

HENRY MUNAR CHAN, ANTHONY D. SY, SR., LORY T. NGAN, AND ANTHONY D. SY, JR., PETITIONERS, VS. THE COURT OF APPEALS (SPECIAL SEVENTH DIVISION) AND TEOVILLE DEVELOPMENT CORPORATION...

G.R. No. 118516. November 18, 1998

Ponente: PURISIMA, J.

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PURISIMA, J.:

At bar is a petition for review on certiorari under Rule 45 of the Revised Rules of Court seeking a review of the Decision[1] of the Court of Appeals affirming with modification the Decisions[2] of the former Court of First Instance of Rizal, Branch 29, stationed in Pasay City.

The Court of Appeals culled the facts that matter, thus:

"Teoville Development Corporation is the owner of several parcels of land located in the Mun. of Muntinlupa, Rizal, covered by TCT Nos. 268165, S-27367, 188445, 188447 and 188437 all of the Registry of Deeds for Rizal, more particularly designated as:

- (1) TCT No. 268165 - Lot No. 15-B of (LRC) Psd-95909 containing an area of 100,535 square meters.
- (2) TCT No. S-27367 -Lot No. 8-A of (LRC) Psd-237357 containing an area of 5,000 square meters, more or less.
- (3) TCT No. 188445 -Lot No. 16 of (LRC) Psd-46683 containing an area of 14,376 square meters.
- (4) TCT No. 188447 -Lot No. 1-A-2-C-2-C-1 of (LRC) Psd-35553 containing an area of 14,887 square meters.
- (5) TCT No. 188437 -Lot No. 7 of (LRC) Psd-46683 containing an area of 10,468 square meters.

The properties were acquired by Teoville Development Corporation from Spouses Augusto and Rosario del Fierro Posadas who in turn acquired the same from a certain Juan Posadas. The Original Certificate of Title, OCT No. 2553, was issued in the name of El Colegio de San Jose on May 17, 1919 pursuant to Decree No. 76377 [should be 76477].

On account of an alleged typographical error in the third number of Decree No. 76377, as the same should have been Decree No. 76477, which error was committed in the transfer from El Colegio de San Jose to Juan Posadas and carried over the succeeding titles including those of the herein plaintiff-appellee Teoville Development Corporation, the latter filed a Petition for Correction in the Court of First Instance of Rizal docketed as G.L.R.O. No. 10766 Case # 34 (Exhibits "H"; "H-1" and Exhibit "2"; pp. 24-29, Folder of Exhibits). The petition was granted in an Order dated December 5, 1979, the dispositive portion of which reads:

"PREMISES CONSIDERED, the Register of Deeds of Rizal is hereby ordered, upon payment of the prescribed fees, to cause the correction of the Decree number from 76377 to 76477 appearing in petitioner's

Transfer Certificates of Title Nos. 188433, 188434, 188445, 188447, S-27368 and 268165, and to annotate said correction in Transfer Certificate of Title No. 13495 of his Office.

Let this Order be published in the TIMES JOURNAL, a newspaper of general circulation for three (3) consecutive weeks and the same to become final thirty (30) days after the last publication.

SO ORDERED."

(p.26, Folder of Exhibits)

Pursuant to such order and after the lapse of the period stated, the necessary corrections were made in the titles of Teoville Development Corporation.

It appears, however, that in the year 1974, defendant-appellant Henry Munar Chan applied for the registration of certain parcels of land located in the Municipality of Muntinlupa, Paranaque. On February 21, 1974, the application was approved and the corresponding original certificates of title were issued in favor of the applicant and his assignees as follows:

Applicant/Assignees

Decree No.

Lot No.

OCT No.

Henry Munar Chan

N-150479

A

10161

Henry Munar Chan

N-150482

F

10162

Quirico Samonte

N-150480

C

10163

Lito R. Gorospe

N-150481

D

10164

Jesus Samio Son, Rodolfo Sy, and See Eng Huy

N-150484

B

10165

Anthony D. Sy, Sr., Anthony D. Sy, Jr., Lory T. Ngan, and Wayne T. Sy

N-150483

E

10166

The above parcels of land were subsequently transferred and as of the time of the filing of the complaint are covered by different transfer certificates of titles, to wit:

- (1) Lot A, formerly covered by OCT 10161, is now covered by TCT No. 453385 (S-5627) in the name of Patrocinio E. Bautista;
- (2) Lot F, formerly covered by OCT 10162, is now covered by TCT No. 11119 in the name of Henry Munar Chan and TCT No. 454673 in the name of Timoteo Sevilla;
- (3) Lot C, formerly covered by OCT 10163, is now covered by TCT No. S-11169/T-67 in the name of IFC Leasing & Acceptance Corporation;
- (4) Lot D, formerly covered by OCT 10164, is now covered by TCT No. S-23129/T-117 in the name of V & M Commercial Co., Inc.;
- (5) Lot B, formerly covered by OCT 10165, is now covered by TCT No. S-14433 and S-14461 in the name of Nusselt Industries Corporation and TCT No. S-14444 in the name of Sheridan Manufacturing Industries Corporation; and
- (6) Lot E, formerly covered by OCT 10166, is now covered by TCT No. S-17753 and TCT No. S-17754 in the name of Lory T. Ngan, TCT Nos. 17755-17758 in the name of Anthony Sy and TCT No. S-17759 in the name of Wayne T. Sy.

