

FIL-ESTATE MANAGEMENT INC., MEGATOP REALTY DEVELOPMENT, INC., PEAKSUN ENTERPRISES AND EXPORT CORP., ARTURO DY, AND ELENA DY JAO, PETITIONERS, VS. GEORGE H. TRONO, MA. TERESA TRO...

G.R. NO. 130871. February 17, 2006

Ponente: SANDOVAL-GUTIERREZ, J.

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SANDOVAL-GUTIERREZ, J.:

Before us is a petition for review on certiorari[1] assailing the Decision[2] dated May 20, 1997 and Resolution[3] dated September 5, 1997 of the Court of Appeals in CA-G.R. SP No. 40263, “Ayala Land, Inc., Fil-estate Management Inc., Megatop Realty Development, Inc., Peaksun Enterprises and Export Corp., Arturo E. Dy, and Elena Dy Jao, petitioners, versus Hon. Florentino Alumbres, George H. Trono, Ma. Teresa Trono, Edgardo Trono, Ma. Virginia Trono, Jesse Trono, Ma. Cristina Trono, Inocencio Trono, Jr., Carmen Trono, and Zenaida Trono, respondents.”

The petition alleges that on November 9, 1994, George, Ma. Teresa, Edgardo, Ma. Virginia, Jesse, Ma. Cristina, Inocencio, Jr., Carmen, and Zenaida, all surnamed Trono, herein respondents, filed with the Regional Trial Court, Branch 255, Las Piñas City, an application for registration[4] of a parcel of land, docketed as LRC Case No. M-228. The land is located at Bo. Almanza, Las Piñas City, Metro Manila consisting of 245,536 square meters.

Mr. Salvador L. Oriel, Chief of the Docket Division, Land Registration Authority (LRA), issued a Notice of Initial Hearing,[5] stating, among others, that:

NOTE: This lot is covered portion of Lot 2271 that which is overlapped by Lot 10, Psu-80886 Lot 2276, that which is overlapped by Lot 2, Psu-56007 which is also Lot 6, Psu-80886; Lot 2270, portion of that which is overlapped by Lot 7, Psu-56007 and the whole Lot 8, Psu-56007.

On August 11, 1995, the above-named petitioners filed their opposition to LRC Case No. M-228 alleging that as per Survey Plan Psu-31086, respondents’ property partly overlaps their lot. As early as April 28, 1989, this lot was registered in their names under Transfer Certificate of Title (TCT) No. T-9182 of the Registry of Deeds of Las Piñas City.

Earlier, or on July 25, 1995, Ayala Land, Inc. (Ayala Land) also filed an opposition to respondents’ application for registration anchored on the ground that the land applied for overlaps the parcels of land covered by TCT Nos. T-5331, T-41326, T-15644, T-41325, T-36979, T-36891, and T-36982 registered in its name in the Registry of Deeds, same city.

During the hearing, respondents presented the July 24, 1995 Report of the LRA and the Survey Report of the Land Management Services, Department of Environment and Natural Resources, showing that the land they sought to register under Plan Psu-31086 overlaps the property already registered in the names of petitioners.

Thereafter, petitioners and Ayala Land filed their respective motions to dismiss respondents' application for registration on the ground of lack of jurisdiction. They claimed that "since the property was previously Torrens registered in their names, the trial court has no jurisdiction over the subject matter of the proceedings."

On March 4, 1996, the trial court issued a Resolution denying the motions to dismiss, holding that the Regional Trial Court has exclusive original jurisdiction over all applications for original registration of title to lands.

Petitioners then filed with the Court of Appeals a petition for certiorari.

On May 20, 1997, the Appellate Court rendered its Decision granting the petition for certiorari, holding that:

The incontrovertibility of a title prevents a land registration court from acquiring jurisdiction over a land that is applied for registration if that land is already decreed and registered under the Torrens System.

The dispositive portion of the Decision reads:

WHEREFORE, the petition is GRANTED and the assailed Order dated March 4, 1996 (Annex "A," Petition) is ANNULLED and SET ASIDE. Instead, the respondent Judge is directed to DISMISS without prejudice LRC M-228.

SO ORDERED.

Petitioners then filed their motion for partial reconsideration praying that LRC Case No. M-228 be dismissed with prejudice and to declare that the right of respondents to file any action for reconveyance of the property has prescribed.

Meanwhile, on July 9, 1997, Ayala Land and respondents executed a Compromise Agreement.[6] On July 10, 1997, they filed with the Court of Appeals a "Motion for Judgment Based on Compromise Agreement."

