

**GASPAR CALACALA, BALTAZAR CALACALA, MELCHOR CALACALA,
SOLOMON CALACALA, FELICIDAD CALACALA, PETRONILA
CALACALA AND SALOME CALACALA, PETITIONERS, VS. REPUBLIC
OF THE PHILIPPINES,...**

G.R. No. 154415. July 28, 2005

Ponente: GARCIA, J.

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GARCIA, J.:

In this appeal by way of a petition for review on certiorari under Rule 45 of the Rules of Court, petitioners urge us to annul and set aside the resolution dated 31 October 2001 and the order dated 2 July 2002 of the Regional Trial Court at Rosales, Pangasinan which respectively dismissed petitioners' complaint in Civil Case No. 1239-R and denied their motion for reconsideration.

The material facts are not at all disputed:

The spouses Camilo Calacala and Conchita Calacala, predecessors-in-interest of the herein petitioners, are the registered owners of a parcel of land situated at Barangay Balincanaway, Rosales, Pangasinan and covered by Transfer Certificate of Title No. T-21204 of the Registry of Deeds of Pangasinan.

To secure the provisional release of an accused in a criminal case then pending before the then Court of First Instance (CFI) of Pangasinan, the spouses offered their aforementioned parcel of land as a property bond in said case. For failure of the accused to appear at his scheduled arraignment on 4 November 1981, the CFI ordered the bond forfeited in favor of the government, and, following the bondman's failure to produce in court the body of the accused, rendered judgment against the bond in the amount of P3,500.00. Thereafter, the court issued a Writ of Execution[1] directing the provincial sheriff to effect a levy on the subject parcel of land and to sell the same at a public auction to satisfy the amount of the bond. In compliance with the writ, the deputy provincial sheriff issued on 26 July 1982 a Notice of Levy[2] addressed to the Register of Deeds of Pangasinan who, on 19 August 1982, caused the annotation thereof on TCT No. T-21204 as Entry No. 83188.

Not long thereafter, a public auction of the subject parcel of land was held on 24 September 1982, at which respondent Republic submitted its bid for P3,500, which is the amount of the judgment on the bond. Hence, on that same day, a Sheriff's Certificate of Sale[3] was issued in favor of the Republic as the winning bidder.

On 5 October 1982, the same Certificate of Sale was registered and annotated on TCT No. T-21204 as Entry No. 83793, thereby giving the spouses Calacala a period of one (1) year therefrom within which to redeem their property. Unfortunately, they never did up to the time of their respective deaths on 13 January 1988 and 8 January 1994.

Claiming ownership of the same land as legal heirs of the deceased spouses, petitioners filed with the Regional Trial Court at Rosales, Pangasinan a complaint[4] for Quieting of Title and Cancellation of Encumbrance on TCT No. T-21204 against respondents Republic and Sheriff Juan C. Marquez. In their complaint, docketed as Civil

Case No. 1239-R and raffled to Branch 53 of the court, petitioners prayed, inter alia, for the cancellation of Entries No. 83188 and 83793 on TCT No. T-21204 or the declaration of said entries as null and void.

To the complaint, respondent Republic interposed a Motion to Dismiss[5] grounded on the (1) complaint's failure to state a cause of action and (2) prescription of petitioners' right to redeem.

In their Opposition,[6] petitioners contend that when respondent Republic moved to dismiss the complaint for failure to state a cause of action, it thereby hypothetically admitted all the allegations therein, specifically the averment that despite the lapse of nineteen (19) years, respondent did not secure the necessary Certificate of Final Sale and Writ of Possession and failed to execute an Affidavit of Consolidation of Ownership. Petitioners thus submit that the Republic's rights over the land in question had either prescribed, been abandoned or waived. They add that by filing a motion to dismiss, respondent Republic likewise admitted the allegation in the same complaint that petitioners and their predecessors-in-interest have been in continuous possession of the subject land and paying the realty taxes thereon.

In the herein assailed resolution[7] dated 31 October 2001, the trial court granted the Republic's motion to dismiss and accordingly dismissed petitioners' complaint. Petitioners moved for a reconsideration but their motion was denied by the same court in its equally challenged order[8] of 2 July 2002.

Hence, petitioners' present recourse, it being their contentions that -

I.

THE INSTANT COMPLAINT FOR QUIETING OF TITLE AND CANCELLATION OF ENCUMBRANCE ON TCT NO. T-21204, FILED BEFORE THE TRIAL COURT, REGIONAL [sic] TRIAL COURT, BRANCH 53, ROSALES, PANGASINAN WAS THE PROPER REMEDY.

II.

THE COMPLAINT STATES SUFFICIENT CAUSE OF ACTION.

III.

THE CASE FOR QUIETING OF TITLE HAS NOT PRESCRIBED.

IV.

AND THE RESPONDENT REPUBLIC OF THE PHILIPPINES HAS NOT PERFECTED ITS TITLE TO THE LAND IN QUESTION.