Sometime in October 1978, Teoville Development Corporation discovered that its property covered by TCT No. 268165 was intruded into by third parties, who claimed ownership over the land and even exhibited certificates of title. Upon investigation, it was discovered that there was overlapping of the properties as titled both in the names of Teoville Development Corporation and defendants-appellants Henry Munar Chan, Anthony D. Sy, Sr., Anthony D. Sy, Jr., Lory T. Ngan, Wayne Sy, Liwayway Ardenia, Nusselt Industries Co., Inc., Sheridan Manufacturing Industries Corporation, V & M Commercial Co., Inc., Patrocinio E. Bautista and IFC Leasing & Acceptance Corporation.

On February 2, 1979, Teoville Development Corporation filed a verified complaint for quieting of title, damages with preliminary injunction alleging among others, that all the titles emanating from the application of Henry Munar Chan for registration purposes are all null and void ab initio as titles thereto have already been issued in favor of El Colegio de San Jose, its predecessor-in-interest, as early as 1919 following the judgment in Case No. 34, G.L.R.O. Rec. No. 10766; that the issuance of the decrees of registration and certificates of titles in favor of the defendants (appellants herein) casts a cloud on the title of the plaintiff; that defendants trespassed on the properties of the corporation, removed adobe stones and earth filling materials therefrom; that defendants are unlawfully quarrying on the properties of the plaintiff, causing irreparable damage and injury; that defendants Chan and Sy have maliciously imputed fraud and bad faith to plaintiff by denouncing its titles; that defendants are liable for actual, moral and exemplary damages, and attorney's fees.

As discovered and surveyed (Exhibit "C"; p. 11, Folder of Exhibits), the overlapping is as follows:

1. Lot No. 15-B covered by TCT No. 268165 of the plaintiff is overlapped by Lot No. B (OCT No. 10166) and Lot D (OCT No. 10164), the latter now covered by TCT No. 23029/T-117;
2. Lot No 8-B covered by TCT No. 27367 is overlapped by Lot B (OCT No. 10165) now covered by TCT No. S-14461 and S-14444, and Lot F (OCT No. 10162);
3. Lot No. 16 covered by TCT No. 188445 of the plaintiff is overlapped by Lot C (OCT No. 10163) now covered by TCT No. 11169/T-67 and Lot D (OCT No. 10164), now TCT No. S-23029/T-117;
4. Lot No. 7 covered by TCT No. 188437 of the plaintiff by Lot F (OCT No. 10162) now covered by TCT No. S-11919, and Lot A (OCT No. 10161), now TCT No. 45345/S-5627; and
5. Lot 1-A-2-C-2-a covered by TCT No. 188447 of the plaintiff by Lot B (OCT No. 10165) now TCT No. S-14461 and TCT No. 14444, and Lot F (OCT No. 10162) now covered by TCT No. 11919.

In their answer, defendants-appellants raised the defense that Teoville Development Corporation's title was fake and spurious because Decree No. 76377 pertains to a lot in Albay; that the complaint is a collateral attack on their decrees of registration in violation of the provisions of Section 38, Act No. 496; that plaintiff is barred by res judicata; and that there was no Original Certificate of Title No. 2553.

On April 30, 1981, Philippine Refinery Parts Manufacturing Co., Inc. filed an action against Teoville Development Corporation also for quieting of title with preliminary injunction and damages alleging, inter alia, that it is the owner of certain parcels of land located in Barrio Cupang, Muntinlupa, Metro Manila covered by TCT Nos. 103218, 103219 and 29684 containing an area of 76,848 square meters; that in March, 1981, it started developing the properties but was prevented by a certain Cresencio Villonco and Teoville Development Corporation's men who through the use of force, threat and intimidation drove away the contractors of plaintiff, thus stopping the leveling operations of the company; that after investigation, it learned of the petition for correction filed by Teoville Development Corporation docketed as CFI Land Case No. 1601-P; that such petition was not filed in an Original Land Registration Case, hence, the order granting the petition for correction is null and void; that only a xerox copy of the non-existing OCT No. 2553 was presented during the hearing of the petition; that compared with a genuine official form used in 1919 by the Register of Deeds, the xerox copy of OCT No. 2553 presented by Teoville Development Corp. contains discrepancy; that the same is not a certified copy by the Register of Deeds; that the titles of the Teoville Development Corp. bear Decree No. 76377 which is a decree covering lands in Albay, Albay; and that due to illegal acts of Teoville Development Corp., plaintiff contracted the services of counsel for 25% of the value of the properties.

