

**CRESCENCIO REYNES ET AL., PLAINTIFFS AND APPELLEES, VS.
ROSALINA BARRERA ET AL., DEFENDANTS AND APPELLANTS.***G.R. No. 46724. September 30, 1939*

Ponente: MORAN, J.

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The spouses, Vidal Reynes and Lucia R. de Reynes, were owners of lot No. 471 of the cadastral survey of Cebu. On July 23, 1922, Lucia R. de Reynes died¹, leaving the plaintiffs-appellees herein, Crescencio Reynes et al., as her heirs. After her death, Vidal Reynes contracted, on December 15, 1923, a debt of one thousand pesos (P1,000) with one Pedro Malacahan. In an action subsequently brought by the creditor against said Vidal Reynes, a condemnatory judgment was rendered, and in virtue thereof, execution was levied on said lot No. 471, which was later sold at public auction by the provincial sheriff of Cebu. Vidal Reynes conveyed his right of redemption to his brother Manuel Reynes who thereafter redeemed the property. Subsequently, the lot was subdivided into lots Nos. 471-a and 471-b, the second lot having been registered in the name of Manuel Reynes, as evidenced by transfer certificate of title No. 11364. Lot No. 471-a is not involved in this appeal, for apparently it has been conveyed to Angel C. Sanchez, the same person to whom it had been sold by the spouses Vidal Reynes and Lucia R. de Reynes during the latter's lifetime. With respect to lot No. 471-b, Manuel Reynes conveyed the same, under pacto de retro, to the defendant-appellant herein, Rosalina Barrera who, thereafter, acquired full ownership thereof and since then had been in continuous possession of the property until the commencement of the present action. Plaintiffs-appellees now seek to declare null and void the sale at public auction of one-half of the property in question, which appertained to them by heirship, as well as all subsequent transfers thereof. The lower court rendered judgment for the plaintiffs, from which defendant, Rosalina Barrera, took the present appeal.

There is no question that the defendant-appellant is a purchaser of lot No. 471-b in good faith and for a valuable consideration. There was nothing in the certificate of title of Manuel Reynes, from whom she acquired the property, to indicate any cloud or vice in his ownership of the property, or any encumbrance thereon. Where the subject of a judicial sale is a registered property, the purchaser thereof is not required to explore farther than what the Torrens title, upon its face, indicates in quest for any hidden defect or inchoate right that may subsequently defeat his right thereto. If the rule were otherwise, the efficacy and conclusiveness of the certificate of title which the Torrens system seeks to insure, would entirely be futile and nugatory. "Every applicant receiving a certificate of title in pursuance of a decree of registration, and every subsequent purchaser of registered land who takes a certificate of title for value in good faith, shall hold the same free of all encumbrance except those noted on said certificate * * *." (Sec. 39, Act No. 496, as amended by Act No. 2011.) In *De la Cruz vs. Fabie* (35 Phil., 144), it was held that, even admitting the fact that a registration obtained by means of fraud or forgery is not valid, and may be cancelled forthwith, yet, when a third person has acquired the property subjectmatter of such registration from the person who appears as registered owner of same, his acquisition is valid in all respects and the registration in his favor cannot be annulled or cancelled; neither can the property be recovered by the previous owner who is deprived thereof by virtue of such fraud or forgery.

Judgment is accordingly reversed, and defendant-appellant is hereby absolved from the complaint, with costs in both instances against plaintiffs-appellees.

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

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