

CLEMBNTE REYES AND ANSELMO NADRES, PETITIONERS, VS. THE HONORABLE PABLO BORBON, AS JUDGE OF THE COURT OF FIRST INSTANCE OF TAYABAS, AND THE DIRECTOR OF LANDS, RESPONDENTS.

G.R. No. 27895. September 30, 1927

Ponente: JOHNSON, J.

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JOHNSON, J.:

This is an original petition presented in the Supreme Court, praying for the extraordinary legal writ of certiorari. Upon the presentation of the petition the respondents were required to show cause why the prayer thereof should not be granted. The respondents answered the petition. Upon a consideration of the petition and answer, the clerk of the Court of First Instance of Tayabas was required to send to this court the original record.

The facts alleged, admitted and supported by the original record may be stated briefly as follows:

- (1) That Clemente Reyes is the absolute owner and in possession, and has been for many years, of a certain piece or parcel of land composed of 1,982,795 square meters, known as lot No. 1A, together with the improvements thereon, located in the barrio of Mayabobo, of the municipality of Candelaria, Province of Tayabas, and which is particularly described by metes and bounds in the transfer certificate of title No. 150, issued to him by the registrar of titles of the Province of Tayabas on the 10th day of October, 1919.
- (2) That Anselmo Nadres is the absolute owner and has been in possession for many years of a piece or parcel of land known as lot No. 2, located in the barrio of Mayabobo, municipality of Candelaria, Province of Tayabas, which is particularly described by metes and bounds in the transfer certificate of title No. 93, issued in his favor by the registrar of titles of the Province of Tayabas on the 12th day of December, 1917.
- (3) That said parcels of land had been registered under the Torrens system.
- (4) That said parcels of land had originally been registered in the Expediente de Registro G. L. R. O. Record No. 8094, in the name of Hermenegildo Nadres, in whose name the original certificate of title No. 551 of the registry of titles of the Province of Tayabas, was issued, and that the present petitioners acquired their respective rights to said parcels of land from the said Hermenegildo Nadres, and that since they have acquired said parcels of land in the manner described, they had made many improvements upon the same.
- (5) That later, another cadastral survey was presented to the Court of First Instance, known as Expediente Catastral No. 10, G. L. R. O. Cadastral Survey Record No. 386, for the registration of numerous parcels of land divided into various numbered lots, including a portion of the lots which had theretofore been registered under the Torrens system and now stand in the name of the petitioners herein.
- (6) That in said Expediente No. 10, G. L. R. O. Cadastral Survey Record No. 386, the petitioners herein did not appear and a general default was rendered on September 19, 1924, and because no opposition was presented, lots

Nos. 1036, 4789, 5544, 5541, 2818, 1033, 1034, 1032, 5497 and 5499 were declared to be public lands on September 19, 1924; that all of said lots are found within the boundaries of lot No. 1A and lot No. 2, which had therefore been registered under the Torrens system in the name of Hermenegildo Nadres and transferred to the petitioners herein, the first in the month of October, 1919, and the second in the month of December, 1917.

(7) That the order or decree of the court, declaring that said lots were public lands was made on the 19th day of September, 1924; that the petitioners herein had no knowledge of said decree until the 18th day of January, 1927; that in the months of February and March, 1927, they presented motions in the Court of First Instance, praying that the decree, declaring that said lots were public lands be set aside and annulled, which motions were denied by the presiding judge for the following reasons and in the words and figures following:

"Se ha llamado a vista este Expediente Catastral en orden a las mociones de los abogados Ilao y Gamboa, pidiendo la reconsideracion de la sentencia dictada por el Honorable Juez Platon el 19 de septiembre de 1924, en la que se declara que los lotes Nos. 1033, 1034, 4789, 1036 y 5444 son terrenos publicos por no haber sido reclamados por nadie, habiendose presentado dichas mociones en 23 de febrero de 1927, 14 de marzo de 1927 y 15 de Marzo de 1927.

