

AMELITA DOLFO, PETITIONER, VS. THE REGISTER OF DEEDS FOR THE PROVINCE OF CAVITE, TRECE MARTIRES CITY, THE REPUBLIC OF THE PHILIPPINES, LAND REGISTRATION AUTHORITY, CESAR E. CASA...*G.R. No. 133465. September 25, 2000*

Ponente: MENDOZA, J.

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This is a petition for review on certiorari of the decision[1] of the Sixteenth Division of the Court of Appeals in CA-G.R. SP No. 41896 entitled, "Amelita Dolfo v. Hon. Novato T. Cajigal, et al." Said decision upheld the orders dated May 7, 1996 and August 22, 1996 of the Regional Trial Court, Branch 19, Bacoor, Cavite, in LRC Case Nos. B-89-14 and B-90-6 denying petitioner's motion for leave to intervene and/or admit complaint in intervention as well as her motion for reconsideration. The petition likewise assails the appellate court's resolution denying petitioner's motion for reconsideration and the trial court's joint decision recognizing the rights of private respondents over a parcel of land located in Barangay Lantic, Carmona, Cavite which is the subject of the abovesaid LRC Cases.

The pertinent facts are as follows:

On March 5, 1996, petitioner and Yangtze Properties, Inc. (Yangtze) filed a motion for leave to file and/or admit complaint-in-intervention in LRC Cases Nos. B-94-60, B-89-14 and B-90-6 pending before the Regional Trial Court, Branch 19, Bacoor, Cavite. The first case is for reconstitution of Original Certificate of Title No. 362 purportedly covering the subject real property, while the last two were cases for registration of title. Petitioner alleged that she is the registered owner of the real property subject of the said LRC Cases as shown by Transfer Certificate of Title No. T-320601 issued in her name by the Register of Deeds of Trece Martires City. Yangtze, petitioner's co-movant, had earlier entered into a Contract to Sell with petitioner over the said property.[2]

In its order dated May 7, 1996, the trial court denied the aforementioned motion on the grounds that: 1) it is a procedural error to file a complaint for intervention in cases involving original application for land registration, the proceedings therein being in rem; and 2) there had already been an order of general default entered by the court against those who failed to oppose the applications. The trial court noted petitioner's failure to exercise any act of dominion over the subject property consistent with her allegation of ownership.[3]

On May 15, 1996, petitioner and Yangtze filed a motion for reconsideration of the May 7, 1996 order. The trial court, treating the motion as a motion to lift the order of general default, denied the same in its order dated August 22, 1996. The trial court gave greater weight to the report of the Land Registration Authority (LRA) that petitioner's certificate of title was issued without any legal basis and the report of the National Bureau of Investigation (NBI) that the signature of Antonia Cabuco, the Register of Deeds of the Province of Cavite signatory on the certificate, was a forgery. This is notwithstanding the documents proffered by petitioner allegedly showing the genuineness of the signature of Antonia Cabuco on the certificate of title. The trial court opined that

petitioner's title over the subject property was of doubtful nature and that allowing her to intervene in the LRC cases would unduly delay the proceedings.[4]

Meanwhile, on August 1, 1996, Atty. Artemio Caña, in his capacity as Acting Register of Deeds of the Province of Cavite, filed a complaint for the annulment of petitioner's certificate of title before the Regional Trial Court, Branch 89, Bacoor, Cavite.[5] The matter remains pending in that court.

On the other hand, the Regional Trial Court, Branch 19, Bacoor, Cavite rendered a joint decision recognizing and confirming the rights of private respondents over the litigated property and ordered the issuance of a Decree of Registration in their favor.[6]

Later, petitioner filed before the Court of Appeals a petition for certiorari and mandamus to annul and set aside the above orders of the Regional Trial Court, Branch 19, Bacoor, Cavite. Petitioner also prayed that the latter be compelled to give due course to her motion for leave to intervene and/or admit complaint-in-intervention. The petition was later amended to include the LRA as party respondent.[7]

On October 20, 1997, the Court of Appeals rendered its decision denying the petition due course, the dispositive portion of which reads:

WHEREFORE, the petition is hereby DENIED DUE COURSE and is DISMISSED. Costs against petitioner.

