

HEIRS OF THE LATE APOLINARIO FAMA (GABRIELA DE GUZMAN VDA. DE FAMA, MARIA FAMA-FLORENTIN, EMILIA FAMA-ESTEPA AND MARIA QUITO VDA. DE FAMA AND CHILDREN: VIRGILIO, ERNESTO, ROMEO,...

G.R. No. 151246. July 05, 2010

Ponente: VILLARAMA, JR., J.

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VILLARAMA, JR., J.:

On appeal is the Decision[1] dated November 28, 2001 of the Court of Appeals (CA) in CA-G.R. CV No. 58304 which reversed the October 6, 1997 Decision of the Regional Trial Court (RTC) of Agoo, La Union, Branch 31 in Civil Case Nos. A-424 and A-953 involving recovery of possession and quieting of title, respectively.

The instant case involves a seven (7)-hectare[2] portion of a fourteen (14)-hectare[3] parcel of land located in Pugo, La Union and includes the Ambangonan barrio site. The controversy is between the heirs of the registered owner (petitioners herein) and the occupants of the subject land (respondents) w(ho claim that they have been in possession of the subject land since time immemorial through their ancestors and predecessors-in-interest.

The records reveal that one (1) Fernando Nantes caused the surveying of the fourteen (14)-hectare parcel of land in connection with his application for the issuance of a free patent over the said land. He was issued Free Patent No. 6381 on November 1, 1918 and Original Certificate of Title (OCT) No. 470 on November 11, 1918[4] covering the whole fourteen (14)-hectare piece of land. In 1930, Fernando Nantes sold the lot to Rosendo Farales who in turn sold it in 1931 to Apolinario Fama, father of petitioners. OCT No. 470 was replaced by Transfer Certificate of Title (TCT) No. 257 in the name of Apolinario Fama.

In 1947, claiming that TCT No. 257 was lost, Maria Fama Florentin, Apolinario Fama's daughter and one (1) of the petitioners herein, petitioned for the reconstitution thereof.[5] In 1948, TCT No. RT-223 (257) was issued in the name of Apolinario Fama covering the entire fourteen (14)-hectare land. In the same year, Apolinario Fama passed away.

Then, sometime in 1950, Maria Fama Florentin filed before the Court of First Instance (CFI, now RTC) of La Union a case against one (1) Lazaro Galera, predecessor of one (1) of the respondents, to recover an 11,000-square meter portion of the fourteen (14)-hectare piece of land. Galera, however, claimed ownership of the land he was occupying, insisting that it was donated to him by his father in 1916 and that he and his father have been possessing it openly and continuously for more than sixty (60) years. He also contended that Fernando Nantes obtained title to the fourteen (14)-hectare property through fraud.

In a Decision[6] dated November 27, 1956, the CFI did not entertain Galera's claim of ownership and ruled that it was not proven during trial that Fernando Nantes employed fraud in securing his title. Even assuming that Galera and his predecessors-in-interest owned the land, they permitted the issuance of the free patent and the certificate of title without filing any protest or suing for its recovery.

Galera appealed the CFI decision to the Supreme Court, but the same was dismissed on June 30, 1962. The High Court held that the lower court's decision had already attained finality; thus, the issues litigated could not anymore be reopened.[7]

In 1972, petitioners sent demand letters to respondents to vacate, but their demand to vacate remained unheeded. Thus, in 1974, they filed a complaint for recovery of possession with damages against respondents before the CFI of Agoo, La Union. The case was docketed as Civil Case No. A-424.

Meanwhile, petitioners had caused the cancellation of TCT No. RT-223 (257) by virtue of an Extrajudicial Settlement,[8] and TCT No. T-13642[9] was issued in their names.

In their amended complaint,[10] petitioners alleged that sometime in 1937, respondents, without their consent, by means of force, intimidation, threat, strategy and stealth, entered the subject property, constructed their houses thereon and made beneficial use of the land by tilling it and then gathering and appropriating its fruits.

