

HEIRS OF EUGENIO LOPEZ, SR., PETITIONERS, VS. HON. ALFREDO R. ENRIQUEZ, IN HIS CAPACITY AS ADMINISTRATOR OF THE LAND REGISTRATION AUTHORITY AND THE REGISTER OF DEEDS OF MARIKINA...

G.R. NO. 146262. January 21, 2005

Ponente: CARPIO, J.

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CARPIO, J.:

The Case

This is a petition for review[1] to reverse the Decision[2] dated 29 November 2000 of the Court of Appeals (“appellate court”) in CA-G.R. SP No. 55993. The appellate court affirmed the Resolution[3] dated 21 May 1999 issued by the Land Registration Authority (“LRA”) in Consulta No. 2879. The LRA ruled that a notice of lis pendens based on a motion is not registrable.

The Facts

Alfonso Sandoval (“Sandoval”) and Roman Ozaeta, Jr. (“Ozaeta”) filed an application for registration of title before the Regional Trial Court of Pasig City, Branch 152 (“land registration court”), docketed as Case No. 2858, Land Registration Case No. N-18887 (“LRC No. N-18887”). The land registration court issued an order of general default and hearings on the application followed. On 31 May 1966, the land registration court granted the application. The decision became final and executory, and the land registration court issued a certificate of finality dated 8 March 1991.[4]

The National Land Titles and Deeds Administration (now LRA) issued on 20 October 1977 Decree Nos. N-217643 and N-217644 in the names of Sandoval and his wife Rosa Ruiz, and Ozaeta and his wife Ma. Salome Lao.[5]

On 16 July 1997, petitioners Eugenio Lopez, Jr., Manolo Lopez, Oscar Lopez, and Presentacion L. Psinakis (“petitioners”), heirs of Eugenio Lopez, Sr., filed a motion[6] in LRC No. N-18887. The motion alleged that Sandoval and Ozaeta sold the lots subject of the application to the late Eugenio Lopez, Sr. on 23 September 1970. Petitioners prayed that the court consider in the land registration case the Deed of Absolute Sale[7] over the lots executed by Sandoval and Ozaeta and their respective spouses in favor of Eugenio Lopez, Sr. Invoking Section 22 of Presidential Decree No. 1529 (“PD 1529”),[8] petitioners also prayed that the court issue the decree of registration in their names as the successors-in-interest of Eugenio Lopez, Sr.

The land registration court gave due course to the motion and conducted hearings.[9]

The Register of Deeds of Marikina City issued the corresponding OCT Nos. O-1603 and O-1604 in favor of Sandoval and Ozaeta and their spouses only on 18 August 1998.[10] The pertinent entries[11] in the Decrees read:

This Decree is issued pursuant to the Decision dated 31st day of May, 1966 of the Hon. Pedro C. Navarro,

Judge of [Court of First Instance of Rizal, Branch II, Pasig, Rizal], and the Honorable Briccio C. Ygaña, this 3[rd] day of July, 1998.

Issued at the National Land Titles and Deeds Registration Administration, Quezon City, this 20[th] day of October, in the year of Our Lord nineteen hundred and ninety-seven at 8:01 a.m.

(signed)

ALFREDO R. ENRIQUEZ

ADMINISTRATOR

National Land Titles and Deeds

Registration Administration

Entered in the "Registration Book" for Marikina, pursuant to the provisions of section 39 of PD No. 1529, on the 18[th] day of August nineteen hundred and ninety-eight, at 1:16 p.m.

(signed)

EDGAR D. SANTOS

Register of Deeds (Emphasis added)

Petitioners filed another motion on 25 November 1998 to declare void Decree Nos. N-217643 and N-217644 and Original Certificate of Title ("OCT") Nos. O-1603 and O-1604. Petitioners pointed out that the OCTs show that incumbent Administrator Alfredo R. Enriquez signed the Decrees on 20 October 1997, before he assumed office on 8 July 1998 and even before Hon. Briccio C. Ygaña issued the Order of 3 July 1998.[12]

Petitioners questioned the inconsistencies in the dates and requested the LRA to recall the decrees. The LRA Administrator denied the request and explained the inconsistencies in the dates in a letter[13] dated 1 December 1998. The entire letter states:

Republic of the Philippines
Department of Justice
LAND REGISTRATION AUTHORITY
Quezon City

1 December 1998

Atty. Crisostomo A. Quizon
Quiason Makalintal Barot Torres & Ibarra Law Offices
2nd Floor Benpres Building
Exchange Road corner Meralco Ave.
Ortigas Center, Pasig City

Sir:

This concerns your letter requesting the recall of Decree Nos. N-217643 and N-217644 issued in Land Registration Case No. N-2858, LRC Record No. N-18887, both in the names of Alfonso Sandoval and his wife, Rosa Ruiz, and Roman Ozaeta, Jr., and his wife, Ma. Salome Lao.

