

**NATIVIDAD TRINIDAD VDA. DE CARVAJAL, PLAINTIFF-APPELLANT,
VS. MARIA NATIVIDAD FLORENCIA CORONADO, CONRADA MARIA
DE BELEN CORONADO, ERIBERTO APOLO CORONADO AND THE
REGISTER OF DE...**

G. R. No. 23250. November 12, 1966

Ponente: SANCHEZ, J.

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SANCHEZ, J.:

On motion to dismiss. Defendants aver lack of cause of action. The lower court resolved to dismiss the complaint.[[1]]Hence, this appeal by plaintiff in forma pauperis.[2]

Material to the present conflict are the following recitals of the complaint:

During his lifetime, Januario Coronado was owner of a 1,007. 50 square-meter land (Lot 12, Block 1075) situate at Beata Street, Pandacan, Manila. His title thereto was evidenced by Transfer Certificate of Title No. 22035 of the land records of said city. Januario Coronado failed to pay the real estate taxes on the land aforesaid. In consequence, a portion thereof containing an area of 161.24 square meters, more or less, was sold at public auction by the City of Manila on November 24, 25 and 26, 1930, to plaintiff, Natividad Trinidad Vda. de Carvajal.

Neither the deceased Januario Coronado nor any of his heirs, successors or assigns had redeemed the said portion of land.

Plaintiff took possession of the portion sold to her immediately upon purchase, declared the same in her name for tax purposes, paid the corresponding real estate taxes up to 1952.

Brigida Chuaquico Vda. de Coronado and defendants Maria Natividad Florencia Coronado, Conrada Maria de Belen Coronado, and Eriberto Apolo Coronado, pretending to be still the owners of the portion sold to plaintiff at the tax sale, adjudicated among themselves the whole of the land, caused the cancellation of Torrens title No. 22035, and the issuance on March 15, 1954 - of Transfer Certificate of Title No. 35525 in their names: Brigida Chuaquico Vda. de Coronado, Conrada Maria de Belen Coronado, Maria Natividad Florencia Coronado, and Eriberto Apolo Coronado.

Brigida Chuaquico Vda. de Coronado died. Pursuant to the extra-judicial settlement of her estate. Transfer Certificate of Title No. 35525 was cancelled and Transfer Certificate of Title No. 54035 was issued in the names of Conrada Maria de Belen Coronado, Maria Natividad Florencia Coronado and Eriberto Apolo Coronado. This title also included the portion sold to plaintiff at the tax sale.

Defendants Conrada Maria de Belen Coronado, Maria Natividad Florencia Coronado and Eriberto Apolo Coronado, "still with full knowledge that the 161.24 square meters sold to plaintiff as stated above are no longer theirs, executed a partition agreement adjudicating the whole property to defendant Maria Natividad Florencia

Coronado alone. " Transfer Certificate of Title No. 54035 was cancelled and Transfer Certificate of Title No. 54047 was issued and is still existing in the name of said Maria Natividad Florencia Coronado. This Torrens title, as the previous ones, includes the 161. 24 square-meter land purchased by plaintiff at the November, 1930 tax sale.

The complaint further avers that the three defendants aforementioned, "in causing the inclusion of the portion of land with an area of 161. 24 square meters aforesated, which lawfully belongs to the plaintiff, in the previous and in the new Transfer Certificate of Title No. 54047 and in other documents of ownership", did so "in evident bad faith" with "full knowledge that they are not the owners", and "neither [are] entitled to said portion of 161.24 sq. meters of land aforesated and with full knowledge that the same was sold at public auction to the plaintiff for failure of their father, Januario Coronado, to pay the corresponding real estate taxes"; and that "furthermore, said defendants took advantage of plaintiff's ignorance of the law, to the damage and prejudice of said plaintiff."

Plaintiff also complains that defendant Maria Natividad Florencia Coronado "is doing acts in violation" of plaintiff's proprietary rights over the said 161.24 square-meter land.

