LUCIANO P. PAZ, PETITIONER, VS. REPUBLIC OF THE PHILIPPINES, ACTING THROUGH THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES, PUBLIC ESTATES AUTHORITY, FILINVEST DEVELOPMENT ...

G.R. No. 157367. November 23, 2011

Ponente: BERSAMIN, J.

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BERSAMIN, J.:

The petitioner assails the decision promulgated on August 1, 2002,[1] whereby the Court of Appeals (CA) affirmed the dismissal by the Regional Trial Court (RTC), Branch 276, in Muntinlupa City of his petition for the cancellation of a certificate of title brought under Section 108 of Presidential Decree (P.D.) No. 1529 (Property Registration Decree).

Antecedents

On November 29, 2000, the petitioner brought a petition for the cancellation of Original Certificate of Title (OCT) No. 684 docketed as LRC Case No. 00-059. The petition, ostensibly made under Section 108 of P.D. No. 1529, impleaded the Republic of the Philippines (Republic), Filinvest Development Corporation (FDC), and Filinvest Alabang, Inc. (FAI) as respondents.

The petition averred that the petitioner was the owner of Parcel 1, Plan 11-69, with an area of 71,692,754 square meters, situated in Parañaque City, Pasay City, Taguig City and San Pedro, Laguna, and Parcel 2 Plan 11-69, with a total area of 71,409,413 square meters, situated in Alabang, Muntinlupa, Parañaque City and Las Piñas City; that the total landholding of the petitioner consisted of 143,102,167 square meters, or approximately 14,310 hectares; that OCT No. 684 was registered in the name of the Republic, and included Lot 392 of the Muntinlupa Estate with an area of approximately 244 hectares; that Lot 392 was segregated from OCT No. 684, resulting in the issuance of Transfer Certificate of Title (TCT) No. 185552,[2] also in the name of the Republic; that FDC and FAI developed Lot 392 into a subdivision based on their joint venture agreement with the Government; that pursuant to the joint venture agreement, Lot 392 was further subdivided, causing the cancellation of TCT No. 185552, and the issuance of TCTs for the resulting individual subdivision lots in the names of the Republic and FAI; and that the subdivision lots were then sold to third parties.

The petition for cancellation prayed as follows:[3]

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> WHEREFORE, it is most respectfully prayed that OCT No. 684 in the name of the Republic of the Philippine Islands and TCT No. 185552 in the name of the Republic of the Philippines, Book 26, Page 152, Register of Deeds, Muntinlupa City, and all subsequent titles derived from said TCT No. 185552 as stated in paragraphs 23, 24, 25 and 28 above-quoted, Proclamation No. 1240 dated June 23, 1998, Resolution No. 01-311 of the City of Muntinlupa dated February 7, 2001 be cancelled and in lieu thereof, and said Register of Deeds be

> ordered to issue a new certificate of title in the name of Luciano P. Paz, married to Elvira Joson, both of legal ages, Filipinos and residents of Lot 5, Block 31, Modesta Village, San Mateo, Rizal, free from all liens and encumbrances, and defendants be ordered to vacate the property covered by said title; ordering respondents jointly and severally to pay petitioner compensatory damages in the amount of not less than P10 Million, moral damages in the amount of P1 Million, exemplary damages in the amount of P1 Million and P2 Million for attorney's fees.
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> Petitioner prays for other reliefs just and equitable to the premises.
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On January 19, 2001, FDC and FAI moved to dismiss the petition for cancellation on the following grounds,[4] to wit:

> (1) The serious and controversial dispute spawned by the Petition for cancellation of title is litigable in an ordinary action outside the special and limited jurisdiction of land registration courts. The Petition is thus removed from the ambit of Sec. 108 of the Property Registration Decree which requires, as an indispensable element for availment of the relief thereunder, either unanimity of the parties or absence of serious controversy or adverse claim. It authorizes only amendment and alteration of certificates of title, not cancellation thereof;
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> (2) Lack of jurisdiction of the Court over the persons of the respondents who were not validly served with summons but only a copy of the Petition;
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> (3) Docket fees for the Petition have not been paid.
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> (4) The Petition does not contain the requisite certificate of non-forum shopping.

The petitioner countered that his petition for cancellation was not an initiatory pleading that must comply with the regular rules of civil procedure but a mere incident of a past registration proceeding; that unlike in an ordinary action, land registration was not commenced by complaint or petition, and did not require summons to bring the persons of the respondents within the jurisdiction of the trial court; and that a service of the petition sufficed to bring the respondents within the jurisdiction of the trial court.

