TEOVILLE HOMEOWNERS ASSOCIATION, INC., PETITIONER, VS. EDWARD L. FERREIRA, REAM DEVELOPMENT CORPORATION AND GUILLERMO BUENAVENTURA, RESPONDENTS.

G.R. NO. 140086. June 08, 2005

Ponente: CHICO-NAZARIO, J.

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CHICO-NAZARIO, J.:

This is a petition for review on certiorari under Rule 45 of the Rules of Court assailing the resolution[1] dated 10 June 1998 of the Court of Appeals dismissing the petition in CA-G.R. SP No. 47276 and the resolution[2] dated 16 September 1999 dismissing petitioner's motion for reconsideration.

This case stemmed from a dispute over a 711-square meter lot designated as Lot 98 of the Teoville Subdivision in Parañaque City previously owned by the Villongco Realty Corporation. Based on the original plans of the subdivision project approved by the Municipal Council of Parañaque City in 1968, the lot was designated as a saleable lot.[3]

Before its completion, however, the subdivision project including all the unsold lots therein was transferred through a Deed of Sale and Assignment by Villongco Realty Corporation to REAM Development Corporation (REAM). The sale included all the improvements erected upon Lot 98 such as the water system, equipment and appurtenances thereto. Sometime in 1985, the Teoville Subdivision II residents experienced a severe water crisis occasioned by the complete breakdown of the centralized water system and a dispute between REAM and Teoville (Parañaque) Homeowners Association, Inc. (Teoville) as to who was responsible for the unpaid electricity bills of the centralized water system. Through a Deed of Transfer and Donation, dated 18 January 1985,[4] REAM donated to Teoville "the water distribution system of 30,000.00 gallons capacity water tank, including the 30-horsepower deepwell submersible motor pump, respectively, all their facilities and appurtenances thereof, situated at Teoville Subdivision II, Phases 1 and 2."[5] The donation was accepted by Edward L. Ferreira in his capacity as the then Chairman of Teoville Subdivision II Homeowners Association, Phases 1 and 2. This water pump and the water tank soon became unoperational and were subsequently dismantled.

On 16 April 1985, with the approval of the Land Registration Authority, REAM caused the subdivision of Lot 98 into Lot 98-A with an area of 300 square meters and Lot 98-B with an area of 411 square meters. REAM then sold Lot 98-A to Edward L. Ferreira on 20 September 1985. By virtue of the sale of the lot to Ferreira, Transfer Certificate of Title (TCT) No. 95354 of the Registry of Deeds of Pasay City in the name of REAM was cancelled and TCT No. 102423 was issued in the name of Ferreira.

On 04 August 1993, Teoville filed a Verified Complaint before the Adjudication Board of the Housing and Land Use Regulatory Board (HLURB) docketed as HLURB Case No. R-IV-080993-0122, against REAM Development Corporation and Edward Ferreira praying that: (1) it be awarded ownership over the entire Lot 98, (2) the re-subdivision of Lot 98 be nullified, and (3) the sale of Lot 98-A in favor of Ferreira be cancelled. Teoville

complained that the sale between REAM and Ferreira was illegal and should be annulled because REAM cannot dispose of Lot 98 since it is an open space where the water tank which allegedly belongs to the homeowners association was built. In lieu of an Answer, Ferreira filed a Motion to Dismiss on the ground of lack of jurisdiction. The motion was totally disregarded by the HLURB Arbiter, Atty. Gerardo L. Dean, who considered Ferreira as in default and consequently was disallowed to file a position paper.

Nevertheless, in a decision dated 10 July 1994,[6] Arbiter Dean dismissed the Complaint for lack of jurisdiction rationalizing that since the Registry of Deeds of Pasay City had already issued a title to Lot 98-A as early as 04 April 1986, the appropriate Regional Trial Court and not the HLURB had jurisdiction to declare the nullity of the Torrens Title issued to Ferreira. Dean, though, ordered REAM to comply with its undertaking to donate Lot 98-B to Complainant Teoville. The HLURB held:

> On the second issue, we hold that complainant has the right to acquire ownership over Lot 98-B. While it is not mandatory on the part of respondent REAM to donate the said lot to complainant, evidences presented indicate that respondent REAM has intended to donate the same to complainant. Respondent REAM has already donated the entire water system facilities erected on Lot No. 98 to complainant. For them to assume the responsibility of operating a water system that will supply the water needs of the residents of Teoville Subdivision II, they should have a lot on which to erect the facilities for a water system. While the Deed of Donation did not include the lot, a letter coming from respondent Buenaventura dated February 20, 1992, in his capacity as president of respondent REAM and addressed to Mr. Romeo Paguyo, president of complainant, certified that, "we have already donated the said lot, water tank, submersible pump and the facilities necessary for its function to the Homeowners Association under the presidency of Edward L. Ferreira" (Annex "D" of complainant's position paper). The foregoing indicate an intention on the part of complainant and respondent REAM to include in the donation the lot on which the water system facilities were erected.[7]