Records of this Authority show that aforesaid decrees of registration were prepared on October 20, 1977 pursuant to the decision of the court dated May 31, 1966 and the order for issuance of decree dated August 24, 1993. Said decrees were forwarded to the Office of the Administrator on August 8, 1998 and was [sic] released therefrom on August 13, 1998. Consequently, said decrees were signed sometime between August 8 and 13 1998 and definitely not on October 20, 1997 as what is reflected thereon because the undersigned Administrator assumed office only on July 8, 1998. Apparently, at the time the decrees were signed it was not

noticed, through oversight, that they were dated October 20, 1977. It is therefore hereby clarified that Decree Nos. N-217643 and N-217644 were actually issued sometime between August 8 and 13 1998 and not on October 20, 1997.

Regarding the claim that these decrees were prematurely issued as the motion for the issuance of the decrees in favor of the Heirs of Eugenio Lopez, the properties involved having been sold to him by the applicants, is still pending with the court, it is informed that no copy of said motion nor of the order directing this Office to comment thereon appears on file in the records of the case. Hence, these matters could not have been taken into consideration in the issuance of the decrees. Had the Administration been apprised of these incidents, perhaps the issuance of the decrees could have been held in abeyance until the court has resolved the same.

As to the recall of the decrees of registration, we regret to inform you that since the certificates of title transcribed pursuant to said decrees have already been issued and released by the Registrar of Deeds concerned, it is now beyond our authority to recall them unless duly authorized by the court.

We hope that we have satisfactorily disposed of the concerns raised in your letter.

Very truly yours,

(signed)
ALFREDO R. ENRIQUEZ
Administrator

On 25 November 1998, petitioners filed with the Register of Deeds of Marikina City an application to annotate the notice of lis pendens at the back of OCT Nos. O-1603 and O-1604 on the ground that petitioners have filed with the land registration court a motion to declare OCT Nos. O-1603 and O-1604 void.[14] Petitioners attached to the application a copy of the 25 November 1998 motion and the pertinent OCTs.

In a letter[15] dated 15 December 1998, the Register of Deeds of Marikina City denied the application to annotate the notice of lis pendens. The entire letter states:

Republic of the Philippines
Department of Justice
LAND REGISTRATION AUTHORITY
Registry of Deeds, Marikina City

15 December 1998

Atty. Crisostomo A. Quizon
2nd Floor, Benpres Bldg.
Exchange Road cor. Meralco Avenue
Pasig City

Sir:

This is in connection to [sic] your application to have a Notice of Lis Pendens [annotated] at the back of OCT Nos. O-1603 and O-1604 issued in the name of ALFONSO SANDOVAL AND SPOUSE.

Pursuant to Sec. 76, PD No. 1529[,] the contents of the notice are the name[s] of the parties, the court where the action is pending, the date the action was instituted and a copy of the complaint [sic] in order to determine if the person named in the title is impleaded.

We regret to inform you that the application, bereft of the original petition or complaint [sic] upon which this office will base its action, is DENIED.

If you do not agree with our findings, you can, without withdrawing the documents you submitted, elevate the matter en consulta five (5) days from receipt hereof to the Office of the Administrator, Land Registration Authority, East Avenue cor. NIA Road, Quezon City.

Very truly yours,

(signed)

EDGAR D. SANTOS

Register of Deeds

On 14 January 1999, three days after receipt of the letter, petitioners elevated the denial in consulta to the LRA. The case was docketed as Consulta No. 2879.

The Ruling of the Land Registration Authority

In its resolution[16] dated 21 May 1999, the LRA stated that the sole question for resolution is whether a notice of lis pendens is registrable based on a motion to declare void the decrees and titles. The LRA agreed with the Register of Deeds that a notice of lis pendens based on a motion is not registrable. Relying on Section 24, Rule 14 of the Rules of Court, the LRA ruled that only a party to a case has the legal personality to file a notice of lis pendens relative to the pending case.