Respondents, for their part, countered that they are the real owners of the subject property. They claimed that they and their predecessors-in-interest have been in open, continuous, notorious, public and exclusive possession of the subject land for more than a century and since the creation of Ambangonan as a barrio. They also denied petitioners' allegations that demands were made upon them to vacate the property. They claimed that petitioners acquired TCT No. RT-223 (257) in bad faith because petitioners were fully aware that respondents were the owners and were in actual possession of the subject land. Respondents likewise alleged that the transfer to Apolinario Fama was void because it was made within the five (5)-year prohibitory period.

On August 12, 1984, the Sangguniang Bayan of Pugo, La Union, upon motion of one (1) of its members, respondent Melecio Garas, submitted to the RTC Resolution No. 47-84[11] requesting that Civil Case No. A-474 be resolved in favor of respondents. Annexed to the resolution is a Petition[12] signed by respondents requesting that the title in the name of petitioners be nullified and another survey be made to segregate from the original survey the Ambangonan barrio site and the rice paddies that their forefathers have made, both of which were covered by petitioners' title.

On September 12, 1984, respondents together with the Pugo School Corporation, Barangay Ambangonan, and the Municipal Government of Pugo filed with the RTC of Agoo, La Union a complaint[13] for quieting of title, partition and damages with prayer for preliminary injunction against petitioners. The case was docketed as Civil Case No. A-953. They alleged that since time immemorial Ambangonan has been occupied by cultural minorities among which were respondents' ancestors and predecessors and that at present, it is now under the open, continuous, notorious, public and exclusive possession of respondents.

They further claimed that Fernando Nantes and one (1) Cesaria Rivera resided only on the western portion of Ambangonan but fraudulently secured Free Patent No. 6381 covering not only the property they were possessing, but also the eastern portion owned and possessed by respondents' predecessors-in-interest. Respondents contended that their predecessors-in-interest were able to convince Nantes and Rivera to execute deeds of quitclaim covering the eastern portion and the same was duly annotated on OCT No. 470. Nantes therefore sold his one-half (1/2) portion to Rosendo Farales, and TCT No. 154 was issued. However, because there was no partition yet, the whole fourteen (14)-hectare property was registered in the names of Nantes and Farales under said title. Later, it was sold to Apolinario Fama. TCT No. 154 was cancelled and TCT No. 257 was issued to Apolinario Fama but still covering the whole fourteen (14)-hectare property.

In petitioners' answer,[14] they claim among others that they and their predecessors-in-interest validly acquired by purchase the subject property and that respondents have no rights over the subject property as their

predecessors-in-interest never owned any part thereof. Respondents' action is likewise barred by laches, prescription and estoppel.

By Order[15] dated November 12, 1984, Civil Case No. A-424 and Civil Case No. A-953 were consolidated.

During trial, testifying for and on behalf of petitioners was Maria Fama Florentin. She testified that she knows the respondents because they entered their fourteen (14)-hectare land in Pugo, La Union without her father's consent in 1937 and thereafter made some improvements on the subject land: a rice plantation, rice mills, fruit trees and houses. She, however, admitted that there were already houses in the area even prior to 1937 and that she was uncertain whether her father had filed a case against respondents.

On respondents' part, testimonies of the possessors/occupants of the subject land were presented. They were in unity in saying that they and their predecessors-in-interest have been in possession of the subject land for more than a century and have introduced improvements thereon, planted trees and tilled the land. They also presented vintage tax declarations, old receipts for payment of realty taxes due on the land, and road tax certificates all in their names and that of their predecessors-in-interest.

On October 6, 1997, the RTC of Agoo, La Union, Branch 31, rendered a Decision[16] in favor of petitioners. The fallo reads:

WHEREFORE, this Court renders judgment in favor of the registered owners, Fama's heirs, and against Garas, et al. ordering the defendants in Civil Case No. A-424 and those in present possession or occupation of any portion of the property described in TCT No. RT-223 (257), issued by the Register of Deeds of La Union (now TCT No. T-13642), without the consent of the Heirs of Apolinario Fama or any deed emanating from the Famas entitling possession or ownership, like a deed of sale or lease etc. to vacate the same, but with the right to dismantle or disassemble those structures they built within the said property. Government infrastructure projects or units and the community chapel presently existing thereon are excluded from this Order to vacate.