A Motion for Partial Reconsideration filed by Teoville was treated as a Petition for Review by the HLURB Board of Commissioners per Section 21 of the 1987 Rules of Procedure of the HLURB.[8] Ferreira opposed the motion. On 21 May 1996, the HLURB Board of Commissioners rendered a decision[9] setting aside the decision of HLURB Arbiter Dean. The HLURB Board of Commissioners reasoned that while Lot 98 previously appeared to be a saleable lot, however, since the water system, a form of subdivision development, was situated in Lot 98, REAM, in effect, made a representation that the lot was part of the open space, a facility for public use. The re-subdivision thereof resulted in the alteration of an open space which to be valid required the prior approval of the HLURB upon written conformity or consent of the homeowners, under Section 22 of Presidential Decree No. 957.[10] With this, the HLURB disposed:

> WHEREFORE, the decision of the Office a quo dated July 10, 1994, is hereby SET ASIDE and new decision entered:
>
> - Declaring the re-subdivision of the former Lot No. 98, Teoville Subdivision, Parañaque, as null and void;
>
> - Declaring the sale of Lot No. 98-A to respondent Edward L. Ferreira as null and void;
>
> - Ordering respondent Ream to execute a deed of donation over Lot No. 98-A in favor of the complainant; and
>
> - Ordering respondent Ream to pay this Board the administrative fine in the amount of P10,000.00 pursuant to Section 22, in relation to Section 38 of P.D. 957.

The Registry of Deeds of Pasay City therefore is hereby directed to cancel TCT No. 102423 (Lot No. 98-A), to restore the previous title thereon, and to annotate thereon that the same is open space for community facilities, and may not be sold or converted into another use without the approval of this Board.

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action.[11]

Ferreira filed a motion for reconsideration praying that the decision of the HLURB Board of Commissioners be set aside and that the decision of Arbiter Dean be reinstated and affirmed in toto. In a resolution dated 27 September 1996, the HLURB Board of Commissioners, Special Division, set aside the 21 May 1996 decision of the HLURB Board of Commissioners and held that REAM had the right to re-subdivide Lot 98 without prior clearance from the HLURB because there was no more facility for public use set up therein and further held that since REAM expressed willingness to donate Lot 98-B to Teoville, the HLURB Board of Commissioners "can only go so far as directing REAM to comply with its voluntary undertaking."[12] Teoville filed a Motion for Reconsideration which was denied by the Special Division of the HLURB Board of Commissioners in a resolution dated 15 January 1997 on the ground that the water system in Lot 98 was no longer functioning. Teoville elevated the case to the Office of the President (O.P.), docketed as O.P. Case No. 97-C-7086. In a decision[13] of the O.P. dated 06 March 1998, the appeal of Teoville was ordered dismissed and the resolutions of the HLURB Board of Commissioners, Special Division, dated 27 September 1996 and 15 January 1997 were affirmed in toto.[14] Teoville filed a Petition for Review[15] before the Court of Appeals praying that the Court of Appeals reverse and set aside the decision of the O.P. dated 06 March 1998 and affirm in toto the decision of the HLURB Board of Commissioners, Special Division, dated 21 May 1996. In a resolution of the Court of Appeals dated 10 June 1998,[16] the petition was ordered dismissed by virtue of Section 7, Rule 43 of the 1997 Rules of Civil Procedure. The Court of Appeals held:

> Considering that the certification of non-forum shopping was executed by petitioner's counsel Atty. Antonio G. Conde, instead of the petitioner's authorized corporate official, in clear contravention of Section 5, Rule 7 and Section 6, Rule 43 in relation to Section 2, Rule 42 of the 1997 Rules of Civil Procedure and that aside from the certified true copy of the decision dated March 6, 1998 marked as Annex "A," the petition is not accompanied by any other duplicate original/certified true copies of the other pleadings, orders, decisions and other supporting papers referred to therein.
>
> WHEREFORE, the petition is ordered DISMISSED on authority of Section 7, Rule 43 of the 1997 Rules of Civil Procedure.[17]

