HEIRS OF GREGORIO AND MARY VENTURANZA, PETITIONERS, VS. REPUBLIC OF THE PHILIPPINES, RESPONDENT.

G.R. No. 149122. July 27, 2007

Ponente: GARCIA, J.

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GARCIA, J.:

By this petition for review under Rule 45 of the Rules of Court, petitioners seek the reversal of the decision[1] dated January 31, 2001 of the Court of Appeals (CA) in CA-G.R. CV No. 38630, as reiterated in its resolution of March 22, 2001, denying the petitioners' motion for reconsideration. The assailed CA decision affirmed [and dismissed the appeal taken by the petitioners from] an earlier decision of the Regional Trial Court (RTC) of Iriga City, Branch 37, which ordered the cancellation of petitioners' Transfer Certificate of Title (TCT) No. 2574 and the reversion of the land covered thereby to the mass of the public domain, in a suit thereat commenced for the purpose by respondent Republic of the Philippines, originally against the spouses Gregorio Venturanza and Mary Edwards-Venturanza, predecessors-in-interest of the herein petitioners.

The petition traces its beginning from a complaint filed by the Republic of the Philippines, through the Office of the Solicitor General (OSG), in the RTC of Iriga City, thereat docketed as Civil Case No. IR-122 and raffled to Branch 37 thereof, against the Venturanza couple for the cancellation of their TCT No. 2574, covering a vast track of land with a combined area of 23,944, 635 square meters located at Buhi, Camarines Sur.

Reviewed, the records unfold the following facts and antecedents:

The title in question — TCT No. 2574 of the Registry of Deeds of Camarines Sur — was issued sometime in 1959 in the name of Gregorio Venturanza, married to Mary Edwards-Venturanza. The memorandum of registration shows that TCT No. 2574 was derived from TCT No. RT-40 (140), which is a reconstituted title issued to one Florencio Mora who sold the property therein described to Gregorio Venturanza in 1956 for P107,730.00. The same memorandum of registration, however, does not show when the land covered by TCT No. 2574 was originally registered and the other data were merely noted as (NA).

In 1964, GregorioVenturanza and the then Abaca Development Board entered into an agreement for purchase and sale of the property covered by TCT No. 2574, whereby the former agreed to convey the property to the latter, subject to the approval of the document of sale by the concerned government office. The final sale, however, did not materialize.

Meanwhile, it appears that in the course of the parties' negotiation for the sale of the property covered by the title in question, the government's negotiation committee assigned a deputy clerk of the Land Registration Commission (LRC) to verify the true copies of TCT No. 2574 in the name of Gregorio Venturanza.

Per verification, it was found out that Venturanzas' TCT No. 2574, was derived from TCT No. RT-40 (140) in the name of one Florencio Mora (Mora) which covers Lots 1, 2 and 3 of Plan RS-383-D containing a combined area of 23,944,635 square meters or 2,394 hectares, situated in the municipality of Buhi, Camarines Sur.

In turn, TCT No. RT-40 (140) appears to have been reconstituted from TCT No. 140 which was issued to one Sebastian Moll on June 7, 1928.

TCT No. 140, on the other hand, appears to be a transfer from Land Registration Case (LRC) No. 3480 issued to one Casimiro Natividad.

Upon further investigation, it was discovered that the land subject of LRC No. 3480, originally registered on July 28, 1911, covered a parcel of land consisting of only 451 square meters and situated in Tigaon, Camarines Sur.

In the report submitted by the LRC deputy clerk, the latter made a finding that the Venturanzas' TCT No. 2574, a direct transfer from TCT No. RT-40 (140) which was, in turn, derived from TCT No. 140, covers only a parcel of land with an area of 451 square meters and not 23,944,635 square meters or 2,394 hectares which practically comprise the entire Municipality of Buhi.

Such was the state of things when, sometime in 1965, in the then Court of First Instance (now RTC) of Camarines Sur, the Republic of the Philippines, through the OSG, filed a complaint for the Cancellation of Transfer Certificate of Title No. 2574 and the Reversion of the Land Described Therein to the Republic of the Philippines. Thereat originally docketed as Civil Case No. 5973, the complaint eventually became Civil Case No. IR-122 which was raffled to Branch 37 of the court.

On April 8, 1992, the trial court came out with its decision[2] ordering the annulment and cancellation of the Venturanzas' TCT No. 2574 and the reversion of the land covered thereby to the mass of the public domain. Dispositively, the decision reads:

> WHEREFORE, premises considered, judgment is rendered in favor of the Republic of the Philippines and against the defendants ordering the annulment of TCT No. 2574 in the name of Gregorio Venturanza, ordering the Register of Deeds of Camarines Sur to cancel said title, and reverting the land covered by the questioned title, except that which may have already been alienated by the proper authorities and lawfully passed to private ownership, to the public domain of the Republic of the Philippines, with costs against the defendants.
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> SO ORDERED.

