

FELIX RAMENTO, PLAINTIFF AND APPELLANT, VS. CIRIACO SABLAYA ET AL., DEFENDANTS AND APPELLEES.

G.R. No. 12762. September 06, 1918

Ponente: JOHNSON, J.

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JOHNSON, J.:

The only question presented by this appeal is whether or not the denial of a petition for the registration of a parcel of land under the Torrehs system can be pleaded as *res adjudicata* in an action of ejectment brought by the same plaintiff to recover the same parcel of land.

This action was commenced in the Court of First Instance of the Province of Nueva Ecija on the 18th day of October, 1912.

The plaintiff alleged that he was the owner of a parcel of land composed of 198 hectares which is particularly described in the second paragraph of his complaint. He alleged that the defendants, without his knowledge or consent, were occupying certain portions of said parcel of land forcibly against his will and consent and had refused to deliver the same to him. The Director of Lands, answering the petition of the plaintiff, alleged (a) that the plaintiff had theretofore presented a petition in the Court of Land Registration (Cause No. 4609) for the registration of the land in question under the Torrens system, and that after a consideration of the said petition, that court denied the same on the 3d day of May, 1912, and dismissed the action; and (b) that the land in question was public land. The other defendants presented a general and special defense. In the general defense they denied each and all of the facts alleged in the complaint, and in the special defense they alleged that they were the owners of the land in question.

Upon the issue thus presented the cause was finally brought on for trial. At the time of the trial it was agreed between the parties in open court that the plaintiff had theretofore commenced an action in the Court of Land Registration for the registration of the same parcel of land under the Torrens system (Cause No. 4609), and that the petition had been denied. The lower court, upon a consideration of that agreement, dismissed the present petition with costs against the plaintiff upon the ground that the dismissal of the action in the Court of Land Registration was a bar to the present action—that it was *res adjudicata*. From that judgment the plaintiff appealed.

In this court, the appellant alleged that the lower court committed an error in declaring that the dismissal of the action in the Court of Land Registration constituted a bar to his maintaining the present action of ejectment.

This court has decided that the denial of a petition for the registration of land, under the Torrens system, could not be pleaded as *res adjudicata* to another action brought, either for the registration of the same land, or to an action of ejectment. (*City of Manila vs. Lack*, 19 Phil. Rep., 324; *Barretto vs. Cabangis*, 37 Phil. Rep., 98; *Roman Catholic Archbishop of Manila vs. Director of Lands*, 35 Phil. Rep., 339; *Henson vs. Director of Lands and Commanding General of the Division of the Philippines*, 37 Phil. Rep., 912.)

Said decisions fully support the contention of the appellant and justify the reversal of the judgment of the lower

court, and an order for a new trial to the end that the respective parties may have an opportunity to prove the allegation in the petition and answer.

The petition for the registration of land under the Torrens system may be denied even though there are no oppositors [objectors]. There may exist some defect, for example, in the title of the petitioner even in the absence of opposition, which would justify the court in denying the registration. The next day, or month, or year, that defect may be cured. If the defect in title is "in fact cured, what reason can there be in law or in justice which should deny the petitioner the right to present another petition, if he so desires, for the registration of his land ?

The action for the registration of land under the Torrens system is an action in rem. The only question which the Land Court can consider is whether or not the owner has a title which may be registered under the Torrens system. No declaration can be made by the court concerning the rights of oppositors [objectors] or other claimants further than to declare that the petitioner is, or is not, the owner in fee-simple of the land involved.

Subject to some well-defined exceptions, the petitioner has no better title after the certificate is issued than he had before, for the reason that, generally, he is not entitled to the certificate of registration until he has shown a complete indefeasible title to the land in question. The "certificate" under the Torrens system may be a more convenient form of title, but, generally, it adds nothing to the owner's rights. In order to obtain the registration of title documents to land in the ordinary registry of property certain conditions must be complied with. Unless these conditions have been complied with, the registrar of property may refuse to register the particular documents. The next day, or the next year, the defects in the documents presented for registration may be cured. Certainly, under such conditions, the registrar of property would be justified in registering the title documents even though he had theretofore refused to register the title of the alleged owner. Registration under the old system, as well as the Torrens system, affords the owner of the land certain advantages which he did not possess while his land remained unregistered. Considering then, that defects in a title to land may be cured by subsequent acts or events, and that by such acts or events the alleged owner may become the absolute indefeasible owner of the land, we can see no reason why he should not be permitted to show that his title, even though defective when he presented his first petition, is now or has been perfected, and ask the court to grant him a certificate of registration in accordance with the effect and result of the subsequent acts or events. So much for a second action for the registration of land under the Torrens system.

Moreover, the alleged owner of land may have a title sufficient to justify an action of ejectment while he does not have a title sufficient to justify a registration of his land under the Torrens system. While in an action of ejectment the plaintiff must rely upon the strength of his own title and not upon the weakness of the title of the defendant in order to recover, yet, nevertheless, the defects in his title may not be such as to weaken it so as to defeat his recovery of the possession of the land from those claiming it adversely. In other words, the defect in the plaintiff's title which might defeat his registration of the same under the Torrens system, may not necessarily be such a defect as would prevent him from maintaining an action of ejectment. A man may be the absolute owner of land even though there exists some defect in his title thereto. If these facts are true, we see no reason why a denial of a petition for the registration of land under the Torrens system should bar an action by the same party from maintaining an action of ejectment for the same land.

For the foregoing, as well as for other reasons which might be given, we are of opinion, and so decide, that the judgment of the lower court should be and is hereby revoked, and it is hereby ordered and decreed that the judgment rendered by the lower court dismissing the action, be revoked and that the record be returned to the lower court with permission, if the parties so desire, to have a new trial upon the issues presented in the petition and various answers. And without finding as to costs, it is so ordered.

Arellano, C. J., Torres, Street, and Fisher, JJ., concur.

Malcolm, J., concurs in the result.

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