

ABELARDO IBARRA, CELESTE IBARRA, AURORA I. SUBAN, ENRIQUE SUBAN, NORMA I. PE BENITO, MARCIAL PE BENITO, AND FAUSTINO IBARRA, JR., PETITIONERS, VS. FAUSTINO IBARRA, SR., ALFREDO ...

G.R. No. 52393. December 18, 1987

Ponente: PADILLA, J.

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PADILLA, J.:

Appeal by certiorari from the decision[1] of the Court of Appeals, dated 13 June 1979, in CA-G.R. No. 55910-R, entitled "Abelardo Ibarra, et al., plaintiffs-appellants vs. Faustino Ibarra, Sr. et al., defendants-appellees", which affirmed the decision of the Court of First Instance of Manila, Branch XXVIII, in an action for partial annulment of contract, with preliminary injunction.

The antecedent facts are what follows:

Sometime in 1935, spouses Faustino Ibarra, Sr. and Filomena Morales bought on installment basis two (2) parcels of land, designated as Lot No. 5 (the lot on which they later erected a house of strong materials) and Lot. No. 6, from the San Juan Subdivision.

On 19 December 1951, Filomena Morales died.

Thereafter, the installment payments for the two (2) lots were continued by Faustino Ibarra, Sr. until the purchase price was fully paid. And, as a consequence, Transfer Certificates of Title Nos. 45070 and 46235, were issued by the Register of Deeds of Manila solely in the name of Faustino Ibarra, Sr. as widower[2].

In a Deed of Absolute Sale, dated 6 August 1971, Faustino Ibarra, Sr. conveyed the two (2) lots, including the house on Lot No. 5 which belonged to the dissolved but undistributed conjugal partnership of Faustino Ibarra, Sr. and Filomena Morales, for the price of P40,000.00 to spouses Alfredo de la Rosa and Concesa P. de Regla. As a consequence, the certificates of title in the name of Faustino Ibarra, Sr. were cancelled, and, in lieu thereof, Transfer Certificates of Title Nos. 105276 and 105277 were issued in the name of spouses Alfredo de la Rosa and Concesa P. de Regla[3].

On 29 September 1971, petitioners herein, several of them claiming to be the legitimate children of Faustino Ibarra, Sr. and the deceased Filomena Morales, filed an action before the Court of First Instance of Manila, praying, among others, for the nullification of the Deed of Absolute Sale of 6 August 1971 and the cancellation of Transfer Certificates of Title Nos. 105276 and 105277[4].

After trial, said court rendered judgment ordering, among others, defendant Faustino Ibarra, Sr. to pay plaintiffs their respective shares, as heirs, in the participation of Filomena Morales in the properties sold by said defendant to spouses de la Rosa and de Regla. The sale executed by defendant Faustino Ibarra, Sr. in favor of spouses de la Rosa and de Regla, was upheld in toto. Plaintiffs appealed to the Court of Appeals which affirmed the trial court's decision.

Hence, the present recourse.

In pressing for the reversal of the decision of the Court of Appeals, which in effect denied the nullification of the Deed of Absolute Sale of 6 August 1971 and the cancellation of Transfer Certificates of Title Nos. 105276 and 105277, petitioners assign the following errors:

“ . . . THE COURT OF APPEALS ERRED IN NOT DECLARING THAT THE SALE IN QUESTION IS NULL AND VOID INSOFAR AS IT COVERS THAT PORTION OF THE LOTS THAT BELONG TO THE PETITIONERS, THE LOWER COURT HAVING HELD SAID LOTS IN QUESTION TO BE CONJUGAL PROPERTIES OF FAUSTINO IBARRA SR. AND THE LATE FILOMENA IBARRA”[5], and

“ . . . THE COURT OF APPEALS ERRED IN NOT FINDING THAT SPOUSES ALFREDO DELA ROSA AND CONCESA DE REGLA ARE NOT PURCHASERS IN GOOD FAITH AND THEREFORE CANNOT ACQUIRE TITLE OVER THE SOLD PROPERTIES THAT LEGALLY BELONGED TO THE PETITIONERS”[6].

The Court finds petitioners' position to be without merit.

In a similar case[7], where a parcel of land, forming part of the undistributed properties of the dissolved conjugal partnership of gains, was sold by a widow to a purchaser who merely relied on the face of the certificate of title thereto, issued solely in the name of the widow, the Court held that the purchaser acquired a valid title to the land even as against the heirs of the deceased spouse.