It appears, however, that the aforesaid parcels of land covered by titles in the name of Philippine Machinery Parts Manufacturing Co. were formerly Lot F covered by OCT No. 10162 in the name of Henry Munar Chan, now by TCT No. 11119 in the name of Henry Munar Chan and TCT No. 454673 in the name of Timoteo Sevilla.

In their answer, Teoville Development Corp. interposed the defense of lawful, peaceful and continuous possession of the parcel of land covered by TCT No. 188437 in its name; laches; lack of cause of action on the part of the plaintiff to seek annulment of the Order granting the petition for correction and overlapping only of a portion of land covered by TCT No. 188437.

In an order dated July 20, 1981, the presiding judge of Branch XXX transferred Civil Case No. 9055-P (Phil. Machinery Parts Manufacturing Co., Inc. vs. Teoville Dev. Corp., et al.) and consolidated it with Civil Case No. 6966-P (Teoville Dev. Corp. vs. Henry Munar Chan, et al.) to the end that the rights of all the parties in interest may be resolved with finality (pp. 699-700, Orig. Record)." (Court of Appeals' Decision, pp. 3-10; see Rollo, pp. 84-91)

On November 25, 1982, the trial court of origin rendered a Decision[3] in Civil Case No. 6966-P, entitled "Teoville Development Corporation v. Henry Munar Chan, et al."; holding, as follows:

"WHEREFORE, judgment is hereby rendered upholding the plaintiff's better right to the properties in question, declaring as null and void Decrees of Registration Nos. N-150479 to N-150484, inclusive, and all transfer certificates of title emanating therefrom, and sentencing the defendants Henry Munar Chan and the Sy family, Anthony D. Sy, Sr., Anthony D. Sy, Jr., Lory T. Ngan and Wayne T. Sy, jointly and severally, to pay the plaintiff the sum of P100,000.00 for attorney's fees, plus costs of suit.

The counterclaim of the defendants is hereby dismissed.

The Third Party Complaint filed by the defendants Nusselt Industries Corporation and Sheridan Manufacturing Industries as Corporation against See Eng Huy, Jesus Samio Son and Rodolfo Sy which was admitted pursuant to the Order of this Court on June 25, 1979 is hereby dismissed for lack of evidence.

The preliminary injunction issued is made permanent and the surety bond posted by the plaintiff is ordered cancelled.

Let copies of this Decision be furnished the Register of Deeds for Rizal, Pasig, Metro Manila.

SO ORDERED."

Subsequent to the rendition of the above-noted Decision, or on November 29, 1982, to be precise, the same trial court decided Civil Case No. PQ-9055-P, entitled "Philippine Machinery Parts Manufacturing Co., Inc. v. Teoville Development Corporation and Cresencio Villonco"; disposing, thus:

"WHEREFORE, judgment is hereby rendered dismissing the complaint, with costs against the plaintiff, and, conformably with the judgment of this Court in Civil Case No. 6966-P, Decree of Registration No. N-150482, OCT No. 10162 and TCT Nos. 29684, 103218 and 103219 and all succeeding transfer certificates of title covering former Lot F, are hereby declared null and void. The plaintiff is hereby ordered to pay the defendant corporation the sum of P162,800.00, as actual damages, and P100,000.00 for attorney's fees.

Let copies of this Decision be furnished the Register of Deeds for Rizal, Pasig, Metro Manila, and the Register of Deeds for Metro Manila District IV, Pasay City.

SO ORDERED."[4]

From the aforesaid decisions below, Anthony D. Sy, Sr., Wayne T. Sy, Lory T. Ngan, Anthony D. Sy, Jr., and Philippine Machinery Parts Manufacturing Co., Inc., now the petitioners, appealed to the Court of Appeals, which came out with a judgment of affirmance dated November 29, 1994, the decretal portion of which, reads :

"WHEREFORE, the appealed decisions dated November 25, 1982 and November 29, 1982 are AFFIRMED with the modification that the award of attorney's fees is reduced to fifty thousand pesos (P50,000.00). Costs against the appellants.

SO ORDERED."

