

**ANASTACIO MANANGAN, PETITIONER, VS. ANGEL DELOS REYES,
GERMAN DELOS REYES, AURELLANA DELOS REYES, JOSEFINA
DELOS REYES AND INOCENCIO DELOS REYES, RESPONDENTS.**

G.R. No. 115794. June 10, 1999

Ponente: PARDO, J.

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PARDO, J.:

Can possession by a vendee of an unregistered real property defeat the torrens title thereon later secured by the vendor in spite of the sale, where the title was obtained in land registration proceedings filed thirty eight (38) years ago?

In this appeal via certiorari, petitioner seeks to reverse the decision[1] of the Court of Appeals holding that an action for reconveyance or recovery of ownership of the land fraudulently titled to respondent has prescribed and is barred by laches.

We affirm.

The facts are as follows:

Respondents were co-owners of three (3) parcels of land with an area of 13,083 square meters, located in Mabaliguen, San Narciso, Zambales, covered by OCT No. 7372 of the Register of Deeds of Zambales[2].

Petitioner, on the other hand, was a tenant of the respondents and had been sharing the harvest of the land with respondents' mother, Macaria Villanueva, during her lifetime.[3]

On December 11, 1932, Macaria Villanueva sold the parcels of land in question to Victoriano Manangan, petitioner's father, in consideration of one thousand pesos (P 1,000.00) as evidenced by a duly notarized deed of sale signed by Macaria and the respondents except Inocencio de los Reyes.[4]

In 1934, after cadastral proceedings were initiated over the land, the registration court decreed registration under the torrens system of the parcels of land involved in the names of Macaria Villanueva, Cirilo de los Reyes, and Francisco de los Reyes.

On June 21, 1937, the Register of Deeds of Zambales, pursuant to the decree of registration, issued Original Certificate of Title No. 7372 in the names of Macaria Villanueva, Cirilo de los Reyes, and Francisco de los Reyes, now all deceased. Macaria is survived by three children, namely respondents Angel de los Reyes, Germana de los Reyes and Aureliana de los Reyes. Francisco is survived by two children, respondents Josefina and Inocencio de los Reyes. Cirilo died without any issue.[5]

On July 6, 1974, respondents filed with the Court of First Instance of Zambales, a complaint for recovery of possession of the aforesaid parcels of land against petitioner claiming the right of possession of said land. Petitioner resisted such claim alleging fraud in causing the land to be registered in respondents' names despite its sale to petitioner's father. On March 14, 1975, petitioner filed with the lower court an amended answer for

reconveyance of the lots in question.

On October 19, 1987, the Regional Trial Court, Branch 71, Iba, Zambales, rendered a decision in favor of respondents declaring that they had a better right over the subject parcels of land.

The dispositive portion of the decision reads:

"WHEREFORE, premises considered, judgment is hereby rendered in favor of the plaintiffs-adjudging them to have a better right to own and possess the subject parcels of land-and the defendant (his agents, privies, successors-in-interest, representatives, acting under him are ordered to:

"1) Vacate the subject premises and deliver or restore peacefully the possession of the properties described in the complaint to the plaintiffs;

"2) Pay to the plaintiffs the aggregate amount representing the value of palay (twenty cavans annually) from 1956 up to the time the defendant finally vacates or surrenders the possession of subject parcels at the rate of P25.00 per cavan;

"3) Pay to the plaintiffs the sum of P 2,000.00 for and attorney's fees.

"Costs against the defendant.

"SO ORDERED.

Manila for Iba, Zambales, October 19, 1987.

"RAMON MABUTAS, JR.