On May 21, 2001, the RTC granted FDC and FAI's motion to dismiss,[5] viz:

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> The petition at bench therefore bears all the elements of an action for recovery: (A) it was commenced long after the decree of registration in favor of the Respondent Republic of the Philippines had become final and incontrovertible, following the expiration of the reglementary period; for a review of the decree of registration issued to the "government of the Philippine Islands."; (B) there is an imputation of a wrongful or fraudulent titling in the issuance of Original Certificate of Title No. 684 allegedly irregular due to the absence of survey plan, decree of registration and court records; (C) the Petition finally seeks as its main relief the issuance of a new title to him, Luciano Paz, after Original Certificate of Title No. 684 is invalidated, or the reconveyance of the property to him. This action although entitled a Petition for cancellation of a title, which is a complaint by itself, is complete with the name of the parties, the subject matter, the cause of action, and the reliefs prayed for, which are all components of a regular complaint. It is in fact an initiatory pleading, and is not a mere motion.
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> It is futile to deny that the petition is a fresh lawsuit, involving title to a land or an interest thereon "arising after the original" proceeding, which should be filed and entitled under the original land registration case under the instructions of Sec. 2 of PD 1529. Indeed, this Section states further post registration cause of an aggrieved party who complains of being deprived of a land wrongfully or fraudulently titled in the name of another. As such it is fair and logical to assume that this is covered by the current rules on an initiatory pleading and

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> becomes vulnerable to dismissal under any grounds invoked by the respondent which are mandatory and jurisdictional requirements under the present rules, including the payment of docket fees and the certification of non forum shopping.
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Thence, the petitioner assailed the dismissal in the CA via petition for certiorari, ascribing grave abuse of discretion on the part of the RTC in granting FDC and FAI's motion to dismiss.

On August 1, 2002, the CA dismissed the petition for certiorari,[6] stating:

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> Petition denied.
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> In a special civil action for certiorari, the burden is on Petitioner to prove not merely reversible error, but grave abuse of discretion amounting to lack or excess of jurisdiction for the part of Public Respondent. Mere abuse of discretion is not enough (Don Orestes Romualdez Electric Corporation, Inc. vs. NLRC, 319 SCRA 255). The mere fact that Public Respondent does not subscribe to nor accepts Petitioner's arguments or viewpoint does not make the former guilty of committing grave abuse of discretion.
>
> Not only that. As long as a court acts within its jurisdiction, any alleged errors committed in the exercise thereof will amount to nothing more than errors of judgment which are reversible by timely appeal and not by a special civil action of certiorari (Tomas Claudio Memorial College, Inc. vs. CA, 316 SCRA 502). A Petition for Certiorari must be based on jurisdictional grounds because, as long as the respondent acted with jurisdiction, any error committed by him or it in the exercise thereof will amount to nothing more than an error of judgment which may be reviewed or corrected only by appeal (Jalandoni vs. Drilon, 327 SCRA 107).
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> Applying the aforecited jurisprudence to the case at bench, the Petition must fail. It is all too obvious that Petitioner would have Us determine whether or not Public Respondent correctly rendered judgment in ordering the dismissal of his Petition. Sadly, as the aforecited rulings have shown, a special civil action for certiorari is a remedy designed for correction of errors of jurisdiction and not errors of judgment (Diaz vs. Diaz, 331 SCRA 302). Certiorari will not be issued to xxx correct erroneous conclusion of law or fact (Tensorex Industrial Corp. vs. CA, 316 SCRA 471).
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> To reiterate, Petitioner has failed to overcome the burden of proving how Public Respondent may be faulted with having acted with grave abuse of discretion in rendering judgment ordering the dismissal of his Petition. That the court a quo cannot share Petitioner's interpretation of certain alleged laws and jurisprudence hardly constitute the abuse of discretion contemplated under Rule 65 of the 1997 Rules of Civil Procedure and as applied by the Highest Tribunal in numerous cases. Ours is not, through this Petition, to determine whether or not Public Respondent erred in its judgment but to determine whether or not Public Respondent court acted with grave abuse of discretion amounting to lack or excess of jurisdiction.
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> WHEREFORE, foregoing premises considered, the Petition is hereby DENIED DUE COURSE and ordered DISMISSED. Resultantly, the assailed Resolution/s are hereby AFFIRMED, with costs to Petitioner.
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> SO ORDERED.

On February 24, 2003, the CA denied the petitioner's motion for partial reconsideration.[7]

Hence, the petitioner has come to the Court for review, asserting the applicability of Section 108 of P.D. 1529, and insisting that his petition filed under Section 108 of P.D. 1529 should not be dismissed because it was exempt from the requirements of paying docket fees, of service of summons, and of the certification against forum shopping due to its not being an initiatory pleading.

Ruling

The petition for review is devoid of merit. The dismissal of the petition for certiorari by the CA was proper and correct because the RTC did not abuse its discretion, least of all gravely.