Teoville filed a Motion for Reconsideration[18] and Supplemental Motion for Reconsideration.[19] In a resolution of the Court of Appeals dated 16 September 1999,[20] the Motion for Reconsideration was denied:

> . . . The certification of non-forum shopping must be signed by the plaintiff or principal party, and not just by the counsel. Sec. 5 of Rule 7 of the 1997 Rules of Civil Procedure specifies that:
> "SEC. 5. Certification against forum shopping. – The plaintiff or principal party shall certify under oath in the complaint or other initiatory pleading asserting a claim for relief, or in a sworn certification annexed thereto and simultaneously filed therewith: (a) that he has not theretofore commenced any action or filed any claim involving the same issues in any court, tribunal or quasi-judicial agency and, to the best of his knowledge, no such other action or claim is pending therein; (b) if there is such other pending action or claim, a complete statement of the present status thereof; and (c) if he should thereafter learn that the same or similar action or claim has been filed or is pending, he shall report that fact within five (5) days therefrom to the court wherein his aforesaid complaint or initiatory pleading has been filed."

The authority of a counsel to represent his client is limited, and the reason why the client himself must issue this certification is obviously because he could not feign ignorance of his other cases, ergo of forum shopping. On the other hand a counsel can wiggle his way out by claiming that he is not privy to the other cases which his clients may have, and thus render effete and nugatory this measure against forum shopping.

The certification of non-forum shopping appended to the petition was signed by Antonio Conde as a counsel for

the petitioner. There is no assertion or intimation at all that he is too an officer of the petitioner duly authorized to subscribe to the said certification, nor has any proof been submitted since then showing that he is such.

Even conceding as correct for the nonce his contention that as counsel he was authorized to subscribe the certification on non-forum shopping, nevertheless the petition is still fatally flawed because except for the certified true copy of the decision dated March 6, 1998 marked as Annex "A," the petition was not accompanied by any other duplicate original/certified true copies of the other pleadings, orders, decisions and other supporting papers referred to therein. These would be the:

- Decision dated July 10, 1994 of HLURB Arbiter Dean

- Decision of the HLURB dated May 21, 1996

- Resolution dated September 27, 1996 of the HLURB Board of Commissioners; and

- Resolution dated January 15, 1997 of the HLURB Board of Commissioners denying petitioner's motion for reconsideration of its resolution dated September 27, 1996.

And other supporting papers in violation of Sec. 6, Rule 43 of the1997 Rules of Civil Procedure and therefore, a sufficient ground for the dismissal of the petition on authority of Sec. 7, Rule 43, ibid.

The afterthought of petitioner in its Supplemental To Motion For Reconsideration that the Records Division, Legal Affairs Department of the Office of the President, does not issue certified true copies of the decisions, resolutions and other matters pertinent to an appealed case, does not convince Us at all. Neither are We satisfied with his explanation that the absent documents are anyway found in the body of the petition. What it contains are only smattering quotes and paraphrases suitable to petitioner's objectives, but which do not fulfill the purposes of the requirement to append said copies.

Petitioner never attempted to cure these deficiencies which were the causes for the dismissal of its petition.[21]

Hence, this Petition for Review on Certiorari filed by Teoville.[22]

Respondents REAM and Guillermo R. Buenaventura filed their Comment to the Petition on 04 April 2002.[23]

Respondent Ferreira, for his part, manifested that he was adopting the Comment and position filed by respondent REAM.[24]

In this Court's resolution[25] dated 07 June 2000, Teoville was required to file its Reply to the Respondents' Comment. On 07 August 2000, Teoville filed its Reply.[26] On 04 December 2000, this Court resolved to give due course to the petition and required the parties to submit their respective memoranda within thirty (30) days from notice.[27]

The issues raised for resolution are:

- whether liberal construction or substantial compliance is permissible under Section 6 (c) and (d) of Rule 43 of the Rules of Court; and

- whether or not the appeal by certiorari by Petitioner from the decision of the Office of the President dated March 6, 1998 is meritorious.[28]

We now come to the resolution of the issues raised.