In the main, it is petitioners' submission that their complaint a quo sufficiently states a cause of action because they are still the owners of the subject parcel of land despite their failure to redeem it within the 1-year redemption period. They premise their argument on the Republic's failure to secure the Certificate of Final Sale, execute an Affidavit of Consolidation of Ownership and obtain a writ of possession over the same property within ten (10) years from the registration of the Certificate of Sale on 5 October 1982. Prescinding therefrom, they thus argue that the Republic's right over the property in question has already prescribed or has been abandoned and waived, citing, in support thereof, Article 1142 of the Civil Code. In short, it is petitioners' thesis that respondent Republic failed to perfect its title.

On the other hand, it is respondent's posture that its rights and title as owner of the same property are already perfected by the mere failure of petitioners and/or their predecessors-in-interest to redeem the same within one (1) year from the registration/annotation of the Sheriff's Certificate of Sale on TCT No. T-21204, in accordance with Section 33, Rule 39 of the 1997 Rules of Civil Procedure.

As we see it, the only question which commends itself for our resolution is whether the trial court's dismissal of petitioners' complaint for Quieting of Title was proper. It thus behooves us to determine if, in the first place, petitioners have a cause of action in their complaint.

We rule for respondent Republic.

To begin with, it bears emphasis that an action for quieting of title is essentially a common law remedy grounded on equity. As we held in *Baricuatro, Jr. vs. CA*:^[9]

Regarding the nature of the action filed before the trial court, quieting of title is a common law remedy for the removal of any cloud upon or doubt or uncertainty with respect to title to real property. Originating in equity jurisprudence, its purpose is to secure "x x x an adjudication that a claim of title to or an interest in property, adverse to that of the complainant, is invalid, so that the complainant and those claiming under him may be forever afterward free from any danger of hostile claim." In an action for quieting of title, the competent court is tasked to determine the respective rights of the complainant and other claimants, 'x x x not only to place things in their proper place, to make the one who has no rights to said immovable respect and not disturb the other, but also for the benefit of both, so that he who has the right would see every cloud of doubt over the property dissipated, and he could afterwards without fear introduce the improvements he may desire, to use, and even to abuse the property as he deems best xxx (Italics supplied).

Under Article 476 of the New Civil Code, the remedy may be availed of only when, by reason of any instrument, record, claim, encumbrance or proceeding, which appears valid but is, in fact, invalid, ineffective, voidable or unenforceable, a cloud is thereby casts on the complainant's title to real property or any interest therein. The codal provision reads:

Article 476. Whenever there is a cloud on title to real property or any interest therein, by reason of any instrument, record, claim, encumbrance or proceeding which is apparently valid or effective but is in truth and in fact invalid, ineffective, voidable, or unenforceable, and may be prejudicial to said title, an action may be brought to remove such cloud or to quiet the title.

An action may also be brought to prevent a cloud from being cast upon title to real property or any interest therein.

In turn, Article 477 of the same Code identifies the party who may bring an action to quiet title, thus:

Article 477. The plaintiff must have legal or equitable title to, or interest in the real property which is the subject-matter of the action. He need not be in possession of said property.

It can thus be seen that for an action for quieting of title to prosper, the plaintiff must first have a legal, or, at least, an equitable title on the real property subject of the action and that the alleged cloud on his title must be shown to be in fact invalid. So it is that in *Robles, et al. vs. CA*,^[10] we ruled:

It is essential for the plaintiff or complainant to have a legal title or an equitable title to or interest in the real property which is the subject matter of the action. Also, the deed, claim, encumbrance or proceeding that is being alleged as a cloud on plaintiff's title must be shown to be in fact invalid or inoperative despite its prima facie appearance of validity or legal efficacy.

Verily, for an action to quiet title to prosper, two (2) indispensable requisites must concur, namely: (1) the plaintiff or complainant has a legal or an equitable title to or interest in the real property subject of the action; and (2) the deed, claim, encumbrance or proceeding claimed to be casting cloud on his title must be shown to be in fact invalid or inoperative despite its prima facie appearance of validity or legal efficacy.

Unfortunately, the foregoing requisites are wanting in this case.

To start with, petitioners base their claim of legal title not on the strength of any independent writing in their favor but simply and solely on respondent Republic's failure to secure the Certificate of Final Sale, execute an Affidavit of Consolidation of Ownership and obtain a writ of possession over the property in dispute within ten (10) years from the registration of the Certificate of Sale.

Petitioners' reliance on the foregoing shortcomings or inactions of respondent Republic cannot stand.