Civil Case No. A-953 is hereby DISMISSED.

x x x x

IT IS SO ORDERED.[17] (Underscoring in the original.)

The RTC gave preference to petitioners' title over the subject property and rejected respondents' claim of acquisitive prescription. It held that it was respondents who were guilty of laches and not petitioners. From the time the free patent was issued until the subject land was eventually placed under the Torrens system, respondents never made an adverse claim. If ever respondents or their ancestors had rights over the subject land, they slept on them, according to the court.

As to the government infrastructures, school buildings and chapel on the subject land, the RTC held that the petitioners probably did not object to their construction because their presence and existence would appreciate the value of the land. It ruled that it would be the height of injustice if the government would be punished and thus the portions occupied by said structures were ordered excluded from petitioners' ownership.

On appeal, the trial court's decision was reversed by the CA as follows:

WHEREFORE, the decision appealed from is hereby REVERSED and SET ASIDE insofar as Civil Case No. A-424 is concerned, and a new one entered dismissing the complaint for recovery of possession and directing the appellees to recognize the rightful possession of the following appellants over their occupied portions of the subject property:

1. Melecio Garas -

Orchard --- 1,080 sq.m.

Res. Lot --- 200 sq.m,

Total land area ---1.280 sq.m.

2. Lorenzo Bay-an

-

Unirrig. --- 4,212 sq.m.

Res. Lot -- 276 sq.m.

Total land area --- 4,488 sq.m.

3. Pablo Estrada

-

Orchard --- 174 sq.m.

Res. Lot ---100 sq.m.

Total land area --- 274 sq.m.

4. Juan Nantes

-

Res. Lot --- 400 sq.m.

Orchard ---560 sq.m.

Total land area --- 960 sq.m.

On the other,hand, let these cases be REMANDED to the court of origin for further presentation of evidence insofar as the following appellants/occupants are concerned;

- Lucas Abag
- Pedro Aspiras
- Urbana Bay-an
- Bernard Daoa (Dao-oa)
- Roberto Dulay
- Patricio Estoesta
- Bernardo Estrada
- Novato de Guzman
- Jose Lang-as (Lang-es)
- Sinfroso Lang-as (Lang-es)
- Catalina Lentino
- Felimon Masleg (Maslig; Maslog)

- Florentina Morales
- Rodolfo Morales
- Pedro Mapalo
- Ceferino Oribello
- Gregorio Piano
- Avelino Pio
- Felomina Torio

The following parties who have submitted no proof of occupancy may be allowed to prove their possession by themselves or through their predecessors-in-interest:

- Marcelino Abang
- Tranquilino Abang
- Pedro Aoas
- Julio Bay-an
- Juan Estoesta
- Jimmy Evangelista
- Artemio Galera
- Amalia Lang-as
- Diosdado Mazo
- Elpidio Molina
- Panfilo Molina
- EusebiaMi-ag
- Pantaleon Morales
- Pablito Rivera
- Maximo Torio
- Laviana Agojo
- Adriano Bentes
- Bintor Lang-es
- Domingo Lang-es
- Dianang Mapalo
- Ebeng Nantes
- Victoriano Nantes
- Arsenio Torio

- Tony Torio

The heirs of the following deceased parties may likewise be allowed to present further evidence on their alleged claim of ownership over certain portions of the subject property:

- Marcelo Bay-an

- Ambrocio Bastinga

- Faustino Balangtud

- Tuel

- Felix Daoa

- Pedro Baing (Baeng)

- Andres Mamatec

- Basilio Mapalo

- Eufemiano Sapioc

- Mercedes Yag-ao (Yog-an)

- Juan Baday

- Fernando Bay-an

The areas respectively occupied by the following may be determined:

- Roberto Mendoz

- Miguel Mapalo

- Sps. Jose Parocha & Faustina Bay-an

- Marcos Bactadan

The following appellants need to present evidence on their payment of taxes on the portions occupied by them, or such other proofs of occupancy as they may produce:

- Marcelino Lumaguey

- Tranquilino Abang

The spouses Pantaleon Morales and Florentina Nantes may be allowed to prove their payment of taxes on the 1,200-square-meter portion occupied by them.

