

ARMESTO RAMOSO, PETITIONER, VS. JOSE OBLIGADO ET AL., RESPONDENTS.

G.R. No. 46548. June 21, 1940

Ponente: MORAN, J.

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MORAN, J.:

An appeal by certiorari from the judgment of the Court of Appeals.

One Feliciano Capinpin was owner of a homestead granted him on September 21, 1921, and registered in the office of the registrar of deeds of Nueva Ecija under title No. 1080. He died, and his widow, Luisa Jarduela, and son by the first marriage, Geronimo Capinpin, sold the property to respondent Juan Obligado on May 17, 1930. When the cadastral proceedings were opened in Nueva Ecija, the widow, without the son, claimed the property, and the court awarded it to her on December 10, 1929, the final decree of registration and the original certificate of title having been issued on December 8, 1930, and January 7, 1931, respectively. On October 26, 1934, the widow transferred the property to her lawyer, Armesto Ramoso, the herein petitioner, in whose favor transfer certificate of title No. 8550 was issued. The question now is whether Armesto Ramoso, under his transfer certificate of title, is entitled to the property as against the first transferee, Juan Obligado.

A homestead patent, once registered under the Registration Act, becomes as indefeasible as a Torrens title, and cannot thereafter be the subject of an investigation for determination or judgment in a cadastral case. Any new title which the cadastral court may order to be issued is null and void and should be cancelled. All that the cadastral court may do is to make corrections of technical errors in the description of the property contained in its title, or to proceed to the partition thereof if it is owned by two or more coowners. (*Pamintuan vs. San Agustin et al.*, 43 Phil., 558, 561; *El Hogar Filipino vs. Olviga et al.*, 60 Phil., 17, 18.) Accordingly, the order of registration issued by the cadastral court in favor of the widow is null and void, and, consequently, no valid transfer could have been made by her in favor of the petitioner, Armesto Ramos. In other words, the latter has no right to the property.

It is argued, however, that, if in a cadastral proceeding, the court may order the partition of the property already registered, then it may also validly award the property in favor of the supposed sole heir of the person in whose favor the title was issued. This conclusion is wrong. Awarding the property to a supposed sole heir is not ordering its partition. If, according to the registered title, the property belongs to several owners, the cadastral court may order partition among them. But when the registered title belongs to only one person, the cadastral court cannot, if that person is dead, order the registration of the property in favor of the heirs or its partition among them, for that would presuppose a declaration of heirs, a function which devolves upon probate courts. We do not mean to say that the cadastral court cannot do so in connection with unregistered lands, the actual ownership of which it must determine. But when the ownership has already been determined and a registered title has already been issued, the cadastral court cannot adjudicate anew the ownership of the property and order the issuance of an original title to successors in interest. Such successors in interest, either by inheritance or by contract, are entitled only to a transfer certificate of title which can be issued in proceedings that are not proper in a cadastral court. The issuance

of an original title to the successors in interest is in fact equivalent to setting aside the original title issued in favor of their predecessor in interest. And it this cannot be done by the cadastral court.

It is true that this is a question of jurisdiction of the cadastral court, which the Court of Appeals may not entertain. But there is no showing that the petitioner has challenged the jurisdiction of the Court of Appeals on this matter and has taken the proper steps to have the case certified to this Court. Under this circumstance, this court will confine itself to reviewing the pronouncement of the Court of Appeals on the question of jurisdiction and such other questions of law as have been properly raised by the petitioner.

In the judgment rendered by the Court of Appeals, it is held that the herein petitioner acted in bad faith in acquiring the property from Luisa Jarduela, for, prior to the acquisition, he knew that the property had already been sold to Juan Obligado. This is a question of fact which we will not review. And the finding of the Court of Appeals on this matter is another ground for holding that the petitioner has no right to the property.

Judgment is affirmed, with costs against petitioner.

Avanceña, C.J., Imperial, Diaz, Laurel, and Concepcion, JJ., concur.

Judgment affirmed.

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