

UNIVERSITY OF THE PHILIPPINES, PETITIONER, VS. SEGUNDINA ROSARIO, RESPONDENT.

G.R. No. 136965. March 28, 2001

Ponente: PARDO, J.

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PARDO, J.:

The Case

This is an appeal[1] from the decision of the Court of Appeals[2] setting aside the order of the Regional Trial Court, Branch 217, Quezon City which denied respondent Segundina Rosario's (hereafter, "Segundina") motion to dismiss[3] and cancelled the notice of lis pendens annotated on Transfer Certificate of Title No. 121042.

The Facts

There being no controversy as to the facts and the petition raising pure questions of law, we adopt the findings of fact of the Court of Appeals, as follows:[4]

On September 7, 1971, Datu Ditingke Ramos filed with the Court of First Instance, Quezon City, an application for registration of title covering a parcel of land situated in Quezon City, with an area of 100,000 square meters and covered by Plan (LRC) SWO-15055, as amended.[5]

On August 31, 1972, petitioner University of the Philippines (hereafter, "U. P.") filed with the trial court a "motion for intervention" in the case, claiming that the land covered by the application (by Datu Ditingke Ramos) is within its property described in Transfer Certificate of Title No. 9462.

On March 15, 1973, U.P. filed with the trial court an opposition and motion to dismiss Datu Ditingke Ramos' application for registration.

On June 6, 1973, the trial court issued an order which reads as follows:

"Acting on the motion to dismiss filed by the University of the Philippines and considering the certification, sketch plan (Exhibits "O" and "P"). the testimony of the Acting Chief, Geodetic Engineer as well as the written manifestation of the Land Registration Commission to the effect that the land subject matter of this application and covered by plan SWO-15055 does not encroach on the property of the University of the Philippines and that it is not inside any decreed property, the motion to dismiss the application is hereby DENIED for lack of merit.

"SO ORDERED." [6]

On June 8, 1973, the trial court First Instance decided the application as follows:

"IN VIEW OF THE FOREGOING, the application is hereby granted, declaring the applicant Rosario Alcovendras Vda. de Ramos (surviving spouse of the original applicant who was substituted as party applicant in the order of April 24, 1973) the absolute owner of the property applied for and covered by Plan (LRC) SWO-15055, as amended, confirming her title thereto. Upon in the order of April 24, 1973) the absolute owner

of the property applied for and covered by Plan (LRC) SWO 15055, as amended, confirming her title thereto. Upon this decision becoming final, let the required decree of registration be issued and after payment of corresponding fees, let the certificate of title be issued in favor of Rosario Alcovendas Vda. de Ramos, widow, Filipino and a resident of Quezon City.

"SO ORDERED." [7]

On March 19, 1974, the trial court [8] issued an order stating:

"The decision rendered by this Court in the above-entitled case under the date of June 8, 1973 having become final, the Commissioner of the Land Registration Commission is hereby directed to comply with Section 21 of Act 2347." [9]

On May 8, 1974, the Commissioner of Land Registration issued Decree No. N-150604 in favor of Rosario Alcovendas Vda. de Ramos, pursuant to which the Register of Deeds of Quezon City issued OCT No. 17 in her name.

On November 21, 1976, the Register of Deeds of Quezon City cancelled OCT No. 17 and issued Transfer Certificate of Title No. 223619 also in the name of Rosario Alcovendas Vda. de Ramos due to errors in the technical description. [10]

On February 23, 1988, Rosario Alcovendas Vda. de Ramos executed a "deed of absolute sale" in favor of Segundina Rosario (hereafter Segundina) covering the parcel of land embraced in Transfer Certificate of Title No. 223619.

On June 11, 1988, fire razed the Quezon City Hall Building which housed the Office of the Register of Deeds of Quezon City. Transfer Certificate of Title No. 223619 was one of the titles destroyed by the fire.

Subsequently, Segundina Rosario requested the Register of Deeds to reconstitute Transfer Certificate of Title No. 223619 resulting in the issuance of Transfer Certificate of Title No. RT-78195 (223619).

On March 11, 1993, U.P. filed with the Regional Trial Court, Branch 21, Quezon City [11] a petition for the cancellation of Transfer Certificate of Title No. (N-126671) 367316 naming Segundina, Bugnay Construction and Development Corporation and the Register of Deeds of Quezon City, among others, as respondents.

On November 10, 1994, Segundina caused the registration with the Register of Deeds of the "deed of absolute sale." Consequently, the Register of Deeds issued Transfer Certificate of Title No. 121042 in Segundina's name, resulting in the cancellation of Transfer Certificate of Title No. RT-78195 (223619).

On November 19, 1996, after the parties had presented their respective evidence, U.P. filed an amended petition alleging that it is "the true, absolute and registered owner of a parcel of land covered by Transfer Certificate of Title No. 9462" of the Register of Deeds of Quezon City and that the "unlawful acts of ownership being exercised by (Segundina) and (Bugnay Construction and Development Corporation) as well as the existence of their spurious certificates of title, create a cloud of doubt on the title of (U.P.)."