On July 25, 1997, the Court of Appeals rendered an Amendatory Decision, holding that in view of the Compromise Agreement, the case as between Ayala Land and respondents has become moot and academic.

In a Resolution dated September 5, 1997, the Appellate Court denied petitioners' motion for partial reconsideration.

Petitioners then filed the instant petition for review on certiorari ascribing to the Court of Appeals the following errors:

IN REFUSING TO DECLARE THE DISMISSAL OF LRC M-228 TO BE WITH PREJUDICE AND THAT ANY ACTION FOR RECONVEYANCE TO HAVE LONG AGO PRESCRIBED, THE COURT OF APPEALS DECIDED THE ISSUE NOT IN ACCORD WITH LAW AND PERTINENT JURISPRUDENCE, IN THAT –

I.

HAVING ALREADY FOUND THAT THE LAND WAS TITLED, THE COURT OF APPEALS' REFUSAL TO DISMISS THE LAND REGISTRATION CASE WITH PREJUDICE CONTRAVENES THE DOCTRINES THAT A) DECREES OF REGISTRATION ARE IN REM, B) TITLED LANDS CANNOT BE DECREED AGAIN AND C) THERE CAN BE NO COLLATERAL ATTACK ON TITLES.

II.

HAVING FOUND THAT THE DECREES FROM WHICH PETITIONERS' TITLE IS DERIVED, WERE ISSUED IN 1966, THE COURT OF APPEALS' REFUSAL TO DECLARE AS ALREADY PRESCRIBED, ANY DIRECT ATTACK OR ACTION FOR RECONVEYANCE CONTRAVENES SECTION 32 OF PD

1529 AND THE DOCTRINES IN CARO VS. COURT OF APPEALS AND SALVATIERRA VS. COURT OF APPEALS.

Petitioners contend that the dismissal of a subsequent application for original registration of title already covered by a Torrens title should be with prejudice; that an action for annulment of title or reconveyance of the property involved has prescribed; and that respondents' application for registration (LRC Case No. M-228) is a collateral attack against petitioners' land titles.

In their comment, respondents claim that they were misled by their lawyers and that what they should have filed was a complaint for nullification of titles instead of an application for registration of land.

The petition is impressed with merit.

The fundamental issue for our resolution is whether the trial court has jurisdiction over respondents' application for registration of a parcel of land.

Section 2 of Presidential Decree (PD) 1529[7] partly provides:

Sec. 2. Nature of registration proceedings; jurisdiction of courts. – Judicial proceedings for the registration of lands throughout the Philippines shall be in rem, and shall be based on the generally accepted principles underlying the Torrens System.

Courts of First Instance shall have exclusive jurisdiction over all applications for original registration of title to lands, including improvements and interests therein, and over all petitions filed after original registration of title, with power to hear and determine all questions arising upon such applications or petitions. x x x

Pursuant to the above provisions, the Regional Trial Court (formerly Court of First Instance) has the authority to act, not only on applications for original registration of title to land, but also on all petitions filed after the original registration of title. Thus, it has the authority and power to hear and determine all questions arising from such applications or petitions.[8]

The Court of Appeals, therefore, erred in ruling that the Regional Trial Court, Branch 255, Las Piñas City has no jurisdiction over LRC Case No. M-228 on the ground that the land subject of respondents' application for registration was already registered in the Registry of Deeds of Las Piñas City.

Significantly, even respondents themselves admit in their comment on the instant petition that what they should have filed was a complaint for nullity of petitioners' titles.

Likewise, Section 48 of PD 1529 provides:

Sec. 48. Certificate not subject to collateral attack. – A certificate of title shall not be subject to collateral attack. It cannot be altered, modified, or cancelled except in a direct proceeding in accordance with law. (Underscoring ours)

Respondents' application for registration of a parcel of land already covered by a Torrens title is actually a collateral attack against petitioners' title not permitted under the principle of indefeasibility of a Torrens title. It is well settled that a Torrens title cannot be collaterally attacked; the issue on the validity of title, i.e., whether or not it was fraudulently issued, can only be raised in an action expressly instituted for the purpose.[9] Hence, whether or not respondents have the right to claim title over the property in question is beyond the province of the instant proceeding. That should be threshed out in a proper action. It has been invariably stated that the real purpose of the Torrens System is to quiet title to land and to stop forever any question as to its legality. Once a title is registered, the owner may rest secure, without the necessity of waiting in the portals of the court, or sitting on the

“mirador su casa” to avoid the possibility of losing his land.[10]