The LRA focused on petitioners' standing in LRC No. N-18887. The LRA declared that petitioners are not parties in LRC No. N-18887. Since a land registration case is a proceeding in rem, an order of general default binds the whole world as a party in the case. Petitioners are mere movants whose personality the court has not admitted. Based on Section 26 of PD 1529, the LRA ruled that petitioners should have filed a motion to lift the order of general default. Pertinent portions of the LRA decision read:

Until and after the Order of General Default in LRC Case No. 18887 is lifted, petitioners cannot be clothed with personality as oppositors in said land registration case by merely filing a motion after a judgement has been rendered. Such being the case, a notice of lis pendens on the basis of the motion filed by petitioners cannot be admitted for registration. To rule otherwise would preempt the judgment of the Court in so far as the personalities of the movants as oppositors in the land registration case is concerned.

WHEREFORE, premises considered, this Authority is of the opinion and so holds that the notice of lis pendens is not registrable.

SO ORDERED.[17]

The Ruling of the Court of Appeals

Undaunted, petitioners filed before the appellate court a petition for review of the LRA's decision. Petitioners filed the petition on the ground of manifest error and grave abuse of discretion on the part of the LRA Administrator when he ruled in Consulta No. 2879 that the notice of lis pendens is not registrable.

The appellate court dismissed the petition for lack of merit. The appellate court reiterated the LRA's ruling that only a party to a case has the legal personality to file a notice of lis pendens. Petitioners have no legal personality because they failed to file a motion to lift the order of general default in the land registration case.

Issues

Petitioners present the following issues for resolution of this Court:

- WHETHER PETITIONERS' MOTION TO DECLARE VOID THE DECREES ISSUED BY THE LAND REGISTRATION AUTHORITY IS A PROPER BASIS FOR FILING THE NOTICE OF LIS PENDENS, and

- WHETHER PETITIONERS CAN FILE THE MOTION TO DECLARE VOID THE DECREES ISSUED BY THE LAND REGISTRATION COURT IN LRC CASE NO. N-18887 DESPITE THE FACT THAT THE COURT HAS NOT LIFTED THE GENERAL ORDER OF DEFAULT.[18]

The Ruling of the Court

The petition has no merit.

We agree with the observation of the appellate court that the pleadings filed by petitioners, public respondents and the Office of the Solicitor General cite “more or less the same provisions of the laws as applicable in support of their respective contentions but differ x x x only with respect to their interpretation thereof.”[19] With this observation in mind, we quote the pertinent provisions of the 1997 Rules of Civil Procedure and of PD 1529.

Section 14, Rule 13 of the 1997 Rules of Civil Procedure provides:

SECTION 14. Notice of lis pendens. – In an action affecting the title or the right of possession of real property, the plaintiff and the defendant, when affirmative relief is claimed in his answer, may record in the office of the registry of deeds of the province in which the property is situated a notice of the pendency of the action. Said notice shall contain the names of the parties and the object of the action or defense, and a description of the property in that province affected thereby. Only from the time of filing such notice for record shall a purchaser, or encumbrancer of the property affected thereby, be deemed to have constructive notice of the pendency of the action, and only of its pendency against the parties designated by their real names.

The notice of lis pendens hereinabove mentioned may be cancelled only upon order of the court, after proper showing that the notice is for the purpose of molesting the adverse party, or that it is not necessary to protect the rights of the party who caused it to be recorded.

Section 76 of PD 1529 states:

SECTION 76. Notice of lis pendens. – No action to recover possession of real estate, or to quiet title thereto, or to remove clouds upon the title thereof, or for partition or other proceedings of any kind in court directly affecting the title to land or the use or occupation thereof or the buildings thereon, and no judgment, and no proceeding to vacate or reverse any judgment, shall have any effect upon registered land as against persons other than the parties thereto, unless a memorandum or notice stating the institution of such action or proceeding and the court wherein the same is pending, as well as the date of the institution thereof, together with a reference to the number of the certificate of title, and an adequate description of the land affected and the registered owner thereof, shall have been filed and registered.