In resolving the suit in favor of the Republic, the trial court principally anchored its judgment on the ground that the reconstituted title issued in the name of Florencio Mora could have been fraudulently secured, hence, does not legally exist. The court further ruled that since the reconstituted title issued to Florencio Mora is a nullity, then the order for its reconstitution did not attain finality and therefore may be attacked anytime.

Therefrom, the Venturanzas went on appeal to the CA in CA-G.R. CV No. 38630, arguing that Mora's reconstituted title from where their TCT No. 2574 was derived is already indefeasible on the ground that upon the lapse of one (1) year, the decision granting reconstitution of Mora's title becomes final. The Venturanzas also claimed that they are protected by law as buyers in good faith. Lastly, they argued that the Republic's action for the cancellation of TCT No. 2574 and the reversion of the land described therein to the mass of public domain was already barred by the decision of the CA in CA-G.R. No. 20681-R, entitled, Florencio Mora v. Venancio Infante, et al., which granted the petition for reconstitution of Mora's TCT No. RT-40 (140).

In the herein assailed decision dated January 31, 2001, the CA affirmed that of the trial court. With their motion for reconsideration having been denied by the CA in its resolution[3] of May 22, 2001, petitioners as successors-in-interest of the spouses Venturanza are now with this Court via the present recourse raising the same issues already passed upon by the appellate court.

We DENY.

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Petitioners maintain that under Section 112 of Act No. 496 (Land Registration Act), Mora's reconstituted TCT No. RT-40 (140) is already indefeasible the same having attained finality one (1) year after the CA granted its reconstitution in CA-G.R. No. 20681-R. Citing the second paragraph of Section 31 of P.D. No. 1529[4] which reads:

> The decree of registration shall bind the land and quiet title thereto, subject only to such exceptions or liens as may be provided by law. It shall be conclusive upon and against all persons, including the National Government and all branches thereof, whether mentioned by name in the application or notice, the same being included in the general description "to all whom it may concern",

petitioners contend that the two courts below were without authority to annul TCT No. 2574 issued in the name of Gregorio Venturanza.

Petitioners are wrong. Clearly, the provisions relied upon refer to original decrees of registration and not to orders of reconstitution. As it is, petitioners cannot even seek refuge in the Land Registration Act because the land covered by TCT No. 2574 had never been brought within the operation of said law. As correctly pointed out by the CA to which we are in full accord:

> xxx the Land Registration Act is not applicable considering that the land covered by TCT No. 2574 had never been within the operation of the Land Registration Act because of the irregularities attending the issuance of the reconstituted title. As found by the trial court:TCT No. RT-40 (140) supposedly reconstituted from TCT no. 140 in the name of Florencio Mora consists of 2,394 hectares supposedly situated in Buhi, Camarines Sur. It appears from the survey plan that the land was surveyed only in 11 days, which according to Engr. Antonio Rodriguez was quite impossible considering the rugged terrain and the mountainous features of the area. Moreover, it covers timberland.
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> Significantly, from the exhibits presented by the plaintiff it can be seen that the resurvey plan (Exh. A) shows that the survey of Lot Nos. 1, 2 and 3 was based on TCT No. 140 and it covered an area of 23,944,635 square meters and appeared to have been surveyed on January 20, to January 31, 1953 or a period of 11 days. Exh. "B" shows that the area supposedly covered by TCT 2574 is within the timberland, Project 12, Block B, L.C. 646 and Project 19, Block ALC 761, Exh. "C", the official map of Legaspi City shows that the land covered by TCT 140, which was issued on the basis of the resurvey (Exh. "A") is a land situated in Tigaon, Camarines Sur, while the land covered by TCT No. 40 (140) is a vast tract of land in Buhi, Camarines Sur; that it further appears that the lots covered by TCT No. 40 (140) were supposedly registered in GRLO Sp. Proceedings No. 112 with an area of 23,944,635 square meters but records of the LRC revealed that GRLO records No. 112 refers to a land registration case in Iloilo, and not in Camarines Sur. Exh "D" also shows that Mr. Florencio Mora had never applied for original registration of title covering a land in the municipality of Buhi, Camarines Sur, and that plan RS-383-D (without the suffix capital letter D) involving Lots 1 and 2 situated in the Municipality of Calawag, Quezon, was the subject of Land Registration Case No. 322, GRLO Record No. 13804 with Maximina Zepeda as applicant.
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> The stench of anomaly became at once pervading when we consider the evidence submitted by the plaintiff. The land practically covers the Municipality of Buhi and are being claimed and possessed by claimants, who appeared as intervenors in this case. The Venturanzas never materially and physically occupied the property because there are actual occupants and possessors. The Venturanzas only asserted ownership over the property in papers but not in physical possession.[5]