Section 108 of P.D. No. 1529 reads as follows:

> Section 108. Amendment and alteration of certificates. – No erasure, alteration, or amendment shall be made upon the registration book after the entry of a certificate of title or of a memorandum thereon and the attestation of the same by the Register of Deeds, except by order of the proper Court of First Instance. A registered owner or other person having interest in the registered property, or, in proper cases, the Register of Deeds with the approval of the Commissioner of Land Registration, may apply by petition to the court upon the ground that the registered interest of any description, whether vested, contingent, expectant or inchoate appearing on the certificate, have terminated and ceased; or that new interest not appearing upon the certificate have arisen or been created; or that an omission or an error was made in entering a certificate or any memorandum thereon, or on any duplicate certificate: or that the same or any person in the certificate has been changed or that the registered owner has married, or, if registered as married, that the marriage has been terminated and no right or interest of heirs or creditors will thereby be affected; or that a corporation which owned registered land and has been dissolved has not yet convened the same within three years after its dissolution; or upon any other reasonable ground; and the court may hear and determine the petition after notice to all parties in interest, and may order the entry or cancellation of a new certificate, the entry or cancellation of a memorandum upon a certificate, or grant any other relief upon such terms and conditions, requiring security and bond if necessary, as it may consider proper; Provided, however, That this section shall not be construed to give the court authority to reopen the judgment or decree of registration, and that nothing shall be done or ordered by the court which shall impair the title or other interest of a purchaser holding a certificate for value and in good faith, or his heirs and assigns without his or their written consent. Where the owner's duplicate certificate is not presented, a similar petition may be filed as provided in the preceding section.
>
> All petitions or motions filed under this section as well as any other provision of this decree after original registration shall be filed and entitled in the original case in which the decree of registration was entered.

Based on the provision, the proceeding for the amendment and alteration of a certificate of title under Section 108 of P.D. No. 1529 is applicable in seven instances or situations, namely: (a) when registered interests of any description, whether vested, contingent, expectant, or inchoate, have terminated and ceased; (b) when new interests have arisen or been created which do not appear upon the certificate; (c) when any error, omission or mistake was made in entering a certificate or any memorandum thereon or on any duplicate certificate; (d) when the name of any person on the certificate has been changed; (e) when the registered owner has been married, or, registered as married, the marriage has been terminated and no right or interest of heirs or creditors will thereby be affected; (f) when a corporation, which owned registered land and has been dissolved, has not conveyed the same within three years after its dissolution; and (g) when there is reasonable ground for the amendment or alteration of title.[8]

We agree with both the CA and the RTC that the petitioner was in reality seeking the reconveyance of the property covered by OCT No. 684, not the cancellation of a certificate of title as contemplated by Section 108 of P.D. No. 1529. Thus, his petition did not fall under any of the situations covered by Section 108, and was for that reason rightly dismissed.

Moreover, the filing of the petition would have the effect of reopening the decree of registration, and could thereby impair the rights of innocent purchasers in good faith and for value. To reopen the decree of registration was no longer permissible, considering that the one-year period to do so had long ago lapsed, and the properties

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covered by OCT No. 684 had already been subdivided into smaller lots whose ownership had passed to third persons. Thusly, the petition tended to violate the proviso in Section 108 of P.D. No. 1529, to wit:

> xxx Provided, however, That this section shall not be construed to give the court authority to reopen the judgment or decree of registration, and that nothing shall be done or ordered by the court which shall impair the title or other interest of a purchaser holding a certificate for value in good faith, or his heirs and assigns without his or their written consent. Where the owner's duplicate certificate is not presented, a similar petition may be filed as provided in the preceding section.

Nor is it subject to dispute that the petition was not a mere continuation of a previous registration proceeding. Shorn of the thin disguise the petitioner gave to it, the petition was exposed as a distinct and independent action to seek the reconveyance of realty and to recover damages. Accordingly, he should perform jurisdictional acts, like paying the correct amount of docket fees for the filing of an initiatory pleading, causing the service of summons on the adverse parties in order to vest personal jurisdiction over them in the trial court, and attaching a certification against forum shopping (as required for all initiatory pleadings). He ought to know that his taking such required acts for granted was immediately fatal to his petition, warranting the granting of the respondents' motion to dismiss.

WHEREFORE, the PETITION FOR REVIEW ON CERTIORARI is DENIED, and the decision of the Court of Appeals is AFFIRMED.

The petitioner shall pay the costs of suit.

SO ORDERED.

Corona, C.J., (Chairperson), Leonardo-De Castro, Del Castillo, and Villarama, Jr., JJ., concur.

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[1] Rollo, pp. 174-179; penned by Associate Justice Jose L. Sabio, Jr. (retired), with Associate Justice Romeo A. Brawner (later Presiding Justice, since deceased) and Associate Justice Mario L. Guariña III (retired) concurring.

[2] Id., pp. 103-108.

[3] CA rollo, p. 111.

[4] Rollo, pp. 175-176.

[5] CA rollo, pp. 121-122.

[6] Rollo, pp. 177-179.

[7] Id., p. 192.

[8] Aquino, Land Registration and Related Proceedings, 2007 Edition, pp. 179-180; citing Luzon Surety Company, Inc. v. Mirasol, Jr., No. L-29313, January 21, 1977, 75 SCRA 52, 57.

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