Notice of Lis Pendens

Lis pendens literally means a pending suit. The doctrine of lis pendens refers to the jurisdiction, power or control which a court acquires over property involved in a suit, pending the continuance of the action, and until final judgment.[20]

The purposes of lis pendens are (1) to protect the rights of the party causing the registration of the lis pendens, and (2) to advise third persons who purchase or contract on the subject property that they do so at their peril and subject to the result of the pending litigation.[21]

The filing of a notice of lis pendens has a two-fold effect. First, it keeps the subject matter of the litigation within the power of the court until the entry of the final judgment to prevent the defeat of the final judgment by successive alienations. Second, it binds a purchaser, bona fide or not, of the land subject of the litigation to the judgment or decree that the court will promulgate subsequently. However, the filing of a notice of lis pendens does not create a right or lien that previously did not exist.[22]

Without a notice of lis pendens, a third party who acquires the property after relying only on the certificate of title is a purchaser in good faith. Against such third party, the supposed rights of a litigant cannot prevail, because the former is not bound by the property owner's undertakings not annotated in the transfer certificate of title.[23] Thus, we have consistently held that —

The notice of lis pendens x x x is ordinarily recorded without the intervention of the court where the action is pending. The notice is but an incident in an action, an extrajudicial one, to be sure. It does not affect the merits thereof. It is intended merely to constructively advise, or warn, all people who deal with the property that they so deal with it at their own risk, and whatever rights they may acquire in the property in any voluntary transaction are subject to the results of the action, and may well be inferior and subordinate to those which may be finally determined and laid down therein. The cancellation of such a precautionary notice is therefore also a mere incident in the action, and may be ordered by the Court having jurisdiction of it at any given time. And its continuance or removal x x x is not contingent on the existence of a final judgment in the action, and ordinarily has no effect on the merits thereof.[24]

A notice of lis pendens may involve actions that deal not only with title or possession of a property, but also with the use or occupation of a property.[25] The litigation must directly involve a specific property which is necessarily affected by the judgment. *Magdalena Homeowners Association, Inc. v. Court of Appeals*[26] enumerated the cases where a notice of lis pendens is appropriate:

[A] notice of lis pendens is proper in the following cases, viz:

- a) An action to recover possession of real estate;
- b) An action to quiet title thereto;
- c) An action to remove clouds thereon;
- d) An action for partition; and
- e) Any other proceedings of any kind in Court directly affecting the title to the land or the use or occupation thereof or the buildings thereon.

On the other hand, the doctrine of lis pendens has no application in the following cases:

- a) Preliminary attachments;
- b) Proceedings for the probate of wills;
- c) Levies on execution;
- d) Proceedings for administration of estate of deceased persons; and
- e) Proceedings in which the only object is the recovery of a money judgment.[27]

As decreed by Section 76 of PD 1529, a notice of lis pendens should contain a statement of the institution of an action or proceeding, the court where the same is pending, and the date of its institution. A notice of lis pendens should also contain a reference to the number of the certificate of title of the land, an adequate description of the land affected and its registered owner.

The Register of Deeds denied registration of the notice of lis pendens because “the application was bereft of the original petition or complaint upon which this office will base its action.”[28] In consulta to the LRA, petitioners pointed out that they have complied with the requirements for the registration of the notice of lis pendens, as follows:

7.2.1 The Notice of Lis Pendens contains a statement of the filing by the Heirs of Eugenio Lopez of a motion to declare Original Certificates of Title Nos. O-1603 and O-1604 null and void;

7.2.2 It contains the name of the court wherein the motion is pending which is “the registration court, Regional Trial Court, Branch 152, Pasig City.” The date of the filing of the motion is shown on the motion itself

wherein the receipt of said motion by the land registration court on November 25, 1998 is duly stamped;

7.2.3 The numbers of the Original Certificates of Title Nos. O-1603 and O-1604 are clearly indicated in the notice;

7.2.4 There is adequate description of the land affected in the Notice of Lis Pendens;

7.2.5 The names of the registered owners are indicated in Paragraph 4 of the Motion attached to the Notice;

7.2.6 A copy of the motion to declare OCT Nos. O-1603 and O-1604 null and void, dated November 25, 1998 upon which the Register of Deeds of the Province of Rizal will base its action is attached as Annex "A" of the Notice of Lis Pendens. (Emphasis in the original)[29]

Petitioners' enumeration readily reveals that they have not complied with the requisites. Both the LRA and the appellate court denied the application for a notice of lis pendens because petitioners are mere movants, and not original parties, in LRC No. N-18887. As petitioners are not parties to an action as contemplated in Section 76 of PD 1529, they failed to present the requisite pleading to the Register of Deeds of Marikina City. We hold that the Register of Deeds correctly denied the application for a notice of lis pendens.

