

MARILOU RIVERA, PETITIONER, VS. COURT OF APPEALS AND HEIRS OF CLAUDIO GABALONES AND BENITA ROLDAN, RESPONDENTS.

G.R. No. 107903. May 22, 1995

Ponente: PUNO, J.

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PUNO, J.:

In this petition, we are asked to set aside the Decision of the Court of Appeals, dated August 7, 1992,[1] declaring private respondents as the owners of Lot No. 3876 of the Cadastral Survey of Pagsanjan, Laguna.

The petition at bench stems from the complaint to quiet title and for delivery of owner's duplicate of reconstituted title filed by petitioner Marilou Rivera against private respondents, heirs of Claudio Gabalones and Benita Roldan, before the Regional Trial Court, Branch 28, Sta. Cruz, Laguna.

The reconstituted title involves a parcel of land with an area of sixty (60) square meters at Pagsanjan, Laguna. This land was originally registered in the name of deceased spouses Claudio Gabalones and Benita Roldan. Allegedly, the Gabalones spouses sold the land to Generoso Reyes in 1947. The deed of sale was not presented to prove the sale. Tax Declaration no. 4304 in the name of the Gabalones spouses appears to have been cancelled and a new tax declaration was issued in the name of Generoso Reyes for the year 1948.

On April 22, 1969, the land was sold by Reyes to spouses Rogelio Taiño and Corazon Leron. The transaction was covered by a deed of sale, duly registered with the Register of Deeds of Laguna.

On February 21, 1977, spouses Taiño sold the land to petitioner. The deed of sale executed by the parties was also registered on September 11, 1981.

On August 20, 1989, petitioner discovered that Paz Gabalones, one of the heirs of spouses Gabalones (the original owners of the land), filed a petition for reconstitution of lost or destroyed original title covering the subject land. Notwithstanding, petitioner failed to file an opposition to the petition for reconstitution. The petition was granted and a reconstituted title was issued.

Petitioner then filed an affidavit of adverse claim with the Office of the Register of Deeds which was annotated on the title of the land. She also filed a complaint with the Regional Trial Court of Sta. Cruz, Laguna, for quieting of title and delivery of the reconstituted title. The case was docketed as Civil Case No. SC-2698. After trial on the merits, the trial court rendered a Decision[2] declaring petitioner as the absolute owner of the subject land.

Aggrieved by the ruling of the trial court, private respondent heirs appealed to the Court of Appeals.

On August 7, 1992, the Court of Appeals reversed the decision of the trial court, holding that petitioner had no equitable or legal title over the subject lot. The dispositive portion reads:

"WHEREFORE, based on the foregoing, the judgment appealed from is hereby reversed, and the complaint ordered DISMISSED. Accordingly, the Register of Deeds of Laguna is directed to cancel the adverse claim filed by the plaintiff. No pronouncement as to costs."

Petitioner's motion for reconsideration was denied. Hence, this recourse under Rule 45 of the Rules of Court.

Petitioner contends that:

I

RESPONDENT COURT OF APPEALS ERRED IN FINDING AND CONCLUDING THAT THE NON-PRESENTATION OF THE DEED OF ABSOLUTE SALE BETWEEN THE ORIGINAL OWNERS AND GENEROSO REYES IS FATAL TO THE CASE OF THE PETITIONER.

II

RESPONDENT COURT ERRED IN CONCLUDING THAT PETITIONER CANNOT ACQUIRE OWNERSHIP OVER THE DISPUTED LOT BY ACQUISITIVE PRESCRIPTION BECAUSE THE PROPERTY IS TITLED.

III

RESPONDENT COURT ERRED IN CONCLUDING THAT THE PETITIONER CANNOT INVOKE THE EQUITABLE PRINCIPLE OF LACHES.

IV

THE RESPONDENT COURT ERRED IN DISMISSING THE COMPLAINT AND DENYING PETITIONER'S MOTION FOR RECONSIDERATION, AND IN NOT AFFIRMING THE DECISION OF THE RTC IN TOTO.

We affirm.

