

**LILIA CAÑETE, ASSISTED BY HER HUSBAND, ANDRES D. MARAÑON,
CRISPINA VDA. DE CAÑETE, IRENE MARIA BELEN, NORMA AND
VICTORIA, ALL SURNAMED CAÑETE, PLAINTIFFS-APPELLANTS, VS.
GABRIEL...**

G.R. No. 55222. March 14, 1988

Ponente: GRIÑO-AQUINO. J.

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GRIÑO-AQUINO. J.

This is an appeal from the order dated September 5, 1974 of the Court of First Instance of Negros Occidental, dismissing on the ground of prescription the complaint of the heirs of the spouses Tomas Cañete and Teodora Jison to annul the Torrens title of Gabriel Benedicto to Lot No. 757 of the Pontevedra Cadastre with an area of more than twenty-eight hectares.

Plaintiffs alleged in their complaint dated June 13, 1974 that Lot No. 757 was originally registered in the names of the Cañete spouses in 1919; that said spouses possessed and cultivated it up to the outbreak of the war; that after the war Gabriel Benedicto unlawfully occupied it and planted it with sugar cane and other crops to the exclusion of the plaintiffs; that Benedicto allegedly surreptitiously and fraudulently judicially reconstituted the Torrens title to the said lot and succeeded in obtaining TCT No. RT-13164 (4169) in his name, and that despite the repeated requests for the restitution of the ownership and possession of the lot, Benedicto has failed and refused to do so.

The plaintiffs prayed: (1) for the cancellation of Benedicto's title to the lot and the reissuance of OCT No. 12969 in the names of Tomas Cañete and Teodora Jison; (2) for an accounting of the fruits of the lot; (3) for the delivery to them of its physical possession; and (4) payment of P4,000 as attorney's fees and litigation expenses. They also prayed that Benedicto be ordered to settle his mortgage obligation to the Philippine National Bank.

Benedicto filed a motion to dismiss on the grounds (1) that the jurisdiction to annul the Torrens title is vested in the cadastral court; (2) that the plaintiffs are not the legal heirs of the Cañete spouses and they have no capacity to sue; (3) that the action had already prescribed, and (4) that the complaint states no cause of action.

On August 3, 1974, the trial court ordered Benedicto to submit a manifestation together with documents certified by the Register of Deeds proving prescription of the action. It set the hearing of the motion to dismiss on August 30, 1974.[1] Benedicto submitted the manifestation on August 23, 1974[2] supported by (1) a copy each of the original and owner's duplicate of his reconstituted title issued on July 13, 1964;[3] (2) Tax Declaration for Lot No. 757 dated May 7, 1925 in Benedicto's name;[4] (3) Tax Declaration No. 139 in Benedicto's name;[5] (4) Tax Declaration dated December 29, 1950, in Benedicto's name; [6] (5) Deed of Promise to Sell executed by the Philippine National Bank dated August 7, 1955;[7] (6) Receipt issued by the PNB on December 12, 1962, acknowledging Benedicto's payment of P6,000 as deposit for the re-purchased of Lot No. 757;[8] (7) promissory note dated December 5, 1962 executed by Benedicto and Francisco Rodriguez for the payment of P6,000 borrowed from the Philippine Commercial and Industrial Bank;[9] (8) Deed of Absolute Sale dated August 6,

1963 executed by the PNB in favor of Benedicto for Lot No. 757 and three other parcels of land;[10] (9) Benedicto's petition dated September 26, 1963 for reconstitution of title to six (6) parcels of land including Lot 757;[11] and (10) the order dated June 11, 1964 of the Court of First Instance for reconstitution of the title to Lot No. 757;[12]

The plaintiffs were furnished with a copy of Manifestation and its annexes. They did not oppose it. Neither did they appear at the hearing of the motion to dismiss on August 30, 1974. As already stated, the trial court dismissed the complaint on the ground of prescription.

In a resolution dated August 28, 1980, plaintiffs' appeal was certified to this Court by the Court of Appeals[13] on the ground that it involves a question of law.

The plaintiffs contend that the trial court erred in 1) requiring Benedicto to show how, when, and from whom he required Lot No. 757; 2) in regarding the documents submitted by Benedicto as authentic without giving the plaintiffs a chance to controvert the same, and 3) in holding that the action had already prescribed.

We hold that the trial court acted properly in directing Benedicto to submit the documents on which he based his title. This is a simple case which could be disposed of the basis of the documentary evidence. The plaintiffs in their comment filed on September 11, 1974[14] on Benedicto's manifestation did not show why the said documents were not authentic. They had all the time to convert the defendant's documents. Up to this time, they have not shown the alleged falsity of those documents.