The rationale for this rule is that "a person dealing with registered land is not required to go behind the register to determine the condition of the property. He is only charged with notice of the burdens on the property which are noted on the face of the register or the certificate of title. To require him to do more is to defeat one of the primary objects of the Torrens system"[8].

In the instant case, the vendees exercised more than the required degree of care and prudence before they entered into the sale in question. Aside from demanding the muniments of title to the lots when the sale of the same was offered to them by Faustino Ibarra, Sr. the vendees also engaged the services of a lawyer to detect any flaw in the vendor's title to the land[9].

Likewise, it was only after the assurance of the plaintiffs, that they do not object to the sale of the lots because the same were the sole property of their father, that spouses de la Rosa and de Regla entered into the sale in question.

Moreover, petitioner Aurora Ibarra Suban even offered to sell to said spouses the house on Lot No. 5, claimed to be hers, on the representation that she has no more use for it because her father was already selling the lot on which her alleged house was standing[10].

The petitioners, nevertheless, contend that at the time of the execution of the sale, the contracting parties had already been neighbors for six (6) or seven (7) years, and the vendees knew that the vendor was a widower with children of a first marriage[11]. Possessed with this knowledge, the vendees should have placed themselves on guard, according to the petitioners, by examining the extent of the title of the vendor, before entering into the sale in question. And by choosing to close their eyes to these facts, the vendees, spouses de la Rosa and de Regla, cannot be considered as purchasers in good faith.

This contention is without merit. The appellate court correctly found that petitioners, including Faustino Ibarra, Sr., are not exactly neighbors of spouses de la Rosa and de Regla. Aside from the absence of any proof that the contracting parties in the sale in question have been neighbors and that the vendees knew that the vendor is a widower with children of a first marriage, an examination of the records negates the conclusion that petitioners, together with Faustino Ibarra, Sr., on the one hand, and spouses de la Rosa and de Regla, on the other hand, were

actually neighbors. Based on the complaint filed by the petitioners before the trial court, Lot nos. 5 and 6, on which Faustino Ibarra, Sr. was supposed to have raised his children with Filomena Morales, are located at 564 Cavite, Gagalangin, Tondo, Manila[12]; on the other hand, spouses de la Rosa and de Regla resided at No. 2334 Bato St., Gagalangin, Tondo, Manila[13].

As a rule, findings of fact of the Court of Appeals are final, conclusive and cannot be reviewed on appeal by certiorari before this Court. There are, of course, exceptions to this rule, as when: "(1) the conclusion is a finding grounded entirely on speculation, surmise and conjectures; (2) the inference made is manifestly mistaken; (3) there is grave abuse of discretion; (4) the judgment is based on misapprehension of facts; (5) the Court of Appeals went beyond the issues of the case and its findings are contrary to the admission of both appellant and appellees [Roque vs. Buan, L-22459, Oct. 31, 1967, 21 SCRA 648]; (6) the findings of fact of the Court of Appeals are contrary to those of the trial court; (7) said findings of facts are conclusions without citation of specific evidence on which they are based; (8) the facts set forth in the petition as well as in the petitioner's main and reply briefs are not disputed by the respondents [Garcia vs. CA, L-26490, June 30, 1970, 33 SCRA 622]; and (9) when the finding of fact of the Court of Appeals is premised on the absence of evidence and is contradicted by evidence of record [Salazar vs. Gutierrez, L-21727, May 29, 1970, 33 SCRA 243]"[14]. In the case at bar, there is nothing on record that would justify its falling into any of such exceptions.

WHEREFORE, the petition is DENIED. The decision appealed from is hereby AFFIRMED. Costs against the petitioners.

SO ORDERED.

Yap (Chairman), Melencio-Herrera, Paras, and Sarmiento, JJ., concur.

[1] Penned by Justice Mama D. Busran and concurred in by Justices Simeon M. Gopengco and Isidro C. Borromeo

[2] Rollo, p.12

[3] Ibid.

[4] Record on Appeal, p. 6

[5] Rollo, p. 6

[6] Id., p. 7

[7] Paraiso et al. vs. Camon, 106 Phil. 187

[8] Ibid., citing William H. Anderson vs. Garcia, 64 Phil. 506

[9] Record on Appeal, p. 88

[10] Ibid

[11] Rollo, p. 7-8

[12] Record on Appeal, p. 3

[13] Id., p. 2

[14] Tolentino vs. De Jesus, 56 SCRA 167

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