

JOSE MARGATE, APPLICANT AND APPELLEE VS. JULIA RABACAL AND HER MINOR CHILDREN, JESUS, CORAZON, JULIO, FE, HELEN, RAMON AND ELI, ALL SURNAMED BERINA, OPPOSITORS AND APPELLANTS.*G.R. No. 14302. April 30, 1963*

Ponente: PAREDES, J.

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This is an application for the registration of a residential land, with a house, containing an area of 463 square meters, situated in the barrio of San Miguel, Iriga, Camarines Sur, more particularly described in plan PSU 123636, (Exh. A), and in the technical description (Exh. 4), by Jose Margate who claims to have purchased the property from Julia Rabacal, for P4,000.00. An order of general default was entered against the whole world, with the exception of the Director of Lands who did not file any formal opposition, and Julia Rabacal and her minor children who opposed the application, on the ground that the property was under guardianship proceedings when sold; that the sale was not authorized by the court; that the purchase price of P4,000.00 was not fully paid, as there was a remaining balance of P500.00 and that the market price of the lot and house was P10,000.00. After due hearing, the registration court, confirmed the title of the applicant to the parcel of land in question, and ordered that the same be registered in the name of Jose F. Margate, widower, citizen of the Philippines, with residence at Iriga, Camarines Sur, and that once the decision has become final, the decree and title thereof issue. Oppositors appealed to the Court of Appeals which certified the case to Us, stating that the issues involved are purely legal in character.

As found by the registration court, the parcel of land and house, in question, originally belonged to Francisco Vela who was in possession thereof as early as 1889. After his death in 1903, he was succeeded by Pedro Evangelista, who purchased the land. Evangelista later sold the land to Valentin Magistrado, who possessed it until he sold the same to a certain Tinay, mother-in-law of Vicente Brinas who built a house thereon and possessed the land until he, sold it to Dr. Julio Berina. Dr. Julio Berina died on October 15, 1945, survived by his widow, Julia Rabacal and his minor children Jesus, Corazon, Julio, Fe, Helen, Ramon and Ely, all surnamed Berina, the oppositors herein.

In 1946, Julia Rabacal filed a petition for the appointment of a guardian of the persons and properties of the minor children of Dr. Berina, which petition was amended on June 3, 1946 (Exhibit 1). Julia Rabacal was appointed guardian of her minor children and letters of guardianship was issued in her favor (Exh. 5). On March 16, 1948, a petition (Exh. B), was filed by the guardian, Julia Rabacal, alleging that it was necessary to sell parcel 4 of the inventory (Exh. 6), in order to defray the expenses in the prosecution of Civil Case No. 919 and for the support and education of the wards. This petition was approved by the court, in its order of May 23, 1948, authorizing the guardian to sell the residential lot and its improvements.

Applicant Jose F. Margate, who was then intending to buy a house and lot of one Mr. Brown, happened to meet

Julia Rabacal who offered to sell to him the residential lot in question, for P5,000.00. After negotiations, the parties agreed on the selling price of P4,000.00. After the agreement, Rabacal began getting money from Margate, such that when Rabacal secured the authority to sell, (Exh. C) from the court, she had already obtained from Margate the sum of P500.00, and after having secured the order of authority to sell, Rabacal showed to Margate a copy of the order. On May 27, 1948, a deed of sale was executed by Julia Rabacal, acknowledged before a Notary Public, Jose Madara, selling the land in question to Margate for P4,000.00 (Exh. D), on which date Margate paid the balance of P3,500.00 to Rabacal. At the time the house was already in a ruinous condition, because the typhoon Jean, and for the repair and improvement of the same, Margate spent around P6,000.00.

