

SUSAN D. DEGOLLACION, PETITIONER, VS REGISTER OF DEEDS OF CAVITE, AND PILAR DEVELOPMENT CORPORATION, INC., RESPONDENTS.

G.R. NO. 161433. August 29, 2006

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CARPIO MORALES, J.:

Challenged in this Petition for Review are the Decision dated January 17, 2003[1] and Resolution dated December 17, 2003[2] of the Court of Appeals in CA-GR CV No. 60761, "Susan D. Degollacion v. Register of Deeds of Cavite (Trece Martires City) and Pilar Development Corporation, Incorporated."

Petitioner, Susan D. Degollacion (Susan), purchased from Antonio Dizon (Dizon) two parcels of land situated at Barrio Salawag, Dasmariñas, Cavite, Lot No. 5766-A covered by Transfer Certificate of Title (TCT) No. T-20726 and Lot No. 5766-B covered by TCT No. 26796. The vendor's titles were accordingly cancelled and TCT No. T-96011[3] for Lot No. 5766-A and TCT No. T-96019[4] for Lot No. 5766-B were issued in the name of Susan.

Susan was allegedly later to learn that a portion (162,945 square meters) of her "property," apparently referring to Lot 5766-B, was covered by TCT T-26877 in the name of respondent Pilar Development Corporation (the corporation), hence, she instituted a Complaint for Cancellation of Transfer Certificate of Title with Damages and Prayer for a Temporary Restraining Order or Writ of Preliminary Injunction[5] against the Register of Deeds of Cavite and the corporation before the Cavite Regional Trial Court at Trece Martires where it was docketed as Civil Case No. TM-580.

Susan claimed that the title of the corporation, which was issued on November 8, 1967, was derived from spurious sources.

To the complaint the corporation filed a Motion to Dismiss on the ground that it was not verified; it bore no certification on non-forum shopping; and except for Annexes "A" and "B" (copies of Susan's titles), Annexes "C" to "H" inclusive were not attached to the complaint which was served along with the summons.

In her Opposition to the Motion to Dismiss, Susan disclaimed that her complaint was not verified and that it violated the non-forum shopping certification requirement.

The trial court denied the motion to dismiss.[6] On the non-attachment of the annexes to the complaint which was served, together with the summons, the trial court observed that Susan's opposition to the motion to dismiss was silent. The trial court went on to state, however:

x x x But even assuming ex gratia argumenti that said annexes were not attached to the complaint when summons was served, the same is not a fatal defect which will warrant the dismissal of the complaint. However, counsel for plaintiff should furnish said defendant with a copy of said annexes for the sake of fair play which should be done within five (5) days from notice and in order to obviate any further discussion as to whether or not it is meritorious.[7] (Underscoring in the original; emphasis supplied)

It appears that Susan failed to comply with the directive of the trial court to furnish the corporation those annexes.

On a technicality, the trial court eventually declared the corporation in default. The corporation's Motion for Reconsideration was denied, hence, Susan was allowed to present her evidence ex parte.[8]

By Decision of July 7, 1997,[9] the trial court held that Susan failed to adequately show that the corporation's title was derived from spurious sources,[10] the photocopy of said title (Exh. "D") which Susan presented, assuming that it is admissible in evidence, not having served the purpose.

And the trial court entertained doubts on the alleged loss[11] of the Deed of Sale covering Susan's lot in question, pondering on "whether it is not possible that [her] TCT Nos. 20726 and TCT 26796 . . . were the ones derived from spurious sources." [12]

The trial court accordingly dismissed Susan's complaint.

The Law Firm of Siruelo, Muyco and Associates filed on behalf of Susan a Motion for Reconsideration which was ordered expunged, however, as the firm did not comply with the requirements for substitution of counsel.

Susan thus appealed to the Court of Appeals, faulting the trial court in

I

. . . DECLARING THAT PLAINTIFF FAILED TO PROVE THE MATERIAL ALLEGATIONS OF HER COMPLAINT BY PREPONDERANCE OF EVIDENCE . . .