"J u d g e"[6]

In due time, petitioners appealed to the Court of Appeals.[7]

After due proceedings, on April 19, 1993, the Court of Appeals promulgated its decision affirming the trial court's conclusion and ruling that petitioner's action had prescribed and was barred by laches.[8]

Thus, the Court of Appeals said:

"We find the appeal without merit on the sole ground that appellants are guilty of laches and they have lost their right to ask for reconveyance of the property in their favor. Appellants' Exhibit "1" and "1-D", a notarized document, shows that Macaria Villanueva, the now deceased mother of appellees, had actually sold the lots in question to the father of herein appellants in 1922. However, Exhibit "A" of appellees shows that the lots in question were registered in the names of said Macaria Villanueva and her children, herein appellees, in 1937 with the register of Deeds of Zambales under O.C.T. No. 7372.

Evidently, the serious mistake, if not fraud, was committed when the original certificate of title was issued in the name of Macaria Villanueva and appellees. xxx The title to said lots in question in the names of Macaria Villanueva and appellees was entered in the Registry Book for the Province of Zambales by the Register of Deeds of Zambales on June 21, 1937 (Exh. "A") or 38 years before appellants sought reconveyance. Appellants are guilty of laches. It is now well-settled that an action for reconveyance based on an implied or constructive trust must perforce prescribe in ten years from the issuance of the Torrens Title over the property (Tala vs. Court of Appeals, et. al., 208 SCRA 266).

Such being the case, appellant's appeal has no leg to stand on and We find it no longer necessary to discuss each of the assigned errors.

WHEREFORE, for lack of reversible error committed by the trial court, We hereby AFFIRM the herein appealed decision.

No costs.”[9]

Hence, this petition for review on certiorari.[10]

Petitioner's right of action to recover ownership of the land in question has prescribed and is barred by laches.

In *Alvarez vs. Intermediate Appellate Court*,[11] we ruled that the remedy of the landowner whose property has been wrongfully or erroneously registered in another's name is to bring an action in the ordinary courts of justice for reconveyance. The Court of Appeals correctly ruled that an action for reconveyance based on an implied or constructive trust prescribes in ten (10) years from the issuance of the torrens title over the property, citing *Tale vs. Court of Appeals*. [12] We reiterated this ruling in the more recent cases of *Catalina Buan Vda. De Esconde vs. Court of Appeals*, [13] *Salvatierra vs. Court of Appeals* [14] and *Ochagabia vs. Court of Appeals*. [15]

Petitioner slept on his right for thirty eight (38) years counted from the time the Original Certificate of Title was issued on June 21, 1937, until he filed his amended answer to respondents' complaint on March 14, 1975, asking for reconveyance of the lots in question. The petitioner's right to bring such action was barred by laches as he took no step towards that direction reasonably after the title to the property was issued under the torrens system. [16] Finally, petitioner cannot invoke Article 1141 of the Civil Code as this law provides only a period of thirty (30) years to bring real actions over immovable property.

WHEREFORE, the Court DENIES the petition for review on certiorari and AFFIRMS the appealed decision of the Court of Appeals in CA-G.R. CV No. 20459. No costs.

SO ORDERED.

Davide, Jr., C.J., (Chairman), Melo, Kapunan, and Ynares-Santiago, JJ., concur.

[1] In CA-G.R CV No. 20459, promulgated on April 19, 1993, Austria-Martinez, J. ponente, De Pano, Jr., and Abad Santos, Jr., JJ., concurring.

[2] RTC decision, CA Rollo, pp. 27-44.

[3] CA decision,, Rollo, pp. 9-13.

[4] Petition, Rollo, p. 7.

[5] Comment, Rollo, pp. 27-28.

[6] CA Decision, Rollo, pp. 9-13.

[7] Docketed as CA-G.R. CV No. 20459.

[8] CA Decision, *supra*.

[9] CA decision, Rollo, pp. 9-13.

[10] Petition filed on July 11, 1994.

[11] 185 SCRA 8.

[12] 208 SCRA 266, citing *Amerol vs. Bagumbaran*, 154 SCRA 396.

[13] 253 SCRA 66 (1996).

[14] 261 SCRA 45.

[15] G.R. No. 125590, March 11, 1999, citing *Medija vs. Patcho*, 132 SCRA 540.

[16] *Tiburcio vs. PHHC*, 106 Phil. 477.

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