The complaint winds up with the prayer:

"(a) That plaintiff be declared the real and absolute owner of said 161.24 square meters of land of Lot 12, Block 1075 described in this complaint, which land is now covered by T. C. T. No. 54047 of the Office of the Register of Deeds of Manila;

(b) That the Register of Deeds of Manila be ordered to cancel Transfer Certificate of Title No. 54047 and to issue a separate title for said portion of 161.24 square meters in the name of the plaintiff;

(c) That the defendants Maria Natividad Florencia Coronado, Conrada Maria de Belen Coronado, and Eriberto Apolo Coronado be ordered to pay jointly and severally to plaintiff the sum of P850.00 as attorney's fees and to pay the costs of this suit;

(d) Plaintiff prays for such other relief as may be just and equitable under the premises."

1. And now we come to the motion to dismiss. Ground therefor is that the complaint does not state facts sufficient to constitute a cause of action against defendants. Because, so defendants say, the complaint does not allege "that the corresponding officer's return, or any deed, certificate, or affidavit, or any other instrument made in the course of the proceedings to enforce the alleged tax lien of the City of Manila on the property was ever filed with the Registry of Deeds of the City of Manila and registered in the registration book and a memorandum thereof made upon Transfer Certificate of Title No. 22035 as an adverse claim or incumbrance". And this, defendants underscore, is a condition precedent to a statement of a cause of action, and omission thereof is fatal.

Defendants' mainstay is Section 77 of the Land Registration Act which reads:

"SEC. 77.A lien of any description on registered land shall be enforced in the same manner as like liens upon unregistered land. Whenever registered land is sold on execution, or taken or sold for taxes or for any assessment, or to enforce a lien of any character, or for any costs and charges incident to such liens, any execution, or copy of execution, any officer's return or any deed, demand, certificate, or affidavit, or other instrument made in the course of proceedings to enforce such liens and required by law to be recorded in the registry of deeds in the case of unregistered land, shall be filed with the register of deeds for the province where the land lies and registered in the registration book, and a memorandum made upon the proper certificate of title, in each case, as an adverse claim or incumbrance."

They lean heavily on jurisprudence that the one-year period[[3]] for redemption of property sold at a tax sale, begins to toll from the registration of the deed. The philosophy behind such requirement of registration is that "it

is one of the safeguards that the law establishes in order that the owners of the land who may have failed to take note of the sale of their properties for delinquency in payment of taxes may be notified of the act taken in connection with their properties".[4] This Court's attention had been called to "the common practice among purchasers, from whom the property may be redeemed, to withhold the registration of the deed or certificate of sale until after the lapse of one year, when the sale becomes final, thinking that if registration were to be done earlier the owner or holder of the title would be awakened on time, for incidentally he would be advised by the Register of Deeds to surrender the title for annotation of the sale, preparatory to its consolidation in the vendee after the lapse of one year. On the other hand, if registration takes place after the lapse of the statutory period, the owner would no longer have any mere opportunity to exercise his legal right of redemption".[5]

2. But such registration, as stated in the Santos decision, is but one of the safeguards in order that the owner may have notice of the sale. Indeed, it is to serve notice to all of the existence of the right recorded. Primarily, it is to spur the owner to action to redeem the property within the one-year period on pain of forever losing the same to the vendee. Therefore, if the party to be affected had actual knowledge of the fact of the tax sale, then the purpose for which the registration had been established, as a legal safeguard, is sufficiently complied with. As early as 1910, this Court has ruled that [T]he purpose of registering an instrument relating to land x x x is to give notice to persons interested of the existence" of legal rights "against the property" and that if "the parties interested have actual notice of the existence" of the lien created under said instrument, then "the necessity for registration does not exist"[6] Really, the law does not require the unnecessary. And registration in the situation just presented becomes an act of supererogation. For actual knowledge of an unregistered sale is equivalent to registration; it "is equivalent to a notice resulting from the registry."[7] 3.