For one, it bears stressing that petitioners' predecessors-in-interest lost whatever right they had over land in question from the very moment they failed to redeem it during the 1-year period of redemption. Certainly, the Republic's failure to execute the acts referred to by the petitioners within ten (10) years from the registration of the Certificate of Sale cannot, in any way, operate to restore whatever rights petitioners' predecessors-in-interest had over the same. For sure, petitioners have yet to cite any provision of law or rule of jurisprudence, and we are not aware of any, to the effect that the failure of a buyer in a foreclosure sale to secure a Certificate of Final Sale, execute an Affidavit of Consolidation of Ownership and obtain a writ of possession over the property thus acquired, within ten (10) years from the registration of the Certificate of Sale will operate to bring ownership back to him whose property has been previously foreclosed and sold. As correctly observed by the trial court, the Republic's failure to do anything within ten (10) years or more following the registration of the Sheriff's Certificate of Sale cannot give rise to a presumption that it has thereby waived or abandoned its right of ownership or that it has prescribed, "for prescription does not lie against the government", nor could it "be bound or estopped by the negligence or mistakes of its officials and employees".

Quite the contrary, Section 33,[11] Rule 39 of the 1997 Rules of Civil Procedure explicitly provides that "[u]pon the expiration of the right of redemption, the purchaser or redemptioner shall be substituted to and acquire all the rights, title, interest and claim of the judgment obligor to the property as of the time of the levy".

Concededly, the 1997 Rules of Civil Procedure was yet inexistent when the facts of this case transpired. Even then, the application thereof to this case is justified by our pronouncement in *Lascano vs. Universal Steel Smelting Co., Inc., et al.*,[12] to wit:

Procedural laws are construed to be applicable to actions pending and undetermined at the time of their passage, and are deemed retroactive in that sense and to that extent. As a general rule, the retroactive application of procedural laws cannot be considered violative of any personal rights because no vested right may attach to nor arise therefrom.

Moreover, with the rule that the expiration of the 1-year redemption period forecloses the obligor's right to redeem and that the sale thereby becomes absolute, the issuance thereafter of a final deed of sale is at best a mere formality and mere confirmation of the title that is already vested in the purchaser. As this Court has said in *Manuel vs. Philippine National Bank, et al.*: [13]

Note must be taken of the fact that under the Rules of Court the expiration of that one-year period forecloses the owner's right to redeem, thus making the sheriff's sale absolute. The issuance thereafter of a final deed of sale becomes a mere formality, an act merely confirmatory of the title that is already in the purchaser and constituting official evidence of that fact. (Emphasis supplied)

With the reality that petitioners are not holders of any legal title over the property subject of this case and are bereft of any equitable claim thereon, the very first requisite of an action to quiet title, i.e., that the plaintiff or complainant has a legal or an equitable title to or interest in the real property subject matter of the action, is miserably wanting in this case.

For another, and worse, petitioners never put in issue, as in fact they admit in their pleadings, the validity of the Sheriff's Certificate of Sale duly registered on 5 October 1982. On this score, the second requisite of an action to

quiet title, namely, that the deed, claim, encumbrance or proceeding alleged to cast cloud on a plaintiff's title is in fact invalid or inoperative despite its prima facie appearance of validity or legal efficacy, is likewise absent herein.

WHEREFORE, the instant petition is DENIED and the assailed resolution and order of the trial court AFFIRMED.

Costs against petitioners.

SO ORDERED.

Panganiban, (Chairman), Sandoval-Gutierrez, Corona, and Carpio-Morales, JJ., concur.

[1] Rollo, p. 46.

[2] Rollo, p. 47.

[3] Rollo, p. 51.

[4] Rollo, pp. 26, et seq.

[5] Rollo, pp. 34, et seq.

[6] Rollo, pp. 56, et seq.

[7] Rollo, pp. 58-65.

[8] Rollo, pp. 70-71.

[9] 382 Phils. 15, 25 [2000].

[10] 384 Phils. 635, 647 [2000].

[11] "SECTION 33. Deed and possession to be given at expiration of redemption period; by whom executed or given. — If no redemption be made within one (1) year from the date of the registration of the certificate of sale, the purchaser is entitled to a conveyance and possession of the property; or, if so redeemed whenever sixty (60) days have elapsed and no other redemption has been made, and notice thereof given, and the time for redemption has expired, the last redemptioner is entitled to the conveyance and possession; but in all cases the judgment obligor shall have the entire period of one (1) year from the date of the registration of sale to redeem the property. The deed shall be executed by the officer making the sale or by his successor in office, and in the latter case shall have the same validity as though the officer making the sale had continued in office and executed it.

Upon the expiration of the right of redemption, the purchaser or redemptioner shall be substituted to and acquire all the rights, title, interest and claim of the judgment obligor to the property as of the time of the levy. The possession of the property shall be given to the purchaser or last redemptioner by the same officer unless a third party is actually holding the property adversely to the judgment obligor." (Emphasis supplied).

[12] 431 SCRA 248, 253 [2004] citing San Luis vs. Court of Appeals, 365 SCRA 279, 285 [2001].

[13] 101 Phils. 968, 971 [1957].

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