The respondent court did not err when it ruled that petitioner's failure to present the deed of sale evidencing the initial transfer of the subject land from the original owners to Generoso Reyes was fatal. Petitioner anchors her claim on the alleged titles of her predecessors-in-interest, i.e., that the land was initially sold by deceased Gabalones spouses to Generoso Reyes, who sold it to spouses Taiño and Leron, who later sold the same to her. Petitioner also introduced in evidence two (2) deeds of sale covering the subject lot: the first deed was executed between Reyes and the Taiño spouses, the second deed was executed by the Taiño spouses in her favor. Significantly, the deed of sale supposedly made by the Gabalones spouses to Reyes was not presented in the trial court. All that was introduced during the hearing to prove this vital fact was a tax declaration in the name of Generoso Reyes for the year 1948. The respondent court correctly found this proof inadequate. In a number of cases,[3] we have ruled that a tax declaration, by itself, is not considered conclusive evidence of ownership.

Petitioner cites the case of *Bautista v. Court of Appeals*,[4] where it was held that tax declarations are "strong evidence of ownership of land acquired by prescription when accompanied by proof of actual possession." Petitioner's reliance on said case is misplaced. In the *Bautista* case, the subject lot was an unregistered land. Private respondent del Rio who was applying for registration of a parcel of land asserted ownership over said land and traced the roots of his title to a public instrument of sale in favor of his father from whom he inherited the land. In the case at bench, however, the subject land is covered by a title and has been registered in the name of the original owners, the Gabalones spouses. It is also undisputed that, unlike in the *Bautista* case, petitioner traces her roots of title to a mere tax declaration in the name of Generoso Reyes. The sale between the Gabalones spouses and Reyes was not satisfactorily established.

We also hold that the respondent court did not err in ruling that petitioner cannot invoke acquisitive prescription considering that the subject land is titled land. Petitioner contends that the subject land was not covered by any title when Reyes acquired it in 1947 up to the time the petition for reconstitution was filed by private respondents

in 1989. She submits that prior to the reconstitution of private respondents' title, she could acquire it by prescription.

We reject this submission. The fact that the title to the lot was lost does not mean that the lot ceased to be a registered land before the reconstitution of its title. Reconstitution is simply the restoration of the instrument or title allegedly lost or destroyed in its original form and condition.[5] Indeed, the order granting reconstitution of title confirms the fact that the subject land has been previously registered and covered by a torrens title. As the subject land did not cease to be titled, it cannot be acquired by acquisitive prescription.[6] To hold otherwise is to wreak havoc on the stability of our torrens system.

Finally, the respondent court rightly rejected petitioner's invocation of the equitable principle of laches. Laches has been defined as the negligence or omission to assert a right within a reasonable time, warranting a presumption that the party entitled to assert it either has abandoned it or declined to assert it.[7] Laches thus amounts to an implied waiver arising from knowledge of existing conditions and an acquiescence in them.[8] There is nothing in the records proving that private respondents, despite discovery or knowledge of the successive transfer of their parents' land, omitted to assert their claim over it for an unreasonable length of time. In the absence of this proof, laches cannot be applied against private respondents.

IN VIEW WHEREOF, the appealed Decision is hereby AFFIRMED in toto. No pronouncement as to costs.
SO ORDERED.

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

[1] Penned by Associate Justice Segundino G. Chua and concurred by then Associate Justice Jose A.R. Melo and Associate Justice Ricardo P. Galvez; Rollo, pp. 52-60.

[2] Penned by Judge Zenaida R. Daguna.

[3] Republic v. Intermediate Appellate Court, G.R. No. 74830, July 5, 1993, 224 SCRA 285; Director of Lands v. Intermediate Appellate Court, G.R. No. 73246, March 2, 1993, 219 SCRA 339; De Jesus v. Court of Appeals, G.R. No. 57092, January 21, 1993, 217 SCRA 307; Director of Lands v. Buyco, G.R. No. 91189, November 27, 1992, 216 SCRA 78.

[4] G.R. No. L-43190, August 31, 1984, 131 SCRA 532.

[5] Anciano v. Caballes, No. L-5040, September 29, 1953, 93 Phil 876.

[6] Section 47 of P.D. No. 1529.

[7] Tijam v. Sibonghanoy, 23 SCRA 35.

[8] Gutierrez v. Bachrach Motor Co., 105 Phil. 29.

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