In its third cause of action, U.P. prayed that Transfer Certificate of Title No. 121042 or the reconstituted titles or derivatives thereof be declared null and void ab initio for being spurious and fraudulently issued.

On May 15, 1997, Segundina filed with the trial court an "omnibus motion" for the dismissal of U. P.'s third cause of action in the amended petition as well as the cancellation of the notice of lis pendens annotated on TCT No. 121042.

On November 10, 1997, the trial court denied Segundina's omnibus motion.

On December 30, 1997, Segundina filed with the trial court a motion for reconsideration questioning the denial of her motion to dismiss and praying for the cancellation of the notice of lis pendens.[12]

On April 16, 1998, the trial court[13] denied Segundina's motion for reconsideration and motion to cancel the notice of lis pendens.[14]

On November 10, 1997, the trial court[15] again denied Segundina's omnibus motion to dismiss and cancel notice of lis pendens.[16]

On May 26, 1998, Segundina filed with the Court of Appeals[17] a petition for certiorari[18] assailing the orders of the trial court denying her motion to dismiss.

On September 18, 1998, the Court of Appeals promulgated its decision in favor of Segundina. The Court of Appeals reasoned that the third cause of action is barred by res judicata and that the trial court committed grave abuse of discretion in denying Segundina's "motion to dismiss." [19] We quote its dispositive portion:

"WHEREFORE, the instant petition for certiorari is hereby GRANTED. Consequently, the Orders dated November 10, 1997, and April 16, 1998, are declared NULL and VOID and SET ASIDE insofar as they deny petitioner's Omnibus Motion to Dismiss and Cancel Notice of Lis Pendens. The Third Cause of Action in respondent University of the Philippines' Amended Petition is ordered DISMISSED and the Notice of Lis Pendens annotated on TCT No. 121042, CANCELLED. The writ of preliminary injunction, insofar as it relates to the parcel of land covered by TCT No. 121042, is LIFTED.

"SO ORDERED." [20]

On October 26, 1998, petitioner filed with the Court of Appeals, a motion for reconsideration of the afore-quoted decision.[21]

On December 17, 1998, the Court of Appeals denied petitioner's motion for reconsideration.[22]

Hence, this appeal.[23]

Petitioner's Submissions

First, U.P. contends that the Court of Appeals erroneously allowed Segundina's "motion to dismiss" as Segundina has yet to prove in a "full-blown hearing" whether her reconstituted title traces its roots to OCT No. 17. According to U.P., the issuance of Segundina's title was "highly anomalous." [24]

Second, U.P. assails the issuance of OCT No. 17 in LRC Case No. Q-239 as void ab initio. According to U.P., the Court of First Instance never acquired jurisdiction over LRC Case Q-239 as the requisite "signature approval of the Director of Lands...over the survey plan...was nowhere to be found." [25]

Third, U.P. asserts that the Court of Appeals ruled on "unestablished factual issues...by admitting all the photocopies annexed to respondent (Segundina) Rosario's petition as evidence despite the fact that they all still remained subject to authentication and examination by the parties before the trial court." [26]

Fourth, U. P. attacks the verification of Segundina's petition in the Court of Appeals as defective.

The Court's Ruling

The petition is meritorious.

We outline the history of the title that Segundina holds (Title No. 121042): First, the land was originally covered by Plan (LRC) SWO-15055, as amended, which the Court of First Instance declared as not encroaching on the property of U.P. and as absolutely owned by Rosario Alcovendras Vda. de Ramos. Thus, OCT No. 17 was issued in her name. Second, OCT No. 17 was cancelled and Transfer Certificate of Title No. 223619 was issued. Third,

Rosario Alcovendas Vda. de Ramos executed an "absolute deed of sale" over the land in favor of Segundina. Fourth, Transfer Certificate of Title No. 223619 was burned in the fire that razed the Quezon City Hall. Fifth, Title No. 223619 was reconstituted and Transfer Certificate of Title No. RT-78195 was issued in its place. Sixth, Segundina registered the "deed of absolute sale." Thus, Transfer Certificate of Title No. RT-78195 was cancelled and Transfer Certificate of Title No. 121042 was issued in Segundina's name.

In LRC Q-329 the trial court declared U.P. as having no interest in the land covered by Transfer Certificate of Title No. 121042. However, UP's contention that OCT No. 17 is void for lack of the requisite "signature approval of the Director of Lands...over the survey plan"[27] is worth looking into.

P. D. No. 1529[28] requires the Director of Lands to sign and approve the survey plan for the land applied for, otherwise, the title is void.

"Sec. 17. What and where to file - The application for land registration shall be filed with the Court of First Instance of the province or city where the land is situated. The applicant shall file together with the application all original muniments of titles or copies thereof and a survey plan approved by the Bureau of Lands.

"The clerk of court shall not accept any application unless it is shown that the applicant has furnished the Director of Lands with a copy of the application and all the annexes (emphasis ours)."