In support of its stand, petitioner Teoville argues that its counsel of record, who is its representative and whose acts can bind Teoville, can validly sign the certification. Revised Supreme Court Circular No. 28-91, upon which

Section 2 of Rule 42 of the 1997 Rules of Civil Procedure[29] is based, impliedly permits the counsel of record to execute it since the provision states that the counsel may be held liable not only for disciplinary action but also for commission of criminal offenses. Teoville further submits that its failure to attach duplicate original/certified true copies of other pleadings, orders, decisions and other supporting papers referred to in the petition, may be overlooked considering the substantial, if not full reproduction of the material portions of the adverted pleadings, orders, decisions as shown by the detailed recitation/verbatim reproduction in its petition before the Court of Appeals. Prevailing jurisprudence discourages dismissals of appeals based on purely technical grounds; hence, the Office of the President committed grave abuse of discretion in disturbing and manipulating the findings of facts and conclusions of HLURB Arbiter Dean in his decision dated 10 July 1994 and HLURB Board of Commissioners, Special Division, in its decision dated 21 May 1996 to favor Ferreira. Petitioner therefore prays that this Court order the Court of Appeals to give due course to its petition.

On the issue of forum shopping, in BA Savings Bank v. Sia[30] "the Court of Appeals denied due course to a petition for certiorari filed by BA Savings Bank on the ground that the Certification on anti-forum shopping incorporated in the petition was signed not by the duly authorized representative of the petitioner, as required under Supreme Court Circular No. 28-91, but by its counsel, in contravention of said circular." In a petition for review on certiorari under Rule 45 of the Rules of Court filed by BA Savings Bank to assail the denial of the Court of Appeals, this Court allowed a relaxation of the rules and held that the certificate of non-forum shopping required by Supreme Court Circular No. 28-91 may be signed, for and on behalf of a corporation, by a specifically authorized lawyer who has personal knowledge of the facts required to be disclosed in such document. In this case, however, Teoville has not shown to the satisfaction of the Court that its counsel has been specifically authorized to sign the verification and certification against non-forum shopping in its petition. It follows, therefore, that a relaxation of the rule would not be justified. Thus, the prevailing jurisprudence enunciated in the case of Marcopper Mining Corporation v. Solidbank Corporation,[31] that the certification against forum shopping must be executed by the party-pleader and not by his counsel, applies.

Additionally, petitioner failed to attach to its petition copies of pertinent pleadings required under the Rules. The consequence of this failure is provided under Sections 7 and 8 of Rule 43 of the Rules of Court:

> SEC. 7. Effect of failure to comply with requirements. – The failure of the petitioner to comply with any of the foregoing requirements regarding the payment of the docket and other lawful fees, the deposit for costs, proof of service of the petition, and the contents of and the documents which should accompany the petition shall be sufficient ground for the dismissal thereof.
>
> SEC. 8. Action on the petition. – The Court of Appeals may require the respondent to file a comment on the petition, not a motion to dismiss, within ten (10) days from notice, or dismiss the petition if it finds the same to be patently without merit, prosecuted manifestly for delay, or that the questions raised therein are too unsubstantial to require consideration.[32]

In the case of Manila Midtown Hotel v. NLRC [33] this Court upheld the dismissal of a petition for failure of a party to attach the required documents to his petition.

In the subsequent case of Sea Power Shipping Enterprises, Inc. v. Court of Appeals[34] where a Petition for Certiorari was not accompanied by copies of the pleadings and documents relevant and pertinent thereto, this Court held:

> It is true that a litigation is not a game of technicalities and that the rules of procedure should not be strictly enforced at the cost of substantial justice. However, it does not mean that the Rules of Court may be ignored at will and at random to the prejudice of the orderly presentation and assessment of the issues and their just resolution. It must be emphasized that procedural rules should not be belittled or dismissed simply because

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> their non-observance may have resulted in prejudice to a party's substantial rights. Like all rules, they are required to be followed except only for the most persuasive of reasons.

In the case of Republic v. Hernandez[35] this Court stressed:

> It cannot be overemphasized that procedural rules have their own wholesome rationale in the orderly administration of justice. Justice has to be administered according to the Rules in order to obviate arbitrariness, caprice, or whimsicality. We have been cautioned and reminded in Limpot v. CA, et al., that:
> Rules of procedure are intended to ensure the orderly administration of justice and the protection of substantive rights in judicial and extrajudicial proceedings. It is a mistake to propose that substantive law and adjective law are contradictory to each other, or, as has often been suggested, that enforcement of procedural rules should never be permitted if it will result in prejudice to the substantive rights of the litigants. This is not exactly true; the concept is much misunderstood. As a matter of fact, the policy of the courts is to give both kinds of law, as complementing each other, in the just and speedy resolution of the dispute between the parties. Observance of both substantive rights is equally guaranteed by due process, whatever the source of such rights, be it the Constitution itself or only a statute or a rule of court.
>
> . . .
>
> ". . . (T)hey are required to be followed except only when for the most persuasive of reasons they may be relaxed to relieve a litigant of an injustice not commensurate with the degree of his thoughtlessness in not complying with the procedure prescribed. x x x. While it is true that a litigation is not a game of technicalities, this does not mean that the Rules of Court may be ignored at will and at random to the prejudice of the orderly presentation and assessment of the issues and their just resolution. Justice eschews anarchy."

