

CARLOS MAÑACOP, JR., PLAINTIFF AND APPELLANT, VS. FAUSTINO CANSINO, DEFENDANT AND APPELLEE.*G.R. No. 13971. February 27, 1961*

Ponente: CONCEPCION, J.

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Action to recover possession of a land and damages. Defendant claimed ownership, as well as the right to possess the land, and secured judgment declaring that the same belongs to him, as well as nullifying and cancelling plaintiff's certificate of title thereto. Hence, this appeal by the plaintiff, who raises merely questions of law.

The property in dispute is a parcel of land situated in sitio Mapaltoc, barrio of Paytan, municipality of Cuyapo, Nueva Ecija. It was originally covered by Homestead Patent No. 235, in the name of Sabina Tomas, widow of Leocadio Dagdag, and dated October 15, 1914, pursuant to which Original Certificate of Title No. 144 of the office of the Register of Deeds of Nueva Ecija, in favor of Sabina Tomas, was issued on November 15, 1914. Said land was subsequently designated as Lots Nos. 342 and 387 of the cadastral survey of the municipality of Cuyapo (Exhibits 15 and 15-A). On May 20, 1920, and October 30, 1922, Sabina Tomas sold two (2) portions of the land to Mr. and Mrs. Bartolome Ancheta. On June 1, 1922 and May 29, 1923, she conveyed other two (2) portions of the same property to Mr. and Mrs. Faustino Cansino. The portions thus sold to the Anchetas and Cansinos having been claimed by them in the corresponding cadastral proceedings, judgments were, in due course, rendered therein, adjudicating Lot No. 342 to Mr. and Mrs. Bartolome Ancheta and Lot No. 387 to Mr. and Mrs. Faustino Cansino. Thereafter, Original Certificate of Title No. 4742 covering Lot No. 387 was issued to Mr. and Mrs. Cansino on September 22, 1925, whereas Mr. and Mrs. Ancheta obtained on August 21, 1925, Original Certificate of Title No. 3885, covering Lot No. 342. On March 28, 1937, the Anchetas sold Lot No. 342 to the Cansinos, who secured Transfer Certificate of Title No. 13591, dated July 11, 1938, in their name, upon cancellation of said Original Certificate of Title No. 3885.

Upon the other hand, it appears that Original Certificate of Title No. 144 had been cancelled and a new one—Transfer Certificate of Title No. 99, in the name of Sabina Tomas—was issued, in lieu thereof, on September 18, 1916. Sabina Tomas died on June 15, 1952, and her children, Juliana and Clodualdo, both surnamed Dagdag, applied on September 27, 1953 for another duplicate of said Transfer Certificate of Title No. 99, upon the ground that the owner's duplicate thereof could not be located. The petition having been granted by an order dated November 27, 1953, a second owner's duplicate of Transfer Certificate of Title No. 99 was issued, by the register of deeds of Nueva Ecija, in the name of Sabina Tomas on November 27, 1953. Pursuant to a deed of extrajudicial partition, executed by Juliana and Clodualdo Dagdag, adjudicating the property to themselves, said Transfer Certificate of Title No. 99 was cancelled and Transfer Certificate of Title No. NT-14970 was issued, in lieu thereof, on December 23, 1953, in their name, subject to the provisions of section 4, Rule 74 of the Rules of Court. Less than two (2) years later, or on November 28, 1955, Juliana and Clodualdo Dagdag sold the land to Benito Bringas, who secured Transfer Certificate of Title No. NT-18797, dated November 29, 1955, in his name, upon cancellation of Transfer Certificate of Title No. NT-14970. On July 2, 1956, Benito Bringas, in turn,

assigned the land to plaintiff Carlos Mañacop, Jr., in whose favor Transfer Certificate of Title No. NT-20508 was issued, on July 2, 1956, upon cancellation of Transfer Certificate of Title No. NT-18797.

