

VIRGINIA YUMUL, PLAINTIFF AND APPELLANT, VS. CAYETANO RIVERA AND JULIA RITA DIZON, DEFENDANTS AND APPELLEES.*G. R. No. 43243. January 26, 1937*

Ponente: LAUREL, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-43243/>**LAUREL, J.:**

By this action the plaintiff seeks to compel the defendants to convey to her two parcels of land described in the amended complaint (B. E., p. 36) or, in default thereof, to pay to her the sum of P50,000 in damages for wrongful registration by the defendants of said parcels of land. The plaintiff further prays that the defendants be required to render an accounting of their administration of said lands from the year 1905 to the present.

The defendants answered by a general and special denial and, as special defense, alleged that they were the absolute owners of the parcels of land claimed by the plaintiff, their ownership being evidenced by transfer certificates of title duly issued in their favor.

The trial court rendered judgment absolving the defendants from the complaint. Plaintiff has appealed to this court by bill of exceptions duly presented and approved.

The contention of the appellant is that the appellees had obtained decrees of registration through fraud, to the prejudice of the appellant who was the true owner thereof; that the appellee, Cayetano Rivera, was a mere encargado or administrator of the appellant, and that, the existence of such fiduciary relation justifies the reconveyance to her of the lands wrongfully registered in the name of the appellees.

The two parcels of land in question are indicated with red pencil marks in sketches, Exhibits Z and Z-l, and are situated in the municipality of Concepcion, Province of Tarlac, the first parcel, measuring 87 hectares, 49 ares and 4 centiares, being a portion of lot No. 1241 (plan Psu-2112) and the other parcel, measuring 74 hectares, 6 ares and 22 centiares, being a portion of lot No. 1303 (plan Psu-6609). The legal title to the whole of lots Nos. 1241 and 1303, in which are included the portions claimed by the appellant, had twice been adjudicated in favor of the appellees, at first in the voluntary registration proceedings, instituted by them (Expediente No. 8114, defunct Court of Land Registration and Expediente No. 429, Court of First Instance of Tarlac), and then in the cadastral proceedings for the registration of lands in the municipality of Concepcion, Province of Tarlac (Cadastral Case No. 9, G. L. R. O. Rec. No. 187). In the voluntary registration proceedings, original certificates of title Nos. 213 and 2286 covering the two lots were separately issued to the appellees on November 29, 1912 and August 14, 1919, respectively (Exhibits 17 and 19). These original certificates of title were substituted, as a result of the cadastral proceedings, by transfer certificates of title Nos. 1371 and 1402 issued to the appellees on October 22 and November 22, 1926, respectively (Exhibits 18 and 20). The appellant presented no adverse claim of ownership over any portion of lots Nos. 1241 and 1303 in the registration proceedings above-mentioned.

It results that the legal title of the appellees over lots Nos. 1241 and 1303, which include the portions now claimed by the appellant, became absolute and irrevocable upon the expiration of one year counted from the entry of the final decrees of registration in their favor (sec. 38, Act No. 496, as amended; *Broce v. Apurado* [1914], 26 Phil.,

581; Legarda and Prieto vs. Saleeby [1915], 31 Phil., 590, 596; Mariano Velasco & Co. vs. Gochuico & Co. [1916], 33 Phil., 363, 367; Bias vs. De la Cruz and Melendres [1917], 37 Phil., 1; Calimbas vs. Paguio [1924], 46 Phil., 566, 571; Rivera vs. Moran [1926], 48 Phil., 836, 840; Sugayan vs. Solis and Paredes [1931], 56 Phil., 276, 279). The registration by the appellees freed the lands from claims and liens of whatever character, which existed against the lands prior to the issuance of the certificates of title, except those noted on said certificates and certain other liens specially mentioned in the law, such as taxes, etc, (see. 39, Act No. 496, as amended; Escueta vs. Director of Lands [1910], 16 Phil., 482, 486; De Jesus vs. City of Manila. [1914], 29 Phil., 73; Manila Railroad Co. vs. Del Carmen Rodriguez [1915], 29 Phil., 336, 340; Reyes and Nadres vs. Borbon and Director of Lands [1927], 50 Phil., 791; Government of the Philippine Islands vs. Del Rosario and Tiangco [1929], 54 Phil., 138, 143). Neither the alleged mental insanity of the appellant nor the existence of fraud in the registration can vitiate the legal title acquired by the appellees after the lapse of over ten years since the Torrens certificates of title were issued to them (see. 38, Act No. 496, as amended). A certificate of title is conclusive evidence of the ownership of the land referred to therein (sec. 47, Act No. 496; Aldecoa & Co. vs. Warner, Barnes & Co. [1915], 30 Phil., 153, 209).

The appellant, however, claims that the legal title of the appellees inured to her benefit, for the reason that the appellees came into the possession of the parcels in question as encargados or administrators of the appellant. Were this fiduciary relation between the parties and the breach thereof by the appellees established by sufficient evidence this court, in line with adjudicated cases, would order the reconveyance of the lands held in trust to the appellant cestui que trust, or compel the appellees as encargados to make reparation in damages for the injury occasioned by their wrong (Consunji vs. Tison [1910], 15 Phil., 81, 84; Uy Aloe vs. Cho Jan Ling [1911], 19 Phil., 202, 205; Camacho vs. Municipality of Baliuag [1914], 28 Phil., 466, 468; Sy-Juco and Viardo vs. Sy-Jueo [1920], 40 Phil., 632, 6S4; Severino vs. Severino [1923], 44 Phil., 343, 350; Roman Catholic Bishop of Nueva Caceres vs. Municipality of Tabaco [1924], 46 Phil., 271, 276). Indeed, "* * * No reasons of public policy demand that a person guilty of fraud or breach of trust be permitted to use his certificate of title as a shield against the consequences of his own wrong" (Severino vs. Severino, supra, at page 358). But a strong presumption exists that Torrens certificates of title have been regularly issued and are valid and, in order to maintain an action in personam for reconveyance such as the present, the "* * * proof as to the fiduciary relation of the parties and of the breach of trust must be clear and convincing. * * *" (Severino vs. Severino, supra, at page 357). In the present case, the parol evidence introduced by the appellant was not sufficient to establish the fiduciary relation between the parties. On the contrary, the preponderance of the evidence shows that the appellees came into the possession of the lands by purchase from other persons and from the appellant herself (Exhibit 4), and not by virtue of an oral agreement that the appellees wetfe to administer the lands as encargados of said appellant. The trial court, whose findings of fact are entitled to due credit and weight (People vs. Garcia [1936], 63 Phil., 296 and cases cited), arrived at the same conclusion.

It is obvious that the appellees, being the owners of the two parcels of land in question, need not account for their administration thereof.

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

Avancena, C. J., Villa-Real, Abad Santos, Imperial, Diaz, and Concepcion, JJ., concur.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.