

HEIRS OF SUSANA DE GUZMAN TUAZON, REPRESENTED BY CIRILO TUAZON, PETITIONERS, VS. HON. COURT OF APPEALS AND MA. LUISA VICTORIO, ALBERTO GUANIO, JAIME B. VICTORIO, INES MOLINA, ER...

G.R. No. 125758. January 20, 2004

Ponente: CALLEJO, SR., J.

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CALLEJO, SR., J.:

Before us is a Petition for Review on Certiorari under Rule 45 of the Rules of Court assailing the March 12, 1996 Decision[1] of the Court of Appeals, as well as its July 19, 1996 Resolution[2] denying the petitioners' Motion for Reconsideration.

As culled from the records, the petition at bench stemmed from the following factual backdrop –

On August 17, 1994, Branch 71 of the Regional Trial Court of Antipolo, Rizal, issued an Order[3] in LRC Case No. 93-1310 granting the petitioners' prayer for the issuance of a second owner's duplicate copy of Original Certificate of Title (OCT) No. 4331 of the Registry of Deeds of Rizal, in lieu of the lost copy.

On June 19, 1995, the private respondents filed with Branch 74 of the same court an action for "Quieting of Title and Nullification and Cancellation of Title," which was docketed as Civil Case No. 95-3577, praying in the main "that an order be issued directing the Register of Deeds of Rizal to cancel the owner's duplicate copy of OCT No. 4331 it has issued pursuant to the order of the Regional Trial Court of Antipolo, Rizal, Branch 71, in LRC Case No. 93-1310 thereof." [4] In their Answer filed on August 14, 1995, the petitioners averred inter alia that the private respondents had no cause of action against them; that Branch 74 had no jurisdiction to annul and/or reverse an order of a co-equal court; and that OCT No. 4331, on file with the Registry of Deeds of Pasig, Rizal, is subsisting, otherwise, Branch 71 would not have ordered the issuance of a new duplicate OCT in lieu of that which was irretrievably lost.[5]

On September 25, 1995, the private respondents filed a "Motion to Transfer Case" to Branch 71 "in order to avoid any conflict of decision between two separate branches of this court which are co-equal to each other." [6] On October 11, 1995, the petitioners opposed the motion on the following grounds: (1) Under the doctrine of judicial stability or non-interference which bars Branch 74 from entertaining the case, the remedy is not to transfer the case to Branch 71, as prayed for by the private respondents, but to dismiss the case outright; (2) The Order promulgated by Branch 71 on August 17, 1994, declaring the lost owner's duplicate copy of OCT No. 4331 null and void and directing the Register of Deeds of Pasig to issue a new one to the petitioners, had long attained finality and can no longer be amended, modified nor set aside; and (3) Neither Branch 74 nor Branch 71 has the jurisdiction to annul the said order since the jurisdiction to annul the same is exclusively lodged with the Court of Appeals, as provided in Section 9 of Batas Pambansa Bilang 129.[7] The petitioners, therefore, prayed that the private respondents' motion to transfer case be denied and an order be issued dismissing outright the petition on the ground of lack of jurisdiction.

On October 24, 1995, Branch 74 issued an Order denying the petitioners' prayer to dismiss the case as well as the private respondents' motion to transfer case, to wit:

For resolution is the Motion to Transfer Case dated September 25, 1995 filed by the petitioners thru counsel as well as the opposition thereto dated October 12, 1995 filed by the respondents, thru counsel and it appearing that the Order dated August 17, 1994 issued by the Regional Trial Court of Antipolo, Rizal, Branch 71, granting the petition for the issuance of new owner's duplicate copy of OCT NO. 4331 had long become final and executory and considering that the present case involves an action for the cancellation and nullification of the title which is entirely different from the said petition, which is founded on a different cause of action and further considering the reasons stated therein to be bereft of merit, the same is hereby denied.