As a necessary consequence, no court could have ever acquired jurisdiction to order the reconstitution of Mora's TCT No. RT-40 (140) over the land which has never been originally registered. As aptly pointed out by the trial court:

> The evidence shows that TCT No. 2574, the title in question, derived its existence from RT-40 (140) in the

> name of Florencio Mora which was a reconstituted title based on TCT No. 140 allegedly obtained by Florencio Mora during the Japanese occupation. The records of the Register of Deeds of Camarines Sur, however, do not show how the land covered by TCT No. 140 supposedly in the name of Florencio Mora was registered. Neither is there a decree number, when said decree was entered, the OCT number or LRC Record Number. [6]

Corollarily, petitioners' argument that the Republic's action for the cancellation of TCT No. 2574 and the reversion of the land covered thereby to the State is barred by the decision of the CA in CA-G.R. No. 20681-R has no leg to stand on.

Aside from the fact that no court could have ever acquired jurisdiction to order the reconstitution of Mora's title over the property which has never been originally registered, the judgment in CA-G.R. No. 20681-R did not operate as res judicata which would bar the Republic's action because there was no identity of cause of action between CA-G.R. No. 20681-R and the instant case.

The issue in CA-G.R. No. 20681-R was whether or not Mora's evidence in Special Proceedings No. 674 and the procedures adopted by him for the reconstitution of certificate of title alleged to have been lost or destroyed were in conformity with the provisions of Republic Act No. 26. The questions of ownership and whether or not the property or portion thereof was registrable, being a timberland, were never put at issue in CA-G.R. No. 20681-R. Neither the non-existence of the original title from which Mora's TCT No. RT-40 (140) and petitioners' TCT No. 2574 were derived, nor the non-registrability of the timberland included in the area in question which constitute Republic's cause of action against the herein petitioners, were ever raised, much less, decided by the CA in CA-G.R. No. 20681-R.

Petitioners also claim that they are protected by law considering that they were buyers in good faith.

Again, this assertion is without basis considering that Mora's reconstituted TCT No. RT-40 (140), from where petitioners'TCT No. 2574 was derived, is void. The only way by which Mora could have acquired ownership over the subject parcels of land and validly transfer that ownership to the petitioners was for Mora to apply for their registration in his own name.

What makes petitioners' cause doubly undeserving of merit is the finding of the two courts below that the land subject matter of this case is part timberland,[7] a finding not even once disputed by petitioners. It is, thus, safe to conclude that the land subject of TCT No. 2574 could not have been registered in the name of petitioners or their predecessors-in-interest for the simple reason that under the Constitution, timberlands, which are part of the public domain, cannot be alienated.[8] A certificate of title covering inalienable lands of the public domain is void and can be cancelled in whosever hand said title may be found.[9] Thus, we have ruled that a certificate of title is void when it covers property of the public domain classified as forest or timber and mineral lands. And any title issued on non-disposable lands even if in the hands of alleged innocent purchaser for value, shall be cancelled.[10]

All told, the Court finds no reversible error in the assailed decision of the CA, affirming that of the trial court.

WHEREFORE, the instant petition is DENIED and the assailed decision of the CA is AFFIRMED.

No pronouncement as to costs.

SO ORDERED.

Puno, C.J., (Chairperson), Sandoval-Gutierrez, Corona, and Azcuna, JJ., concur.

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[1] Penned by Associate Justice Andres B. Reyes, Jr., with Associate Justices B.A. Adelfuin Dela Cruz (now ret.) and Rebecca De Guia-Salvador, concurring; rollo, pp. 38-45.

[2] Id. at 50-56.

[3] Id. at 48.

[4] Formerly Section 38 of Act No. 496.

[5] Rollo, pp. 40-41.

[6] Id. at 54.

[7] Original Records, p. 83.

[8] Sections 2 & 3, Article XII, 1987 Constitution.

[9] Lepanto Consolidated Mining Corporation v. Damyung, G.R. Nos. L-31666-68, April 30, 1979, 89 SCRA 532.

[10] Ledesma v. Municipality of Iloilo 49 Phil. 769 (1926).

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