

FLORENTINA MATA DE STUART, PETITIONER, VS. HON. NICASIO YATCO, ETC., RESPONDENT.

G.R. No. 16467. April 27, 1962

Ponente: BENGZON, C.J.

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BENGZON, C.J.:

This is a petition for mandamus to compel the respondent judge to take cognizance of petitioner's request for a new certificate of title.

On January 6, 1960, herein petitioner filed in the respondent's court a petition "for amendment of title" wherein she alleged: that she was the registered owner of a parcel of land in Quezon City under Transfer Certificate of Title No. 19979 in the name of "Florentina Mata de Stuart, Filipino, of age, married to Eugenio Stuart etc."; that the latter died in 1950, and was survived by their four children namely P. M. Stuart del Rosario, Josefina S. del Rosario, Bernardo Stuart del Rosario and Jose Stuart del Rosario; and that the said children recognizing that the land belonged to her as paraphernal property, signed the quitclaim deed annexed to the petition. Wherefore, she prayed for an order to the Register of Deeds for Quezon City for the corresponding amendment on said Transfer Certificate of Title No. 19979 or a new certificate in her name, Florentina Mata de Stuart, Filipino, of age, widow.

The Court denied the petition, expressing the opinion that the case was not one contemplated in Sec. 112 of Act No. 496, because the petition in effect calls for a declaration that the property in question is a paraphernal property of the petitioner. Her motion to reconsider having failed, petitioner instituted this petition for mandamus to compel the respondent to assume jurisdiction over the petition.

We think the Court took a restricted view of its powers. Under Art. 112 of Act 496, a registered owner may at any time, apply for relief by petition to the court upon the ground that * * *. "The registered owner has been married, or if registered as married, that the marriage has been terminated." And the court shall have jurisdiction to hear and determine the petition "after notice to all parties in interest * * * to order the entry of a new certificate."

It may be true that the grant of the petition and the issuance of a new certificate as requested, amounts to a declaration that the property is paraphernal; but that is no objection since even under the present certificate, in the name of "Florentina Mata de Stuart, Filipino, of age, married to Eugenio Stuart" the property appears to be paraphernal property.

"Where all the properties in question are registered in the name of 'M. R. married to R. L.,' such circumstance indicated that the said properties belong to the registered owner, M. R., as her paraphernal properties, for if they were conjugal, the titles covering the same should have been issued in the names of R. L. and M. R. The words "married to R. L." written after the name of M. R. in each of the titles are merely descriptive of the civil status of M. R., the registered owner of the properties covered by said titles'. (Litam, et al. vs. Espiritu et al., 100 Phil., 364; Castillo, Digest of Supreme Court Decisions, 1956.)"

For these reasons, the petition is granted, and the respondent is ordered to take cognizance of the aforesaid petition filed in this court. No costs.

Padilla, Bautista Angelo, Concepcion, Reyes, J. B. L., Paredes, and Dizon, JJ., concur.

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