Undaunted, the petitioners have come to this Court for relief; contending, that:

I. THE TRIAL COURT AND THE RESPONDENT COURT GRAVELY ERRED IN SIMPLISTICALLY CONCLUDING THAT THE CASES AT BAR IS A CASE OF DOUBLE REGISTRATION WITHOUT ABSOLUTELY ANY EVIDENCE WHATSOEVER;

II. THE RESPONDENT COURT SERIOUSLY ERRED IN RENDERING A DECISION, WHICH IS OBVIOUSLY A SIMPLISTIC REHASH OF THE DECISIONS OF JUDGE VALENZUELA, JUSTIFYING SAID DECISION ON THE PRETENSE THAT THE CONCLUSIONS AND FINDINGS OF JUDGE

VALENZUELA ARE ALLEGEDLY ENTITLED TO GREAT WEIGHT;

III. THE TRIAL COURT ERRED IN DELIBERATELY OMITTING THE VITAL EVIDENCE PRESENTED BY PETITIONERS OVERWHELMINGLY ESTABLISHING THE NULLITY OF THE XEROX COPY OF A SUPPOSED ORIGINAL CERTIFICATE OF TITLE NO. 2553 AND THE NULLITY OF THE TRANSFER CERTIFICATES OF TITLE NOS. 288165, S-27367, 188445, AND 188437 OF RESPONDENT TEOVILLE IN THE DECISION DATED NOVEMBER 29, 1982;

IV. THE TRIAL COURT ERRED IN NOT RULING THAT THE XEROX COPY OF A SUPPOSED ORIGINAL CERTIFICATE OF TITLE NO. 2553 (EXH. "K") DID NOT ARISE FROM A LAND REGISTRATION PROCEEDING AND THEREFORE NULL AND VOID AB INITIO BECAUSE EL COLEGIO DE SAN JOSE HAD NEVER FILED, AND THERE IS NO RECORD OF, ANY APPLICATION FOR THE REGISTRATION OF LAND COVERED BY THE TITLES OF TEOVILLE;

V. THE TRIAL COURT ERRED IN UPHOLDING THE FABRICATED XEROX COPY OF AN ALLEGED ORIGINAL CERTIFICATE OF TITLE NO. 2553 SUPPOSEDLY IN THE NAME OF EL COLEGIO DE SAN JOSE (WHICH NEVER APPLIED FOR REGISTRATION) AS AGAINST THE TRANSFER CERTIFICATES OF TITLE ISSUED BY THE REGISTER OF DEEDS OF RIZAL IN THE NAME OF PETITIONERS ORIGINATING FROM ORIGINAL CERTIFICATE OF TITLE NO. 10162 BY VIRTUE OF THE DECREE OF REGISTRATION NO. 150482, PURSUANT TO A FINAL DECISION IN LAND REGISTRATION CASE NO. Q-335 OF THE COURT OF FIRST INSTANCE OF RIZAL;

VI. THE TRIAL COURT AND THE RESPONDENT COURT SWALLOWED WITHOUT PROOF WHATSOEVER THE CONCLUSION OF TEOVILLE THAT THE ALLEGED ORIGINAL CERTIFICATE OF TITLE NO. 2553 WAS STOLEN/PILFERED IGNORING COMPLETELY THE MOTIVES/BENEFITS ACCRUING TO TEOVILLE RESULTING FROM SUCH ALLEGED PILFERAGE WHICH IS, IN EFFECT, SUPPRESSION OF UNFAVORABLE EVIDENCE;

VII. THE TRIAL COURT AND THE RESPONDENT COURT ERRED IN NOT DECLARING THE ORDER DATED DECEMBER 5, 1979 ISSUED IN CFI LAND CASE NO. 1601-P NULL AND VOID, SAME HAVING BEEN ISSUED IN VIOLATION OF THE PROVISIONS OF SECTION 112 OF THE LAND REGISTRATION ACT (ACT NO. 496) BECAUSE THERE WAS NO DECREE ISSUED IN CASE NO. 34, G.L.R.O. RECORD NO. 10766 ON THE APPLICATION OF COLLEGE OF SAN JOSE (NOT EL COLEGIO DE SAN JOSE), AND SAID ORDER WAS BASED ON FALSIFIED AND/OR FABRICATED DOCUMENTS;

VIII. THE TRIAL COURT AS WELL AS THE RESPONDENT COURT ERRED IN NOT REMOVING THE CLOUD CREATED BY THE FRAUDULENT AND MANIPULATED EXISTENCE OF AN ALLEGED XEROX COPY OF AN ALLEGED ORIGINAL CERTIFICATE OF TITLE NO. 2553 FABRICATED OR FAKED BY TEOVILLE OVER PETITIONERS' CERTIFICATES OF TITLES (EXHIBITS 11, 12, 13, 14, AND 15 - CIVIL CASE NO. 6966-P AND EXHIBITS F, G, AND H - CIVIL CASE NO. 9055-P) WHICH ARE VALID AND BINDING AGAINST THE WHOLE WORLD ISSUED BY VIRTUE OF THE PROCEEDINGS REQUIRED BY LAW (ACT NO. 496);

IX. THE TRIAL COURT AND THE RESPONDENT COURT GRAVELY ERRED IN NOT UPHOLDING THE TRANSFER CERTIFICATES OF TITLE OF PETITIONERS OVER THE FAKE, FABRICATED/MANIPULATED XEROX COPY OF AN ALLEGED ORIGINAL CERTIFICATE OF TITLE NO. 2553 WHICH IS NULL AND VOID AB INITIO;

X. THE TRIAL COURT AND THE RESPONDENT COURT GRAVELY ERRED IN NOT AWARDING PETITIONERS DAMAGES AND ATTORNEY'S FEES, PLUS COST.

