

MAXIMO L. GALVEZ AND ELPIDIO TIBURCIO, PLAINTIFFS AND APPELLANTS, VS. MARIANO SEVERO TUASON Y DE LA PAZ, ET AL., DEFENDANTS; UNIVERSITY OF THE PHILIPPINES (UP) AND THE PEOPLE’S ...

G.R. No. 15644. February 29, 1964

Ponente: DIZON, J.

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DIZON, J.:

Appeal taken by Maximo L. Galvez and Elpidio Tiburcio from the order of the Court of First Instance of Rizal (Quezon City) in Civil Case No. Q-3387 dismissing their complaint against the University of the Philippines and The People's Homesite and Housing Corporation, hereinafter referred to as the UP and the PHHC, respectively, for lack of sufficient cause of action, and on the further grounds that, their cause of action, if any, is barred by prior judgment, and there is another action pending between the same parties for the same cause.

On October 16, 1958, appellants as heirs of the late Eladio Tiburcio, commenced the present action in the Court of First Instance of Rizal for the annulment of the technical descriptions appearing in the alleged anterior page of Original Certificate of Title No. 735, but, in reality, for the recovery of a parcel of land with an area of more than 400 hectares and damages against Mariano Severo, Maria Teresa Eriberta, Juan Jose, Demetrio Asuncion, Augusto Huberto, all surnamed Tuason y de la Paz, and/or their respective heirs, the Register of Deeds of Rizal, the UP and the PHHC. Their complaint alleged, in substance, that they and their predecessors-in-interest had been in actual, adverse, open, public, exclusive and continuous possession as owners of a parcel of land located in Quezon City containing an area of about 430 hectares, cultivating and ,enjoying its fruits; that when the PHHC and the UP began exercising rights of dominion over the property, they investigated the records of the Register of Deeds of Rizal and discovered that their property was included within the technical boundaries set out in Original Certificate of Title No. 735 in the name of the defendants Tuasons by mean's of detachable sheets of paper incorporated to the certificate of title; that by virtue of a deed of donation executed by the Tuasons in favor of themselves, said certificate was cancelled and Transfer Certificate of Title No. 2680 was issued in their (Tuasons) names; that, subsequently, the latter sold to appellees, UP and PHHC the property covered by T.C.T. No. 2680.

Appellants' motion for the issuance of a writ of preliminary injunction to restrain appellees from committing further acts of dispossession was denied. For failure to answer the complaint within the reglementary period, the Register of Deeds of Rizal was declared in default.

The PHHC filed a motion to dismiss the complaint on the ground of lack of sufficient cause of action, while the UP filed a similar motion based on the same ground and several others.

On December 5, 1958, the Court issued the appealed order.

During the hearing held in connection with the motions to, dismiss, the UP presented as Exhibit 1 a certified true copy of the Application filed by Marcolino Tiburcio on January 27, 1955 with the Court of First Instance of Rizal

for the registration in his name of the property covered by Spanish Testimonial Title No. 3261054 dated March 25, 1877; as Exhibit 3 a copy of the Order of the Court of First Instance of Rizal dated October 17, 1955, dismissing the aforesaid application for registration, and as Exhibit 4 a copy of the Record on Appeal in Civil Case No. Q- 2663 of the Court of First Instance of Rizal filed by Marcelino Tiburcio, in his own behalf and that of the other heirs of the late Eladio Tiburcio, against the PHHC and the UP for the reconveyance of the property covered by the Spanish title already referred to. This action was appealed to Us (106 Phil., 477) and on December 14, 1958, we affirmed the order of the trial court dismissing the case.

For its part, the PHHC presented as evidence the Original Certificate of Title No. 735 issued on July 6, 1914 in the name of the Tuasons, its predecessors-in-interest, covering the property claimed by appellants (Exhibit 1—PHHC); a certificate of the Commissioner of Land Registration to the effect that the document thereto attached is a duplicate copy of the Decree No. 17431, on the basis of which Original Certificate of Title No. 735 was issued (Exhibit 2-PHHC); a copy of Decree No. 17431 showing that the property claimed by appellants was included in the judgment rendered in favor of the Tuasons (Exhibit 2-A-PHHC); and a certificate showing the technical description of the property covered by Transfer Certificate of Title No. 1356 issued in favor of the PFHC (Exhibit 3- PHHO). The record, therefore, indubitably discloses that Marcelino Tiburcio, and the other heirs of the late Eladio Tiburcio, had filed an application for the registration of the lands allegedly covered by a title granted to the latter in 1877 by the Spanish government, to which the Tuasons interposed the corresponding opposition; that after due hearing, said application was dismissed and that the order of dismissal became final and executory. Again, the record further discloses that in 1957, Marcelino Tiburcio, for himself and in behalf of the heirs of the deceased Eladio Tiburcio, instituted Civil Case No. Q-2663 against the PHHC and the UP for the reconveyance of the same lands covered by the Spanish title already referred to, and that this case was dismissed by the court in its order of December 11, 1957, which order of dismissal was affirmed by Us on December 14, 1958 in 106 Phil, 477.

Lastly, it appears that the property claimed by appellants is a portion of the bigger parcel registered after proper registration proceedings in the name of Mariano Severo Tuason and others since the year 1914.

Clearly, therefore, the question of ownership with respect to the property in litigation is a matter thrice settled definitely and conclusively by the courts, and must be deemed well beyond the reach of review.

With particular reference to appellees, the lower court is right in observing in the order appealed from that there is no allegation at all in appellants' complaint that they are purchasers in bad faith or with notice of the alleged defect in the title of their vendor, with the result that the allegations of said pleading are not sufficient to constitute a cause of action against them.

WHEREFORE, the order appealed from is affirmed, with costs.

Bengzon, C. J., Padilla, Bautista Angelo, Labrador, Concepción, Reyes, J. B. L. Barrera, Paredes, and Regala, JJ., concur.

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