No plan or survey may be admitted in land registration proceedings until approved by the Director of Lands.[29] The submission of the plan is a statutory requirement of mandatory character. Unless a plan and its technical description are duly approved by the Director of Lands, the same are of no value.[30]

Thus, the allegation that the signature approval for the survey plan was nowhere to be found is an important jurisdictional fact that must be ventilated before the trial court. In *Republic v. Intermediate Appellate Court*,[31] this Court stated that "void ab initio land titles issued cannot ripen into private ownership." Thus, as OCT No. 17 is void and Segundina traces her rights to OCT No. 17, her claim would have no basis as a spring cannot rise higher than its source.[32]

Further, the judgment in LRC Q-329 was subject to the qualification that "If the parcel of land is found to be inside decreed properties, this plan is automatically cancelled." [33]

Whether the land covered by OCT No. 17 is inside decreed property is an issue of fact that can be best determined by the trial court after an examination of the evidence. We find meritorious the trial court's rationale for denying Segundina's motion to dismiss. We quote:

"To establish their respective rights over the disputed property, both plaintiff and respondents submitted documentary exhibits, the genuineness and authenticity of which can only be proved in a full blown trial.

"There is no pretense that the foregoing conflicting claims entail determination of facts. It, thus, become imperative that both parties be given their day in Court to avoid the danger of committing a grave injustice if they were denied an opportunity to introduce evidence in their behalf.

"It is within this context that the Court considers it appropriate under the present stage of the action to DENY the instant motion." [34]

Pending final ruling on the merits of the case, Segundina's motion to cancel the notice of lis pendens must be denied.

WHEREFORE, the Court GRANTS the petition. The Court REVERSES the decision of the Court of Appeals promulgated on September 18, 1998, in CA-G. R. SP No. 47783.

In lieu thereof, the Court orders the case REMANDED to the trial court for trial on the merits.

No costs.

SO ORDERED.

Davide, Jr., C.J., Kapunan, and Ynares-Santiago, JJ., concur.

Puno, J., on official business abroad.

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- [1] Under Rule 45 of the 1997 Rules of Civil Procedure, as amended.
- [2] In CA-G. R. SP No. 47783, promulgated on September 18, 1998, Abesamis, J., ponente, Rasul and Carpio Morales, JJ., concurring.
- [3] In Civil Case No. Q-93-15115, dated April 16, 1998, Judge Lydia Querubin Layosa, presiding.
- [4] Petition, Annex "A", Court of Appeals Decision, Rollo, pp. 35-52 at pp. 35-41.
- [5] Docketed as LRC Case No. Q-329, LRC Record No. N-40917.
- [6] Petition, Annex "A", Court of Appeals Decision, Rollo, pp. 35-52 at p. 37.
- [7] Petition, Annex "A", Court of Appeals Decision, Rollo, pp. 35-52 at pp. 37-38.
- [8] Judge Ulpiano Sarmiento, presiding.
- [9] Petition, Annex "A", Court of Appeals Decision, Rollo, pp. 35-52 at p. 38.
- [10] Petition, Annex "H", CA Rollo, p. 32 and dorsal side thereof.
- [11] Docketed as Civil Case No. Q-93-15115, Judge Demetrio B. Macapagal, presiding.
- [12] Petition, Annex "C", Segundina's Petition to the Court of Appeals, Rollo, pp. 53-66 at p. 54.
- [13] Judge Lydia Querubin Layosa, presiding.
- [14] Petition, Annex "D", Order of the Trial Court, Rollo, pp. 67-68
- [15] Through Judge Demetrio B. Macapagal, Sr.
- [16] Comment, Annex "3", Rollo, Order of the Trial Court, pp. 111-112.
- [17] Petition, CA Rollo, pp. 2-12 at p. 2.
- [18] Filed under Rule 65 of the 1997 Rules of Civil Procedure, as amended.
- [19] Petition, Annex "A", CA Decision, Rollo, pp. 35-52, at pp. 42-49.
- [20] Petition, Annex "A", CA Decision, Rollo, pp. 35-52, at p. 49.
- [21] CA Rollo, p. 113.
- [22] Petition, Annex "B", Order of the Court of Appeals, Rollo, pp. 51-52.
- [23] Petition filed on January 20, 1999, Rollo, pp. 10-34. On December 13, 1999, we resolved to give due course to the petition (Rollo, pp. 161-162).
- [24] Petition, Rollo, pp. 10-34 at p. 13.

[25] Ibid.

[26] Ibid., at p. 16.

[27] Petition, Rollo, pp. 10-34, at p. 13.

[28] Property Registration Decree (An Act Amending and Codifying the Laws Relative to Registration of Property and for Other Purposes).

[29] Administrative Code of 1917, as amended, Sec. 1858.

[30] Director of Lands v. Reyes, 68 SCRA 177, 188 (1975).

[31] 209 SCRA 90, 101 (1992).

[32] De Santos v. Intermediate Appellate Court, 157 SCRA 295, 301 (1988).

[33] Petition, Rollo, pp. 10-34 at p. 24.

[34] Petition, Annex "D", Order of the Trial Court dated April 16, 1998, Rollo, pp. 67-68, at p. 67.

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