With respect to the first assigned error, petitioners theorize that the present case is not a case of double registration

absent any showing of a separate land registration proceeding culminating in the issuance of private respondent's Original Certificate of Title No. 2553 ("OCT 2553"). Petitioners fault the trial court and the respondent court for finding that what is under consideration is a case of double registration.

Petitioners' contention is untenable. Here is really a case of double registration. The parcels of land involved were the subject of land registration proceedings instituted separately by Henry Munar Chan, one of the petitioners herein, and El Colegio de San Jose, predecessor-in-interest of the private respondent. Conformably, "when two certificates of title are issued to different persons covering the same land in whole or in part, the earlier in date must prevail, and, in case of successive registrations where more than one certificate is issued over the same land, the person holding a prior certificate is entitled to the land as against a person who relies on a subsequent certificate." [5] In the case under scrutiny, private respondent's title being prior in registration than that of the petitioners, must prevail.

On the second assigned error, the respondent court erred not in placing reliance on the findings of fact by the trial court since factual findings and conclusions arrived at by trial courts are entitled to great weight and as a rule, should not be disturbed on appeal. [6] Although this Court found Judge Manuel E. Valenzuela guilty of grave and serious misconduct in *People v. Valenzuela*, [7] such finding involved another case. It is not relevant to the present litigation. It should be borne in mind that the acts of a government official are presumed to be regular and in the absence of enough evidence to the contrary, the said legal presumption stands. [8] Moreover, if petitioners think that Judge Valenzuela did any actionable wrong in connection with the present case, they should have instituted the appropriate administrative or criminal case against him. This is not the proper forum to discuss and pass upon any imputation against the said judge.

Re: the third, fourth, and fifth assigned errors, the pivotal issues for resolution are, the:

1. prior existence and loss of OCT No. 2553 and validity of its xerox copy ;
2. issuance of said OCT No. 2553 in a land registration case; and
3. whether or not there was an application for land registration filed by El Colegio de San Jose.

Petitioners' submission that OCT 2553 is not in the records of the Registry of Deeds concerned and the xerox copy of subject title exhibited before the trial court was not a genuine and faithful reproduction of the original copy of said certificate of title does not merit serious consideration. The mere fact that the Registry of Deeds of the Province of Rizal does not have the original of a certificate of title does not necessarily mean that such title never existed because the same could have been lost, stolen, or removed from where said title was kept. To show that no record of the original certificate of title in question existed requires a preponderance of proof petitioners failed to adduce.

On the other hand, there is evidence on record of the existence of OCT No. 2553. For instance, there is Transfer Certificate of Title No. 13495 [9] ("TCT 13495") of Juan Posadas in which the technical descriptions of the parcel of land covered thereby correspond with the technical descriptions contained in the xerox copy of OCT No. 2553 (Exhibit "I" [10]). What is more, it can be gleaned from TCT No. 13495 that it cancelled OCT No. 2553. When subject parcels of land were conveyed or transferred to other parties, the certificates of title issued to the conveyees or transferees carried an inscription or annotation that such certificates of title originated from the land registration proceeding before the then Court of First Instance of Rizal in G.L.R.O. Record No. 10766, Case No. 34.

Then too, there is the testimony of Gerardo Romero of the Land Registration Commission, who declared under oath before the trial court - that in 1974, he personally secured from the Register of Deeds for Province of Rizal a

photocopy of OCT 2553, in the course of performance of his duties as one of the commissioners tasked to verify the boundaries of the land applied for in Land Registration Case No. N-1866.[11] The Romero testimony confirmed the existence of OCT No. 2553 in the records of the Registry of Deeds for the Province of Rizal.

Petitioners contend that the xerox copy of OCT No. 2553 before the trial court is a fake reproduction of OCT No. 2553. Such allegation is anchored on the testimony and report of Segundo Tabayoyong, a Document Examiner of the National Bureau of Investigation, presented as a witness before the lower court, on June 23, 1982 concerning his comparison of the xerox copy of OCT No. 2553 (Exhibit "I") presented before the trial court, with a copy of OCT No. 2553 forming part of the records of Land Registration Case No. N-1866. Petitioners deduced from the testimony of the said witness, that Exhibit "I" was reproduced from a fake source. But the trial court as well as the respondent court and the private respondent maintain otherwise.