"Despues de haber oido argumentos tanto de la parte mocionante como del Fiscal Provincial en representation del Director de Terrenos y del Gobierno, el Juzgado ha llegado a la conclusion de que el mismo no tiene jurisdiction para enmendar ni corregir ni mucho menos anular una sentencia dictada el 19 de septiembre de 1924, por estar la misma firme. Es posible que los mocionantes tengan razon al citar ciertas jurisprudencias de la Corte Suprema en donde se declara que una sentencia dictada en expedientes catastrales declarando cierto lote como terreno publico estando el mismo con titulo Torrens a favor de persona particular es una sentencia nula ab initio; pero presentada la mocion tres años despues de haberse dictado la decision, el Juez que suscribe se cree incompetente y falto de jurisdiction para hacer lo que se pide por los mocionantes.

"Se desestiman las mociones.

"Asi se ordena.

"Lucena, Tayabas, I. F., 18 de marzo de 1927.

(Fdo.) "PABLO BORBON

"Juez, Sola II"

(8) That the chief of the division of surveyors of the General Office of Land Registration on the 4th day of December, 1922, filed a report in the Court of First Instance in said cadastral survey, indicating that said lots had theretofore been registered in accordance with the law of the registry of property under the Torrens system.

We have then from the foregoing facts the following resume of facts :

- (a) That the lots in question, numbered above, constituted a part and parcel of land which had been registered many years theretofore under the Torrens system;
- (b) That the record in said Expediente No. 10 contained a report substantiating that fact; and
- (c) That notwithstanding those facts, by an order of the court a quo, said lots were declared public lands.

The primary and fundamental purpose of the Land Registration Act in force in the Philippine Islands is to finally settle the title to lands. When land is once registered under the Torrens land system the title thereto is settled and unimpeachable after the expiration of one year. It is not subject again to be brought under another action for the registration under that system. In the case of *Legarda and Prieto vs. Saleeby* (31 Phil., 590, 591), this court said:

"The real purpose of the Torrens system of land registration is to quiet title to land; to put a stop forever to any question of the legality of the title, except claims which were noted, at the time of registration, in the

certificate, or which may arise subsequent thereto. That being the purpose of the law, it would seem that once the title was registered, the owner might rest secure, without the necessity of waiting in the portals of the court, or sitting in the 'mirador de su casa,' to avoid the possibility of losing his land. The proceeding for the registration of land under the Torrens system is a judicial proceeding, but it involves more in its consequences than does an ordinary action." (Acantilado vs. De Santos, 32 Phil., 350; Altavas vs. Moir, 36 Phil., 198; De los Reyes vs. Razon, 38 Phil., 480; Aquino vs. Director of Lands, 39 Phil., 850; Government of the Philippine Islands vs. Zamora, 41 Phil., 905; Yuson and De Guzman vs. Diaz, 42 Phil., 22; Sotto vs. Sotto, 43 Phil., 688; Director of Lands vs. Insa and Enriquez, 47 Phil., 158; American Land Company vs. Zeiss, 219 U. S., 47.)

When the attention of the Court of Land Registration is called to the fact that the same land has been registered in the name of two different persons, it is the duty of said court to order an investigation of that fact and that should be done even without requiring the parties to show that a fraud had been committed in securing the double registration. When it is established that the same has been registered in the name of two different persons the title should remain in the name of the person securing the first registration. (Legarda and Prieto vs. Saleeby, 31 Phil., 590; Acantilado vs. De Santos, 32 Phil., 350; Roman Catholic Bishop of Cebu vs. Philippine Railway Co. and Reynes, 49 Phil., 546; Ledesma vs. Municipality of Iloilo, 49 Phil, 769.)

When once a decree of registration is made under the Torrens system, and the time has passed within which that decree may be questioned, the title is perfect and cannot later be questioned. The Supreme Court of the United States in the case of the Great Western Telegraph Co. vs. Burnham (162 U. S., 339), said that there would be no end to litigation if every obstinate litigant could, by repeated appeals or actions, compel a court to listen to criticisms on its opinions or speculate on chances from changes in its membership. The very purpose of the Torrens system would be destroyed if the same land may be subsequently brought under a second action for registration.

For all of the foregoing reasons, the judgment of the lower court, declaring that the lands therefore registered in the name of the petitioners herein are public land, is hereby set aside and annulled and pronounced of no effect. And without any finding as to costs, it is so ordered.

Avanceña, C. J., Street, Malcolm, Villamor, Johns, Romualdez, and Villa-Real, JJ., concur.

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