II

. . . DISMISSING THE COMPLAINT BASED ON PURE SUSPICION OR DOUBT, SPECULATION OR CONJECTURE.

III

. . . ORDERING TO EXPUNGE FROM THE RECORD, PLAINTIFF'S MOTION FOR RECONSIDERATION . . . [13]

The Court of Appeals, noting the following evidence of Susan,

- Photocopies of Transfer Certificates of Title Nos. T-96011 and T-96019 in her name, both issued by the Registry of Deeds for the Province of Cavite marked as Exhibits "A" and "B" respectively;
- Letter-reply dated 1 September 1994 on the query of whether or not the two titles of the land in Susan Degollacion's name were regularly issued (Exh. "C");
- Photocopy of Transfer Certificate of Title No. T-26877 issued by the Registry of Deeds for the Province of Cavite in the name of Pilar Development Corp., Inc. (Exh. "D");
- A photocopy of a deed of sale dated 5 April 1978 by and between Antonio Dizon as vendor and Susan Degollacion as vendee, involving the land now covered by appellant's TCT No. T-96011 (Exh. "E");
- A photocopy of Declaration of Real Property for the land covered by TCT No. T-96011 (Exh. "F");
- Testimony of Melanie A. Victoria, OIC-Deputy of the Register of Deeds for the Province of Cavite;
- Testimony of Susan Degollacion,[14]

declared that Exhibits "A", "B", "C" and "F" do not prove that the corporation's title—Exh. "D" was fraudulently issued.[15]

On the photocopy of the corporation's title which Susan's witness Melanie Victoria brought and testified on, the

appellate court gave it no weight, no ample proof of the loss of the original of said title having been presented.

By Decision of January 17, 2003, the appellate court AFFIRMED[16] that of the trial court.

Her Motion for Reconsideration having been denied, Susan filed the Petition for Review[17] at bar contending that the Court of Appeals

x x x GRAVELY ERRED IN IGNORING, REJECTING AND/OR FAILING TO CONSIDER AND APPRECIATE PETITIONER'S DOCUMENTARY AND TESTIMONIAL EVIDENCE AFFIRMING THE FACTS ALLEGED IN HER COMPLAINT WHICH REASONABLY RAISES DOUBTS UPON RESPONDENT PILAR DEVELOPMENT CORPORATION, INC. TITLE TO SUCH AN EXTENT WHICH EVIDENCE IF PROPERLY APPRECIATED AND CONSIDERED, WILL ALTER THE RESULT OF THIS CASE OR COMPEL A CONTRARY CONCLUSION.[18]

Susan relies on the September 1, 1994 letter-reply of the then Land Registration Authority (LRA) Administrator Reynaldo Maulit addressed to the Cavite Register of Deeds reading:

This is in connection with your letter dated March 15, 1994 regarding Transfer Certificates of Title (T.C.T.) Nos. 96011 and 96019 in the name of Susan D. Degollacion and Transfer Certificate of Title (T.C.T.) No. 148177 in the name of spouses Jose del Rosario and Juliet de la Cruz. It was stated in your letter that T.C.T. No. 96019 and T.C.T. No. 148177 cover one and the same parcel of land which is Lot No. 5766-B located at the Barrio Salawag, Dasmariñas, Cavite.

In your letter-query, you have expressed doubt as to which of the two certificates of title, T.C.T. No. 96019 or T.C.T. No. 148177, came from spurious sources, hence, you requested a thorough investigation of the matter. Your request for investigation has been referred to the Inspection and Investigation Division.

It appears from the records that Lot Nos. 5766-A and 5766-B were formerly owned by Antonio Dizon under T.C.T. No. T-20726 and T.C.T. No. 26796, respectively. These two lots were sold by Antonio Dizon to Susan D. Degollacion. As a result, T.C.T. Nos. T-20726 and T.C.T. No. 26796 in the name of Antonio Dizon were both cancelled and, in lieu thereof, T.C.T. No. 96011 (for Lot No. 5766-A) and T.C.T. No. 96019 (for Lot No. 5766-B) were issued in the name of Susan D. Degollacion. Moreover, from a perusal of the documents submitted, it appears that T.C.T. Nos. 96011 and 96019 issued in the name of Susan D. Degollacion were regularly issued and that she has been in continuous possession of the said properties and had been paying taxes thereon up to the present.