In Questioned Documents Report No. 111-382(B), marked Exhibit "16"[12] in Civil Case No. 6966, and Exhibit "J"[13] in Civil Case No. 9055, Mr. Tabayoyong drew the conclusion, which he reiterated before the trial court,[14]1 that :

"x x x

2. The herein questioned two (2) sets of copies of the purported OCT No. 2553, on one hand, and the standard/sample specimens, on the other hand, were prepared on printed forms that were not made from one and the same source. The printed forms used in the questioned and the standard/sample specimens were not prepared from one and the same source/plate." (italics ours)

Elaborating on the same conclusion, witness testified before the lower court:

ATTY. DIAZ: The conclusion is that, the printed forms used in the questioned document that is, Exhibit "I" and the standard/sample specimens, Exh. "6" were not prepared from one and the same source or plate. Will you please explain to this Honorable Court this statement in your report?

WITNESS: The basis of the conclusion No. 2 as appearing below findings and conclusion on Exhibit "16" and "J" was based from the description and I have made on the photocopy of the title, because if they are prepared from the same source or plate, then the corresponding parts of the original certificate of title as well as portions of the "Register of Deeds for the Province of" should be the same in type print size and type print design and a single difference in them is enough basis of negative opinion, considering that they are supposed to be from a printing device which is expected to print with the precision of a machine. Because of the very obvious difference, not to mention the difference in type design, the conclusion is that, the 2 sets of xerox copies of the questioned documents and the standards were not prepared from the same source or plate." (italics ours) (TSN, June 23, 1982, pp. 17-18)

The conclusion arrived at by the said NBI Document Examiner is that "the printed forms used in the questioned and the standard/sample specimens were not prepared from one and the same source/plate." Nowhere is it found in the report the finding that the questioned document is a fake reproduction of OCT No. 2553. Neither does the same report intimate any fraud or falsification. Consequently, there is no basis for the Court to disturb the finding of respondent court on the matter.

Petitioners next argue that OCT No. 2553 did not emanate from a land registration proceeding as the titled owner, El Colegio de San Jose, never filed any application for land registration, in the absence of any record of the corresponding registration proceedings. This contention of petitioners is anemic of evidentiary support. It should require more than petitioners' bare allegation to defeat the face value of OCT No. 2553 which enjoys a legal presumption of regularity of issuance. It bears stressing that OCT No. 2553, which the Court upholds as subsisting, indicates that it was issued by virtue of Decree No. 76477 in Case No. 34, G.L.R.O. Record No. 10766

of the former Court of First Instance of Rizal, upon the application of El Colegio de San Jose. Succinct and unmistakable in OCT No. 2553 that the issuance of subject title was the outcome of a land registration case way back in 1919. The case number (34), record number (10766), decree number (76477), name of the Presiding Judge (W.E. Mc Mahon), and technical descriptions of the land involved are all embodied in OCT No. 2553, and are uncontroverted by any competent proof.

Furthermore, the route of the transfer of OCT No. 2553 is easily traceable. The property covered by OCT No. 2553 was transferred by El Colegio de San Jose to Juan Posadas who, on April 7, 1928, got his Transfer Certificate of Title No. 13495[15] (Exhibit "J"). TCT No. 13495 was later cancelled by TCT No. 43855[16] (Exhibit "K") in the names of Augusto Posadas and Rosario Garcia vda. de Posadas. Subject parcel of land was, in turn, conveyed to Teoville Development Corporation, to which TCT Nos. 188433, 188434, 188437, 188445, 188447, S-27368 and 268165 were issued by the Registry of Deeds of Rizal.

As regards the sixth assigned error, petitioners posit the question as to who would be benefited by the finding that the original of OCT No. 2553 was stolen or pilfered? Answering their own query, petitioners point to Teoville Development Corporation as the beneficiary. But this argument of petitioners dismally fails to substantiate their allegation or theory of fraud. Of course, a party litigant stands to benefit from whatever ruling the court renders in his favor, and to the party supported by the requisite quantity and quality of proof goes the favorable verdict.

In their seventh assigned error, petitioners concentrate their attack on the Order[17] dated December 5, 1979 of Judge Pedro JL. Bautista of Branch 3, Court of First Instance of Rizal (Pasay City) in CFI Land Case No. 1601-P, LRC (G.L.R.O.) No. 10766, Case No. 34; ruling as follows:

"PREMISES CONSIDERED, the Register of Deeds of Rizal is hereby ordered, upon payment of the prescribed fees, to cause the correction of the Decree number from 76377 to 76477 appearing in petitioner's Transfer Certificates of Title Nos. 188433, 188434, 188437, 188445, 188447, S-27368 and 268165, and to annotate said correction in Transfer Certificate of Title No. 13495 of his Office.