Reconveyance

Petitioners committed a fatal procedural error when they filed a motion in LRC No. N-18887 on 16 July 1997. The remedy of petitioners is an action for reconveyance against Sandoval, Ozaeta and their spouses. Reconveyance is based on Section 55 of Act No. 496, as amended by Act No. 3322, which states that "xxx in all cases of registration procured by fraud the owner may pursue all his legal and equitable remedies against the parties to such fraud, without prejudice, however, to the rights of any innocent holder for value of a certificate of title xxx."

An action for reconveyance is an action in personam available to a person whose property has been wrongfully registered under the Torrens system in another's name. Although the decree is recognized as incontrovertible and no longer open to review, the registered owner is not necessarily held free from liens. As a remedy, an action for reconveyance is filed as an ordinary action in the ordinary courts of justice and not with the land registration court.[30] Reconveyance is always available as long as the property has not passed to an innocent third person for value. A notice of lis pendens may thus be annotated on the certificate of title immediately upon the institution of the action in court. The notice of lis pendens will avoid transfer to an innocent third person for value and preserve the claim of the real owner.[31]

Necessity of a Motion to Lift the Order of General Default

In its comment,[32] the LRA states that under Section 26 of PD 1529 the order of default includes petitioners. Therefore, petitioners' failure to move to lift the default order did not give them standing in the case. As long as the court does not lift the order of general default, petitioners have no legal standing to file the motion to declare void the decrees of registration issued to the applicant. Section 26 of PD 1529 provides thus:

Sec. 26. Order of default; effect. – If no person appears and answers within the time allowed, the court shall, upon motion of the applicant, no reason to the contrary appearing, order a default to be recorded and require the applicant to present evidence. By the description in the notice "To All Whom It May Concern", all the world are made parties defendant and shall be concluded by the default order.

Where an appearance has been entered and an answer filed, a default order shall be entered against persons who did not appear and answer.

Petitioners' justification for filing a motion to annul the decrees and titles, as opposed to filing a motion to lift the

order of general default, rests on two related assumptions. First, with the filing of the 16 July 1997 motion and giving of due course to the motion by the land registration court, petitioners assert that they acquired legal standing in the registration proceedings. Second, buyer Eugenio Lopez, Sr. stepped into the shoes of the sellers-applicants Sandoval and Ozaeta when applicants sold the property to him. As successors-in-interest of the buyer, petitioners contend that they are not strangers to the proceedings.

To justify their two assumptions, petitioners traced the antecedent of Section 22 of PD 1529 to Section 29 of Act 496[33] and its judicial interpretation in *Mendoza v. Court of Appeals*. [34]

Section 22 of PD 1529 provides:

SECTION 22. Dealings with land pending original registration.—After the filing of the application and before the issuance of the decree of registration, the land therein described may still be the subject of dealings in whole or in part, in which case the interested party shall present to the court the pertinent instruments together with the subdivision plan approved by the Director of Lands in case of transfer of portions thereof, and the court, after notice to the parties, shall order such land registered subject to the conveyance or encumbrance created by said instruments, or order that the decree of registration be issued in the name of the person to whom the property has been conveyed by said instruments.

The pertinent portion of Section 29 of Act 496 provides:

SECTION 29. After the filing of the application and before the issuance of the decree of title by the Chief of the General Land Registration Office, the land therein described may be dealt with and instruments relating thereto shall be recorded in the office of the register of deeds at any time before issuance of the decree of title, in the same manner as if no application had been made. The interested party may, however, present such instruments to the Court of First Instance instead of presenting them to the office of the Register of Deeds, together with a motion that the same be considered in relation with the application, and the court, after notice to the parties shall order such land registered subject to the encumbrance created by said instruments, or order the decree of registration issued in the name of the buyer or of the person to whom the property has been conveyed by said instruments. x x x

Mendoza v. Court of Appeals[35] explains the procedure in cases of conveyance of the land subject of a registration proceeding by an instrument executed between the time of filing of the application for registration and the issuance of the decree of title.

The law does not require that the application for registration be amended by substituting the “buyer” or the “person to whom the property has been conveyed” for the applicant. Neither does it require that the “buyer” or the “person to whom the property has been conveyed” be a party to the case. He may thus be a total stranger to the land registration proceedings. The only requirements of the law are: (1) that the instrument be presented to the court by the interested party together with a motion that the same be considered in relation with the application; and (2) that prior notice be given to the parties to the case xxx.[36]

Petitioners also assert that they do not dispute the judgment of the land registration court. However, this position is in conflict with their 25 November 1998 motion to have the decree and the titles declared void. Petitioners now assume the roles of both successors-in-interest and oppositors. This confusion of roles brought about petitioners’ grave error in procedure.