Defendant's prayer for dismissal of this case is likewise denied.[8]

Assailing the above-quoted order to have been issued with grave abuse of discretion amounting to lack or excess of jurisdiction, the petitioners on December 4, 1995 filed with the Court of Appeals a petition for certiorari under Rule 65 of the Rules of Court seeking to annul the order. On March 12, 1996, the respondent Court rendered its herein assailed decision dismissing the petitioners' petition for certiorari.[9] The petitioners' motion for reconsideration of the aforesaid decision was, likewise, denied by the respondent Court in an Order dated July 19, 1996.[10]

Hence, the present petition. The petitioners allege the following grounds therefor:

I

THE RESPONDENT COURT ERRED IN HOLDING THAT THE PETITION FILED BY PRIVATE RESPONDENTS IN CIVIL CASE NO. 95-3577 IN BRANCH 74 OF THE REGIONAL TRIAL COURT OF ANTIPOLO, RIZAL, IS FOR QUIETING OF TITLE AND CANCELLATION OF ORIGINAL CERTIFICATE OF TITLE NO. 4331.

II

THE RESPONDENT COURT ERRED IN HOLDING THAT THE PETITION FOR ISSUANCE OF OWNER'S DUPLICATE OF OCT NO. 4331 FILED BY PETITIONERS IN BRANCH 71 OF THE REGIONAL TRIAL COURT OF ANTIPOLO, RIZAL, IS FOR RECONSTITUTION OF TITLE.

III

THE RESPONDENT COURT ERRED IN HOLDING THAT THE REGIONAL TRIAL COURT OF ANTIPOLO, BRANCH 74, HAS JURISDICTION TO ENTERTAIN THE PETITION FILED BY PRIVATE RESPONDENTS IN CIVIL CASE NO. 95-3577.

IV

THE RESPONDENT COURT ERRED IN NOT HOLDING THAT THE PRIVATE RESPONDENTS HAVE NO CAUSE OF ACTION AGAINST THE PETITIONERS.[11]

The petition has no merit.

It is axiomatic that the allegations in the complaint determine the nature of the action, and consequently, the jurisdiction of the courts.[12] This is because the complaint must contain a concise statement of the ultimate facts constituting the plaintiff's cause of action and specify the relief sought.[13] The pertinent allegations made by the private respondents in their petition in Civil Case No. 95-3577 are herein-below reproduced, to wit:

- Nazario de Guzman was the owner in fee simple of those parcels of land situated at Barrio Dilang-Cainta, Rizal, embraced in and covered by then Original Certificate of Title No. 4331 issued by the Register of Deeds

of Rizal, a photocopy of which is hereto attached as Annex “A” and made a part hereof and which parcels of land are more particularly described as follows:

...

- On October 13, 1931, the surviving spouse of Nazario de Guzman, Maria Gonzaga, with the approval of the Court, sold the above-described parcel of land to Alejandro Santos; a certified photocopy of which Sale in Spanish is hereto attached as Annex “B” and made part hereof; and Original Certificate of Title No. 4331 was cancelled and in lieu thereof, Transfer Certificate of Title No. 21839 was issued by the Register of Deeds of Rizal in the name of Alejandro Santos; a certified photocopy of which is hereto attached as Annex “B-1” and made a part hereof;

- On April 7, 1941 by virtue of a Deed of Absolute Sale, a certified photocopy of which is hereto attached as Annex “C” and made a part hereof, Alejandro Santos sold the above-described parcel of land to the spouses Jacinto de la Cruz and Andrea de Leon and Transfer Certificate of Title No. 21839 was cancelled and in lieu thereof Transfer Certificate of Title No. 43164, a certified photocopy of which is hereto attached as Annex “C-1” and made part hereof, was issued in the names of the said spouses;

- On June 19, 1941, the spouses Jacinto de la Cruz and Andrea de Leon sold to Gabriel de la Cruz the above-described parcels of land pursuant to the Deed of Absolute Sale they executed on the same date, a certified photocopy of which Deed of Absolute Sale is hereto attached as Annex “D” and made a part hereof and as a consequence thereof, Transfer Certificate of Title No. 43164 was cancelled and in lieu thereof Transfer Certificate of Title No. 44790 was issued by the Register of Deeds of Rizal, a certified photocopy of which is hereto attached as Annex “D-1” and made a part hereof;