Let this Order be published in the TIMES JOURNAL, a newspaper of general circulation for three (3) consecutive weeks and the same to become final thirty (30) days after the last publication.

SO ORDERED." (italics supplied)

Petitioners point out that the respondent corporation offered no evidence to demonstrate or explain the alleged error in the copying of the decree number in respondent corporation's certificates of title. They theorize further that there was a jurisdictional defect vitiating the proceedings before the trial court because only the Register of Deeds for Pasig was notified of the Petition for Correction of Titles and subject petition was not presented in the original case in which the decree of registration was entered, contrary to what Section 112 of Act No. 496 prescribes.

The Court views as improper the attack by petitioners on the Order dated December 5, 1979 of Judge Bautista. Certainly, the case before Judge Valenzuela was not the proper forum for assailing the Order granting the correction. If petitioners were of the belief that the said Order was erroneous, they should have seasonably challenged it. Not having done so, petitioners cannot now ask this Court to review the questioned Order.

Brushing aside technicalities and after a careful study, the Court is of the opinion, and so holds, that subject Order under attack was duly supported by evidence, and properly issued. The trial court considered the testimonies of the witnesses, Prospero Ponciano, Marcelino Garcia, Raquel Marfori, Simeon Paningbatan, Gerardo Romero, and Teofilo Villongco, in arriving at its conclusion, that:

"From the evidence adduced, it has been sufficiently established that Transfer Certificates of Title Nos.

188433, 188434, 188437, 188445, 188447, S-27368 and 268165 of the Registry of Deeds of Rizal in the name of Teoville Development Corporation (Exhs. "H", "H-1" to "H-6") came from TCT No. 13495 which originated from Original Certificate of Title No. 2553 of the Registry of Deeds of Rizal (Exhs. "G", "G-1" to "G-4"); that OCT No. 2553 was issued on April 25, 1919 in Case No. 34, G.L.R.O. Record No. 10766, assigned with Decree No. 76477, in the name of El Colegio de San Jose (Exhs. "H", "H-1" to "H-6"); that when the El Colegio de San Jose sold the property to Juan Posadas, the Register of Deeds of Rizal committed typographical error in typing Decree No. 76377 instead of 76477 in TCT No. 13495 which error was unwittingly carried to the subsequent seven (7) other certificates of titles (Exhs. "H", "H-1", "H-2", "H-3", "H-4", "H-5" and "H-6") in the name of petitioner Teoville Development Corporation."

Section 112 of Act No. 496, otherwise known as The Land Registration Act, now Section 108 of Presidential Decree No. 1529, or the Property Registration Decree, the law in point, provides:

"SEC. 112. No erasure, alteration, or amendment shall be made upon the registration book after the entry of a certificate of title or a memorandum thereon and the attestation of the same by the clerk or any register of deeds, except by order of the court. Any registered owner or other person in interest may at any time apply by petition to the court, upon the ground that registered interests of any description, whether vested, contingent, expectant, or inchoate, have terminated and ceased; or that the new interests have arisen or been created which do not appear upon the certificate, or that any error, omission, or mistake was made in entering a certificate; or that the name of any person on the certificate has been changed; or that the registered owner has been married; or, if registered as married, that the marriage has been terminated; or that a corporation which owned registered land and has been dissolved has not conveyed the same within three years after its dissolution; or upon any other reasonable ground; and the court shall have jurisdiction to hear and determine the petition after notice to all parties in interest, and may order the entry of a new certificate, the entry or cancellation of a memorandum upon a certificate, or grant any other relief upon such terms and conditions, requiring security if necessary, as it may deem proper; Provided, however, That this section shall not be construed to give the court authority to open the original decree of registration, and that nothing shall be done or ordered by the court which shall impair the title or other interest of a purchaser holding a certificate for value and in good faith, or his heirs or assigns, without his or their written consent.

Any petition filed under this section and all petitions and motions filed under the provisions of this Act after original registration shall be filed and entitled in the original case in which the decree of registration was entered." (italics ours)

In *Patingo v. Hon. P. Pelayo, et al.*,^[18] the notice requirement was rationalized, thus:

"x x x While under Section 112 of Act 496 any registered owner or person in interest may apply by petition to the court upon the ground that 'an error, omission, or mistake was made in entering a certificate or any memorandum thereon, or on any duplicate certificate', however, the court can only act thereon after notice to all parties in interest, which may be served either by the petitioner or by order of the court. Such notice is necessary in order to give jurisdiction to the court over the petition." (italics ours)

