached their warranties as sellers of the subject lots. Petitioners Lorenzana Food Corporation as well as Jimmy Chua Chi Leong and Albert Chua did not appeal the dismissal of their Complaints against these Estates. The dismissal has become final and petitioners cannot resurrect the Estates' alleged liability in this petition for review on certiorari.

IN VIEW WHEREOF, the petition for review is DISMISSED there being no showing of grave abuse of discretion on the part of the respondent court in deciding CA-G.R. CV No. 13540. Costs against petitioners.

SO ORDERED.

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

[1] Sixth Division composed of Associate Justices Jose C. Campos, Jr., (Chairman), Venancio D. Aldecoa, Jr., (ponente) and Filemon H. Mendoza, (member).

[2] At page 13, Decision.

[3] It reversed the Joint Decision dated July 15, 1986 of the RTC of Bacoar, Cavite, Br. 19 in Civil Cases No. BCV-83-17, BCV-81-18 and BCV-83-79.

[4] Except Civil Case No. BCV-83-49 where the private respondent was the one who sought to quiet his title vis-a-vis the title of the spouses Solis.

[5] Concurred by Associate Justices Alfredo Marigomen and Quirino D. Abad Santos, Jr.

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