Soon later, or on March 5, 1957, plaintiff, Carlos Mañacop, Jr. instituted this action against defendant Faustino Cansino. In his complaint, plaintiff alleged that he owns the land in dispute the same being covered by said Transfer Certificate of Title No. NT-20508 in his name and that defendant is in possession of said land without any authority therefor and has refused to vacate it despite repeated demands by the plaintiff, who accordingly prayed that judgment be rendered ordering the defendant to surrender the possession of the land, to deliver the net harvest for the agricultural year 1956-1957 or its equivalent in money, and to pay attorney's fees.

Defendant filed an answer and a supplemental answer alleging that the land in dispute belongs to him, he and his predecessor in interest having acquired it by purchase from its original owner, Sabina Tomas, whose right thereto was evidenced by Transfer Certificate of Title No. 99; that, in the cadastral proceedings aforementioned, said land was adjudicated partly to him and partly to the Anchetas, who later sold their portion to him; and that he and his predecessor in interest have been in possession of said land continuously, peacefully and exclusively for over thirty (30) years, and praying that the complaint be dismissed and that plaintiff be sentenced to pay attorney's fees and consequential damages.

After due hearing, the lower court declared that defendants Cansino and Bartolome Ancheta had been in possession of the portions of the disputed land respectively purchased by them from Sabina Tomas from the dates of their transactions with her (May 20, 1920, June 1 and October 30, 1922 and May 29, 1923); that, even if a land once registered—although it be by virtue of administrative proceedings—cannot again be registered, plaintiff's title, derived from the original registration, is not superior to defendant's title, under the subsequent registration, for when plaintiff purchased the land from Benito Bringas, who got it from the children of Sabina Tomas, the title to the land was subject to the provisions of Rule 74, section 4, of the Rules of Court; that, although the latter fixes a period of two (2) years for the filing of claims of heirs or other persons who had been unduly deprived of their lawful participation therein, in consequence of the summary settlement of the estate of a deceased person, said period does not apply when the settlement has been effected extra-judicially, in which case the ordinary period of limitations applies; that plaintiff thus took the land with notice of the fact that his title was subject to the claims of heirs or other persons who had been unduly deprived of their lawful participation in the property in dispute; that plaintiff may not invoke, therefore, the rights of a purchaser in good faith; that defendant's title is, therefore, better than that of the plaintiff; and that the latter's Transfer Certificate of Title No. NT-20508 should, accordingly, be nullified and cancelled.

Plaintiff assails the opinion of the lower court—to the effect that heirs and other persons who may have been unduly deprived of their lawful participation in the estate of a deceased person, in consequence of a summary settlement effected pursuant to the provisions of Rule 74 of the Rules of Court, are not subject to the two-year period fixed in section 4 of said Rule 74, and may file their respective claims within the ordinary period of limitation of action, when the settlement has been made extrajudicially, as in the case at bar—upon the ground that the language of said section 4 is unqualified and that, accordingly, the distinction sought to be made between judicial settlements and those effected extrajudicially can not be justified.

It is, however, unnecessary for us to pass upon this question, for it appears that, about nine (9) months before buying the land in litigation, or in November 1955, plaintiff went to said land and it is not disputed that the same was—and for many years prior thereto, had been—in the possession of defendant herein, openly, publicly, peacefully, continuously and adversely to the whole world, so that plaintiff must have then learned of such possession. In fact, plaintiff admitted that one Abon told him that he could not possibly cultivate the land, because defendant was cultivating it, and that he (plaintiff), accordingly, relayed the information to Benito Bringas, who

did not deny its accuracy and merely replied that he would help him (plaintiff) locate the defendant. Being thus aware of sufficient facts to induce a reasonably prudent man to inquire into the status of the title to the property in litigation, plaintiff can not legally claim the rights of a purchaser in good faith. Indeed, by appealing directly to this Court, which would have no jurisdiction to entertain the appeal if questions of fact were raised therein, plaintiff has waived the right to question the finding of His Honor, the trial Judge, to the effect that he is not such purchaser in good faith.

Wherefore, the decision appealed from is hereby affirmed, with costs against plaintiff-appellant. It is so ordered.

Bengzon, Acting C.J., Padilla, Bautista Angelo, Labrador, Reyes, J. B. L., Barrera, Paredes, and Dizon, JJ., concur.

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