Finally, the following who are not parties to these cases should not be allowed to present evidence, it appearing that they are likewise barred by laches:

- Fernando Amgao

- Eusebio Hiyag

- Faustino Bactadan

- Ang-cay

- Alfredo Agujos

- Rogelio Estoque
- Flaviana Gatchalian
- Ventura Lang-as (Lang-es)
- Alvaro Palabay

SO ORDERED.[18]

The CA ruled that respondents were able to prove by overwhelming evidence that they and their predecessors-in-interest have been in actual and adverse possession of the land even prior to the alleged possession and issuance of the title in favor of petitioners' predecessor-in-interest in 1918.

The CA also noted that petitioners failed to assert their right over the land and that they allowed more than four (4) decades to elapse before instituting an action for recovery of possession in 1974. They are therefore guilty of laches which bars them from recovering the possession of the subject land.

Aggrieved with the above ruling, petitioners filed the present petition arguing that the CA erred in:

- ... FINDING THAT THE RESPONDENTS HAVE PROVED THAT THEY AND THEIR PREDECESSORS-IN-INTEREST HAVE BEEN IN OPEN, CONTINUOUS, NOTORIOUS, EXCLUSIVE AND ACTUAL POSSESSION OF THE SUBJECT PROPERTY IN THE CONCEPT OF OWNERS EVEN PRIOR TO JANUARY 16, 1931 AND EARLIER.
- ... FINDING THAT THE CAUSE OF ACTION BY THE PETITIONERS IS BARRED BY LACHES.
- ... DISMISSING CIVIL CASE NO. A-424 (RECOVERY OF POSSESSION WITH DAMAGES) AND REMANDING CIVIL CASE NO. A-953 (QUIETING OP TITLE, PARTITION AND DAMAGES) FOR PRESENTATION OF ADDITIONAL EVIDENCE TO PROVE RESPONDENTS' POSSESSION AND OWNERSHIP OF THE PROPERTY SUBJECT OF THIS CASE.[19]

Petitioners argue that they are not guilty of laches as the elements of laches are wanting in the instant case. As borne out from the testimonies of respondents themselves, petitioners' predecessor-in-interest, Apolinario Fama, asserted his ownership over the subject property. He occupied it for more than thirty (30) years and later his heirs instituted a civil case against Lorenzo Galera in 1950. Petitioners also argue that they have continuously interrupted respondents' possession and thus, the respondents cannot claim that they were unaware of Fama's ownership over the subject land.

Petitioners further point out that even if the respondents entered the subject property prior to 1931, it should be emphasized that a free patent was already issued in 1918. Hence, no length of possession can ripen to ownership in favor of the respondents.

Lastly, petitioners argue that the old tax declarations shown by respondents do not prove their ownership of the subject property. Said tax declarations, though old, do not 'indicate if they refer to the property in question or if they pertain to property covered by petitioners' title.

Respondents for their part, counter that petitioners' filing of a civil case against Lorenzo Galera in 1950 did not interrupt their continuous possession. Petitioners are still guilty of laches, having waited more than four (4) decades before instituting an action against them, and though a Torrens title is indefeasible, a registered owner may lose his right to recover possession by reason of laches.

The issue in the main is: Will respondents' possession over the subject land prevail over petitioners' title?

We rule in the negative.