- On June 9, 1943, Gabriel de la Cruz sold the above-described parcels of land to Isidro Victorio, the predecessor of the petitioners, by virtue of that Deed of Absolute Sale of Land executed by the former in favor of the latter, a certified photocopy of which is hereto attached as Annex “E” and made a part hereof. Transfer Certificate of Title No. 44790 was cancelled and in its place was issued Transfer Certificate of Title No. 44851 in the name of Isidro Victorio a certified photocopy of which is hereto attached as Annex “E-1” and made a part hereof;

- Isidro Victorio had caused the parcels of land covered by the Transfer Certificate of Title No. 44851 to be consolidated with the parcel of land shown on Plan PSU-188478 as Lot 1 and 2 thereof, and subdivided in accordance with consolidation-subdivision plan (LRC) PCS-188478 into 4 lots and the corresponding titles for each resulting subdivision lots were issued as per Transfer Certificates of Title Nos. 304776, 304777, 304778 and 304779, photocopies of which are all hereto attached as Annexes F, F-1, F-2, and F-3, respectively, and made part hereof;

- Isidro Victorio in turn sold to petitioners by virtue of those Deeds of Absolute Sale hereto attached as Annexes “G,” “G-1,” “G-2,” and “G-3,” the parcels of land now covered by Annexes F to F-3 as follows:

...

- On November 5, 1993, the respondents filed a petition before the Regional Trial Court of Antipolo Rizal, Branch 71, asking for the issuance of a second owner’s duplicate copy of the Original Certificate of Title No. 4331 and which petition was docketed as LRC Case No. 93-1310 in said Court;

- On August 17, 1994, an order was issued by the Regional Trial Court of Antipolo, Rizal, Branch 71, declaring the owner’s duplicate copy of Original Certificate of Title No. 4331 which was supposedly lost, as null and void and directed the Register of Deeds of Pasig, Metro Manila to issue a new owner’s duplicate copy of Original Certificate of Title No. 4331;

- Such order of the Regional Trial Court of Antipolo, Rizal, Branch 71 in LRC Case No. 93-1310 is based on

the perjured testimony of respondent Cirilo Tuazon that the copy of the owner's duplicate copy of Original Certificate of Title No. 4331 was lost while in the possession of his mother, Susana de Guzman and they found this out after the death of Susana de Guzman Tuazon;

- Such order of the Regional Trial Court of Antipolo, Rizal, Branch 71 in LRC Case No. 93-1310 thereof should be annulled as the said Court was made to believe the oral testimony of respondent Cirilo Tuazon, despite the documentary evidences annexed hereto, which were deliberately concealed by the respondents from the Court, which show that the owner's duplicate copy of Original Certificate of Title No. 4331 was already cancelled;

- The issuance of a new owner's duplicate copy of Original Certificate of Title No. 4331, having no factual and legal basis, casts a cloud on the titles of the petitioners and should be ordered cancelled;

13.a. That by reason of the unlawful and illegal acts of respondents heirs of Susana de Guzman Tuazon in causing the issuance of a fake second owner's duplicate copy, the petitioners were forced to hire the services of counsel and to pay the latter the amount of P200,000.00 as attorney's fees;

13.b. That likewise as a result of respondent's action, respondents should be made liable to pay herein petitioners' litigation expenses as may be incurred in the prosecution of this case and such amount of exemplary damages as may be fixed by this court;

WHEREFORE, it is respectfully prayed that an order be issued directing the Register of Deeds of Rizal to cancel the owner's duplicate copy of Original Certificate of Title No. 4331 it has issued pursuant to the order of the Regional Trial Court of Antipolo, Rizal, Branch 71 in LRC Case No. 93-1310 thereof.[14]

A cursory examination of the foregoing averments readily shows that the private respondents' petition is indeed, as captioned, one for quieting of title and nullification and cancellation of title. Thus, the private respondents assert therein that the issuance to petitioners of a new owner's duplicate copy of OCT No. 4331, which was procured by fraudulent representation, casts a cloud on the titles of the private respondents and, therefore, should be ordered cancelled. In *Baricuatro, Jr. v. Court of Appeals*,^[15] we held that:

...[Q]uieting of title is a common law remedy for the removal of any cloud upon or doubt or uncertainty with respect to title to real property. Originating in equity jurisprudence, its purpose is to secure "... an adjudication that a claim of title to or an interest in property, adverse to that of the complainant, is invalid, so that the complainant and those claiming under him may be forever afterward free from any danger of hostile claim." In an action for quieting of title, the competent court is tasked to determine the respective rights of the complainant and other claimants, "... not only to place things in their proper place, to make the one who has no rights to said immovable respect and not disturb the other, but also for the benefit of both, so that he who has the right would see every cloud of doubt over the property dissipated, and he could afterwards without fear introduce the improvements he may desire, to use, and even to abuse the property as he deems best (citation omitted)." Such remedy may be availed of under the circumstances enumerated in the Civil Code: "ART. 476. Whenever there is a cloud on title to real property or any interest therein, by reason of any instrument, record, claim, encumbrance or proceeding which is apparently valid or effective but is in truth and in fact invalid, ineffective, voidable, or unenforceable, and may be prejudicial to said title, an action may be brought to remove such cloud or to quiet the title.

An action may also be brought to prevent a cloud from being cast upon title to real property or any interest therein."

Verily, the private respondents' complaint before Branch 74 seeks the removal of a cloud from and an affirmation of their ownership over the disputed properties covered by the titles issued subsequent to the cancellation of OCT No. 4331. Penultimate to the primary relief sought is the private respondents' prayer for the cancellation of the new owner's duplicate copy of OCT No. 4331 issued to the petitioners by virtue of the August 17, 1994 Order of

Branch 71 in LRC Case No. 93-1310. Hence, contrary to the petitioners' asseveration, the private respondents' petition before Branch 74 makes out a case for quieting of title, and nullification and cancellation of title, and not a mere annulment of a final order of the RTC as viewed under par. (2), Sec. 9, B.P. Blg. 129.[16] Under the circumstances, the case before Branch 74 was actually a real action, affecting as it does title to or possession of real property,[17] jurisdiction over which is clearly vested in the Regional Trial Court as provided in par. (2), Sec. 19, B.P. Blg. 129.[18] Thus, even the petitioners' allusion to paragraph 12 of the private respondents' petition above, in support of their claim that the main, if not the real, thrust of the private respondents' petition is for nullification of the order of Branch 71 on the ground of fraud, cannot be given serious consideration. We have declared that under our system of pleading it is the duty of the courts to grant the relief to which the parties are shown to be entitled by the allegations in their pleadings and the facts proved at the trial, and the mere fact that they themselves misconstrued the legal effect of the facts thus alleged and proved will not prevent the court from placing the just construction thereon and adjudicating the issue accordingly.[19]

The petitioners, likewise, asseverate that their petition in LRC Case No. 93-1310 involved the issuance, in lieu of the lost one, of the owner's copy of OCT No. 4331 which is governed by Section 109 of Presidential Decree No. 1529, otherwise, known as the "Property Registration Decree." [20] Hence, the Court of Appeals erred when it found that LRC Case No. 93-1310 was a petition for reconstitution which can be validly made only in case it is the original copy of the certificate of title with the Register of Deeds which is lost or destroyed, and the cause of action of which is based on Republic Act No. 26.[21] The argument, however, is non sequitur. Regardless of whether petitioners' cause of action in LRC Case No. 93-1310 is based on Section 109 of P.D. No. 1529 or under Rep. Act No. 26, the same has no bearing on the petitioners' cause in this case. Precisely, in both species of reconstitution under Section 109 of P.D. No. 1529 and R.A. No. 26, the nature of the action denotes a restoration of the instrument which is supposed to have been lost or destroyed in its original form and condition. The purpose of the action is merely to have the same reproduced, after proper proceedings, in the same form they were when the loss or destruction occurred, and does not pass upon the ownership of the land covered by the lost or destroyed title.[22] It bears stressing at this point that ownership should not be confused with a certificate of title. Registering land under the Torrens System does not create or vest title because registration is not a mode of acquiring ownership. A certificate of title is merely an evidence of ownership or title over the particular property described therein.[23] Corollarily, any question involving the issue of ownership must be threshed out in a separate suit, which is exactly what the private respondents did when they filed Civil Case No. 95-3577 before Branch 74. The trial court will then conduct a full-blown trial wherein the parties will present their respective evidence on the issue of ownership of the subject properties to enable the court to resolve the said issue. Branch 74, therefore, committed no reversible error when it denied the petitioners' motion to dismiss the private respondents' petition in Civil Case No. 95-3577.

