

TEOTIMO RIVERA, PETITIONER AND APPELLANT, VS. TIMOTEO PEÑA, REHABILITATION FINANCE CORPORATION AND REGISTER OF DEEDS OF TARLAC, RESPONDENTS AND APPELLEES.

G.R. No. 11781. March 24, 1961

Ponente: CONCEPCION, J.

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CONCEPCION, J.:

Appeal from an order of the Court of First Instance of Tarlac denying a petition of appellant Teotimo Rivera in Land Registration Cases Nos. 766 and 1919, G. L. R. O. Records Nos. 25456 and 51769.

It was alleged in said petition, filed on September 3, 1956, that Timoteo Peña was the registered owner of Lot No. 2 Plan-Psu-29116, and Lot No. 2, Plan-Psu-102330, of the barrios of Pacalcal and Anupul, respectively, municipality of Bamban, province of Tarlac, and covered by Transfer Certificates of Title Nos. 23014 and 23015, respectively, of said province; that on February 22, 1955, Timoteo Peña executed in favor of petitioner Rivera a contract of lease over said two (2) parcels of land, for the period from September 14, 1956 to September 15, 1960, as evidenced by a public document in the Pampango dialect, copy of which is attached to the petition as Annex A, together with its English translation, likewise attached to said petition as Annex A-1; that said contract (Annex A) is merely a renewal of a previous contract of lease over the same parcels of land, between the same parties; that the owner's duplicates of the aforementioned transfer certificates of title are in the possession of the Rehabilitation Finance Corporation, to whom said lands were mortgaged by Timoteo Peña on October 26, 1955, to guarantee the payment of a P25,000.00 loan, which mortgage is duly annotated on the aforementioned transfer certificates of title; and that, in order to protect his rights over the parcels of land aforementioned, petitioner Rivera desires to have said rights registered in the office of the register of deeds of Tarlac and annotated in the certificates of title above referred to, for which reason he prayed that the Rehabilitation Finance Corporation be ordered to surrender to said register of deeds the owner's duplicates of the aforementioned transfer certificates of title and that said register of deeds be directed to register the original of said Annex A, and to make the corresponding annotations in said transfer certificates of title, upon presentation of said original of Annex A and payment of the corresponding fees.

The Rehabilitation Finance Corporation objected to said petition upon the ground that, pursuant to the deed of mortgage executed in its favor by Timoteo Peña, the lands above referred to shall not be encumbered in any manner without the written consent of the mortgagee; that the consent of the corporation to the contract of lease evidenced by Annex A had never been sought; that the corporation had granted the loan guaranteed by said mortgage for the development of the property in question, to be undertaken by the mortgagor; and that, as a matter of policy, the corporation does not allow, therefore, the leasing of mortgaged property.

After due hearing, the lower court issued the order appealed from, dated September 11, 1956, denying appellant's petition, upon the ground that the deed of lease sought to be registered is in the Pampango dialect and that it does not bear the correct number of the title covering the leased property. Petitioner moved for a reconsideration of

said order, alleging, inter alia, that his leasehold rights should be registered, at least, as an adverse claim, under section 110 of Act No. 496. This motion was denied by an order dated October 3, 1956. Hence this appeal by the petitioner, who maintains that the lower court erred in denying the registration of the deed of lease in question upon the grounds stated in the order of September 11, 1956, and as well as in not directing the registration of his leasehold rights as an adverse claim under said section 110.

It appears however, that one of the conditions of the contract executed by Timoteo Peña in favor of the Rehabilitation Finance Corporation is that the property thus mortgaged thereto shall not be encumbered in any manner whatsoever without the written consent of the mortgagee; that such consent has never been sought; that had it been requested, the consent would have been denied or refused, as a matter of policy, by the mortgagee, the loan guaranteed by said mortgage having been granted for the development of the mortgaged property, which should, therefore, be cultivated by the mortgagor himself. Appellant assails the propriety of entertaining the opposition of the Rehabilitation Finance Corporation, upon the ground that the deed of mortgage in favor of the latter has not been introduced in evidence. This argument overlooks the fact that appellant's petition has been filed in the very records for the registration of the parcels of land in question; that, having been duly registered, said deed of mortgage is part of said records; and that appellant has not denied, and has impliedly admitted the truth of the allegations made in said opposition of the Rehabilitation Finance Corporation.

Inasmuch as appellant's rights were derived from Timoteo Peña and is bound, therefore, by his commitments in favor of said corporation, it is clear that appellant has no valid adverse claim which may be ordered registered and that, accordingly, the lower court has not erred in denying his petition, regardless of the language or dialect in which the deed of lease in question is written and of the inaccuracy of the number therein given of one of the transfer certificates of title involved in this incident.

Wherefore, the orders appealed from are hereby affirmed, with costs against petitioner-appellant. It is so ordered.

Bengzon, Acting, C. J., Padilla, Bautista Angelo, Labrador, Reyes, J. B. L., Barrera, Paredes, and Dizon JJ., concur.

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