The Philippines first came under the Torrens System of Registration in 1902 by virtue of Act No. 496 or the Land Registration Act, the governing law at the time the subject land was first titled. The very purpose of the system of land registration under the Torrens system was to create an indefeasible title in the holder of the certificate. It was intended to free the land from all claims and liens of whatever character, which existed against the land prior to the issuance of the certificate of title, except those which are noted upon the certificate of title and certain other liens specially mentioned in the law, such as taxes, etc.[20] Once a title is registered, the owner may rest secure, without the necessity of waiting in the portals of the court, or sitting in the 'mirador de sit casa' to avoid the possibility of losing his land.[21]

It is not disputed that the subject land came under the Torrens System of Registration and a free patent and later a certificate of title were issued in favor of petitioners as early as 1918. Respondents allege that the subject land was erroneously included in the title. Thus, from the time the decree of registration was entered, respondents' predecessors-in-interest had one (1) year to assail it as provided in Section 38 of Act No. 496, to wit:

Sec. 38. If the court after hearing finds that the applicant has title as stated in his application, and proper for registration, a decree of confirmation and registration shall be entered. Every decree of registration shall bind the land, and quiet title thereto, subject only to the exceptions stated in the following section. It shall be conclusive upon and against all persons, including the Insular Government and all the branches thereof, whether mentioned by name in the application, notice, or citation, or included in the general description "To all whom it may concern." Such decree shall not be opened by reason of the absence, infancy, or other disability of any person affected thereby, nor by any proceeding in any court for reversing judgments or decrees; subject, however, to the right of any person deprived of land or of any estate or interest therein by decree of registration obtained by fraud to file in the Court of Land Registration a petition for review within one year after entry of the decree, provided no innocent purchaser for value has acquired an interest. If there is any such purchaser, the decree of registration shall not be opened, but shall remain in full force and effect forever, subject only to the right of appeal hereinbefore provided. But any person aggrieved by such decree in any case may pursue his remedy by action for damages against the applicant or any other person for fraud in procuring the decree. Whenever the phrase "innocent purchaser for value" of an equivalent phrase occurs in this Act, it shall be deemed to include an innocent lessee, mortgagee, or other encumbrancer for value. (Emphasis and underscoring supplied.)

Assuming respondents' allegation was true, it appears that their predecessors-in-interest opted not to avail of this remedy and instead sought the execution of a deed of quitclaim in their favor. And granting that indeed they were able to secure a deed of quitclaim, respondents could have complied with the procedure in Sections 57 and 58 of the same law:

Sec. 57. An owner desiring to convey in fee his registered land or any portion thereof shall execute a deed of conveyance, which the grantor or grantee may present to the register of deeds in the province where the land lies. The grantor's duplicate certificate shall be produced and presented at the same time. The register of deeds shall thereupon, in accordance with the rules and instructions of the court, make out in the registration book a new certificate of title to the grantee, and shall prepare and deliver to him an owner's duplicate certificate. The register of deeds shall note upon the original and duplicate certificates the date of transfer, the volume and page of the registration book where the new certificate is registered, and a reference by number to the last prior certificate. The grantor's duplicate certificate shall be surrendered, and the word "canceled" stamped upon it. The original certificate shall also be stamped "canceled." The deed of conveyance shall be filed and indorsed with the number and place of registration of the certificate of title of the land conveyed.

SEC. 58. When a deed in fee is for a part only of the land described in a certificate of title, (he register of deeds shall also enter a new certificate and issue an owner's duplicate to the grantor for the part of the land not