Reiterated in Lanzaderas v. Amethyst Security and General Services, Inc.: [36]

> . . . Although technical rules of procedure are not ends in themselves, they are necessary, however, for an effective and expeditious administration of justice. It is settled that a party who seeks to avail of certiorari must observe the rules thereon and non-observance of said rules may not be brushed aside as "mere technicality." While litigation is not a game of technicalities, and that the rules of procedure should not be enforced strictly at the cost of substantial justice, still it does not follow that the Rules of Court may be ignored at will and at random to the prejudice of the orderly presentation, assessment and just resolution of the issues. Procedural rules should not be belittled or dismissed simply because they may have resulted in prejudice to a party's substantial rights. Like all rules, they are required to be followed except only for compelling reasons.

Finally, on the issue of substance, a less stringent interpretation of the rules is not justified in the instant case which raises factual issues already passed upon by both the HLURB and the Office of the President. Findings of fact by administrative agencies are generally accorded great respect, if not finality, by the Court because of the special knowledge and expertise over matters falling under their jurisdiction.[37]

More, the title to the land of Ferreira has acquired the character of indeafeasibility having been registered under the Torrens system of registration. Once a decree of registration is made under the Torrens system, and the reglementary period has passed within which the decree may be questioned, the title is perfected and cannot be collaterally questioned later on.[38] To permit a collateral attack on his title, such as what petitioner now attempts, would reduce the vaunted legal indeafeasibility of Torrens Title to meaningless verbiage.[39] A Torrens Title cannot be collaterally attacked.[40] A direct attack against a judgment is made through an action or proceeding the main object of which is to annul, set aside, or enjoin the enforcement of such judgment, if not yet carried into effect; or, if the property has been disposed of, the aggrieved party may sue for recovery.[41] A collateral attack is made when, in another action to obtain a different relief, an attack on the judgment is made as an incident in said action.[42]

It has, therefore, become an ancient rule that 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 that purpose.[43]

Wherefore, premises considered, the instant petition is Denied. No costs.

SO ORDERED.

Austria-Martinez, (Acting Chairman), Callejo, Sr., and Tinga, JJ., concur.
Puno, (Chairman), J., on official leave.

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[1] Rollo, p. 49. Penned by Justice Roberto Barrios with Justices Artemon D. Luna and Demetrio G. Demetria, concurring.

[2] Rollo, p. 52.

[3] Decision of the Office of the President, Annex A, Rollo, p. 102.

[4] Annex "C", Rollo, p. 74.

[5] CA Rollo, Annex C, p. 9.

[6] Rollo, Annex C, pp. 144-149.

[7] Rollo, pp. 147-148.

[8] Section 21. Decision. – The HLA shall, as far as practicable, render his decision within 45 days after the submission of the case for resolution. The decision of the arbiter shall become final after fifteen days from receipt of copies thereof by the parties concerned. No motion for reconsideration from a decision of an arbiter shall be entertained. But if one is filed the same shall be treated as a petition for review of his decision by the Board of Commissioners.

[9] CA Rollo, Annex B-1.

[10] SECTION 22. Alteration of Plans. – No owner or developer shall change or alter the roads, open spaces, infrastructures, facilities for public use and/or other form of subdivision developments as contained in the approved subdivision plan and/or represented in its advertisements, without the permission of the Authority and the written conformity or subdivision.

[11] Rollo, pp. 142-143.

[12] Rollo, Memorandum for Petitioner, p. 274.

Section 22 of the 1987 Rules of Procedure of the HLURB provides:

Section 22. Petition for Review. – Any aggrieved party may, on any legal ground and upon payment of the review fee, file with the arbiter a petition for review of the latter's decision by the Board of Comissioners within 15 days from receipt thereof. Immediately thereafter the arbiter shall cause the elevation of the records to the Board of Commissioners through the Board Secretary. (HLURB Resolution No. R-391, Series of 1997)

[13] Penned by then Chief Presidential Legal Counsel Renato C. Corona, now Associate Justice of this Court.

[14] Rollo, pp. 102-108.

[15] CA Rollo, pp. 7-86.

