

**VICENTE SAPTO, LAUREANA SAPTO AND DORA (BAGOBA),
PLAINTIFFS AND APPELLANTS, VS. APOLONIO FABIANA,
DEFENDANT AND APPELLEE.**

G.R. No. 11285. May 16, 1958

Ponente: REYES, J.B.L., J.

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REYES, J.B.L., J.:

Sapto (Moro), now deceased, was the registered owner of a parcel of land located in Alambre, Toril, Davao City, under Transfer Certificate of Title No. T-5701 (0-28) of the Register of Deeds of Davao City. When Sapto died, he left his children Samuel, Constancio, and Ramon as heirs of the property in question. Ramon pre-deceased his two brothers, leaving no other heirs. On June 6, 1931, Samuel and Constancio Sapto executed a deed of sale of a portion of four hectares of the land aforementioned in favor of defendant Apolonio Fabiana, in consideration of the amount of P245.00. The sale was duly approved by the Provincial Governor of Davao, but was never registered. Possession of the land conveyed was, however, transferred to Fabiana and the latter has been in the possession thereof from 1931 up to the present.

Thereafter, Constancio Sapto died without any issue, Samuel Sapto married one Dora (Bagoba) and upon his death was survived by his widow and two children, Laureana and Vicente Sapto. On October 19, 1954, the widow and children of Samuel Sapto filed this action in the Court of First Instance of Davao for the recovery of the parcel of land sold by their predecessors to defendant Apolonio Fabiana in 1931. After trial, the lower court held that although the sale between Samuel and Constancio Sapto and defendant in 1931 was never registered, it was valid and binding upon the parties and the vendors' heirs, and ordered the plaintiffs to execute the necessary deed of conveyance in defendant's favor and its annotation in the certificate of title. From this judgment, plaintiffs appealed to this Court.

The issue is whether the deed of sale executed by appellants' predecessors in favor of the appellee over the land in question, although never registered, is valid and binding on appellants and operated to convey title and ownership to the appellee.

The question is not new. In a long line of cases already decided by this Court, we have consistently interpreted sec. 50 of the Land Registration Act providing that "no deed * * * shall take effect as a conveyance or bind the land, but shall operate only as a contract between the parties and as evidence of authority to the clerk or register of deeds to make registration" in the sense that as between the parties to a sale registration is not necessary to make it valid and effective, for actual notice is equivalent to registration (*Obras Pias vs. Devera Ignacio*, 17 Phil., 45; *Gustilo vs. Maravilla*, 48 Phil., 442; *Quimson vs. Suarez*, 45 Phil., 001; *Winkleman vs. Veluz*, 43 Phil., 609; *Galasinao vs. Austria*, 51 Off. Gaz. No. 6, 2874; *Carillo vs. Salak*, 91 Phil., 265). "The peculiar force of a title under Act No. 492", we said in *Medina vs. Imaz and Warner Barnes & Co.*, 27 Phil., 314 (syllabus), "is exhibited only when the purchaser has sold to innocent third parties the land described in the conveyance. Generally speaking, as between vendor and vendee, the same rights and remedies exist in relation to land not so registered".

In *Galanza vs. Nuesa*, 95 Phil., 713, we held that "registration is intended to protect the buyer against claims of third persons arising from subsequent alienations by the vendor, and is certainly not necessary to give effect as between the parties to their deed of sale". And in the recent case of *Gasica vs. Villanueva*, G.R. No. L-9590, April 30, 1957, we reiterated that "the purpose of registration is merely to notify and protect the interests of strangers to a given transaction, who may be ignorant thereof, and the non-registration of the deed evidencing said transaction does not relieve the parties thereto of their obligations thereunder".

No right of innocent third persons or subsequent transferees of the property in question is involved herein. The property has remained and still is in the possession of the vendee of appellants' predecessors, herein appellee. It is therefore, clear that the conveyance between appellee and his vendors is valid and binding upon the latter, and is equally binding and effective against the heirs of the vendors, herein appellants. To hold otherwise would make of the Torrens system a shield for the commission of fraud by the vendors or his heirs (*Gustilo vs. Maravilla*, 48 Phil., 442), who would then be able to reconvey the same property to other persons.

Appellants cite several cases wherein we have held that under the Torrens system, registration is the operative act that gives validity to the transfer or creates a lien upon the land. The authorities cited refer, however, to cases involving conflicting rights over registered property and those of innocent transferees who relied on the clean titles of the properties in question. These cases have, therefore, no bearing- on the instant case, where the appellee has always, remained in the possession of the land in question and no subsequent transfer thereof to other persons has been made either by appellants or their predecessors-in-interest.

The appellants aver that it was error to require them to execute a deed of conveyance in favor of the plaintiff-appellee, and argue that the latter's action to obtain it, had long prescribed, twenty years having elapsed since the original sale. This contention must be overruled, being predicated on the assumption that the reconveyance is sought by way of performance of the contract of sale entered into in 1931. 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).

"The prevailing rule is that the right of a plaintiff to have his title to land quieted, as against one who is asserting some adverse claim or lien thereon, is not barred while the plaintiff or his grantors remain in actual possession of the land, claiming to be owners thereof, the reason for this rule being that while the owner in fee continues liable to an action, proceeding, or suit upon the adverse claim, he has a continuing right to the aid of a court of equity to ascertain and determine the nature of such claim and its effect on his title, or to assert any superior equity in his favor. He may wait until his possession is disturbed or his title is attacked before taking steps to vindicate his right. But the rule that the statute of limitations is not available as a defense to an action to remove a cloud from title can only be invoked by a complaint when he is in possession. One who claims property which is in the possession of another must, it seems, invoke his remedy within the statutory period." (44 Am. Jur., p. 47)

Wherefore, the judgment appealed from is affirmed. Costs against appellants.

So ordered.

Paras, C.J., Bengzon, Montemayor, Reyes, A., Bautista Angelo, Labrador, Concepcion, Endencia, and Felix, JJ.,

concur.

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