included in the deed. In every case of Transfer the new certificate or certificates shall include all the land described in the original and surrendered certificates: Provided, however, That no new certificate to a grantee of a part only of the land shall be invalid by reason of the failure of the register of deeds to enter a new certificate to the grantor for the remaining unconveyed portion: And provided further, That in case the land described in a certificate of title is divided into lots, designated by numbers or letters, with measurements of all the bounds, and a plan of said land has been filed with the clerk and verified pursuant to section forty-four of this Act, and a certified copy thereof is recorded in the registration book with the original certificate, when the original owner makes a deed of transfer in fee of one or more of such lots, the register of deeds may, instead of canceling such certificate and entering a new certificate to the grantor for the part of the land not included in the deed of transfer, enter on the original certificate and on the owner's duplicate certificate a memorandum of such deed of transfer, with a reference to the lot or lots thereby conveyed as designated on such plan, and that the certificate is canceled as to such lot or lots; and every certificate with such memorandum shall be effectual for the purpose of showing the grantor's title to the remainder of the land not conveyed as if the old certificate had been canceled and a new certificate of such land had been entered; and such process may be repeated so long as there is convenient space upon the original certificate and the owner's duplicate certificate for making such memorandum of sale of lots. (Emphasis and underscoring supplied.)

However, due to reasons known only to them, respondents' predecessors-in-interest once again chose not to avail of said remedy and allegedly had their claim over the subject land annotated. Sadly though, respondents could not present, a copy of the alleged deed of quitclaim or of Nantes' annotated title. As said allegation of reconveyance by Nantes remains unsubstantiated, we cannot support respondents' cause.

The Court also cannot countenance respondents' averment that they and their predecessors-in-interest were not aware that the land has been titled and that it was only in 1974, when petitioners filed a complaint against them, that they became aware of such fact.

The title, once registered, is notice to the world. All persons must take notice. No one can plead ignorance of the registration.²² Moreover, actual notice to every person affected or may be affected by the titling is not necessary. It is well settled that the registration of land under the Torrens system is a proceeding in rem and not in personam. Such a proceeding in rem, dealing with a tangible res, may be instituted and carried to judgment without personal service upon the claimants within the state or notice by mail to those outside of it. Jurisdiction is acquired by virtue of the power of the court over the res. Such a proceeding would be impossible were this not so, for it would hardly do to make a distinction between constitutional rights of claimants who were known and those who were not known to the plaintiff, when the proceeding is to bar all.^[23]

Suffice it to state that the subject land had undergone not only one (1) but three (3) registrations: first, the registration of Free Patent No. 6381 resulting in the issuance of OCT No. 470; second, the registration of TCT No. 257 in the name of Apolinario Fama; and third, the registration of TCT No. RT-223 (257) as a result of reconstitution. With the act of registration serving as notice to the world, respondents and their predecessors-in-interest have been notified¹ three (3) times and thus had three (3) opportunities to assert their ownership over the subject land. For three (3) times they failed. They were just content with declaring the same for tax purposes probably believing that said tax declarations will give them enough security and protection over their alleged ownership of the subject property.

It is also worthy of note that apart from the actual registration itself which serves as notice to the whole world, our land registration laws have installed safeguards to ensure that sufficient notice is given to those who may be affected prior to effecting the registration or reconstitution of a title.

Act No. 496 or the Land Registration Act which governed the registration of Free Patent No. 6381 into OCT No. 470 provides:

SEC. 31. If, in the opinion of the examiner, the applicant has a good title, as alleged, and proper for registration, or if the applicant, after an adverse opinion of the examiner, elects to proceed further, the clerk of the court shall, immediately upon the filing of the examiner's opinion or the applicant's election, as the case may be, cause notice of the filing of the application to be published once in two newspapers, one of which newspapers shall be printed in the English language and one in Spanish, of general circulation in the province or city where any portion of the land lies, or if there be no Spanish or English newspaper of general circulation in the province or city where any portion of the land lies, then it shall be a sufficient compliance with this section if the notice of the filing of the application be published in a daily English newspaper and a daily Spanish newspaper of the city of Manila having a general circulation. The notice shall be issued by order of the court, attested by the clerk, and shall be in form substantially as follows:

REGISTRATION OF TITLE

Province (or city) of _____

COURT OF LAND REGISTRATION

To (here insert the names of all persons appearing to have an interest and the adjoining owners so far as known), and to all whom it may concern:

Whereas an application has been presented to said court by (name or names, and addresses in full) to register and confirm his (or their) title in the following-described lands (insert description), you are hereby cited to appear at the Court of Land Registration, to be held at _____, in said Province (or city) of _____, on the _____ day of _____, A.D. nineteen hundred and _____, at _____ o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted. And unless you appear at such court, at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed, and you will be forever barred from contesting said application or any decree entered thereon.