In *Ramos v. Rodriguez*,[11] we held:

It must be noted that petitioners failed to rebut the LRA report and only alleged that the title of the Payatas Estate was spurious, without offering any proof to substantiate this claim. TCT No. 8816, however, having been issued under the Torrens System, enjoys the conclusive presumption of validity. As we declared in an earlier case (*Reyes and Nadres vs. Borbon and Director of Lands*, 50 Phil. 791), “(t)he very purpose of the Torrens system would be destroyed if the same land may be subsequently brought under a second action for registration.” The application for registration of the petitioners in this case would, under the circumstances, appear to be a collateral attack of TCT No. 8816 which is not allowed under Section 48 of P.D. 1529. (underscoring ours)

Corollarily, Section 32 of the same law states:

Sec. 32. Review of decree of registration; Innocent purchaser for value. – The decree of registration shall not be reopened or revised by reason of absence, minority, or other disability of any person adversely affected thereby, nor by any proceeding in any court for reversing judgment, subject, however, to the right of any person, including the government and the branches thereof, deprived of land or of any estate or interest therein by such adjudication or confirmation of title obtained by actual fraud, to file in the proper Court of First Instance a petition for reopening and review of the decree of registration not later than one year from and after the date of the entry of such decree of registration, but in no case shall such petition be entertained by the court where an innocent purchaser for value has acquired the land or an interest therein whose rights may be prejudiced. Whenever the phrase “innocent purchaser for value” or an equivalent phrase occurs in this Decree, it shall be deemed to include an innocent lessee, mortgagee, or other encumbrancer for value.

Upon the expiration of said period of one year, the decree of registration and the certificate of title issued shall become incontrovertible. Any person aggrieved by such decree of registration in any case may pursue his remedy by action for damages against the applicant or any other person responsible for the fraud. (underscoring ours)

A decree of registration that has become final shall be deemed conclusive not only on the questions actually contested and determined, but also upon all matters that might be litigated or decided in the land registration proceedings.[12]

As per records of the Registry of Deeds of Las Piñas City, TCT No. T-9182[13] was registered in petitioners’ name as early as April 28, 1989, or five (5) years before the filing of respondents’ application for registration. Thus, it is too late for them (respondents) to question petitioners’ titles considering that the Certificates of Title issued to the latter have become incontrovertible after the lapse of one year from the decree of registration.

WHEREFORE, the petition is GRANTED. The assailed Decision and Resolution of the Court of Appeals in CA-G.R. SP No. 40263 are REVERSED and SET ASIDE. Respondents’ application for registration of land in LRC Case No. M-228 pending before the Regional Trial Court, Branch 255, Las Piñas City is ordered DISMISSED with prejudice.

SO ORDERED.

Puno, (Chairman), Azcuna and Garcia, JJ., concur.

Corona, J., on Leave.

[1]Filed pursuant to Rule 45, 1997 Rules of Civil Procedure, as amended.

[2]Penned by Associate Justice Salvador J. Valdez, Jr. and concurred in by Justices Emeterio C. Cui and Hilarion L. Aquino (all retired), Rollo, pp. 9-29.

[3] Rollo, pp. 31-32.

[4] Annex “B,” Petition, p. 129.

[5] Annex “B,” Original Records, p. 145.

[6] CA Rollo, pp. 358-366.

[7] Otherwise known as the Property Registration Decree.

[8] Talusan v. Tayag, G.R. No. 133698, April 4, 2001, 356 SCRA 264.

[9] Co v. Court of Appeals, G.R. No. 93687, May 6, 1991, 196 SCRA 706, citing Natalia Realty Corporation v. Vallez, G.R. Nos. 78290-94, May 23, 1989, 173 SCRA 534; Gonzales v. IAC, G.R. No. 69622, January 29, 1988, 157 SCRA 587; Cimafranca v. IAC, L-68687, January 31, 1987, 147 SCRA 611; Barrios v. Court of Appeals, L-32531, August 31, 1977, 78 SCRA 427; Magay v. Estandian, L-28975, February 27, 1976, 69 SCRA 456; Director of Lands v. Gan Tan, L-2664, May 30, 1951, 89 Phil. 184.

[10] Domingo, et al. v. Santos, et al., 55 Phil. 361 (1930).

[11] G.R. No. 94033, May 29, 1995, 244 SCRA 418.

[12] Cacho v. Court of Appeals, G.R. No. 123361, March 3, 1997, 269 SCRA 159.

[13] Rollo, p. 196.

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