

**LEON TEMPORAL, JOSE TEMPORAL, GENOVEVA TEMPORAL,
ANTONIA BELARMINO AND CRISTINO BAGAY, PLAINTIFFS AND
APPELLANTS, VS. FERNANDO MATEO AND FELISA MONTALON,
DEFENDANTS AND APPELLEES.**

G.R. No. 26689. December 16, 1927

Ponente: AVANCEÑA, C.J.

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AVANCEÑA, C.J.:

Martin Temporal had two children named Maria and Juan. Maria, now deceased, had a daughter named Antonia Belarmino. Juan, also deceased, had three sons, Leon, Jose and Prudencio. Prudencio, likewise deceased, had a daughter named Genoveva Temporal. Hence, plaintiffs Antonia Belarmino, Jose Temporal and Leon Temporal are Martin Temporal's grandchildren, and Genoveva Temporal is his great-granddaughter. Cristino Bagay is also a plaintiff as the husband of Antonia Belarmino.

Martin Temporal owned the lands described in the complaint. In 1882 Martin Temporal mortgaged said lands to Pedro Lopez de Leon as security for a loan of P1,200 from the same, giving him possession thereof. The defendant spouses, Fernando Mateo and Felisa Montalon, applied for the registration of these lands in their name, and the same having been granted them by the decision of January 11, 1917, the proper decree was issued on April 10th of the same year, and the proper certificate of title was issued in their favor. In the course of that registration proceeding the defendants presented the document Exhibit 3 in support of their application. Said document appears to be dated August 6, 1911 and subscribed before a notary on the 13th of the same month and shows that the three brothers, Leon, Jose and Prudencio Temporal redeemed these lands from Pedro Lopez de Leon by paying him the P1,200 for which they were mortgaged. They also presented the document Exhibit A, dated August 21, 1911, and subscribed to before a notary on the same date, wherein it appears that the said brothers Leon, Jose and Prudencio Temporal sold these lands to the defendants. Upon the strength of such evidence the lands were adjudicated to the defendants as above stated. On November 4, 1920, Florencia de Dios, alleging to be the owner of the lands so adjudicated to the defendants in that registration proceeding, brought a civil action for the annulment of the certificate of title issued to the defendants, or for damages, alleging that the defendants obtained the issuance of said certificate by fraud. Said fraud is made to consist in their having presented in said registration proceeding, Exhibits A and 3, which she alleges were falsified. In the decision rendered in that case no finding was made as to Exhibit A, but it was insinuated that Exhibit 3 appeared to have been tampered with. In that action the brothers Jose and Leon Temporal, two of the herein plaintiffs, supported Florencia de Dios in their contention, declaring that she was the real owner of the lands, having purchased them from their grandfather, Martin Temporal, and giving it to understand that they did not consider themselves to have any right to said lands. That action filed by Florencia de Dios was adversely decided by the lower court as well as by this court to which it came on appeal.[1]

The plaintiffs, alleging that they are the heirs of Martin Temporal and that the defendants acquired title to said lands by fraud, now pray that the defendants be ordered to indemnify them for damages. Said fraud is made to

consist, as in the action filed by Florencia de Dios, in defendants having presented Exhibits A and 3 in that registration proceeding, which are alleged to be falsified, in support of their application and by means thereof obtained the issuance of the title to them.

As to Exhibit 3 it is said that its true date is that of September 13, 1911, and that this was changed to August 6th of the same year, so it would not appear that the lands were sold to the defendants before having been redeemed from Pedro Lopez. It is claimed that the date of this document was thus altered, because it shows the month of September as appearing on the stamps affixed thereon, and that in the ratification before the notary the word "August" was erased and the word "September" written over it. At most, however, this indicates that the document was ratified before a notary in September, but it does not prove that it was not executed in August. We do not believe that said document was falsified. At all events, the defendants took no part in its execution and there is no proof that they participated in its alteration, even supposing that it was altered.

Neither is there any proof that Exhibit A is false. Leon Temporal, one of the plaintiffs, admits that he subscribed said document, although he claims he did so because he was given to understand that it was a deed of sale to the lands executed by Florencia de Dios in favor of the defendants. But we are at a loss to understand why he subscribed to it for this reason if he was, as he now asserts he is, one of the owners of these lands. Said plaintiff further admits that after he had subscribed that document, he was made to take charge of the lands by the defendants for three years. And it is indeed strange that two of the herein plaintiffs, Leon and Jose Temporal, claim to have a right in these lands as heirs of Martin Temporal, after having testified in the civil action instituted by Florencia de Dios that they had no such right and that the lands belonged to her, she having purchased them from Martin Temporal.

The fraud alleged by the plaintiffs as the basis of their action was not committed in the course of the registration proceeding, but in the documents presented as evidence therein. The plaintiffs did not then take any steps to protect their alleged rights and to content these documents. Under such circumstances the plaintiffs should present complete proof, which they have not done. In order to establish such fraud.

The judgment appealed from is affirmed, with the costs against the appellants. So ordered.

Johnson, Street, Malcolm, Villamor, Ostrand, Johns, and Villa-Real, JJ., concur.

[1] De Dios vs. Mateo and Pantaleon, G. R. No. 19342, promulgated March 12, 1923, not reported.

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