Witness: _____, judge of said court, this _____ day of _____, in the year nineteen hundred and _____.

Attest:

Clerk of Said Court.

Sec. 32. The return of said notice shall not be less than twenty nor more than sixty days from date of issue. The court shall also, within seven days after publication of said notice in the newspapers, as hereinbefore provided, cause a copy of the publication in Spanish to be mailed by (he clerk to every person named therein whose address is known. The court shall also cause a duly-attested copy of the notice to be posted, in the Spanish language, in a conspicuous place on each parcel of land included in the application, and also in a conspicuous place upon the chief municipal building of the pueblo in which the land or a portion thereof is [situated], by the governor or sheriff of the province or city, as the case may be, or by his deputy, fourteen days at least before the return day thereof, and his return shall be conclusive proof of such service. If the applicant requests to have the line of a public way determined, the court shall order a notice to be given by the clerk by mailing a registered letter to the president of the municipal council, or to the Municipal Board, as the case may be, of the municipality or city in which the land lies. If the land borders on a river, navigable stream, or shore, or on an arm of the sea where a river or harbor line has been established, or on a lake, or if it otherwise appears from the application or the proceedings that the Insular Government may have a claim adverse to that of the applicant, notice shall be given in the same manner to the Attorney-General. The court may also cause other or further notice of the application to be given in such manner and to such persons as it may deem proper. The court shall, so far as it deems it possible, require proof of actual notice to all adjoining owners and to all persons who

appear to have interest in or claim to the land included in the application. Notice to such persons by mail shall be by registered letter if practicable. The certificate of the clerk that he has served the notice as directed by the court, by publishing or mailing, shall be filed in the case before (he return day, and shall be conclusive proof of such service. (Emphasis and underscoring supplied.)

Republic Act No. 26 entitled "AN ACT PROVIDING A SPECIAL PROCEDURE FOR THE RECONSTITUTION OF TORRENS CERTIFICATES OF TITLE LOST OR DESTROYED," on the other hand, governed the reconstitution of Apolinario Fama's TCT No. 257 into TCT No. RT-223 (257). Section 13 of said law provides for effecting notice to interested parties, to wit:

SEC. 13. The court shall cause a notice of the petition, filed under the preceding section, to be published at the expense of the petitioner, twice in successive issues of the Official Gazette, and to be posted on the main entrance of the provincial building and of the municipal building of the municipality or city in which the land is situated, at least thirty days prior to the date of hearing. The court shall likewise cause a copy of the notice to be sent, by registered mail or otherwise, at the expense of the petitioner, (o every person named therein whose address is known, at least thirty days prior to the date of hearing. Said notice shall state, among other things, the number of the lost or destroyed certificate of title, if known, the name of the registered owner, the names of-the occupants or persons in possession of the property, the owners of the adjoining properties and all other interested parties, the location, area and boundaries of the property, and the date on which all persons having any interest therein must appear and file their claim or objections to the petition. The petitioner shall, at the hearing, submit proof of the publication, posting and service of the notice as directed by the court. [Emphasis supplied.]

As correctly ruled by the RTC, if there was anyone guilty of laches in the instant case, it was respondents and not petitioners. It was in 1918 that the patent was issued and respondents only resorted to legal means to assert their ownership over the subject land in 1974 when petitioners filed a complaint against them and later in 1984 when they decided to file a complaint for quieting of title. They had to wait almost six (6) decades.

Respondents may have attempted to present evidence of their long-time possession over the subject property through testimonies and documentary evidence such as vintage tax declarations, tax receipts and proof of improvements. Their case is even supported by the local government in the area no less. However, we are in a society where the rule of law prevails. Laws were created to put order in a society. It applies to every one (1) and no member is given the choice as to whether he wants to be bound by it or not. In the instant case, laws were enacted installing mechanisms to quiet title to land and to forever stop any question as to its legality. If properly availed of, it could afford protection to any landowner. In spite of this, respondents and their predecessors-in-interest, assuming they indeed are the true owners, opted not to avail of this protection and now they have to suffer the dire consequences.

