

ARSENIO DELOS REYES, FELICIDAD DELOS REYES, BENJAMIN DELOS REYES, SALVADOR DELOS REYES, SOLEDAD DELOS REYES AND PEDRO PARINAO, TRINIDAD DELOS REYES AND PEDRO GENERAL, CARLOS DE-...

G.R. No. 121468. January 27, 1998

Ponente: BELLOSILLO, J.

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BELLOSILLO, J.:

Can an action for reconveyance of real property covered by the Torrens system filed after more than thirty (30) years prosper against the holder for value?

On 28 July 1987 the Regional Trial Court of Valenzuela, Metro Manila, dismissed Civil Case No. 717-V-78 for recovery of possession of real property with damages filed by Arsenio delos Reyes, Felicidad, Benjamin, Salvador, Soledad (with spouse Pedro Parinao), Trinidad (with spouse Pedro General), Carlos Jr., Roberto, Rodolfo, Ricardo, Zenaida, Veronica and Mercedes, all surnamed Delos Reyes, and Felipe, Gregoria, Lucena, Virgilio and Mercedes, all surnamed Cantillon, against the spouses Rodolfo Caiña and Zenaida Caiña.[1]

On 23 January 1995 the Court of Appeals affirmed the order of dismissal of the lower court.[2]

Pursuing their recourse with us, petitioners seek the nullification of the decision of respondent Court of Appeals which affirmed the order of the trial court dismissing the complaint of petitioners herein by imputing to the Court of Appeals the following errors: (1) in reckoning the 30-year prescriptive period of real actions as provided under Art. 1141 of the Civil Code from the date of issuance of the questioned TCT or annotation of the transaction in 1943 and not from 17 September 1962 when petitioners' mother, original owner of subject property, died or 17 July 1963 when TCT No. 42753 was issued to Rodolfo Caiña and Zenaida Caiña and consequently holding petitioners guilty of laches; and, (2) in not applying Arts. 1409, 1410, and 1422 of the Civil Code.[3]

Subject of the controversy is a parcel of land measuring 13,405 square meters originally owned by the spouses Genaro and Evarista delos Reyes. On 7 July 1942 Evarista delos Reyes sold to spouses Catalina Mercado and Eulalio Pena 10,000 square meters of the property described as Lot No. 1210 of the subdivision plan of the Malinta Friar Lands Estate situated at Torres Bugallon, Valenzuela, Metro Manila. On 4 June 1943 the vendees were able to secure Transfer Certificate of Title No. 26184 covering not only the 10,000 square meters of land bought by them but also the remaining 3,405 square meters left unsold. In turn, the Pena spouses sold the whole property to Isaias de Guzman and Emiliana de Onon who later conveyed the same whole area to Elpidio Concepcion, Liwayway Serrano, Norberto Concepcion and Marta de Guzman. Eventually, the land was acquired by private respondents herein, Rodolfo Caiña and Zenaida Caiña, on 9 July 1963 through a "Deed of Exchange." Eight (8) days later, or on 17 July 1963, Transfer Certificate of Title No. 42753 was issued in the name of the Caiña spouses who since then exercised full ownership and possession over the property.

On 3 October 1978 petitioners, all heirs of Evarista delos Reyes, filed an action against respondents for

reconveyance of 3,405 square meters of the property covered by TCT No. 42753 claiming that this portion was invalidly included by the Pena spouses in the titling of their 10,000 square meters they had bought from Evarista delos Reyes. However, the case was dismissed by the trial court on the ground of laches. As already adverted to, the order of dismissal was affirmed by the Court of Appeals.

We likewise dismiss the petition. Petitioners argue that their cause of action still subsists because it accrued either on 17 September 1962 when Evarista delos Reyes died, or on 17 July 1963 when TCT No. 42753 was issued to Rodolfo Caiña and his sister Zenaida Caiña. This is incorrect. A cause of action being an act or omission of one party in violation of the right of another arises at the moment such right is violated. In the instant case, petitioners' cause of action accrued on 4 June 1943 when the Pena spouses caused the registration in their name of the entire 13,405 square meters instead of only 10,000 square meters they actually bought from Evarista delos Reyes. For it was on this date that the right of ownership of Evarista over the remaining 3,405 square meters was transgressed and from that very moment sprung the right of the owner, and hence all her successors in interest, to file a suit for reconveyance of the property wrongfully taken from them.

