

EUSEBIA ESCOBAR, PLAINTIFF AND APPELLANT, VS. RAMON LOCSIN, IN HIS CAPACITY AS SPECIAL ADMINISTRATOR OF THE INTESTATE ESTATE OF JUANA RINGOR. DEFENDANT AND APPELLEE.

G.R. No. 48309. January 30, 1943

Ponente: BOCOBO, J.

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BOCOBO, J.:

The complaint in this case, which prays for the reconveyance of lot No. 692 of the Cuyapo cadastre in Nueva Ecija, alleges that the plaintiff is the owner of said lot; and that in the course of the cadastral proceedings, plaintiff being illiterate asked Domingo Sumangil to claim the same for her (plaintiff) but Sumangil committed a breach of trust by claiming the for himself so it was adjudicated in favor of Sumangil. The defendant is the special administrator of the estate of Juana Ringor, to whom the parcel of land in question was assigned by partition in the instate estate of Domingo Sumangil and Honorata Duque.

The Court of First Instance of Nueva Ecija found that the plaintiff is the real owner of the lot which she had acquired in 1914 by donation propter nuptias from Pablo Ringor; that plaintiff had since that year been in possession of the land; and that the same had been decreed in the cadastral proceedings in favor of Domingo Sumangil. The trial court, while recognizing that the plaintiff had the equitable title and the defendant the legal title, nevertheless dismissed the complaint because the period of one year provided for in section 38 of the Land Registration Act (No. 496) for the review of a decree had elapsed, and the plaintiff had not availed herself of this remedy.

The trial court plainly erred. The complaint did not seek the review of the decree or the reopening of the cadastral case, but the enforcement of a trust. Hence, section 38 of Act No. 496 does not apply. The estate of Juana Ringor as the successor in interest of the trustee, Domingo Sumangil, is in equity bound to execute a deed of conveyance of this lot to the cestui que trust the plaintiff-appellant. The remedy herein prayed for has been upheld by this Court in previous cases one of which is *Severino vs. Severino* (44 Phil., 343, year 1923) in which it was said among other things:

"Turning to our own Land Registration Act, we find no indication there of an intention to cut off, through the issuance of a decree of registration, equitable rights or remedies such as those here in question. On the contrary, section 70 of the Act provides:

'Registered lands and ownership therein, shall in all respects be subject to the same burdens and incidents attached by law to unregistered land. Nothing contained in this Act shall in any way be construed to relieve registered land or the owners thereof from any rights incident to the relation of husband and wife or from liability to attachment on mesne process or levy on execution, or from liability to any lien of any description established by law on land and the buildings thereon, or the interest of the owner in such land or buildings, or to change the laws of descent, or the rights of partition between coparceners, joint tenants and other cotenants, or the right to take the same by eminent domain, or to relieve such land from liability to be appropriated in any

lawful manner for the payment of debts, or to change or affect in any other way any other rights or liabilities created by law and applicable to unregistered land, except as otherwise expressly provided in this Act or in the amendments hereof.'

"SEC. 102 of the Act, after providing for actions for damages in which the Insular Treasurer, as the custodian of the Assurance Fund is a party, contains the following proviso:

'Provided, however, That nothing in this Act shall be construed to deprive the plaintiff of any action which he may have against any person for such loss or damage or deprivation of land or of any estate or interest therein without joining the Treasurer of the Philippine Archipelago as a defendant therein.'

"That an action such as the present one is covered by this proviso can hardly admit of doubt."

A trust—such as that which was created between the plaintiff and Domingo Sumangil—is sacred and inviolable. They have therefore shielded fiduciary relations against every manner of chicanery or detestable design cloaked by legal technicalities. The Torrens system was never calculated to foment betrayal in the performance of a trust

The Judgment appealed from is hereby reversed, and the defendant is ordered to convey the lot in question to the plaintiff within fifteen days from the entry of final judgment herein; and, upon his failure or refusal to do so, this judgment shall constitute sufficient authorization for the Register of Deeds of Nueva Ecija, in lieu of a deed of conveyance, to transfer the certificate of title for said lot No. 692 to the plaintiff Eusebia Escobar. the defendant shall pay the costs of both instances. So ordered.

Yulo, C.J., Moran Ozaeta and Paras, JJ., concur.

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