We agree with the trial Court's finding, quoted below, that the plaintiffs' cause of action is barred by prescription:

"While the defendant's motion to dismiss invoke several grounds in support thereof, the Court finds as more determinative and sufficient for a resolution of this case to rule particularly on the invoked ground of the prescription of plaintiffs' cause of action. In this regard the Court takes note that assuming that the plaintiffs' predecessors-in-interest Tomas Cañete and Teodora Jison had been declared to be the original registered owners of Lot No. 757 of the cadastral survey of Pontevedra, Negros Occidental, nevertheless, the defendant has clearly shown, without any controversion on the part of the plaintiffs, that on July 13, 1964 defendant's transfer certificate of title covering the same said lot had been reconstituted. Defendant's previous Transfer Certificate of Title No. 4169 being reconstituted into Transfer Certificate of Title No. RT-13164 (4169), this clearly implies that even before July 13, 1964, defendant herein had been issued in his name Transfer Certificate of Title No. 4169. Evidently and as would follow, the original certificate of Title for said Lot 757 which is OCT-12969, must have been previously cancelled and thereafter there was issued Transfer of Certificate of Title No. 4169 in the name of the defendant which having been lost or destroyed, had been judicially reconstituted on July 13, 1964 as Transfer Certificate of Title No. RT-13164(4169) pursuant to an earlier order of this Court of First Instance dated June 11, 1964 granting such reconstitution (Annex H); That the title to the said Lot 757 was registered in the name of the defendant Gabriel Benedicto even as early as 1926, 1948, and 1951, can be also gleaned by the court from the submitted copies of the tax declarations covering said lot wherein the registered owner of the said property appears by virtue of and under the stated Certificate of Title No. 4169 in his name (Annexes B, B-1 and B-2).

"Further to this it is indicated that said Lot No. 757, together with defendant's other lots, were mortgaged to the Philippine National Bank before the war and upon defendant's failure to meet his indebtedness to said bank, said Lot 757 together with such other lots mortgaged, were then foreclosed and sold at public auction to the Philippine National Bank who thereupon became the owner of said Lot 757 but that on August 7, 1955 the said Philippine National Bank executed a deed of promise to sell the same properties of the defendant which it had foreclosed including the lot in question. Lot 757. This appears from the Deed of Promise to Sell executed by the Philippine National Bank on August 7, 1955 (Annex C, of defendant's manifestation dated August 23,

1974). Thereafter, it is also conclusively shown that the said Philippine National Bank executed a deed of absolute sale in favor of the herein defendant over several properties including said Lot 757 (Annex F of manifestation of defendant, dated August 23, 1974). From all such facts it therefore becomes evident and clear that even as early as 1926 the defendant herein was already the registered owner of Lot 757 being the registered owner thereof under the certificate of title No. 4169. Ownership of the said lot apparently passed to the Philippine National Bank so that in August, 1955 the said bank who had acquired the same executed a deed of promise to sell said property to the herein defendant and on August 6, 1963 said bank executed the corresponding deed of absolute sale.

“It is further evident that under the order of this court dated June 11, 1964 the Court of First Instance of Negros Occidental had declared the reconstitution of defendant’s transfer certificate of title No. T-4169 and which was later on reconstituted into the present title of the defendant which is RT-13164 (4169). All these facts indicate that the title to said Lot 757 had passed from the original registered owners of the said land to the defendant herein even before 1926 and that thereafter this property was acquired by the Philippine National Bank who was the owner thereof sometime in 1955 and who later sold the property to the defendant in 1963. During all those period covering a span of about forty-eight years no challenge appears to have been made either by the plaintiffs herein or by any of their predecessors-in-interest as the present complaint was filed only on June 19, 1974.

“Under the aforesaid circumstances, it becomes evident that plaintiffs cause of action for the annulment of the said certificate of title and recovery of possession of said property has already prescribed. From 1926 when the title of the said property already appears to be in the name of the herein defendant of from 1955 when ownership thereof became vested in the Philippine National Bank more than a sufficient number of years have already elapsed as would bar plaintiffs’ cause of action. Further to the rights of ownership of the defendant over the property in question is now derived from the conveyance made by the Philippine National Bank in its favor under the deed of sale executed on August 6, 1963. From August 6, 1963 when the defendant so acquired ownership of this property from the Philippine National Bank more than ten years have elapsed before the complaint in this case was filed. Consequently these circumstances further strengthen defendant’s assertion that plaintiffs’ cause of action is barred, specially when it is considered that since 1955 the said bank was already the owner of the said property.”