The land registration court granted the application in LRC No. N-18887 on 31 May 1966 and issued a certificate of finality dated 8 March 1991. Petitioners filed their motion to consider the deed of sale in the registration on 16 July 1997. Petitioners filed their motion to have the decrees and the corresponding certificates of title declared void on 25 November 1998. Petitioners filed both motions long after the decision in LRC No. N-18887 became final and executory. Neither petitioners nor even the applicants from whom they base their claim presented the

Deed of Sale before the land registration court while the action was pending.

Considering the facts and arguments as presented above, we hold that the motion filed by petitioners is insufficient to give them standing in the land registration proceedings for purposes of filing an application of a notice of lis pendens. However, we disagree with the LRA and the appellate court's observation that petitioners need to file a motion to lift the order of general default. A motion to lift the order of general default should be filed before entry of final judgment. The land registration court granted the application for registration of title on 31 May 1966 and issued a certificate of finality on 8 March 1991. Petitioners filed their motion on 16 July 1997. Thus, even if petitioners filed a motion to lift the order of general default, the order of default could not be set aside because the motion was filed out of time.

In *Lim Toco v. Go Fay*,^[37] this Court explained the effect of an order of default to the party defaulted. A party declared in default loses his standing in court. As a result of his loss of standing, a party in default cannot appear in court, adduce evidence, be heard, or be entitled to notice. A party in default cannot even appeal from the judgment rendered by the court, unless he files a motion to set aside the order of default under the grounds provided in what is now Section 3, Rule 9 of the 1997 Rules of Civil Procedure.

Indeed, in its comment before this Court, the LRA stated thus:

Under Section 26, PD 1429, petitioners are deemed to have been included by the default order. Those who did not file an answer should be considered as having lost their standing in court from that stage (*Republic v. Dela Rosa*, 173 SCRA 12) except when they file a motion to set aside the order [of] default on the grounds mentioned in Section 3, Rule 18 of the Rules of Court (*Toco v. Fay*, 80 Phil. 166).

In land registration cases (as in the said LRC No. N-18887), an order of general default was deemed to have been issued based on the presumption of regularity in judicial proceedings (*Pascual, et al. v. Ortega, et al.*, 58 O.G. 12 March 1962 C.A.). Petitioners failed to adduce any evidence showing that the order of general default was lifted. Records disclosed that without first filing a motion to lift the order of general default, petitioners filed a motion to declare as null and void the decrees and titles. Until the order of general default is lifted by the court, petitioner could not be considered as a party to the action. They are deemed movants whose personality as far as the case is concerned is not yet admitted by the court considering that the order of default has not been lifted.^[38]

One should be careful, however, to distinguish between movants as mere interested parties prescribed under Section 22 of PD 1529 and movants as intervenors-oppositors to the land registration proceedings. It is only in the latter case that a motion to lift the order of general default is required. It is only in the latter case that the doctrine pronounced in *Serrano v. Palacio*,^[39] as repeatedly invoked by the LRA and OSG, is applicable:

x x x [P]etitioners committed an error of procedure when they filed a motion to intervene in the x x x land registration case for the proper procedure would have been for them to ask first for the lifting of the order of general default, and then, if lifted, to file an opposition to the application of the applicants. This is so because proceedings in land registration are in rem, and not in personam, the sole object being the registration applied for, and not the determination of any right not connected with the registration (*Estila vs. Alvero*, 37 Phil. 498).

Petitioners are not mere interested parties in this case. By filing their motion to have the decrees and the corresponding certificates of title declared void, they took the role of oppositors to the application for land registration.

The appellate court stated that "in as much as it would want to oblige to the plea of petitioners to hasten or expedite the proceedings and to avoid further expenses on the part of the petitioners, however[,] (it) could not."^[40] Indeed, it requires a delicate balancing act between the objective of the Rules of Court to secure a just,

speedy and inexpensive disposition of every action and proceeding^[41] and the strict requirements for a notice of lis pendens. The facts in this case show that petitioners have not complied with the requirements.

WHEREFORE, we DENY the petition. We AFFIRM the Decision of the Court of Appeals in CA-G.R. SP No. 55993 dated 29 November 2000.