SO ORDERED.[8]

The Court of Appeals likewise denied petitioner's motion for reconsideration in its resolution dated April 21, 1998.[9]

Petitioner now contends that:

- THE RESPONDENT COURT OF APPEALS GRAVELY ERRED IN HOLDING THAT THE PROPER REMEDY IN THE LAND REGISTRATION CASES IS AN OPPOSITION TO THE APPLICATION OF THE APPLICANTS, AND NOT A MOTION TO INTERVENE IN THE PROCEEDINGS BEFORE THE TRIAL COURT.
- THE RESPONDENT COURT OF APPEALS SERIOUSLY ERRED IN NOT HOLDING THAT THE RESPONDENT TRIAL COURT GRAVELY ERRED IN NOT ADMITTING PETITIONER'S MOTION FOR INTERVENTION ON THE BASIS OF PETITIONER'S POSSESSION OF HER INDEFEASIBLE TITLE OVER THE SUBJECT PROPERTIES.
- THE RESPONDENT COURT OF APPEALS SERIOUSLY ERRED IN NOT UPHOLDING THE TITLE OF THE PETITIONER, TCT NO. T-320601, OVER THE PROPERTIES IN QUESTION DESPITE PETITIONER'S OVERWHELMING EVIDENCE TO PROVE THE GENUINENESS AND DUE EXECUTION OF HER TITLE, AND DESPITE ITS EXPRESS AND CATEGORICAL ACKNOWLEDGMENT OF THE FACT THAT PETITIONER INDEED PRESENTED NUMEROUS DOCUMENTS TO PROVE THE AUTHENTICITY OF HER TITLE.

We find petitioner's contentions unmeritorious.

First. The provisions of §§ 14 and 25 of P.D. No. 1529 (Property Registration Decree) show that the applicant and the oppositor are the only parties in cases of original applications for land registration, unlike in ordinary civil actions where parties may include the plaintiff, the defendant, third party complainants, cross-claimants, and intervenors.

It is now settled that a motion to intervene in a land registration case cannot be allowed. A party wishing to be heard should ask for the lifting of the order of general default, and then if lifted, file an opposition to the

application for registration. This is so because proceedings in land registration are in rem and not in personam, the sole object being the registration applied for, not the determination of any right connected with the registration.[10]

Second. Both the trial court and the Court of Appeals made a factual finding that petitioner's title to the land is of doubtful authenticity.

Having jurisdiction only to resolve questions of law, this Court is bound by the factual findings of the trial court and the Court of Appeals.[11] Even if intervention is allowed in cases of original registration of title, petitioner cannot rely on her certificate of title in view of the evidence respecting its genuineness. As correctly held by the Court of Appeals:

Moreover, even if intervention is proper, petitioner's reliance on her title is infirm. While she presented numerous documents to prove its authenticity, however, they have been disputed by Benjamin Flestado, Chief of the Inspection and Investigation Division of the Land Registration Authority (LRA), in his Report showing that her T.C.T. No. T-320601 was issued without legal basis and that no document was on file with the Primary Entry Book of the Registry of Deeds of Trece Martires City to support the issuance thereof. This Report concludes that petitioner's T.C.T. No. T-320601 is spurious. Such finding is reinforced by the NBI Report dated June 20, 1996 showing that the signature of Register of Deeds Antonia Cabuco appearing on petitioner's title is a forgery. Consequently, Atty. Artemio Cana, Acting Register of Deeds of Cavite, filed a complaint with the Regional Trial Court, Branch 89 at Bacoor for annulment of petitioner's title.[12]

The rule that a title issued under the Torrens System is presumed valid and, hence, is the best proof of ownership of a piece of land does not apply where the certificate itself is faulty as to its purported origin.[13]