The trial court further noted in its order of October 14, 1974, that —

“xxx plaintiffs, thru counsel, concedes the fact that the property in question was acquired by the Philippine National Bank sometime in 1955 and that this property was later sold to the defendant in 1963, the absence of any challenge to these fundamental considerations sustain all the more the earlier order of this court dismissing plaintiffs’ complaint. x x x.”

The trial court’s ruling on the issue of prescription finds support in numerous decisions of this Court holding that an action for recovery of the title, or possession of, real property or an interest therein, can only be brought within ten (10) years after the cause of action accrues.[15] Prescription is rightly regarded as a statute of repose whose object is to suppress fraudulent and stale claims from springing up at great distances of time and surprising the parties or their representatives when the facts have become obscure from the lapse of time or death or removal of witnesses.[16]

Where the action to recover hereditary shares was filed 43 years after titles had been issued to the defendants, and there had been a judgment in 1924 upholding the sale of said shares to the defendants, this Court held:

“x x x that the appeal is palpably bereft of merit. Petitioners’ 1975 action is clearly barred by valid prior judgments and prescriptions.[17] Private respondents’ Torrens titles over the hacienda have long become indefeasible.[18]

The plaintiffs' allegation that they were not given a chance to disprove the authenticity of the documents annexed to the defendant's Manifestation is not well taken. They received a copy of the Manifestation and its annexes; they did not oppose it. They had notice of the hearing on August 30, 1974; they did not attend it. Neither in their "Comments,"[19] nor in their motion for reconsideration[20] of the order granting the motion to dismiss, did they present countervailing evidence to overcome the defendant's evidence on the issue of prescription. Since the defendant's evidence stands uncontradicted, the trial court did not err in dismissing the complaint.

WHEREFORE, the appealed orders dated September 5, 1974 and October 14, 1975 in Civil Case No. 11486 of the Court of First Instance (now Regional Trial Court of Negros Occidental) are affirmed, with costs against the plaintiff-appellants.

SO ORDERED.

Teehankee, C.J., Narvasa, Cruz, and Gancayco, JJ., concur.

[1] pp.7-8, Record on Appeal.

[2] pp.8-11, Record on Appeal.

[3] Annexes and A-1 of the Manifestation, pp.11 and 15, Record on Appeal.

[4] Annex B of the Manifestation, p.19, Record on Appeal.

[5] Annex B-1 of the Manifestation, Ibid., p.21.

[6] Annex B-2 of the Manifestation, Ibid., p.23.

[7] Annex C of the Manifestation, Ibid., p.25.

[8] Annex D of the Manifestation, Ibid., p. 28.

[9] Annex E of the Manifestation, Ibid., p.29.

[10] Annex F of the Manifestation, Ibid., p.30.

[11] Annex G of the Manifestation, Ibid., p.32.

[12] Annex H of the Manifestation, Ibid., p.35.

[13] Justices Escolin, Villaluz and Villasor.

[14] p.38, Record on Appeal.

[15] Caragay-Leyno vs. CA, 133 SCRA 717; Corro vs. Lising, 137 SCRA 541; Tejido vs. Zamacuma, 138 SCRA 78; Conspecto vs. Fruto, 31 Phil. 144; Corporation de PP. Augustinos Recoletos vs. Crisostomo, 32 Phil. 427; Inton vs. Quintana, 81 Phil. 97; Asuncion vs. Benalisa, 100 Phil 840; Bambao vs. Lednický, 1 SCRA 330; J.M. Tuason & Co. vs. Magdangal, 4 SCRA 84; Development Bank of the Phil. Vs. Ozarraga, 15 SCRA 48; Carrilo vs. De Paz, 18 SCRA 467; Callar vs. Hussain, 20 SCRA 186; Laurel-Manila vs. Galvan, 20 SCRA 198; Ongsiaco vs. Dallo, 27 SCRA 161.

[16] Sinaon vs. Sorongan, 136 SCRA 407, citing 53 CJS 905.

[17] Ramos vs. Ramos, 64 SCRA 284; Gallanosa vs. Arcangel, 83 SCRA 676; Sinco vs. Longa, 51 Phil. 507.

[18] Vda. De Bacang vs. Court of Appeals, 125 SCRA 137, 140.

[19] p. 38, Record on Appeal.

[20] p. 43, Record on Appeal.

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