# SPOUSES BRAULIO NAVARRO AND CESARIA SINDAO, PETITIONERS, VS. PERLA RICO GO, RESPONDENT.

*G.R. No. 187288. August 09, 2010*

Ponente: CARPIO MORALES, J.

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**CARPIO MORALES, J.:**

Challenged via petition for review on certiorari is the Court of Appeals Decision of December 12, 2008[1] which disposed as follows:

> . . . [T]he decision appealed from is MODIFIED, in that in lieu of decreeing the nullity of the patent and titles, the defendants Navarro are ordered to reconvey the title to the plaintiff. The case against Aurelia Caballero is dismissed. All other aspects of the decision are affirmed.
>
> SO ORDERED.[2] (emphasis and underscoring supplied)

By Deed of Sale of Real Property dated May 23, 1937, Emilia Samson (Emilia) conveyed to Josefa Parras (Josefa), mother of Perla Rico Go (respondent), a 405 square meter parcel of land situated in Domalandan West, Lingayen, Pangasinan.

On December 1971, Free Patent No. 51563 (OCT No. P-14822) was issued to the Heirs of Emilia's brother, Lorenzo Samson (the Samson heirs), covering the land.

After Josefa purchased the land in 1937, she allowed one Rufino Palma (Palma), nephew of petitioner Cesaria, to stay there. In 1984, Josefa donated the land to respondent who allowed Palma to remain on the land until 1989. Via two documents entitled "Paknaan," Palma recognized respondent's ownership of the land.[3] Photographs of the execution of the documents were in fact taken.[4]

When Palma vacated the land, respondent constructed fences made of galvanized roofing sheets and wooden posts on which was posted a "Private Property, No Trespass" sign.

On April 27, 1990, the Samson heirs transferred their rights to the land by a Deed of Extra-Judicial Partition with Sale to Spouses Braulio Navarro and Cesaria Sindao (petitioners). After 11 years or on May 2001, Transfer Certificate of Title No. 254853 was issued in petitioners' name.

Petitioner Braulio thereupon destroyed the fences of, and cut all the trees in the land, drawing respondent to file a complaint for annulment of documents â”€ Deed of Extra-Judicial Partition with Sale, Free Patent, Original Certificate of Title, Tax Declarations, Declaration of Ownership of Real Property and Damages against petitioners before the Regional Trial Court (RTC) of Lingayen, Pangasinan. Petitioner Braulio passed away on March 22, 2002 and was substituted in the action by his heirs.[5]

Before the RTC, petitioners invoked good faith in purchasing the land from the Samson heirs in 1990, no encumbrances on the title to the land on file at the Register of Deeds having been annotated.

By Decision of April 1, 2003, Branch 38 of the Lingayen RTC upheld respondent's possession and that of her

predecessors-in-interest in the concept of an owner, and declared that the issuance of a free patent title in favor of the Samson heirs is a nullity for "the land is beyond the jurisdiction of the Bureau of Lands to bestow . . ."[6] Held the trial court:

> The land in suit was already sold in 1937 by Emilia Samson to Josefa Paras Rico, mother of the plaintiff. (respondent) Since 1937 up to May 2001, the possession of Perla Rico Go in the concept of owner was never disturbed although the Heirs of Lorenzo Samson were able to secure OCT No. P-14822 in 1971. They never asserted their rights to the property, instead, they surreptitiously sold it to the defendant-Navarros. Thus, the Heirs of Lorenzo Samson have no more property to be titled and sold because Emilia Samson already sold what they are claiming as their own way back in 1937. It is also surprising why, Lorenzo Samson did not file any case to recover the property knowing fully well that it was already sold by his sister.[7] (underscoring supplied)

Brushing aside petitioners' claim of good faith, the trial court noted the fact that petitioners live not more than 200 meters away from the land on which Josefa constructed noticeable improvements.

On appeal, the Court of Appeals, by Decision of December 12, 2008, affirmed with modification the trial court's decision. Instead of nullifying the OCT of petitioners' predecessor-in-interest and the title of petitioners, it ordered petitioners to reconvey the title to respondent.

> We cannot deny the plaintiff the legal remedy that is proper to a proven cause of action even if it was not expressly prayed for in the complaint. Chacon Enterprises vs. Court of Appeals, supra, at 793. We can rightly say in this respect that an action for reconveyance falls within the ambit of general prayer against the defendants to relinquish all claims to the property to the plaintiff. x x x
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> IN VIEW OF THE FOREGOING, the decision appealed from is MODIFIED, in that in lieu of decreeing the nullity of the patent and titles, the defendants Navarro are ordered to reconvey the title to the plaintiff. The case against Aurelia Caballero is dismissed. All other aspects of the decision are affirmed.[8] (underscoring supplied

Petitioners' motion for reconsideration was denied by Resolution of March 4, 2009, hence, the present petition.