IN THE LIGHT OF ALL THE FOREGOING, the petition is DENIED. The Decision of the Court of Appeals dated March 12, 1996 in CA-G.R. SP No. 39167 is hereby AFFIRMED.

SO ORDERED.

Puno, (Chairman), Quisumbing, Austria-Martinez, and Tinga, JJ., concur.

[1] Penned by Associate Justice Portia Aliño-Hormachuelos with Associate Justices Artemon D. Luna and Ramon A. Barcelona concurring; Annex "A," Rollo, pp. 18-22.

[2] Annex "B," Rollo, pp. 23-24.

- [3] Annex “C,” id. at 25-27.
- [4] Annex “D,” id. at 28-33.
- [5] Annex “E,” id. at 79-83.
- [6] Annex “F,” id. at 84-85.
- [7] Annex “G,” id. at 86-87.
- [8] Annex “I,” id. at 90.
- [9] Annex “A,” id. at 18-22.
- [10] Annex “B,” id. at 23-24.
- [11] Rollo, p. 11.
- [12] Tolosa v. NLRC, G.R. No. 149578, April 10, 2003.
- [13] Vda. De Daffon v. Court of Appeals, G.R. No. 129017, August 20, 2002.
- [14] Annex “D,” Rollo, pp. 28-32.

[15] 325 SCRA 137, 146-147 (2000).

- [16] SEC. 9. Jurisdiction. – The Court of Appeals shall exercise:

...

(2) Exclusive original jurisdiction over actions for annulment of judgments of Regional Trial Courts;

- [17] Section 1, Rule 4 of the 1997 Rules of Civil Procedure.

- [18] SEC. 19. Jurisdiction in civil cases. -- Regional Trial Courts shall exercise exclusive original jurisdiction:

...

(2) In all civil actions which involve the title to, or possession of, real property, or any interest therein, where the assessed value of the property involved exceeds Twenty thousand pesos (P20,000.00) or, for civil actions in Metro Manila, where such value exceeds Fifty thousand pesos (P50,000.00) except actions for forcible entry into and unlawful detainer of lands or buildings, original jurisdiction over which is conferred upon the Metropolitan Trial Courts, Municipal Trial Courts, and Municipal Circuit Trial Courts;

- [19] Estate of the Late Mercedes Jacob v. Court of Appeals, 283 SCRA 474, 481 (1997).

- [20] Sec. 109. Notice and replacement of lost duplicate certificate. -- In case of loss or theft of an owner's duplicate certificate of title, due notice under oath shall be sent by the owner or by someone in his behalf to the Register of Deeds of the province or city where the land lies as soon as the loss or theft is discovered. If a duplicate certificate is lost or destroyed, or cannot be produced by a person applying for the entry of a new certificate to him or for the registration of any instrument, a sworn statement of the fact of such loss or destruction may be filed by the registered owner or other person in interest and registered.

- [21] Otherwise known as “An Act Providing A Special Procedure for the Reconstitution of Torrens Certificate of Title Lost or Destroyed.”

- [22] Puzon v. Sta. Lucia Realty and Development, Inc., 353 SCRA 699, 710 (2001).

[23] Heirs of Clemente Ermac v. Heirs of Vicente Ermac, G.R. No. 149679, May 30, 2003.

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