On the allegation of Rabacal that Margate had still a balance of P500.00 unpaid of the purchase price, the trial court held that Rabacal and her evidence do not deserve any credence, after the said court had found that she had deliberately deceived the court in the guardianship proceedings. The trial court declared that notwithstanding the fact that Rabacal had sold parcel 4 of the inventory, and executed a deed of sale on May 17, 1948 (Exh. D), Rabacal still filed Exh. 3, in the guardianship proceedings, asserting that despite her efforts, she was unable to find a buyer for said parcel of land. The trial court concluded that if it is true that Margate lacked P500.00 or more, Rabacal would have taken action against him, considering the fact that from 1948 (date of sale), to the filing of her amended opposition in this registration proceeding (1953), nearly 5 years had already elapsed.

Oppositors-appellants claim that the registration court erred (1) in holding that the deed of sale Exh. A, is valid; (2) In ordering the registration of the property, in applicant's name; (3) In not dismissing the application for lack of merits; and (4) In not ordering the registration of the property in the name of the oppositors.

Appellants argue that the deed of sale (Exh B), executed by the guardian, Julia Rabacal in favor of applicant, had no binding effect, because the authority to sell was cancelled and the sale was not approved by the guardianship Court. As appropriately commented by the trial court, the cancellation of the authority to sell did not, and could not affect, the rights of the buyer, because "at the time that the order cancelling the authority to sell was entered, the guardian Julia Rabacal, had already acted in accordance with authority Exhibit C, and sold the land to Jose F. Margate. The authority of the Court had already been exhausted, after it was fulfilled by the guardian, and there was nothing to cancel. Moreover, the cancellation of the order to sell, was entered by the Court due to the deception of the guardian, who informed the Court that she could not find any buyer of parcel 4 of the inventory. If the court had been informed of the sale, the court would certainly not have revoked the authority. Moreover, the revocation was entered without notice to the purchaser Jose F. Margate". The persuasiveness of these disquisitions, cannot be over emphasized. With respect to the lack of approval of the sale by the court, His Honor held that the law merely requires that the guardian should be authorized, and that the authority to sell did not impose the condition that the deed of sale executed by the guardian should be approved by the Court. The approval of the sale by the court, under the facts and circumstances obtaining in this case, would then be merely pro-forma, since the appellants were not able to show any reason why the guardianship court would have refused to approve the sale which was already a *fait accompli* and within the authority given by said court.

The appellants should be the last to impugn the lack of approval of the sale. The defect was not substantial so as to render the sale invalid or void. Being the petitioners-vendors in Exhibit B, appellants cannot validly attack the proceedings had in the sale, on certain formal technicalities, considering the fact that they were the very persons who requested, obliged and prayed the court in the guardianship proceedings to approve the said sale, and that they had derived the utmost advantage and benefit out of the proceeds thereof. They are now estopped from asserting a fact inconsistent with their previous acts.

In the original and amended oppositions, the land and house were admittedly the conjugal property of the deceased Dr. Julio Berina and herein oppositor Julia Rabacal. Upon the death of Dr. Berina on October 15, 1945,

said properties descended to the surviving spouse Julia Rabacal and his minor children. Under the old Civil Code (whose provisions should apply), Julia Rabacal was entitled to one-half (1/2) as her share in the conjugal property. This being the case, at least, the one-half portion belonging to her which was included in the sale of the entire property to the appellee, could stand as legal and valid. In her behalf, she could dispose of her share, even without the benefit of judicial approval—which merely goes to show that, the sale of the entire or whole property in question, was not altogether null and void.

The rules alleged to have been violated, (Secs. 2, 3 and 4, of Rule 96, Rules of Court) refer to the proceedings in the guardianship court and not to the proceedings in the registration court, where the Registration Law (Act No. 496), specifically provides the procedure to be followed, in the event the parties in a registration case desire to have the decision thereof reviewed. The present appeal does not allege fraud in the registration. Moreover, there being a presumption that the sale in question is valid, the same can not be attacked collaterally in the registration proceedings. Appellants should have filed a separate action to avoid or rescind the said sale, on the ground specified by law.

In view hereof, the decision appealed from is affirmed, with costs against the appellants.

Bengzon, C. J., Bautista Angelo, Labrador, Dizon, Regala, and Makalintal, JJ., concur. Conception and Barrera, JJ., concur in the result.

Judgment affirmed.

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