In this case, petitioner anchors her arguments on the premise that her title to the subject property is indefeasible because of the presumption that her certificate of title is authentic. However, this presumption is overcome by the evidence presented, consisting of the LRA report dated May 24, 1996[14] that TCT No. T-320601 was issued without legal basis and the NBI report dated June 20, 1996[15] that the signature of Antonia Cabuco was a forgery. Although petitioner submitted documents purporting to show the genuineness of Antonia Cabuco's signature, she has not refuted the findings contained in the LRA report that her certificate of title has no legal basis. Thus, in its report, the LRA stated:

Verification conducted in the Registry of Deeds of Cavite Province on 21 May 1996 disclosed that there is no document on file in the registry vault to support the issuance of TCT No. T-320601 in favor of Amelita Dolfo. Even the Primary Entry Book for Act 496 under the date 18 November 1991 does not indicate that a document was presented for registration in favor of Amelita Dolfo affecting TCT No. 11520 which resulted in the issuance of TCT No. T-320601. Instead, page 232 of the Primary Entry Book, Volume 47 (Annex "B") shows that under the date - 18 November 1991 there appears no document entered therein at 11:05 a.m. in favor of Amelita Dolfo or in her behalf affecting the parcel of land described in TCT No. T-320601.

This Investigator also failed to locate despite the thorough search of the vault clerks, TCT No. 11520 the supposed title from whence the subject TCT No. T-320601 was derived. What are filed in the title volume are certificates of titles, including TCT No. T-11519 and TCT No. T-11521 both issued by RD Cuevas on 5 November 1964 at 9:00 a.m. (see Annexes "C" & "C-1"). In other words, TCT No. 11520 was supposed to have been issued by RD Cuevas in November 1964. In the absence of the title, it cannot however be determined if TCT No. T-11520 covers the same parcel of land in the subject title of Amelita Dolfo.

Records of this Authority show that Judicial Forms 109 and 109-D (CB printed) with Serial No. 2061717 were requisitioned by and issued to Cavite Registry of Deeds on 21 October 1991. There appears no report of consumption pertaining to those title-forms was submitted by the Cavite Registry of Deeds (see Annexes "D" to "D-5").

On the other hand, records of the Cavite Registry of Deeds show that Judicial Forms 109-109-D with Serial No. 2061717 were consumed and used for a certificate and of title, TCT No. 322182, in favor of Manuel dela Cruz and not for issuance of TCT No. T-320601 in favor of Amelita Dolfo. This is confirmed by the Certification of Deputy Register of Deeds, dated 21 May 1996 (Annex "E"), which attests:

This is to certify that as per records on file in the issuance book dated October 25, 1991, Judicial Form 109-109-D with Serial No. 2061717 was issued to Manuel dela Cruz with corresponding TCT No. 322182 and not TCT No. T-320601 in favor of Amelita Dolfo.

It is, however, also unfortunate that TCT No. 322182 (with Serial No. 2061717) and the certificate of title with Serial No. 2061716 are not also filed in the corresponding title (book) volume. What are filed therein are certificates of title, including TCT No. T-322180 (with Serial No. 2061715) and TCT No. T-322183 (with Serial No. 2061718) both issued by RD Cabuco on 8 August 1993 and 25 October 1991, respectively (see Annexes "F" & "F-1").

The Issuance Book of title-forms on file in the Cavite RD, particularly page 134 (Annex "G"), also confirms that Judicial Form 2061717 was issued or released for TCT No. 322182 and not for TCT No. T-320601.

Furthermore, registry records show, particularly the same Issuance Book of title-forms, page 88 (Annex "H"), that the Judicial Forms 109 and 109-D used for the genuine TCT No. 320601 were with Serial No. 2037534 (erroneously typed in the certification as 2037519); and that the said TCT No. 320601 was issued in the name of Molino Homes and not in favor of Amelita Dolfo. This is confirmed by the Certification of DRD Diosdado A. Concepcion, dated 21 May 1996, which states (Annex "H-1"):

This is to certify that as per records on file in this registry, dated October 8, 1991 Judicial Form 109-109-D with Serial Number 2037519 TCT No. 320601 Book No. 1701 Page 101 issued in the name of Molino Homes and was received by Amania Jimenez.