As regards T.C.T. No. 1148177 (should have been 148177) in the names of spouses Jose del Rosario and Juliet dela Cruz, it appears that its origin is O.C.T. No. 2018 purportedly issued pursuant to Decree No. N-185582 issued in L.R.C. Record No. N-55900, Case No. B-80-16.

x x x x[19](Emphasis and underscoring supplied)

The petition fails.

The titles involved in the present case are TCT No. T-96019 issued in the name of Susan covering Lot No. 5766-B and TCT No. T-26877 (not the TCT No. 148177 mentioned in the immediately-quoted letter of then LRA Administrator Maulit) issued in the name of the corporation which appears to cover the same or part of Lot No. 5766-B.

From Susan's TCT No. T-96019 (Exh. "B") which was issued on June 7, 1978 or more than 10 years after the corporation's TCT No. T-26877 (Exh. "D") was issued on November 8, 1967, no conclusion could be drawn that the corporation's title which, to reiterate, is a mere photocopy, is spurious.

Where two certificates of title purport to include the same land, whether wholly or partly, the better approach is to

trace the original certificates from which the certificates of title were derived.

x x x [W]here two transfer certificates of title have been issued on different dates, to two different persons, for the same parcel of land, even if both are presumed to be title holders in good faith, it does not necessarily follow that he who holds the earlier title should prevail. On the assumption that there was regularity in the registration leading to the eventual issuance of subject transfer certificates of title, the better approach is to trace the original certificates from which the certificates of title in dispute were derived. Should there be only one common original certificate of title, x x x, the transfer certificate issued on an earlier date along the line must prevail, absent any anomaly or irregularity tainting the process of registration.[20] (*Italics in the original, emphasis and underscoring supplied*)

This Court notes that the corporation, in its Brief[21] filed before the appellate court and in its Comment[22] to the present petition, painstakingly traced its title from the time one Luis Pultaje is alleged to have purchased from the government Lot 5766 of the Imus Estate in the 1920s.

Upon the other hand, except for merely claiming that her predecessor-in-interest is Dizon, Susan did not at all attempt to trace back from whom Dizon acquired his title and when it was issued.

As for Susan's reliance on the earlier-quoted letter-reply dated September 1, 1994 of LRA Administrator Maulit regarding the apparent regularity of the registration of her title, the same fails. For, as Administrator Maulit himself cautioned in the same letter, the registration of any deed is "without prejudice to any action to be filed or already instituted attacking the validity or authenticity of the said document or the certificate of title being presented in support thereof." [23]

Respecting the testimony of Susan's witness Melanie Victoria, she merely declared that she could not produce the original of the corporation's title as it was, by her claim, taken by a certain Atty. Basa of the Investigation Division of the LRA for investigation, and that the photocopy she brought along with her was handed to her by the vault-keeper.

That Susan lost the Deed of Sale in her favor covering Lot 5766-B, from which deed material or relevant facts decisive of the case could be gathered, did not preclude her from procuring a certified true copy of the deed from the Register of Deeds, or the notary public, or Dizon failing which she then could have presented any of them to testify thereon in light of the following pertinent provisions of Rule 130 of the Rules of Court:

SEC. 3. Original document must be produced; exceptions. "€ When the subject of inquiry is the contents of a document, no evidence shall be admissible other than the original document itself, except in the following cases:

- (a) When the original has been lost or destroyed, or cannot be produced in court, without bad faith on the part of the offeror;
- (b) When the original is in the custody or under the control of the party against whom the evidence is offered, and the latter fails to produce it after reasonable notice;
- (c) When the original consists of numerous accounts or other documents which cannot be examined in court without great loss of time and the fact sought to be established from them is only the general result of the whole; and
- (d) When the original is a public record in the custody of a public officer or is recorded in a public office.