Maintaining that they purchased the land in good faith, petitioners cite Barstowe Philippines Corporation v. Republic[9] and Republic v. Mendoza, Sr.[10] which held that "one who deals with property registered under the Torrens System need not go beyond the same but only has to rely on the certificate of title."[11]

The petition fails.

A person dealing with registered land may safely rely on the correctness of its certificate of title and the law will not oblige him to go beyond what appears on the face thereof to determine the condition of the property.[12]

The indefeasibility of the Torrens title should not, however, be used as a means to perpetuate fraud against the rightful owner of real property.[13]

A person is considered an innocent purchaser in good faith when he buys the property of another, without notice that some other person has a right or an interest in such property, and pays a full price for the same at the time of such purchase, or before he has notice of the claims or interest of some other person in the property. [14]

Whether petitioners were in good faith when they bought the property from the Samson heirs is a question of fact that will not be disturbed in a petition for review under Rule 45 of the Rules of Court, save for meritorious exceptions.[15] None of these exceptions is present, however, in the case at bar. There is thus no compelling reason to overturn the factual findings of the trial court, which was affirmed by the Court of Appeals, respecting petitioners' notice of respondent's possession.


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As reflected earlier, Palma, a relative of petitioner Cesaria, acknowledged via two documents having been allowed by Josefa, respondent's mother, to occupy the land. His testimony, therefore, that he sought the permission of the Samson heirs, and not from Josefa, must give way to documentary evidence.

In another vein, as noted above, petitioners live in the vicinity of the land which was fenced and planted to fruit bearing trees. As such, they were put on notice that the land was possessed by someone. Where the land subject of sale is in possession of a person other than the vendor, prudence dictates that the vendee should go beyond the certificate of title. Absent such investigation, good faith cannot be presumed.[16]

WHEREFORE, the petition is DENIED. The Court of Appeals Decision of December 12, 2008 is hereby AFFIRMED.

**SO ORDERED.**

Brion, Bersamin, Abad,[*] and Villarama, Jr., JJ., concur.

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[*] Designated as Additional Member, per Special Order No. 843 (May 17, 2010), in view of the vacancy occasioned by the retirement of Chief Justice Reynato S. Puno.

[1] Penned by Associate Justice Mario L. Guariña III with the concurrence of Associate Justices Celia Librega-Leagogo and Sesinando E. Villon, rollo, pp. 36-44.

[2] Id. at 43.

[3] Offered in evidence as "Exhibits E - E1," and "Exhibit "F," records, pp. 116-118.

[4]Offered in evidence as "Exhibits G - G1," id. at 123.

[5] Braulio Navarro's Certificate of Death, id. at 68.

[6] Rollo, p. 66.

[7] Id. at 66-67.

[8] Id. at 43.

[9]G.R. No. 133110, March 28, 2007, 519 SCRA 148

[10] G.R. Nos. 153726 and 154014, March 28, 2007, 519 SCRA 203.

[11] Vide petitioners' petition for review on certiorari, rollo, p. 28.

[12] San Roque Realty and Development Corporation v. Republic, G.R. No. 163130, September 7, 2007, 532 SCRA 493, 511.

[13] Heirs of Julian Tiro v. Philippine Estates Corporation, G.R. No. 170528, August 26, 2008, 563 SCRA 309, 318.

[14] Id. at 318-319.

[15] (1) when the findings are grounded entirely on speculation, surmises or conjectures; (2) when the inference made is manifestly mistaken, absurd or impossible; (3) when there is grave abuse of discretion; (4) when the judgment is based on a misapprehension of facts; (5) when the findings of fact are conflicting; (6) when in making its findings the Court of Appeals went beyond the issues of the case, or its findings are contrary to the admissions


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of both the appellant and the appellee; (7) when the findings are contrary to the trial court; (8) when the findings are conclusions without citation of specific evidence on which they are based; (9) when the facts set forth in the petition as well as in the petitioner's main and reply briefs are not disputed by the respondent; (10) when the findings of fact are premised on the supposed absence of evidence and contradicted by the evidence on record; and (11) when the Court of Appeals manifestly overlooked certain relevant facts not disputed by the parties, which, if properly considered, would justify a different conclusion. (emphasis omitted) [Chua v. Soriano, G.R. No. 150066, April 13, 2007, 521 SCRA 68, 77-78].

[16] Tio v. Abayata, G.R. No. 160898, June 27, 2008, 556 SCRA 175.


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