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[16] CA Rollo, pp. 104-105.

[17] CA Rollo, pp. 104-105.

[18] CA Rollo, pp. 110-125.

[19] CA Rollo, pp. 127-136.

[20] CA Rollo, pp. 191-194.

[21] Rollo, pp. 193-194.

[22] Rollo, pp. 14-47.

[23] Rollo, pp. 169-173.

[24] Rollo, pp. 174-179.

[25] Rollo, p. 181.

[26] Rollo, pp. 182-189.

[27] Rollo, p. 194.

[28] Rollo, p. 280.

[29] SEC. 2. Form and contents. – The petition shall be filed in seven (7) legible copies, with the original copy intended for the court being indicated as such by the petitioner, and shall (a) state the full names of the parties to the case, without impleading the lower courts or judges thereof either as petitioners or respondents; (b) indicate the specific material dates showing that it was filed on time; (c) set forth concisely a statement of the matters involved, the issues raised, the specification of errors of fact or law or both, allegedly committed by the Regional Trial Court, and the reasons or arguments relied upon for the allowance of the appeal; (d) be accompanied by clearly legible duplicate originals or true copies of the judgments or final orders of both lower courts, certified correct by the clerk of court of the Regional Trial Court, the requisite number of plain copies thereof and of the pleadings and other material portions of the record as would support the allegations of the petition.

The petitioner shall also submit together with the petition a certification under oath that he has not theretofore commenced any other action involving the same issues in the Supreme Court, the Court of Appeals or different divisions thereof, of any other tribunal or agency; if there is such other action or proceeding, he must state the status of the same; and if he should thereafter learn that a similar action or proceeding has been filed or is pending before the Supreme Court, the Court of Appeals, or different divisions thereof, or any other tribunal or agency, he undertakes to promptly inform the aforesaid courts and other tribunal or agency thereof within five (5) days therefrom.

[30] G.R. No. 131214, 27 July 2000, 391 Phil 370, cited in Vicar International v. FBI Leasing, G.R. No. 157195, 22 April 2005 both penned by J. Artemio Panganiban.

[31] G.R. No. 134049, 17 June 2004, 432 SCRA 360

[32] Sections 7 and 8, Rule 43, Rules of Court.

[33] Penned by Justice Romero G.R. No. 120105, 27 March 1998, 351 Phil. 507.

[34] Penned by Associate Justice Buena, G.R. No. 138270, 28 June 2001, 360 SCRA 173, 181.

[35] G.R. No. 117209, 09 February 1996, 253 SCRA 509, 530-531.

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[36] G.R. No. 143604, 20 June 2003, 404 SCRA 505, 513.

[37] JMM Promotions and Management, Inc. v. Court of Appeals, G.R. No. 139401, 02 October 2002, 390 SCRA 223; Arc-Men Food Industries Corporation v. NLRC, G.R. No. 127086, 22 August 2002, 387 SCRA 560; Camacho v. Coresis, Jr., G.R. No. 134372, 22 August 2002, 387 SCRA 628.

[38] Abad v. Government of the Philippines, 103 Phil. 247 (1958).

[39] Tichangco v. Enriquez, G.R. No. 150629, 30 June 2004, 433 SCRA 324, 337.

[40] . . . [A] decree of registration and the certificate of title issued pursuant thereto may be attacked on the ground of actual fraud within one (1) year from the date of its entry. Such an attack must be direct and not by a collateral proceeding (Section 48, P.D. 1526; Legarda, et al. v. Saleeby, 31 Phil. 590; Ybañez v. Intermediate Appellate Court, 1991, 194 SCRA 743, 749). The validity of the certificate of title in this regard can be threshed out only in an action expressly filed for the purpose (Venancia Magay v. Eugenio Estiandan, G.R. L-28975, 27 February 1976, 69 SCRA 48; Ybañez v. Intermediate Appellate Court, supra).

[41] El Banco Español-Filipino v. Palanca, etc., 1918, 37 Phil. 921.

[42] Noblejas and Noblejas, Registration of Land Titles and Deeds (1992 Revised Ed).

[43] Halili v. Court of Industrial Relations, G.R. No. 24864, 30 May 1996, 257 SCRA 174, 184; Hemedes v. Court of Appeals, 316 SCRA 347; Cruz v. Court of Appeals, 281 SCRA 491; Payongayong v. Court of Appeals, G.R. No. 144576, 28 May 2004, 430 SCRA 210; Baloloy v. Hular, G.R. No. 157767, 09 September 2004, 438 SCRA 80.

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