The validity of these precepts as they apply to the owner of real property sold on a tax sale, is not to be underestimated. As a rule, a tax sale brings about a price less than the actual value of the property. It is in this posture that the property owner should take interest in protecting his property. He cannot afford to shut his eyes, stand by supinely, or sit with folded arms. He cannot lull the purchaser of his property - at a tax sale - into a false belief that he (purchaser), already in possession, is secure in his right as purchaser. He cannot let years go by, and in his own good time elect to reacquire the sold property, to the prejudice of said purchaser. If the purpose of the Torrens system is to quiet title to the land - and all think it is - then this precept, far from being subserved, will be seriously dented. For, a situation may well crop up where a cloud to the title to the land thus sold may remain for an indefinite length of time. The basic dictates of fairness demand that the property owner should not, after the statutory period from notice has lapsed, be allowed literally to lay in ambush and then strike at the purchaser. Want of honest dealing will not entitle one to shelter himself under the protective mantle of the Land Registration Act. For the Torrens system only protects the title holder in good faith; it has never been erected as a shield to fraud.[[8]]

The factual averments of the complaint are plain. The sale took place 111 November. 1930. Plaintiff immediately took possession of the property sold to her. That the complaint does not allege registration of the sale in her favor, is not important now. The complaint avers defendants' knowledge - since before March 15, 1954 - that such tax sale took place.[[9]] Whether those averments could be proved is one thing. But at this stage of the proceedings, equitable considerations demand that the rights of the parties be determined at the crucible of a trial on the merits. Specially because, nothing in the complaint suggests that plaintiff is a fraudulent vendee. On the contrary, she there avers that defendants took advantage of her (plaintiff's) ignorance of the law and made transfers of title in bad faith.

No reason then exists why we should take the present case out of the controlling principle that actual knowledge is equivalent to registration. We are fortified in our view by the statement we made in Santos vs. Rehabilitation

Finance Corporation, et al., supra, that the landowner's knowledge of a tax sale "is tantamount to registration".

Accordingly, a cause of action exists. And the motion to dismiss should have been denied.

Upon the premises, we vote to reverse the order of the trial court dismissing the case and to return the record hereof to the court of origin for further proceedings.

SO ORDERED.

Concepcion, C.J., Reyes, J. B. L., Dizon, Regala, Makalintal, Bengzon, J. P., Zaldivar and Ruiz Castro, JJ., concur.

Barrera, J., on leave.

[1] Civil Case No. 42419, Court of First Instance of Manila, entitled "Natividad Trinidad Vda. de Carvajal, plaintiff, vs. Maria Natividad Florencia Coronado, et al., defendants".

[2] Plaintiff appealed from the order of April 30, 1960 dismissing her complaint and the order of June 18, 1960 denying her motion to reconsider the April 30 order. Because purely questions of law are involved, the Court of Appeals (CA-G.R. No. 28020-R) certified the case to this Court for review.

[3] Section 70, Revised Charter of the City of Manila, reads:

"SEC. 70. Redemption of real estate. -Within one year from the date of sale the delinquent taxpayer, or anyone for him, shall have the right of paying the city assessor and collector the amount of the public taxes, penalties, and costs together with interest on the purchase price at the rate of fifteen per centum per annum from the date of purchase to the date of the redemption; x x x"

[4] Santos vs. Rehabilitation Finance Corporation, et al., G.R. No. L-9796, July 31, 1957; emphasis ours.

[5] Ibid. See also; Metropolitan Water District vs. Reyes, 74 Phil. 142, 149~150; Tolentino vs. Agcaoili, G.R. No. L-4349-51, May 28, 1952, 91 Phil. 917-918; Techico vs. Serrano, G.R. No. L-12693, May 29, 1959

[6] Obras Pias, etc., vs. Devera Ignacio, et al., 7 Phil. 45 Sec. also: Quimson vs. Suarez, 45 Phil. 901, 905-906; Gustilo et al., vs. Maravilla, 48 Phil. 422,448; Ramos, et. al., vs. Dueño, et. at., 50 Phil. 786, 790.

[7]Winkelman, et al., vs. Veluz, 43 Phil. 604, 608-609.

[8] Quimson vs. Suarez, supra, at 905-906; Gustilo, et al., vs. Maravilla, supra, at 448; Ramos, et al., vs. Dueño, et al., supra, at 790.

[9] The complaint here was filed on January 21, 1960.

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