From the germane provision of law and the case aforecited, it is decisively clear that notice to all parties in interest is necessary before a court may act on petitions for correction. The pivot of inquiry then, is whether notice was given to all parties in interest before Judge Bautista issued the aforesaid Order granting the corrections prayed for. Simplifying the question for resolution, was the notice to the Register of Deeds a sufficient compliance with the notice requirement of Section 112 of Act 496? Our ruling on this vital point is in the affirmative. It should be observed that the pending incident was a mere petition for correction, and not an application for original registration or for any other substantive action, requiring strict compliance with the notice and publication requirements. Considering that at bar is only a petition for correction, the notice to the Register of Deeds concerned was a substantial compliance under the circumstances of the case, since aside from Teoville

Development Corporation, only the Register of Deeds had an interest in the correction of titles sought for. It bears stressing that only the titles of Teoville Development Corporation were petitioned for correction. There was therefore no necessity to notify other parties who had no interest to protect in the case.

Section 112 of Act 496 further requires that the petition for correction be "filed and entitled in the original case in which the decree of registration was entered." This requirement was also substantially complied with by the respondent corporation. Exhibit "H-1", [19] the Petition for Correction of Teoville Development Corporation, readily shows that it was filed in the original case, G.L.R.O. No. 10766, Case No. 34, in which the pertinent decree of registration was entered.

There is enough basis for the assessment by respondent court that the handwritten inscription of "LRC LP-1601-P" was "obviously done by some court personnel evidently for their own guidance since the verified petition is, like any other pleading, typewritten." Verily, such inscription could not have been done by respondent corporation's representative.

Having addressed the first to the seventh assigned errors, we deem it unnecessary to tackle and pass upon the eighth and ninth assigned errors. However, we quote with approval the disquisition by the respondent court on the matter, to wit:

"Finally, appellants vigorously insist that their Torrens titles, having been duly issued on May 6, 1974 by virtue of Decree No. N-150482 pursuant to Land Registration Case No. Q-335 of the then Court of First Instance of Rizal, must be upheld on the ground of incontrovertibility and indefeasibility of a Torrens certificate of title. The contention, however, ignores the cardinal rule in land titling that registration neither vests title nor gives the holder a better title than what he actually has (Javier vs. Court of Appeals, 224 SCRA 704, 715). The appellee's parcels of land having been brought under the operation of the Torrens System and duly registered more than 50 years earlier cannot be lost to the appellants by the expedient of including them in the latter's own petition for registration, especially since the appellant's source of right to the properties applied for registration was a certain Pedro F. Asedillo's alleged property comprising an unbelievable 6,400 hectares of land in the Province of Rizal."

On the last assigned error, petitioners are not entitled to damages and attorney's fees sans any legal and factual basis therefor.

All things studiously viewed in correct perspective, the Court is of the ineluctable conclusion that respondent Teoville Development Corporation is the rightful titled owner of the parcels of land in litigation.

WHEREFORE, the Decision of the Court of Appeals, dated November 29, 1994, is AFFIRMED in toto, without any pronouncement as to costs.

SO ORDERED.

Narvasa, C.J. (Chairman), Romero, Kapunan and Pardo, JJ., concur.

[1] Dated November 29, 1994; penned by Associate Justice Fermin A. Martin, Jr. and concurred by Associate Justices Antonio M. Martinez and Conrado M. Vasquez, Jr.

[2] Dated November 25, 1982 and November 29, 1982, respectively.

[3] Rollo, pp. 139-152.

[4] Court of Appeals' Rollo, pp. 103-104.

[5] *Margolles v. Court of Appeals*, 230 SCRA 97; *Director of Lands v. Court of Appeals*, 102 SCRA 370; *Pajomayo v. Manipon*, 39 SCRA 676; *De Villa v. Trinidad*, 22 SCRA 1167; *Hodges v. Dy Buncio*, 6 SCRA 287; *Register of Deeds v. PNB*, 13 SCRA 46; *Alzate v. PNB*, 20 SCRA 422.

[6] *People v. Daquipil*, 240 SCRA 314.

[7] 135 SCRA 712.

[8] *Tatad v. Garcia, Jr.*, 243 SCRA 436, Rule 131, Sec. 3(m), Revised Rules of Evidence.

[9] Folder of Exhibits, pp. 40-45.

[10] *Ibid.*, p. 30.

[11] Transcript of Stenographic Notes ("TSN"), March 19, 1981.

[12] *Ibid.*, p. 180.

[13] *Ibid.*

[14] TSN, June 23, 1982, p. 17.

[15] *Supra*, footnote 9.

[16] Folder of Exhibits, pp. 45-46.

[17] *Ibid.*, Exhibit "H", pp. 24-26.

[18] 101 Phil. 62, 65.

[19] Folder of Exhibits, pp. 27-29.

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