But, such right is not imprescriptible. Generally, the law draws a time corridor within which to propel a suit for recovery of property. Section 44, par. (b), of RA No. 296 otherwise known as the Judiciary Act of 1948 provides that reivindicatory actions may be brought by the owner within thirty (30) years after he has been deprived of his property. Under Art. 1141 of the Civil Code, real actions over immovables prescribe after thirty (30) years. Thus, even if we apply the 30-year prescriptive period in accordance with the above legal provisions, petitioners' right to recover has already been effectively foreclosed by the lapse of time having been initiated only after thirty-six (36) years from the accrual of their cause of action.

Be that as it may, we hold that even these laws may not apply to the case before us in the light of PD No. 1529, the Property Registration Decree amending and codifying the laws relative to registration of property and updating Act No. 496, the Land Registration Act.

When respondents Rodolfo Caiña and Zenaida Caiña as fourth transferees in ownership dealt with the land in question, they were not required to go beyond what appeared in the transfer certificate of title in the name of their transferor. For all intents and purposes, they were innocent purchasers for value having acquired the property in due course and in good faith under a clean title, i.e., there were no annotations of encumbrances or notices of lis pendens at the back thereof. They had no reason to doubt the validity of the title to the property. Therefore it would be the height of injustice, if not inequity, if a valid transaction transferring the subject property to them be set aside just to accommodate parties who heedlessly slept on their rights for more than a third of a century. This is not conducive but anathema to good order.

Finally, petitioners' reliance on Arts. 1409, 1410 and 1422 of the Civil Code on the imprescriptibility of void and inexistent contracts is misplaced. While the action to declare a contract null and void does not prescribe, this principle is alien and malapropos to the matter before us. Moreover, the action for reconveyance has now become stale, being barred as it were, by laches. It cannot be disputed that for thirty-six (36) years petitioners and their predecessors in interest, Evarista delos Reyes most especially, never raised a restraining arm to the inclusion of the remaining 3,405 square meters of the land in the titling of the 10,000 square meters bought by the Pena spouses. The property passed through four (4) owners successively in a span of more than twenty (20) years before it went into the hands of private respondents. Surely, the rights of innocent purchasers of real property such as the Caiñas cannot be swamped and drowned by the remonstrations of the inert and petulant who took no care in seasonably asserting their rights of ownership over the land allegedly wrested from them through fraudulent means. In *Avecilla v. Yatco*[4] we ruled that the only remedy of an owner who was fraudulently deprived of his land, which was subsequently sold to an innocent purchaser for value, is to file an action for damages against the

person who perpetrated the fraud within four (4) years after the discovery of the deception. Unfortunately in this case we may never know why Evarista delos Reyes chose not to go after the Pena spouses to recover what could be rightfully hers, the reason having apparently been long interred with her.

WHEREFORE, finding no reversible error in the decision of the Court of Appeals sustaining the Regional Trial Court of Valenzuela, Metro Manila, which ordered the dismissal of the complaint of herein petitioners, the instant petition is DENIED. Costs against petitioners.

SO ORDERED.

Davide, Jr., (Chairman), Vitug, and Kapunan, JJ., concur.

[1] See Order issued by Judge Teresita Dizon Capulong, RTC- Br. 172, Valenzuela, Metro Manila; Records, pp. 217-220.

[2] Decision in CA-G.R. CV.No. 26078, penned by Justice Nathaniel P. de Pano, Jr., concurred in by Justices Artemon D. Luna and Ramon U. Mabutas Jr.; Rollo, pp. 18-29.

[3] Petitioners' Brief, pp. 5 & 7; Rollo, pp. 12 & 14.

[4] 103 Phil. 666 (1958).

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