WHEREFORE, the November 23, 2001 Decision of the Court of Appeals in CA-G.R. CV No. 58304 is SET ASIDE. The October 6, 1997 Decision of the Regional Trial Court of Agoo, La Union, Branch 31 in Civil Case Nos. A-424 and A-953 is REINSTATED and UPHeld.

No costs.

SO ORDERED.

Carpio Morales, (Chairperson), Brion, Bersamin, and Abad, JJ., concur.

[*] Additional member per Special Order No. 843.

[1] Rollo, pp. 42-70. . Penned by Associate justice Delilah Vidallon-Magtolis, with Associate Justices Candida V. Rivera and Juan Q. Ennquez, Jr. concurring.

[2] See records (Civil Case No. A-953), pp. 21 and 441.

[3] See records (Civil Case No. A-424), p. 917. The property is more particularly described as follows:

Beginning at point marked 1 on plan Fp-6243, which is identical with B.L.B.M. No. 2, Ambangonan, thence N. 85°20' E. 133.4 m. to point 2; S. 74°45'E. 505.79 m. to point 3; S. 67°44'W. 336.89 m. to point 4; N. 85°58'W. 410.52 m. to point 5; N. 59°34'W. 145.01 m.,to point 6; N. 57°52'E. 298.9 m. to point 1, point of beginning Point 2 identical with B.L.B.M. No. 1; points 3 and 5, Trees; point 4, stump; point 6, slakes; point 4, 5 and 6, on bank of Ambangonan river. Bounded on Northeast and Northwest by property of Andres Nantes; on Southeast by property of Eusebio Bernal, on Southwest by Ambangonan River, Bearings true. Variation 0°35'E. Points referred to marked on plan Fp-6243. Surveyed on June 19-20, 1914. Approved Sept. 11, 1914.

and containing an area of 14 hectares 40 ares and 77 centares, according to the official plat of the survey thereof on file in the Bureau of Lands at Manila.

[4] Records (Civil Case No. A-424), p. 917.

[5] Id. at 837.

[6] Id.at 110-114.

[7] Florentin v. Galera, No. L-174V9, June 30, 1962, 5 SCRA 500, 503.

[8] Records (Civil Case No. A-424), pp. 108-109.

[9] Id. at 106.

[10] Id. at 16-18.

[11] Id. at 519-520.

[12] Id. at 521-522.

[13] As amended, records (Civil Case No. A-953), pp. 1 8-29.

[14] Id. at 42-51.

[15] Id. at 77.

[16] Id. at 431-449.

[17] Id. at 448-449.

[18] Rollo, pp. 65-70.

[19] Id. at 19-20.

[20] Bishop of Nueva Caceres v. Municipality of Tabaco, 46 Phil. 271, 274 (1924).

[21] Umbay v. Alecha, No. L-672S4, March 18, 1985, 135 SCRA 427, 429, citing Legarda and Prieto v. Saleeby,31 Phil 590, 611 (1915).

[22] Pico v. Adalim-Salcedo, G.R. No. 152006, October 2, 2009, 602 SCRA 21, 28, citing Legarda and Prieto v. Saleeby, 31 Phil. 590; 595 (1915); St. Peter Memorial Park, Inc. v. Cleofas, No. L-47385, July 30, 1979, 92 SCRA 389; JM Tuason & Co., Inc. v. Court of Appeals, No. L-23480, September 11, 1979,93 SCRA 146.

[23] *Acosta v. Salazar*, G.R. No. 161034, June 30, 2009, 591 SCRA 262, 271, citing PEÑA, *REGISTRATION OF LAND TITLES AND DEEDS*, 1988 ed., p. 42.

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