SO ORDERED.

Quisumbing, (Acting Chairman), Ynares-Santiago, and Azcuna, JJ., concur.
Davide, Jr., C.J., (Chairman), on leave.

[1] Under Rule 45 of the 1997 Rules of Civil Procedure.

[2] Penned by Associate Justice Andres B. Reyes, Jr., with Associate Justices Cancio C. Garcia and Romeo A. Brawner, concurring.

[3] Penned by Hon. Alfredo R. Enriquez, Administrator of the Land Registration Authority.

[4] Rollo, p. 28.

[5] Ibid., pp. 35, 50, 54; CA Rollo, pp. 66-67.

[6] Rollo, pp. 42-45.

[7] Ibid., pp. 46-47. See also Rollo, pp. 52, 56, 234-235. The pertinent portion of the Deed of Absolute Sale states that Sandoval and Ozaeta warrant the “fil[ing] of the corresponding motion or manifestation in Land Reg. Case No. N-2858, LRC Rec. No. N-18887, Court of First Instance of Rizal, Alfonso Sandoval and Roman Ozaeta, Jr., Applicants, in order that the original certificates of title over the said property will issue directly in the name of EUGENIO LOPEZ, his heirs, administrators, or assigns.” However, Ozaeta later learned that their counsel, Atty. Tomas Trinidad, never filed the appropriate motion.

[8] Property Registration Decree.

[9] Rollo, p. 58.

[10] Ibid., pp. 50-57.

[11] Ibid., pp. 50, 54. OCT No. O-1604 was issued by the National Land Titles and Deeds Administration at 8:02 a.m.

[12] Ibid., pp. 58-60. See also CA Rollo, pp. 42-48.

[13] CA Rollo, pp. 66-67.

[14] Rollo, pp. 64-65.

[15] Ibid., p. 66.

[16] Ibid., pp. 73-75.

[17] Ibid., p. 75.

[18] See Ibid., p. 14.

[19] Ibid., p. 36.

[20] See 54 C.J.S. Lis Pendens §1 (1948).

[21] Viewmaster Construction Corp. v. Hon. Maulit, 383 Phil. 729 (2000) citing Nataño, et al. v. Esteban, et al., 124 Phil. 1067 (1966), Bisaya Land Trans. Co., Inc. v. Cuenco, 131 Phil. 627 (1968), and Heirs of Maria Marasigan v. Intermediate Appellate Court, No. L-69303, 23 July 1987, 152 SCRA 253.

[22] See Po Lam v. Court of Appeals, G.R. No. 116220, 6 December 2000, 347 SCRA 86 citing Somes v. Government of the Philippine Islands, 62 Phil. 432 (1935).

[23] See Viewmaster Construction Corp. v. Hon. Maulit, supra note 21 citing Pino v. CA, G.R. No. 94114, 19 June 1991, 198 SCRA 434, Dino v. Court of Appeals, G.R. No. 95921, 2 September 1992, 213 SCRA 422.

[24] Magdalena Homeowners Association, Inc. v. Court of Appeals, G.R. No. 60323, 17 April 1990, 184 SCRA 325 citing Heirs of Maria Marasigan v. Intermediate Appellate Court, No. L-69303, 23 July 1987, 152 SCRA 253 and Tanchoco v. Aquino, No. L-30670, 15 September 1987, 154 SCRA 1.

[25] Viewmaster Construction Corp. v. Hon. Maulit, supra note 21.

[26] Supra note 24.

[27] Amado D. Aquino, Land Registration and Related Proceedings 301 (1994).

[28] Rollo, p. 66.

[29] Ibid., pp. 69-70.

[30] See Casillan v. Espartero, et al., 95 Phil. 799 (1954).

[31] See Director of Lands, et al. v. Register of Deeds of Rizal, et al., 92 Phil. 826 (1953); Narciso Peña, Narciso Peña, Jr., and Nestor N. Peña, Registration of Land Titles and Deeds 132-134 (1994).

[32] Rollo, pp. 87-91.

[33] The Land Registration Act.

[34] No. L-36637, 14 July 1978, 84 SCRA 67.

[35] Ibid.

[36] Ibid.

[37] 80 Phil. 166 (1948).

[38] Rollo, p. 89.

[39] No. 15645-R, 31 August 1955, 52 O.G. 260.

[40] Rollo, p. 40.

[41] Section 6 of Rule 1, 1997 Rules of Civil Procedure.

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