When interviewed, DRD Concepcion disclosed to this Investigator that the supposed original of TCT No. T-320601 in the name of Amelita Dolfo is detached from the title volume. He could not tell where it is now, not even the vault clerks of the registry. However, Atty. Concepcion surmised that the same is in the possession/custody of Ms. Melany Victoria, OIC Deputy Registry of Deeds. Atty. Concepcion furnished this Investigator a certified copy (of a xerox copy in his file) of the subject TCT No. T-320601 (see Annex "I"). He further intimated that based on his own personal verification he believes that the supposed title in the name of Amelita Dolfo is of doubtful authenticity. In fact, Atty. Concepcion further averred, that former Register of Deeds Antonia Cabuco disowned the signature above the typewritten name "Antonia B. Cabuco, Register of Deeds" in the subject TCT No. T-320601.[16]

In an effort to remove any doubt on the veracity of her certificate of title, petitioner questioned the credibility of Atty. Artemio Caña who filed an action for annulment of her title. However, her evidence to prove the genuineness of her certificate of title was the letter of the LRA Administrator, Reynaldo Maulit, who, in declaring the existence of TCT No. T-320601 in the vaults of the Register of Deeds of the Province of Cavite, referred to the letter-report of the same Atty. Artemio Caña dated April 30, 1996.[17]

Thus, petitioner cannot invoke the indefeasibility of her certificate of title. It bears emphasis that the Torrens system does not create or vest title but only confirms and records one already existing and vested.[18] Thus, while it may be true, as petitioner argues, that a land registration court has no jurisdiction over parcels of land already covered by a certificate of title, it is equally true that this rule applies only where there exists no serious controversy as to the authenticity of the certificate.

Fourth. Indeed, to allow petitioner to intervene in the LRC cases would not avoid multiplicity of suits in view of

the case for annulment and cancellation of TCT No. T-320601 now pending before the Regional Trial Court, Branch 89, Bacoar, Cavite. It is premature for petitioner to intervene in the LRC cases because her certificate of title, supposedly her best proof of ownership over the property described therein, is questionable. Besides, inasmuch as the authenticity of her certificate of title is also being questioned in the LRC cases, the evidence that she will present to prove the contrary would be the same evidence she will present in the case for annulment of title. At this point, where there is already a decree of registration issued in favor of private respondents, it is moot and academic to allow petitioner to participate in the LRC cases for the purpose of preventing possible double titling of property. As the trial court correctly stated, petitioner is not left without remedy even if she was not allowed to intervene. If it is shown that her certificate of title is genuine and that she is the true owner of the litigated property, the proceedings in the land registration cases would then be null and void because the trial court has no jurisdiction on the matter. Otherwise, she could sue for damages.

WHEREFORE, the petition is DENIED and the decision and the resolution of the Court of Appeals are AFFIRMED. Costs against petitioner.

SO ORDERED.

Bellosillo, (Chairman), Quisumbing, Buena, and De Leon, Jr., JJ., concur.

[1] Per Justice Angelina Sandoval Gutierrez and concurred in by Justice Bernardo Salas and Justice Marian Buzon.

[2] Rollo, pp. 71-74.

[3] Id., pp. 95-96.

[4] Id., pp. 130-133.

[5] Id., pp. 123-129.

[6] Id., pp. 134-177.

[7] Id., pp. 178-223.

[8] Id, p. 53.

[9] Id., pp. 55-56.

[10] Serrano v. Hon. Palacio, 52 O.G. 260 (1955), citing Estila v. Alvero, 37 Phil. 498 (1918)

[11] Lagrosa v. Court of Appeals, 312 SCRA 298 (1999); Baylon v. Court of Appeals, 312 SCRA 502 (1999).

[12] Rollo, p. 52.

[13] Halili v. NLRC, 257 SCRA 174 (1996); Ramos v. Rodriguez, 244 SCRA 418 (1995); Widows & Orphans Association, Inc. v. Court of Appeals, 201 SCRA 165 (1991).

[14] Rollo, pp. 98-107.

[15] Id., pp. 353-354.

[16] Id., pp. 98-100.

[17] Id., p. 121.

[18] Rosario v. Court of Appeals, 310 SCRA 464 (1999).

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