x x x x

SEC. 5. When original document is unavailable. "€ When the original document has been lost or destroyed, or cannot be produced in court, the offeror, upon proof of its execution or existence and the cause of its

unavailability without bad faith on his part, may prove its contents by a copy, or by a recital of its contents in some authentic document, or by the testimony of witnesses in the order stated.

x x x x

SEC. 7. Evidence admissible when original document is a public record. – When the original of a document is in the custody of a public officer or is recorded in a public office, its contents may be proved by a certified true copy issued by the public officer in custody thereof.

On Susan's claim that, and explanation why, the corporation's title came from spurious sources, to wit:

ATTY.ZUBIRI:

Q

Do you know how the private defendant Pilar Development based its claim?

WITNESS [Susan]:

A

It based its claim on a certain Transfer Certificate of Title originating from spurious sources.

Q

Do you know what is that title?

A

Yes, sir.

Q

What is that title?

A

Transfer Certificate of Title No. T-26877.

Q

How do you know that the title of the defendant came or originated from spurious sources?

A

Well, the title of Pilar Development Corporation was derived from a reconstituted title RT-13521-91 and the property covered by a reconstituted title, Transfer Certificate of Title No. RT-13521-91 formerly Transfer Certificate of Title No. T-13756 is in the name of Cristina Caro while the reconstituted title, Transfer Certificate of Title No. T-13756 was in the name of Leonilo Javier married to Victoria Rama and Roberto Javier married to Encarnacion Guinto.

x x x x [24] (Underscoring supplied),

it remains a mere claim, she having failed to present the therein mentioned documents alleged bases thereof.

While Susan alleged in her complaint that the alleged spurious titles of the above-named Cristina Caro and Leonilo and Roberto Javier from which the corporation's title was allegedly derived, were attached thereto as

Annexes "G" and "H," respectively, nowhere in the records could the same be found. As reflected earlier, Susan in fact failed to furnish copies the annexes to her complaint including Annexes "G" and "H" to the corporation, despite the order of the trial court.

WHEREFORE, the petition is DENIED. The assailed Decision dated January 17, 2003 and Resolution of the Court of Appeals dated December 17, 2003 in CA-GR. CV No. 60761 are AFFIRMED.

Costs against petitioner.

SO ORDERED.

Quisumbing, (Chairperson), Carpio, Tinga and Velasco, Jr., JJ., concur.

[*] In the Verification, petitioner signed as Susan Degollacion Datuin.

[1] CA rollo, pp. 319-327. Penned by Justice Perlita J. Tria Tirona with the concurrence of Justices Roberto A. Barrios and Edgardo F. Sundiam.

[2] Id at 418-419.

[3] Exh. "A," records, p. 102

[4] Exh. "B," records, p. 103.

[5] Records, pp. 1-12.

[6] Order dated May 15, 1995, records pp. 45-46.

[7] Id. at 46.

[8] By Order dated May 19, 1995, the corporation was declared in default but acting on the Urgent Motion to File Answer dated May 25, 1995, the court set aside the Order of May 19, 1995 by Order dated May 31, 1995. However, instead of filing an Answer, the corporation field a Motion to Dismiss dated July 17, 1995.

[9] Records, pp. 146-158.

[10] Id. at 154.

[11] Id. at 156-157, citing the testimony of petitioner.

[12] Id. at 157.

[13] CA rollo, p. 77.

[14] Id. at 323-324.

[15] Id. at 324.

[16] Id. at 327.

[17] Rollo, pp. 8- 29.

[18] Id. at 15.

[19] Records, p. 104.

[20] Spouses Mathay v. CA, 356 Phil. 870, 894 (1998).

[21] CA rollo, pp. 122-152.

[22] Rollo, pp. 58-78.

[23] Records, p. 105.

[24] TSN, August 26, 1996, records, pp. 139-140.

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